

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION
REGULAR MEETING
AUGUST 12, 2008
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center, 1175 E. Main Street

- II. **ANNOUNCEMENTS**
 - A. **Planning Commissioner Training Opportunity**

- III. **APPROVAL OF AGENDA**

- IV. **CONSENT AGENDA**
 - A. **Approval of Minutes**
 - 1. **June 10, 2008 Hearings Board Minutes**
 - 2. **July 8, 2008 Hearings Boards Minutes**
 - 3. **July 8, 2008 Planning Commission Minutes**
 - 4. **July 22, 2008 Planning Commission Minutes**

- IV. **PUBLIC FORUM**

- V. **TYPE III PUBLIC HEARINGS**
 - A. **Ashland Land Use Ordinance – Annexation and Zone Change Amendments**

- VI. **UNFINISHED BUSINESS**
 - A. **Sustainability Proposal**

- VII. **OTHER**
 - A. **Regional Problem Solving Update**
 - B. **Hearings Board Assignments**

- VII. **ADJOURNMENT**

**CITY OF
ASHLAND**



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 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).

SATURDAY, SEPT. 13

PLANNING COMMISSIONER TRAINING
(PCT) AT BAKER DOWNTOWN CENTER*

ADDITIONAL \$85 FEE

1:00–5:00pm

The Planning Commissioner training will provide an overview of planning in Oregon with particular attention to coordination of statewide planning efforts. From there discussion will turn to the role of a Planning Commissioner in decision making, nuts and bolts of land use decision making, and common pitfalls and stumbling blocks. *Directions and parking information will be emailed to registrants closer to the conference.



**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
HEARINGS BOARD
MINUTES
June 10, 2008

CALL TO ORDER

Commissioner Dotterrer called the meeting to order at 1:30 p.m. in the Civic Center Council Chambers, 1175 E Main Street.

Commissioners Present:

Tom Dimitre
Dave Dotterrer
Michael Church

Staff Present:

Adam Hanks, Permit Center Manager
April Lucas, Administrative Assistant

Absent Members: None

APPROVAL OF MINUTES

Hearings Board Minutes of May 13, 2008 will be approved at June 10, 2008 Planning Commission meeting.

TYPE I PLANNING ACTIONS

A. PLANNING ACTION: 2008-00741

SUBJECT PROPERTY: 135 Susan Lane

APPLICANT: Milo Shubat

DESCRIPTION: Request for a Conditional Use Permit to construct a 21 ½ square foot addition to an existing residence located at 135 Susan Lane and to exceed the Maximum Permitted Floor Area for a single-family dwelling in the Historic District by approximately 20 percent. **COMPREHENSIVE PLAN DESIGNATION:** Single-Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP #:** 39 1E 05 DD; **TAX LOT:** 8102

No discussion. Action stands as approved.

B. PLANNING ACTION: 2008-00731

SUBJECT PROPERTY: 358 High Street/ 60 Wimer Street

APPLICANT: Mark and Elizabeth Schoenleber

DESCRIPTION: Request for a Conditional Use Permit for a three-unit (includes owner's quarters) Traveler's Accommodation for the property located at 358 High Street and 60 Wimer Street **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2 **ASSESSOR'S MAP #:** 39 1E 05 DD; **TAX LOTS:** 3700 & 3800

No discussion. Action stands as approved.

C. PLANNING ACTