

AGENDA FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
Tuesday, September 3, 2019
Council Chambers
1175 E. Main Street

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.E.]

7:00 p.m. Regular Meeting

I. CALL TO ORDER

Mayor Stromberg called the Business Meeting to order at 7:00 PM

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MAYOR'S ANNOUNCEMENTS

V. CITY ADMINISTRATOR REPORT

VI. APPROVAL OF MINUTES

1. Study Session of August 19, 2019
2. Business Meeting of August 20, 2019

Rosenthal/Seffinger moved to approve the minutes. Discussion: None. All Ayes.

VII. SPECIAL PRESENTATIONS & AWARDS

1. Proclamation for Pain Awareness Month

Councilor Seffinger read this proclamation into the record (*see attached*).

2. Proclamation for Home Inventory Week

Councilor Graham read the proclamation into the record (*see attached*).

VIII. MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

[Airport](#)

[Conservation](#)

[Forest Lands](#)

[Historic](#)

[Housing and Human Svcs.](#)

[Parks & Recreation](#)

[Planning](#)

[Public Arts](#)

[Transportation](#)

[Tree](#)

[Wildfire Mitigation](#)

IX. PUBLIC FORUM Business from the audience not included on the agenda.

(Total time allowed for Public Forum is 15 minutes. The Mayor will set time limits to enable all people wishing to speak to complete their testimony.) [*15 minutes maximum*]

Robert Kaplan – Ashland – Spoke in support to Rally and Unite for Climate Action. He read a statement into the record (*see attached*). He encouraged Council to work on building a sustainable future.

Marion Moore – Ashland – Spoke regarding the Climate Energy Action Plan (CEAP). She spoke to the importance to ensure education on this topic.

Huelz Gutcheon – Ashland – Spoke regarding electric cars. He spoke that a Tesla and Chevy Bolt are great cars. He spoke to the importance of education on how to charge electric cars.

XI. CONSENT AGENDA

1. Invitation to Bid North Mountain Park Nature Play Area Construction Project
2. Intergovernmental Agreement for TAP Master Plan

Slattery pulled this item. Deputy Public Works Director Scott Fleury gave a Staff report. He explained that Staff is asking to approve an Intergovernmental Agreement Plan to work with Talent and Phoenix to develop a TAP Master Plan.

Graham questioned the role of the TAP system. Fleury explained that if the Reeder Reservoir and TID were diminished that would leave TAP as the emergency supply.

3. Special Procurement of TAP Master Plan Special Procurement
4. Special Procurement of Rogue to Go Reusable Take Out Boxes
5. Approval of Personal Services Contract – Water Quality Temperature Trading Program Partnership (2018-21); Phase 2
6. Special Procurement – Repairs to Pumps, Motors, and Related Equipment

Graham pulled this item. She asked about the maintenance aspect of this equipment. Public Works Director Paula Brown spoke that it depends on the needs per each piece of equipment and maintenance would just be done as needed.

Seffinger/Graham moved to approve the Consent Agenda. Discussion: None. All Ayes.

XII. PUBLIC HEARINGS (Persons wishing to speak are to submit a “speaker request form” prior to the commencement of the public hearing. Public hearings shall conclude at 9:00 p.m. and be continued to a future date to be set by the Council, unless the Council, by a two-thirds vote of those present, extends the hearing(s) until up to 10:30 p.m. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda.)

1. Appeal of Housing Authority’s Snowberry Phase II Project

Mayor Stromberg opened the Public Hearing at 7:32 PM.

Mayor Stromberg read a statement into the record (*see attached*).

Ex Parte Contacts:

Rosenthal explained that he spoke to a contractor and read the statement below into the record ***“I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement; I will make this decision based solely on the application of the relevant Cod standards to the facts and evidence in the record of the proceeding”***.

Slattery explained that he was briefed on this topic from the Housing and Human Services Committee as a Liaison and read the statement below into the record ***“I have not prejudged this application and I am not prejudiced or biased by my prior contacts or involvement; I will make this decision based solely on the application of the relevant Cod standards to the facts and evidence in the record of the proceeding”***.

Community Development Director Bill Molnar and Derek Severson gave a Staff report and presented

Council with a PowerPoint presentation (*see attached*).

Items discussed were:

- Request to reopen the record.
- The proposal.
- Site Plan.
- Landscape Plan.
- Phase 1.
- McCall Drive.
- Connectivity – Clay to Tolman.
- Connectivity – McCall & Birchwood.
- Parking.
- Grounds for appeal:
 - The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts.
 - The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.
- Ground 1 – Staff recommended that the Council make a finding that the Planning Commission did not err in this regard and reject the first ground for appeal.
- Ground 2 – Staff recommended that the Council move to exclude the second ground for appeal dealing with the parking management strategy from the hearing as it falls outside the allowed “Scope of Appeal Deliberations” because it was not previously raised before the Planning Commission.

Jensen/Seffinger moved to exclude the second ground for appeal dealing with the parking management strategy from the hearing tonight as it falls outside the allowed “Scope of Appeal Deliberations” because it was not previously raised before the Planning Commission”. Discussion: None. Roll Call Vote: Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. Motion passed unanimously.

Applicant – Sydney Dryer from Jarvis, Dreyer, Glatte & Larsen LLP

Ms. Dryer spoke in agreement of Staffs findings of the 2nd ground of appeal. She spoke that no authority within the Code allows the Planning Commission or Council to allow encroachments. She spoke that this is a policy decision.

Appellant – Russ Dale- Ashland

Spoke that there were many procedural errors regarding this issue. He spoke that he would like a locked gate to stop pedestrian traffic. He spoke that pedestrian traffic causes issues of noise, litter and graffiti. He spoke that the streets are too narrow. He spoke that it is the job of the City Council to represent the citizen’s best interests. He spoke that if the City does not provide a locked gate he will appeal this project to LUBA.

Akins questioned if there was any data of how many pedestrians go through and if there have been issues with pedestrians in that area such as Police Reports. Mr. Dale spoke that he gets constant complaints from tenants. He suggested this item go back to the Planning Commission for consideration.

Parties' Oral Arguments – Bob Alessandrelli was not present

Rebuttal by Applicant

Ms. Dryer objected that there was new evidence submitted into the record regarding tenant complaints. She reiterated that long before this project was considered the appellant was trying to block any connectivity through the project. She spoke that this is not a good faith appeal. She spoke that the appellant has been open about his bad faith motives and if he continues to appeal this project the City will lose funding. She explained that the Council should be considering if the Planning Commission erred in refusing to allow a locked gate and the record is clear they did not. She encouraged Council to not take this back to the Planning Commission and the record is clear the appeal should be denied.

Mayor Stromberg closed the public hearing at 8:21 PM

ADVICE FROM LEGAL COUNSEL AND STAFF

City Attorney David Lohman explained to Council that they are voting on whether or not the Planning Commission erred in saying that it does not have authority to decide on the encroachment permit.

Council Deliberation

Slattery/Jensen moved to affirm the decision of the Planning Commission, reject the appeal and direct staff to prepare written findings for approval reflecting the original Planning Commission decision from July 23, 2019 for adoption by Council. Discussion: Mayor Stromberg questioned if the Council would like to adopt the draft Findings included in the packet. Slattery and Jensen agreed to include adopting the draft findings provided in the packet. **Roll Call Vote: Jensen, Rosenthal, Seffinger, Akins, Graham, Slattery: YES. Motion passed unanimously.**

XIII. UNFINISHED BUSINESS

1. Ashland Canal Piping Project Direction

Public Forum:

Don Morris – Ashland – Spoke to the reasoning's as to why to pipe the canal. He spoke regarding evaporation rate and the need to have this done as well as possible. He spoke that a trail could be created elsewhere.

Sallie Rose Sandler – Ashland – Climate change events in December the ditch is needed to help prepare for climate change. Has a friend who lives outside of the city and that section of pipeline has been enclosed and the volume of her water has doubled. Environmental causes do cost money and have to pay for them.

Dr. Carol Voisin – Ashland – Explained that dozens of Ashlanders have talked to her about concerns of the Ashland Canal. She spoke regarding concerns of cost and E. coli. She read a statement into the record (*see attached*).

Jim Falkenstein – Ashland – Urged Council to vote no on the canal project.

John Hauschild – Ashland – Spoke that there are other ways other than piping the canal. He spoke that there are less expensive ways. He spoke that shotcrete is less expensive and will last a long time. He suggested for Council and Staff to look into alternatives.

Kacky Hoffman – Ashland – Spoke urging Council to vote no and to come up with a new proposal. She read a statement into the record (*see attached*).

Julie Bonney-Shanor – Ashland – Read a statement into the record (*see attached*).

William Shanor – Ashland – Read a statement into the record (*see attached*).

Max Lowen - Ashland – Encouraged Council to vote no on this topic. She explained that there had been approximately 100 letters signed in opposition of this Ordinance. She spoke that if approved there will be lawsuits filed.

Helen Perina – Ashland – Spoke against piping the canal and read a statement into the record (*see attached*).

Rick Kirschner – Ashland – Spoke in opposition of piping the canal. He suggested for Staff to find alternatives.

Marsha Tokareff – Ashland – Thanked Council for listening and considering Citizens views on this topic. She spoke to the importance of the canal in case of a fire.

Catie Foryl – Lived in Ashland and now in phoenix – Spoke regarding climate actions and solutions. She suggested for Staff to do more studies on this topic before making a decision.

Beth Martin – Ashland – Spoke that she has lived on the TID for 48 years. She urged Staff to find an alternative that is less expensive and urged Council to vote no on this topic.

Pat Acklin – Ashland – Spoke that she has served on many Committees in Ashland and 14 years on Ashland Council. She spoke regarding City Policy. She spoke regarding the importance of water for our future.

Allan Sandler – Ashland – Spoke regarding evaporation and climate change. He spoke in support of piping the canal. He thanked Staff.

Ron Roth – Ashland – Spoke in support of the proposed piping of the canal. He spoke to the issue of water conservation. He spoke that piping will conserve water. He spoke regarding cost. He spoke that ongoing maintenance would be less if piped.

Zia Brandstetter – Ashland – Spoke to the importance of nature and spoke against piping the canal. She spoke that it would affect future generations.

Karen Oppenheim - Ashland – Spoke that she lives near the TID and her family enjoys it. She spoke that there are more questions to be answered before making this decision. She urged Council to vote no on this topic.

Staff Discussion:

Public Works Director Paula Brown gave a Staff report. She went over background information on this topic. She explained the suggested option will save water.

Madding explained how Water Fund Utility Fees are solely spent on water.

Council discussed options and next steps. testimony how the City spends money.

Council discussed E. coli.

Jensen/Rosenthal moved to direct Staff to proceed with final design on Alternative #1. And to Direct staff to pursue grant opportunities and bring back to council prior to final approval of this project. Discussion: Jensen read a statement into the record (*see attached*). Rosenthal spoke that it is difficult to balance priorities and values. He explained that it is Councils job to make decisions that are sometimes unpopular and that this is one is tough decision. He explained that this decision involves trying to balance the least invasive option at the lowest possible cost. He spoke to the importance of conservation. He spoke regarding shotcrete and the best long-term plan. Graham regarding water loss and the best long-term plan. She spoke to the importance of being financially responsible. She spoke to the importance of conservation. Seffinger spoke that she would like more research on unintended

consequences. She spoke regarding the cost of removing trees. She suggested to look at the Trails Master Plan and see what affect it will have to pipe the canal. She spoke that she would like to have these items looked at before a decision is made. Akins agreed with Seffinger and spoke that she cannot support the motion. Slattery spoke in appreciation of all the work done. He spoke that there is no need to rush this decision and it is 90% away to a good decision. He suggested more time to get more information from Staff. **Jensen Withdrew his motion.**

Council directed Staff to bring this item back to Council.

Staff suggested Council send all questions to be researched to the Mayor and the City Administrator within two weeks.

XIV. NEW AND MISCELLANEOUS BUSINESS

1. Camera at Velocity

Rosenthal/Seffinger moved to approve the activation of the City-owned security camera on the public art know as Velocity: Discussion: None. All Ayes. Motion passed unanimously.

XV. ORDINANCES, RESOLUTIONS AND CONTRACTS

XVI. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XVII. ADJOURNMENT OF BUSINESS MEETING

The Business Meeting was adjourned at 10:30 PM.

Respectfully submitted by:

City Recorder Melissa Huhtala

Attest:

Mayor Stromberg

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator'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).

PROCLAMATION

WHEREAS chronic pain is a public health crisis affecting 50 million Americans and costs the nation an estimated \$635 billion annually in medical expenses, lost wages, and lost productivity

WHEREAS pain is the number one reason Americans seek out medical care and the leading cause of long-term disability

WHEREAS the U.S. Pain Foundation recognizes that chronic pain impacts almost every aspect of a person's life, and impacts the individual's family members, caregivers, and loved ones, which is why the organization's mission is to educate, empower, support, and advocate for adults and children with chronic pain and their caregivers

WHEREAS increased awareness about the effects of chronic pain result in better outcomes, increased access to effective pain care, and empowerment and validation for those living with pain

NOW, THEREFORE, I, John Stromberg, Mayor of the City of Ashland, do hereby proclaim September 2019 as

PAIN AWARENESS MONTH

in the City of Ashland. IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the city of Ashland to be affixed.

Signed this ___ day of _____, 2019

John Stromberg, Mayor

Melissa Huhtala, City Recorder

PROCLAMATION

WHEREAS, each September is recognized as National Preparedness Month;
and

WHEREAS, Oregonians have witnessed and experienced natural disasters in
our own community; and

WHEREAS, every community member can take active steps to protect their
families and neighbors from natural and manmade disasters; and

WHEREAS, every family and business in Ashland, Oregon is encouraged to
take active steps to be financially secure after a disaster; and

WHEREAS, every community member is encouraged to make sure they are
properly insured against fire, flood, earthquakes, and storms; and

WHEREAS, every community member is encouraged to create a home
inventory to include as part of their disaster preparedness kit,

NOW THEREFORE, I, John Stromberg, Mayor of the City of Ashland do
hereby declare that the week of September 1 through September 7, 2019, be
known as

Home Inventory Week

and join cities across Oregon to encourage everyone to build a home inventory
of their personal property, and speak with an insurance agent to make sure they
are financially prepared for a disaster.

Signed this ___ day of _____, 2019

John Stromberg, Mayor

Melissa Huhtala, City Recorder

Contact: Lorrie Kaplan
Southern Oregon lorriekaplan@gmail.com
Climate Action Now socan.eco
Phone:(240)676-0040

SEPTEMBER 20, 2019
SOUTHERN OREGON
CLIMATE STRIKE COALITION

MEDIA ADVISORY

On September 20th, Southern Oregon Joins Global Climate Strike

Adults and Youth Rally and Unite for Climate Action

Ashland, Oregon, September 3, 2019: On September 20th, millions of people of all ages around the world will walk out of their classes, jobs, and homes as part of a Global Strike to demand climate action now. Southern Oregon residents will have multiple opportunities to participate in this landmark event.

The Global Climate Strike is destined to be the largest worldwide collective action in history, as citizens from every nation raise their voices to demand climate action now. Led by a diverse coalition of youth-led and adult-led organizations, September 20 is an intergenerational day of striking that will launch an entire week of climate action across the world. The largest events will take place on September 20—three days before the [UN Climate Action Summit in NYC](#). Learn more about the global movement at <https://strikewithus.org/>.

Youth-led school walkouts are being planned across the Rogue Valley. In Ashland, the student walkout will culminate in a rally in the Plaza. Adults are encouraged to join the students after 11am to celebrate their courage.

Unite for Climate Action, noon - 3:45 pm, Butler Bandshell in Ashland's Lithia Park

Immediately following the Ashland Plaza youth rally, the strike will migrate to Butler Bandshell in Lithia Park for an all-ages community climate-action picnic and celebration of a sustainable future. Under the creative direction of [Barret O'Brien](https://barretobrien.com/) (<https://barretobrien.com/>), the program will feature music, spoken word, group art, spiritual centering for climate healing, and info on opportunities to take personal and collective action. Join us to celebrate our beautiful planet and re-energize to build a sustainable future. Food trucks will be available, or BYO picnic with your own plates, cups, and utensils. Our goal is a zero-waste event! For more info, contact [Lorrie Kaplan](mailto:LorrieKaplan@gmail.com) (LorrieKaplan@gmail.com) or [Kathy Conway](mailto:Kathy@socan.info) (Kathy@socan.info).

Musicians, spoken word artists, acrobats, clowns, singers, and performers of all ilks desiring to be part of the event should contact Barret O'Brien at artistscollective@live.com.

Contact: Lorrie Kaplan

Southern Oregon
Climate Action Now
Phone:(240)676-0040

lorriekaplan@gmail.com
socan.eco

SEPTEMBER 20, 2019
SOUTHERN OREGON
CLIMATE STRIKE COALITION

Additional events are being planned across the Rogue Valley. Rogue Climate is organizing a Southern Oregon Climate Fiesta, 5:30pm - 8pm, Pear Blossom Park, Downtown Medford; Contact Veronica@RogueClimate.org or Sara@RogueClimate.org to get involved or for more info. A Global Climate Strike will also be held at 4:30pm at the Josephine County Courthouse in Grants Pass; contact Brian DeLaGrange at Josephinealliance@gmail.com.

You Can Help! Calling all Southern Oregon climate change movers and shakers, faith and other community leaders, parents, science nerds, the social media savvy, and more: We need your skills and energy! Volunteer, be a partner organization, host a table, or help us spread the word and build the momentum.

Southern Oregon Climate Strike Coalition partners to date include [Southern Oregon Climate Action Now \(SOCAN\)](#), [Rogue Climate](#), [Pachamama Alliance](#), [Southern Oregon Food Solutions Group](#), and [The Geos Institute](#). Other partners welcome--come join us!

###

PROCEDURE FOR PUBLIC HEARING FOR LAND USE APPEALS
[MAYOR TO READ ALOUD ALL HIGHLIGHTED IN YELLOW
COUNCIL ACTION IN RED
FOLLOW THE STEPS AND ASK EACH QUESTION IN FULL]

1. CALL TO ORDER

The Public Hearing is now open. This is a hearing for City Council to listen to and consider an appeal “*on the record*” of the Planning Commission’s approval of a request for Site Design Review to construct a 60-unit multi-family affordable housing development on Engle and Villard Streets.

This is an appeal “*on the record*” of a Type II land use decision, a quasi-judicial hearing which requires the observance of some stringent procedural formalities. We’ll take a few moments to cover some preliminary matters and required statements.

Please note that the only persons permitted to make presentations to the Council at this hearing are staff, the applicant, the appellant, and persons who participated in the Planning Commission hearing process AND who submitted written arguments prior to this hearing.

For those parties qualified to participate, your oral arguments tonight are confined to the substance of your previously submitted written arguments. If you intend to speak, you must fill out the yellow speaker request form located at the back of the room and give it to the City Recorder. Within about 10 minutes we will begin the hearing, and I will call you when it is your turn to present your argument. Now, if you have not done so already, this is your time to provide your request forms to the City Recorder.

This appeal “on the record” will be processed according to AMC 18.5.1.060.I. That means a speaker’s testimony must be limited to “the permissible grounds for appeal.” The only “permissible grounds for appeal” are specific points or arguments (1) which were raised and addressed in the existing record developed before the Planning Commission; AND (2) which were set forth in a timely-filed Notice of Appeal that also included a statement of the purported applicable criteria or procedural irregularity. The Council’s consideration of the appeal likewise must be limited to such “permissible grounds for appeal.”

There are two conceivably permissible grounds for the appeal in this matter. They are shown on the screen now and will be read aloud by the City Recorder.

[City Reorder reads appeal grounds: 1) The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts; 2) The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.]

In the staff report you will hear staff’s conclusion that the second alleged error just read by the City Recorder and shown on the screen fails to qualify as a “permissible ground for appeal” because it was not raised as part of the Planning Commission decision process and is therefore not in the record for this matter. After the staff report, the Council will be asked to rule on whether the subject of that second alleged error was or was not addressed as part of the Planning Commission decision process and accordingly should or should not be deemed “permissible ground for appeal.” More on that after the staff report and before proceeding to hear testimony from the applicant and appellant.

For now, it’s sufficient to keep in mind the general rule that a speaker’s testimony must be limited to points already addressed in the existing record and must relate only to matters determined to be the permissible grounds for appeal. If you get off track or your testimony does not relate to the permissible grounds for

appeal, I will stop you in order to avoid confusion and wasting time. Any questions from the Council will not count against a speaker's allotted time.

In your testimony or evidence, if you fail to raise an issue that is within the scope of the permissible grounds for appeal, then you cannot argue that issue later on in an appeal of the Council's decision.

The remainder of this hearing process will consist of the following elements

1. I will ask Council members for applicable preliminary disclosures.
2. Persons permitted to make presentations to the Council at this hearing may submit to the City Recorder any challenges to Council members for bias, prejudice or conflict of interest.
3. Planning staff will present the staff report.
4. The applicant and the appellant will each have ten minutes to present their arguments.
5. Parties who participated in the Planning Commission hearing process AND submitted written arguments in advance of this hearing have three minutes to summarize their arguments.
6. The applicant will have 5 minutes for rebuttal, if requested.
7. I will then close the appeal hearing, and, after any advice from Legal Counsel or City staff, the Council will deliberate to a decision.

2. ABSTENTIONS, CONFLICTS, EX PARTE CONTACTS

This is the time for any members of the Council to declare any conflict of interest or bias and to report any ex parte contact on this matter. If you declare a bias, conflict or ex parte contact, you may still participate in the hearing provided your conflict or bias is not so material or deeply held that you cannot make a decision based solely on the applicable decision criteria and the facts and evidence in the record because of that conflict, bias, or prior contract. If, however, you feel you cannot make a decision based solely on the applicable decision criteria and the facts and evidence in the record, you may choose to abstain by stating that it is your choice and stepping down from your chair. However, if your presence is required for a quorum, you should stay but not participate or vote. Do any members of the Council wish to declare a personal bias or conflict of interest or report any ex parte contact on this matter?

IF contacts are reported, consider the following:

- a. *Ex-parte communications:* If a member has had ex parte communication the substance of the contact must be disclosed. The presiding officer should question the member if the disclosure of the written or oral communication is not complete. If the presiding officer fails to do so, a member may request a more full disclosure (point of order). Legal counsel will also monitor the disclosure.
- b. *Conflict of Interest:* If a member has an actual or potential Conflict of Interest, the member must both announce the conflict and explain the nature of the conflict. If the Conflict is only a potential conflict the member may participate and vote after making an affirmative statement of impartiality (see below). If the Conflict is an actual conflict, the member must then announce that the member will not be participating or voting.
- c. *Actual personal bias, prejudice:* If a member is actually personally biased, (that is, the member cannot make the decision based upon applying the relevant Code standards to the evidence and argument presented), the member must announce the nature of the bias and also announce that he/she will not be participating or voting. The member should leave the room to avoid accusations of non-verbal communication. (See also "Challenges" below.)

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

“I have not prejudged this application and I am not prejudged or biased by my prior contacts or involvement; I will make this decision based solely on the application of the relevant Code standards to the facts and evidence in the record of this proceeding.”

After disclosure of any ex parte a contact or potential conflict of interest and any affirmative statement of impartiality, the presiding officer must make the following announcement:

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

2. CHALLENGES

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

IF a challenge is made, the challenge needs to be entered into the record and summarized by the presiding officer.

If a member is challenged for bias, the member should make the above statement of impartiality or abstain and not participate further.

3. STAFF REPORT

At this time, I call for the staff to summarize the applicant’s proposal and summarize the grounds for appeal and staff’s evaluation of them. Bill and Derek...

[**Bill’s brief remarks**... 1) Brief statement on on-the-record appeals. 2) The appellant, Russell Ellis Dale, requested in his written argument that the record be reopened tonight. AMC 18.5.1.060.I.4.b requires that requests to reopen the record be provided to the City Administrator with the notice of appeal. Because Mr. Dale’s request was not timely filed and came in with his written argument submittals roughly three weeks after his notice of appeal, the City Administrator has determined that the record will not be re-opened.]

[**Derek’s staff report**... .. Powerpoint, then conclude with: The “*Scope of Appeal Deliberations*” in AMC 18.5.1.060.I.5.b is clear that “*No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.*” Staff has determined that the second ground for appeal dealing with the parking management strategy was not raised before the Planning Commission during the original hearing. As such, staff made note in the Public Hearing notice that the Council would determine tonight whether the second ground for appeal should be excluded from the appeal hearing. Staff recommends that the Council exclude the second ground for appeal as falling outside the allowed Scope of Appeal Deliberations. This would strike materials related to this ground for appeal from the record and from consideration in the decision tonight, and all speakers would be directed to limit their testimony strictly to the first ground for appeal.

Should the Council concur with staff's recommendation, a motion "**I move to exclude the second ground for appeal dealing with the parking management strategy from the hearing tonight as it falls outside the allowed "Scope of Appeal Deliberations" because it was not previously raised before the Planning Commission**" would be appropriate.

(If the Council votes to exclude the second ground...) With that, all oral arguments tonight should be confined to the first ground for appeal dealing with the Planning Commission's decision relative to a locked gate restricting access to McCall Drive. Arguments with regard to the approved parking management strategy our outside the scope of the Council's deliberations and will not be considered here tonight.

4. APPLICANT'S ORAL ARGUMENT PRESENTATION

Would the applicant **the Housing Authority of Jackson County** or the applicant's representative please come to the podium. You will have 10 minutes to make any comments you may have regarding the application; at 9 minutes you will be asked to conclude your remarks. Please state your name and address and proceed.

5. APPELLANT'S ORAL ARGUMENT PRESENTATION

Would the appellant **Russell Ellis Dale** please come to the podium? You will have 10 minutes to make any comments you may have regarding the application; at 9 minutes you will be asked to conclude your remarks. Please state your name and address and proceed.

6. PARTIES' ORAL ARGUMENTS

Would **Bob Alessandrelli**, the only party to submit written arguments, please come to the podium, state your name, address and make any comments you may have for the Council regarding the application? You will have 3 minutes to make any comments you may have regarding the application; when the 3 minutes are up, you will be asked to conclude your remarks.

7. REBUTTAL BY APPLICANT

If the applicant has any rebuttal to the evidence presented by those questioning or opposing the application, you will have five minutes for your rebuttal.

8. CLOSE PUBLIC HEARING

At this time, I close the public hearing. The record is now closed.

9. ADVICE FROM LEGAL COUNSEL AND STAFF

Does the Council have any questions of Legal Counsel or Planning staff, or does the staff have any matters they wish to address?

10. COUNCIL DELIBERATION AND DECISION

How would the Council like to proceed?

(DECISION)

(If the decision is consistent with the staff recommendations to exclude the second ground and reject the appeal with regard to the first ground ...) **Would the Council like to adopt the draft Findings included in your packets tonight?**

GROUNDS FOR APPEAL

1. The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts.
2. The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.

Snowberry Brook, Ph. II

CITY OF
ASHLAND

September 3, 2019 Council Appeal "On the Record"



Snowberry Brook Appeal

Request to Reopen the Record

AMC 18.5.1.060.I.4.b Reopening the Record. The City Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator together with the filing of the notice of appeal and the City Administrator determines prior to the Council appeal hearing that the requesting party has demonstrated one or more of the following.

- i. That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that reopening the record before the Council is the only means of correcting the error.
- ii. That a factual error occurred before the Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision.
- iii. That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.
- iv. Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the Council.

Snowberry Brook Appeal

Request to Reopen the Record

- July 31, 2019** Appellant's 'Notice of Appeal' filed without a request to reopen the record.
- August 12, 2019** Staff mailed notice for appeal hearing as required in AMC 18.5.1.060.I.3. Mailed notice made clear hearing was to be "*on the record.*" Mailed notice made clear that Council would consider whether second ground for appeal was within the allowed "Scope of Appeal Deliberations" since the second ground had not previously been raised in the record during the Planning Commission hearing.
- August 22, 2019** Appellant's Written Argument Submittal received.
Appellant's Written Argument included request to reopen the record.

Because the request to reopen the record was not timely submitted as provided in AMC 18.5.1.060.I.3, the City Administrator has determined that the record cannot be reopened tonight.

Snowberry Brook, Ph. II

CITY OF
ASHLAND

June 11, 2019 Planning Commission Hearing



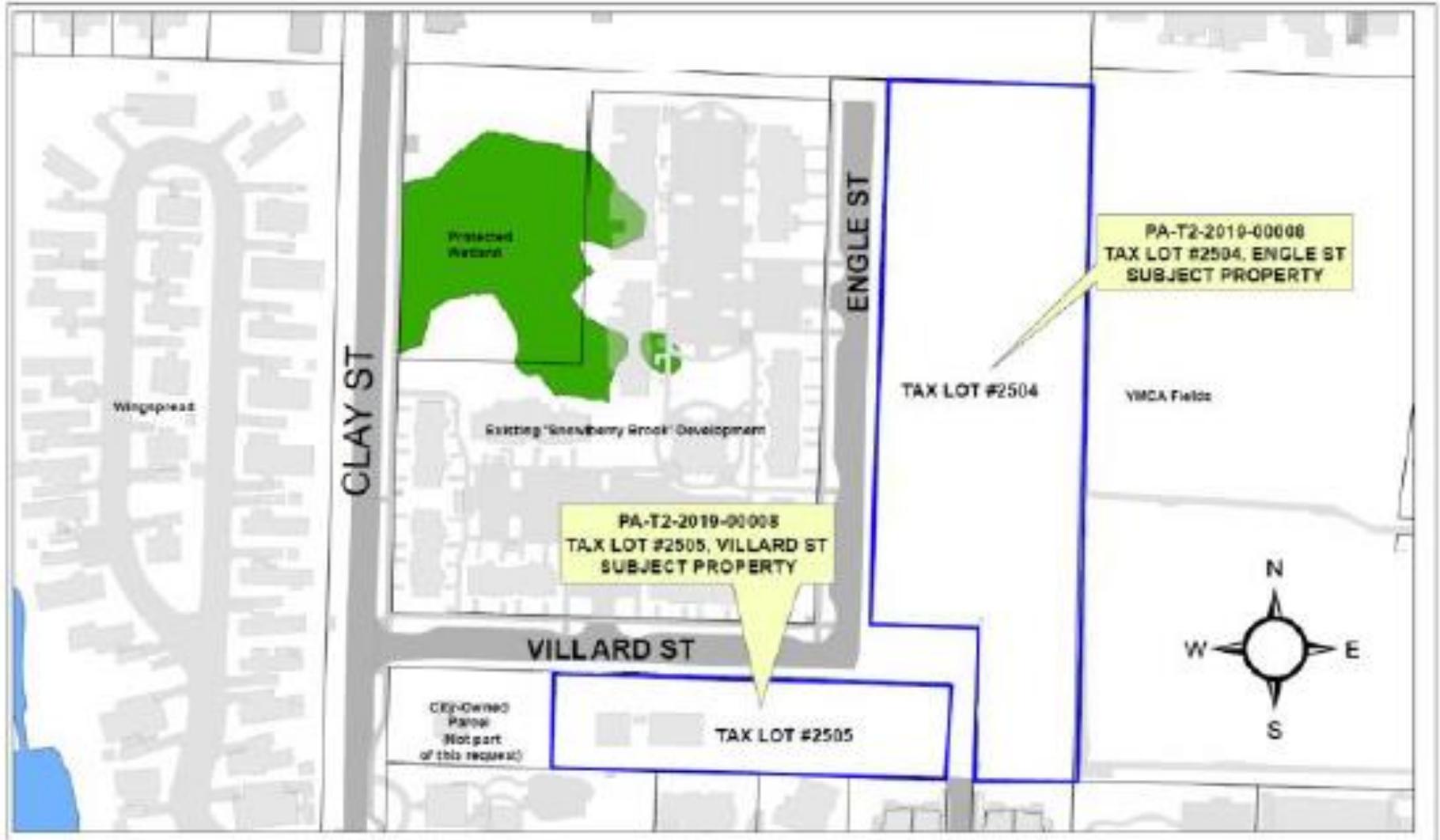
Snowberry Brook, Ph. II

The Proposal

- Site Design Review approval to allow the construction of a 60-unit multi-family development on two tax lots (#2504 & #2505) along Villard and Engle Streets as Phase II of the existing ‘Snowberry Brook’ development.
 - Four two-story 8-plex apartment buildings
 - Seven two-story townhouse 4-plexes.
 - Units will consist of ten 1-bedroom flats, 12 2-bedroom flats, ten 3-bedroom flats, and 28 2-bedroom townhomes.
- The application includes a request for Tree Removal Permits to remove three trees:
 - One 24-inch diameter Deodar Cedar (*cedrus deodara*) which the project arborist describes as posing a hazard.
 - Two 13- to 14-inch scrub almonds in poor condition located in the path of the required sidewalk improvements.
- The application also includes proposals for density bonuses because all units are to be built to Earth Advantage® Gold standards and all units are to be deed-restricted as affordable housing.

Snowberry Brook, Ph. II

Vicinity Map



Snowberry Brook, Ph. II

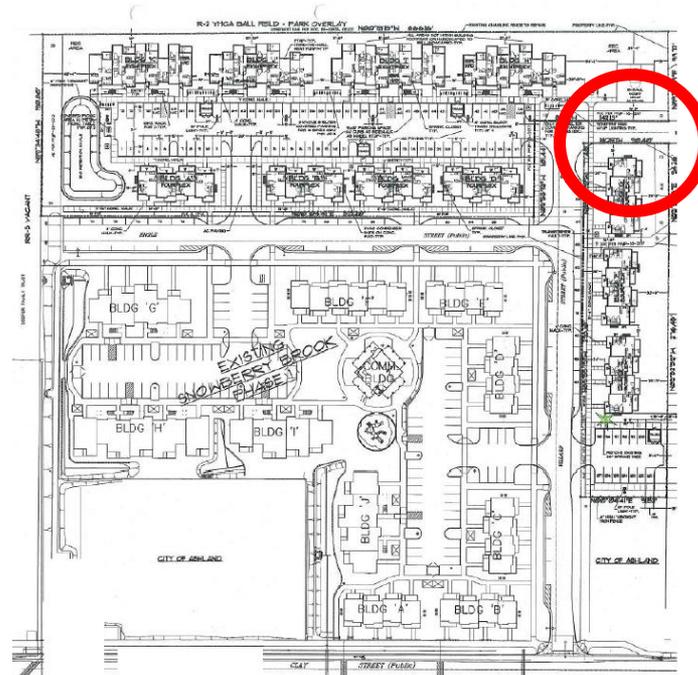
Context – Phase I and Subject Property

CITY OF
ASHLAND



Snowberry Brook, Ph. II

McCall Drive



Traffic Impact Analysis (**TIA**) by S.O. Transportation Engineering, LLC concludes that the 60-units can be approved without adverse impacts to the transportation system. **TIA** recommends limiting McCall Drive to bicycles, pedestrians and emergency vehicles, and restricting regular vehicle traffic, to avoid cut-through traffic. [**NOTE:** Connection is in the TSP, right-of-way is already dedicated, and with the sale to HAJC, the city is to pay for the McCall Drive connection.]

Snowberry Brook, Ph. II

Connectivity



Snowberry Brook, Ph. II

Connectivity – Clay to Tolman

CITY OF
ASHLAND



Snowberry Brook, Ph. II

Connectivity – McCall & Birchwood

CITY OF
ASHLAND



Snowberry Brook, Ph. II

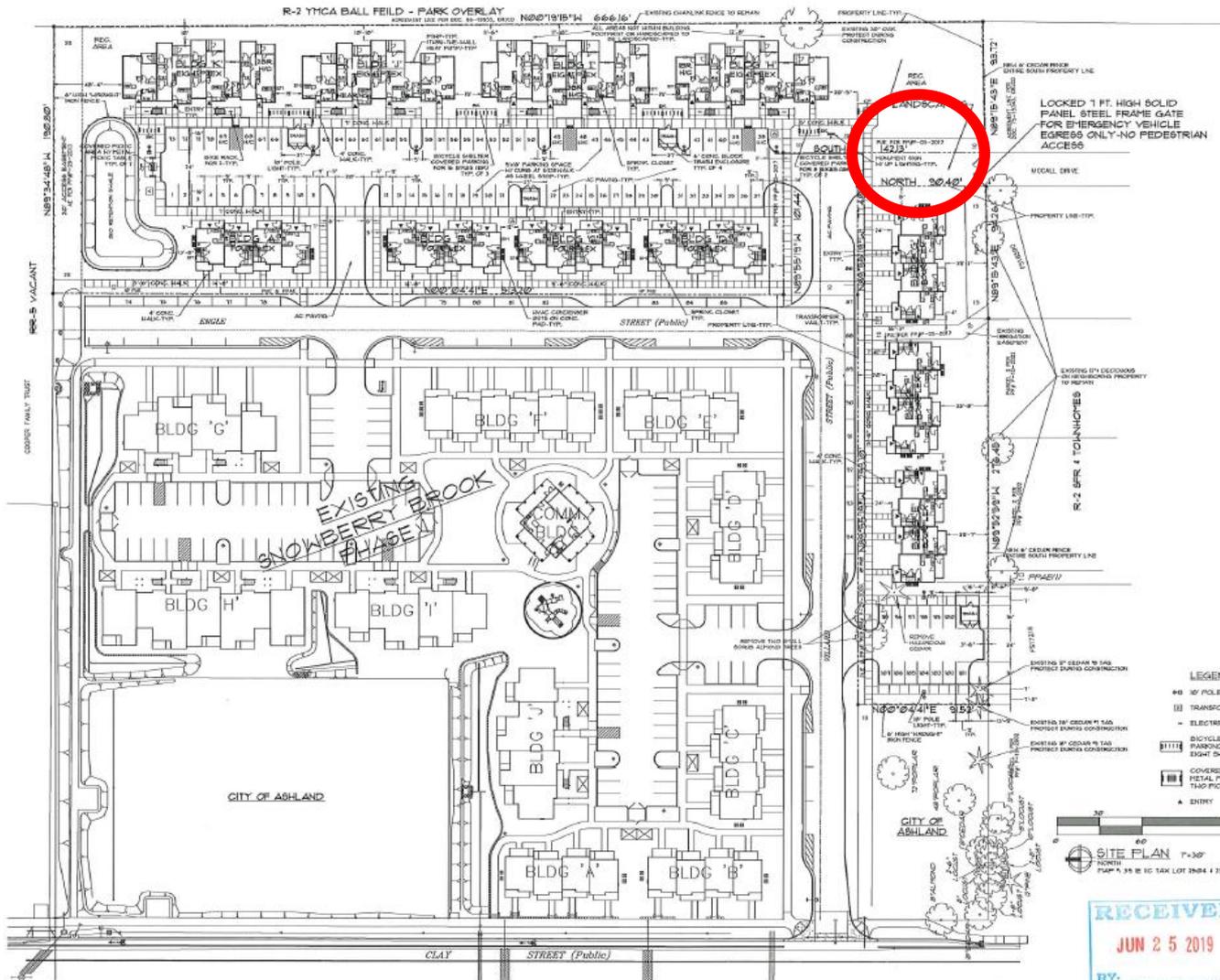
McCall Drive

CITY OF
ASHLAND



Snowberry Brook, Ph. II

McCall Drive



- LEGEND
- Ø 40' POLE I
 - ▨ TRANSLOC
 - ELECTRIC
 - ▨ BICYCLE PARKING EIGHT (8)
 - ▨ COVERED TOTAL P/T TWO (2)
 - ▲ ENTRY



RECEIVED

JUN 25 2019

BY:

Staff recommended and the PC required alley-level improvements for McCall to meet city street standards for existing right-of-way. PC recognized they lacked jurisdiction to approve encroachments into existing right-of-way, and left future encroachment permits to the Public Works Director.



Snowberry Brook, Ph. II

Parking



105 Off-Street Parking Spaces required for the 60 units proposed. The applicant proposes 86 surface parking spaces and would meet the remaining 19 space requirement using on-street parking credits. 90 covered bicycle parking spaces would also be provided on-site.

Snowberry Brook, Ph. II

CITY OF
ASHLAND

June 11, 2019 Planning Commission Hearing



Snowberry Brook Appeal

Grounds for Appeal

1. The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts.
2. The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.

Snowberry Brook Appeal

Ground #1

The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts.

THE PLANNING COMMISSION FINDINGS:

The Commission finds that McCall Drive is an alley as envisioned with its creation in Planning Action #2013-00104, and right-of-way has already been dedicated to the city to connect the existing terminus of McCall Drive to Villard Street. Based on concerns raised by neighbors in the McCall Drive Condominiums development to the south about potential conflicts between vehicles and pedestrians and about allowing public pedestrian access via the existing public right-of-way between the two developments, the applicants have proposed to limit access with a locked gate that could only be unlocked to enable emergency vehicle access...

Snowberry Brook Appeal

Ground #1

The Planning Commission erred in approving the application without a permanent locked gate restricting access to McCall Drive to avoid pedestrian conflicts.

THE PLANNING COMMISSION FINDINGS:

...The Planning Commission finds that McCall Drive is public right-of-way that is already owned by the city, that works in conjunction with a network of easements provided through adjacent developments to enable connectivity in the absence of a more traditional gridded street network, and that is to be completed to address standards requiring that paved access and adequate transportation be provided according to city street standards. The Commission finds that it lacks jurisdiction to approve any encroachments such as the bollards and gate proposed by the applicant, and further finds that permits to encroach into public right-of-way are regulated outside the Land Use Ordinance, are obtained from the Public Works Director, and are not reviewed or approved by the Planning Commission. A condition has accordingly been included below to require that McCall Drive be completed to city alley standards, and that should the applicant or neighbors wish to install any sort of encroachment to limit access they would need to make application for an encroachment permit through the Public Works Department.

Snowberry Brook Appeal

Ground #1 – Staff Recommendation

The Planning Commission specifically found that:

- It lacked jurisdiction to approve any encroachments such as the bollards and gate proposed by the applicant.
- Permits to encroach into public right-of-way are regulated outside the Land Use Ordinance, are obtained from the Public Works Director, and are not reviewed or approved by the Planning Commission.
- An encroachment permit to allow any sort of encroachment, temporary or permanent, into public rights-of-way is by code a ministerial decision on the part of the Public Works Director as set forth in Chapter 13 and does not come before the Planning Commission.

This appeal ground seeks to obtain a permanent encroachment permit through a land use appeal when an encroachment is a ministerial decision not involving land use discretion, and as such not is not subject to a land use appeal (AMC 13.02.070 states that, "*The Public Works Director's decision is final and not appealable by any party through the normal land use process.*") **In staff's assessment, the Planning Commission was correct in determining that encroachments are not regulated in the Land Use Ordinance, but instead fall to the Public Works Director as provided in Chapter 13, and that the Commission lacked jurisdiction to approve a requested encroachment into existing public right-of-way. Staff would recommend that the Council make a finding that the Planning Commission did not err in this regard and reject this first ground for appeal.**

Snowberry Brook Appeal

Ground #2

The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.

The Planning Commission finds that the application as proposed requires 105 off-street parking spaces. The applicant proposes to provide 86 off-street parking spaces in the surface parking lots proposed, and to utilize 19 on-street parking credits for the remaining required parking which amounts to approximately an 18 percent reduction in required off-street parking. The Planning Commission here would note that it has previously found that a lower parking ratio for proposed affordable units was appropriate based on the Affordable Housing Parking Study provided with the “Rogue Ridge” application at 1661 Ashland Street, which asserted that affordable housing developments require about one-half of the parking typically required of market rate rental developments along with anecdotal observations by the Rogue Ridge applicants and by Planning staff that affordable housing developments locally tend to generate less off-street parking demand than market rate developments. The Planning Commission further found that determining the minimum parking required based on these considerations was an allowed exercise of the Commission’s discretion supported by AMC 18.4.3.030. However, in the current application, the applicant has not proposed a reduction in required parking and has instead simply proposed to utilize a parking management strategy which is allowed in the municipal code to off-set some of the parking requirement based on available on-street parking. The Commission finds the request to be an appropriate use of an allowed parking management strategy, and further finds that given the nature of the proposal the likely parking demand may be substantially less than calculated.

Snowberry Brook Appeal

Ground #2

The Planning Commission erred in approving a parking management strategy which is counter to the General Automobile Parking Requirements and Exceptions in AMC 18.4.3.030.

In this case, the Commission relied on standard parking ratios to determine that 105 parking spaces were required, and accepted the applicant's proposal to meet this requirement with 86 off-street spaces to be provided on-site and 19 on-street parking credits. **On-street parking credits are an allowed parking management strategy under AMC 18.4.3.060.A which may be used to reduce the required off-street parking requirements by up to 50 percent with one off-street parking space credited for each available on-street parking space. Here the credit requested and approved was 18 percent (i.e. $19/105 = 0.18$).**

The Commission found that the request was an appropriate use of an allowed parking management strategy, and further found that given the nature of the proposal (i.e. *affordable housing*) the likely parking demand could be substantially less than calculated. **The parking study considered in the Rogue Ridge application and included in the record here found that affordable housing developments generated only about half the parking demand of market rate rental developments. This study was noted as supporting the requested on-street parking credit, however there was no exception to parking requirements granted and the application did not rely on any sort of lesser parking ratio in reaching a decision, it simply used available on-street parking spaces to offset some required off-street spaces as explicitly allowed by code.**

Snowberry Brook Appeal

Ground #2/Allowed Scope of Appeal Deliberations

The “*Scope of Appeal Deliberations*” in AMC 18.5.1.060.1.5.b is clear that “*No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.*”

Staff has determined that this second ground for appeal dealing with the parking management strategy was not raised before the Planning Commission during the original hearing. As such, staff made note in the Public Hearing notice that the Council would determine tonight whether the second ground for appeal should be excluded from the appeal hearing.

Staff recommends that the Council exclude the second ground for appeal as falling outside the allowed Scope of Appeal Deliberations. This would strike materials related to this ground for appeal from the record and from consideration in the decision tonight, and all speakers would be directed to limit their testimony strictly to the first ground for appeal.

Should the Council concur with staff’s recommendation, a motion such as “**I move to exclude the second ground for appeal dealing with the parking management strategy from the hearing tonight as it falls outside the allowed “Scope of Appeal Deliberations” because it was not previously raised before the Planning Commission**” would be appropriate. Such a motion would need to happen prior to taking testimony, and if passed parties would need to be advised that oral arguments must be limited to only the first ground for appeal.

Snowberry Brook Appeal

Staff Recommendation

Planning staff recommends that the Council:

- Exclude the second ground from the scope of appeal deliberations prior to testimony with a motion, *and*
- Affirm the decision of the Planning Commission,
- Reject the remaining (i.e. first) ground for appeal, and
- Adopt the draft findings tonight (*or direct staff to prepare revised findings for adoption by Council in two weeks.*)

The draft findings provided in your packets reflect the staff recommendations above, and have been provided should the Council wish to adopt them tonight in the interest of meeting the 100-day rule in ORS 197.311, which requires a final decision on affordable multi-family housing projects within 100 days of receiving a complete application, and findings adoption within 14 days thereafter. (*For this project, the 100-day timeline ends on September 11, 2019.*)

Snowberry Brook Appeal

Potential Motions

To Exclude the Second Ground for Appeal (*before taking testimony*)

I move to exclude the second ground for appeal dealing with the parking management strategy from the hearing tonight as it falls outside the allowed “Scope of Appeal Deliberations” because it was not previously raised before the Planning Commission.

Decision

I move to affirm the decision of the Planning Commission and reject the appeal on the remaining (first) ground.

Findings Adoption

I move to adopt the written findings as presented by staff rejecting the appeal and supporting the original Planning Commission decision from July 23, 2019.

Snowberry Brook, Ph. II

CITY OF
ASHLAND

September 3, 2019 Council Appeal "On the Record"



City Council Statement Regarding "Piping the Ashland Canal"
September 3, 2019 Business Meeting

Dozens of Ashlanders have talked to me about their concern of piping the Ashland Canal. We've read the staff reports and heard the council on the matter, but nowhere do we see anyone addressing "worst case scenarios" as the canal moves towards being piped. We'd like to know whether the following concerns have been thoroughly investigated by staff as part of their study.

1. Where is a detailed account of costs and plans for storm drain and potential debris flow mitigation that comes with piping?
2. How do staff Justify the cost of piping a canal when the city is struggling to balance its budget in order to keep utility rates from continually rising?
3. How can staff be certain that E coli doesn't live in the new pipes when studies show that it does and will?
4. What is the detailed maintenance plan for the canal because lack of maintenance is what got us here in the first place?
5. What is the cost cap for this project?
6. How can the cost of destroying at least one hundred trees and other eco-systems along the canal be justified for this project? What is the guarantee that they can be replaced?
7. What is the comparison of seismic risk between an open canal and a piped one – or what is the liquefaction susceptibility of the alternatives?

These are serious questions with consequences and cost/benefit budgetary concerns that must be addressed by the council and staff before a vote this evening.

The staff opinion is that the opposition to the canal is simply a NIMBY problem, but the neighborhood of concerned citizens reaches from Oak Knoll to Ashland Mine Road as well as along the canal. The entire length of our town has citizens who want a "no" vote on piping the canal.

When deliberating keep in mind these questions that have yet to be answered. Also realize that the Atkins Engineering report clearly states that foundations for decks close to the canal are in jeopardy and would need support footing (21) and new retaining walls with drains are essential (36) and expensive. This means citizen's property will be disturbed significantly and here in lies the possibility of lawsuits. This can't be overlooked.

Do the right thing and get answers to these questions and concerns before going forward.

Dr. Carol Voisin
Ashland

Ashland City Council Business meeting Statement 09/03/19
Re: Ashland Canal piping Project

I feel the issue before council tonight represents shared values and shared concerns. I'm certain we are all feeling the fragility of our environment in the light of climate change which serves to heighten our sense of responsibility to be the best stewards of our land and water resources, and to find solutions to environmental problems that make sense. I believe that protecting natural resources for ourselves, and our children, is a value we all share, and we all agree a solution to the problems with the Ashland Canal must be enacted. We just differ in how to enact those solutions.

The city's Public Works staff has defined plans to meet our shared value of conserving our precious water from evaporation and seepage and reducing the amount of contaminants in the canal water. And I commend their work and motivation to protect our water supply. However, there are additional and also very important values that the community has repeatedly expressed. We have stated that we also value:

- having finite costs and finite risks to the environment and properties over, under and adjacent to the canal
- the historic nature of the open canal that has been here since 1929
- the enjoyment of the healthy trees and existing ecosystems along its banks
- safety in knowing that the canal water can be immediately accessed by the fire department
- safety in knowing our economic resources are being used wisely and in the most conservative manner possible
- the beauty of the canal as a unique open space with flowing water

Regrettably, the proposed solution (Alternative 1) recommended by staff does not reflect the community values I just stated. In fact, staff has categorically dismissed these values as NIMBYism. To me, that indicates a big problem. City staff and community members need to listen to one another and work together to create solutions that respect and protect our common values.

Many community members have provided documented testimony, hard science, research and studies describing a common sense alternate solution that will safely protect the water running through the Ashland Canal without burying it. A solution with finite costs to both the budget and the environment. I believe their work needs to be included as part of a common sense solution that the city's Public Works staff and community can support together.

Mr. Mayor and members of city council, I believe you should not dismiss community values as NIMBYism. As elected officials promising to represent us, I ask you to include them as you consider the proposal before you as flawed and incomplete and vote NO and I urge you direct staff to craft a proposal that reflects our community values while meeting our shared values of protecting our resources, conserving water and reducing contaminants in the water of the Ashland canal. City staff and community members need to work together.

Kacky Hoffman, Ashland

First, I want to acknowledge the dedication and hard work that our Public Works department has put into outlining all of the alternatives for the council. I am only a layperson, and not an accomplished engineer like Paula Brown, but I do believe that I have some standing regarding this issue because I live along the canal and treasure it.

I support using shotcrete to repair the open sections of canal as was done in the 400 feet of canal at the Starlight end because:

- 1) It would minimize the disruption caused by the removal of the old canal lining and pipe, and subsequent construction of their replacement.
- 2) It would minimize the number of trees that would need to be removed.
- 3) It would maintain the priceless aesthetic of an open canal.
- 4) It could save the city money

I offer the following information to help substantiate my claim:

- 1) I spoke to engineer, Matt Hazen, with the Turlock, California Irrigation district about a recent (Nov.-Dec. 2018) rehabilitation project that was done on 5,737 feet of open canal.
 - a. They use fiber-reinforced shotcrete to repair all of their open canal areas (250 miles; 5-10 miles are relined every year).
 - b. They apply it over the existing liner
 - c. They expect it to last a minimum of 50 years
 - d. <https://www.tid.org/about-tid/current-projects/lat4/>
 - e. Matt Hazen (209) 883-8260
- 2) Modesto Irrigation District also used this method to repair two of their laterals this past winter.

https://www.mid.org/water/irrigation/documents/TheIrrigatorSummer2019_FINAL.pdf
- 3) Bureau of Reclamation Study testing different irrigation canal linings
 - a. Test areas in Bend that used shotcrete with and without added fibers were all listed in excellent condition with minimal maintenance required at the 10-year mark.
 - b. *Expected to last 40-60 years*

Issues

- 1) *E. coli*: While the canal would remain open with this option, as a microbiologist I believe that in the long run piping would only create a stable environment for the organism to survive in.
 - a. No U.V. rays, which kill the bacteria, will be able to reach the water and sediment.
 - b. More consistent temperature within the pipe
 - c. The organism can survive in sediment.
 - d. Screens need to be at least 80 – 100 microns in size to filter out sediment. The mesh of a traveling bar screen can range in size from 2.54 – 152.4 mm and will only keep out large debris, not silt (size range 1/256 – 1/16 mm).
<https://www.evoqua.com/en/brands/intake-screens/Pages/Fine-Mesh-Screen.aspx>
 - e. The source of *E. coli* was not determined (There are storm drains that also empty into the creeks).
 - f. DNA testing revealed that there were no isolates of human origin
 - g. Ashland Creek study is 10 years old and says FURTHER STUDY IS WARRANTED
- 2) Maintenance procedures will need to be changed
 - a. Power-wash and remove all sediment and debris to secondary location prior to irrigation season.
 - b. This will most likely add to the current cost of maintaining the ditch.
- 3) Freeze-thaw concerns
 - a. Coldest winter temperature on record in Turlock, Ca was 18 °F
 - b. From Bureau of Reclamation Study: Canal lining of VLDPE liner with 4" of shotcrete (no added fibers) was in excellent condition after 9 ½ years and no freeze-thaw damage was observed.

In light of this information that I have presented, I request that council defer deliberation so that the public works department can follow-up and evaluate shotcrete, as well as relining of the currently piped sections, for rehabilitating the canal.

9/3/19

Respectfully,
Julie Bonney-Shanor

BA Chemistry
BA Microbiology
MT (ASCP)
CLS (NCA)
CLT (State of California)

City Councilors,

I am certainly a lay person in the field of engineering. I am a Master in quite a different field. Paula Brown is obviously a Master in her field. I respect people who have paid the price. The countless number of hours, endurance, thought and expertise that it takes to be Public Works Director in a vibrant community like Ashland....I can only imagine.

We are directly affected by the Canal Issue. And, we are motivated. We believe that it would be wise to postpone a decision tonight, until PW Staff has had time to review our additional findings. We believe that fiber reinforced concrete applied by the shotcrete method is a viable alternative to address Ashland's needs.

Something that I feel is unclear. The word shotcrete can be confusing. It is simply a method of applying fiber reinforced concrete with a hose under high pressure. Concrete is concrete. Both methods have the same pluses and minuses. Public works has said, "both have a life of up to 50 years if adequately maintained." And, each has areas where it excels. Traditional methods are great for huge jobs; FRS is a better fit for medium to small jobs, like ours. FRS can, in our case, rehabilitate an existing shotcreted canal. The benefits of the shotcrete method for our community are numerous. Primarily, it can be sprayed over an existing repaired shotcreted canal (still functioning well in some areas after 50 years). I personally watched the relining up on Starlight, I believe in the process.

****Nothing needs to be torn up. That motivates me. You simply repair existing problem areas. When repairs are complete, then and only then, the canal is pressure washed, and a full thickness layer of FRS is applied the entire length of the open areas. Much greater strength results by taking advantage of what shotcrete is already in place. And, the water carrying capacity of the canal is not affected if the canal sides are raised using shotcrete. This was done up on Starlight. CHART**

**Only trees that directly affect the integrity of the canal need be removed. That is a motivator for me. You don't have to remove any trees to make room for heavy equipment.

**The walking path remains intact. The canal path is part of the lives of those who live on the canal, as well as those who come to experience it. I am most motivated here.

**Money can be saved. Pitch in the cost of "rehabilitating existing pipes", and the reduced cost of tree removal and I am motivated. That sounds like a compromise to me. And, under 2 million dollars, by my figures.

So, how about the downsides? Evaporation is minimal and frankly mitigates the heat near the canal in summer. The big down side: we have to initiate a new maintenance policy. Julie has certainly covered this. We can do that.

This project has received so much attention. Perhaps, just one more look by PW, will benefit everyone,

Respectfully,


William Shanor

Public Works Answer #8

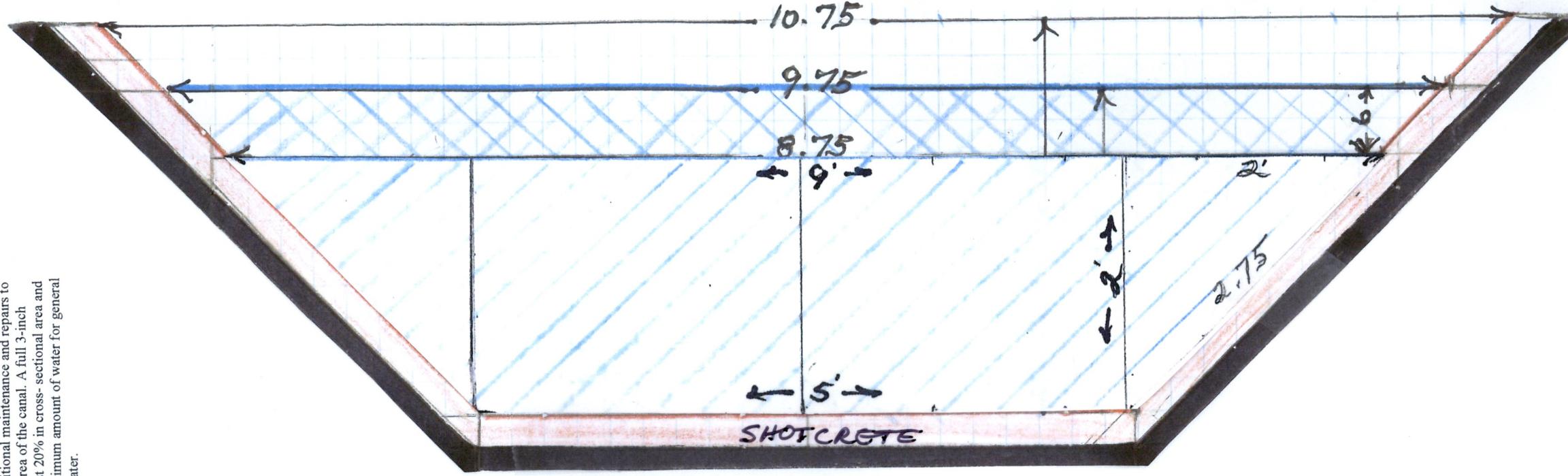
Resolution:

Using shotcrete or gunite techniques is a quick and relatively inexpensive process to encapsulate and cover up existing concrete flaws. However, if the underlying issue that caused the damage is not repaired, then the shotcrete will fail along the same lines and for the same concerns. Maintenance costs must include shotcrete repairs. ● A final coat is only applied after underlying repairs are completed.

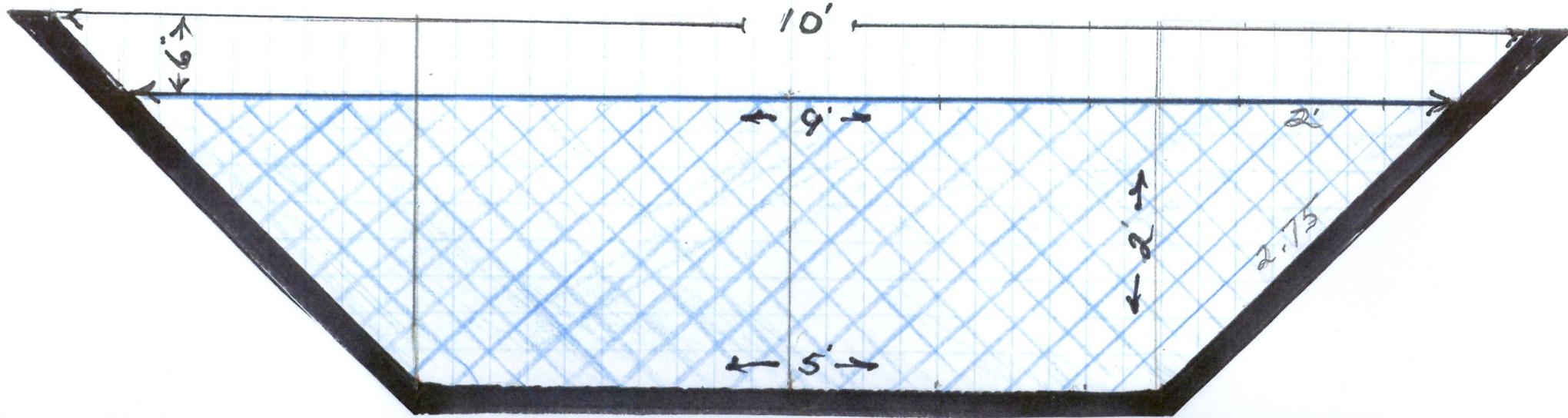
Future Implications:

- PW has said 50 with shotcrete or traditional methods. Which is it.

Although shotcrete is a form of concrete and its life expectancy may reach 40 years, it requires additional maintenance and repairs to maintain that life. Shotcrete is placed with a thickness of 2-3 inches and will over time reduce the area of the canal. A full 3-inch shotcrete treatment on a simple 5-foot bottom with 1-foot slopes and 2 feet of water will lose almost 20% in cross-sectional area and reduce the amount of flow commensurately. As the flow reduces, so does the ability to use the maximum amount of water for general City use (pumping to the water treatment plant) and ensuring all irrigation users are able to draw water.



The canal is an open system. As flow increases, the water level simply rises. If 6" of shotcrete is added, at the top, and 3' is added to the liner, bottom and sides, as on the Starlight relining..... flow is not affected. The water level just rises slightly to accommodate the additional volumn. In fact, the additional 6" increases the potential capacity. At a water depth of two feet the cross section is 14 square feet for existing liner, 13.75 for new liner on top. Assuming 6' of freeboard above the shotcrete, in each case, the old liner remains 14 sq feet, but the 6" added in the new scenario (even with added 3' on sides and bottom) creates a cross section of 18 square feet. The increase in depth (capacity) has made a significant difference. I am not a math wiz, but that's my take on it. 14 vs 18. The area of a trapezoid is one half the height times the sum of the top and bottom sides.



Council Meeting September 3, 2019
Regarding Proposed Piping of the Ashland Canal

Good evening, Mayor, and Council Members,

So many Ashland residents, not just those who live along the canal whose properties they have spent years enjoying and maintaining and improving, but Ashland residents I meet at the CoOp, at Shop 'n Kart, at Market of Choice, at SOU, at Paddington's, at the Varsity Theater, have asked me, "Why would the city want to rip up people's property, rip out so many trees, and spend so much money when there's a perfectly good alternative at a much less cost that would accomplish the city's objectives?"

I have been met by anger, and disbelief, and a sense of helplessness, followed by, "Who's going to pay for this? Our utilities are already high and rising. Why impose this additional burden on us?"

And then the question: "What is the City Council we elected going to do about it?"

They're all good questions. I don't believe that city staff has considered the full impact of the piping project on residents' property and their lives. I am here on my own behalf and on behalf of my fellow Ashlanders who have enjoyed and loved living in Ashland for many years and whose properties and lives are facing an unnecessary destruction, and devaluation, and whose lives are about to be turned upside down if you vote for piping of the canal.

I ask you, respectfully, to please vote NO on the piping of the canal. Thank you for listening and for your consideration.



Helen Perina
Ashland

Our Ashland Canal has been and continues to be a major source of water for our town and it is contingent upon this council to preserve this water source for generations to come in the most durable and cost-effective method possible.

While the 86 property owners that abut the canal have benefited from the open canal features, they do not have any right or privilege or grandfathered claim to this infrastructure or its serendipitously acquired amenities. Nowhere in their property titles and easement descriptions is there any language other than a maintenance easement granted in perpetuity to the COA. As the final decision-makers for our city, we are responsible for the welfare and common good of all 22,000 citizens and it is our duty to secure drinking water for all of them.

This project is an essential part of the adopted City of Ashland 2012 Water Master Plan that specifically recommends “piping” the entire 2-mile section.

The recently adopted by ordinance: Climate and Energy Action Plan specifically mandates: “Maximize conservation of water and energy.” Let us walk the talk and there is no better boot-on-the-ground opportunity than this project.

This project has been solidly and formally recommended by three different citizen groups:

- Ashland Water Advisory Committee (which is a mayor appointed water policy advisory group)
- Conservation Commission
- Ashland Canal Advisory Group (technical advisory group)

Our own Public Works staff led by Paula Brown, whose reputation and skilled professionalism we are fortunate to have on board... strongly recommends this Alt #1.

This project has been exhaustively and thoroughly vetted: wildlife surveys, tree analysis, engineering studies and designs, neighborhood impact and mitigation plans.

Adkins Engineering is a highly respected and capable water project group having completed many irrigation projects in northern California and southern Oregon for over 35 years.

There are significant positive features of Alt #1. It is a complete and comprehensive fix and not a patchwork quilt of liners, coatings, fiberglass, various concretes and shotconcretes.

- Alt #1 has the best chance of securing grant funding. No project with any open canal sections has a ghost of a chance for grant monies. Significant grant opportunities exist with the following agencies.

Bureau of Reclamation
Natural Resources Conservation Service
Oregon Watershed Enhancement Board
US Bureau of Reclamation
Oregon Water Resources Department
Rogue Basin Partnership

- Alt #1 is the least expensive by over \$1M
- Alt #1 completely eliminates both seepage and evaporation loss. Let us remember: the loss of 62M gal/yr to these aged eyes is a lot of water!
- Alt #1 completely eliminates any new source of water contamination introduced into this 2 mi section of canal.
- Alt #1 completely eliminates the possibility of a mid-season debris slide that could block the open ditch causing canal break-out and downslope flooding.
- Alt #1 will result in a maintenance road that will be wider, safer and more easily maintained than the existing goat path.

Our forefathers had the wisdom and fortitude and, yes, financial courage and generosity to install quality infrastructures that have stood the test of time and utility. We can best thank them by continuing that forward-looking stewardship and secure our city's drinking water for a long time to come. - Stephen Jensen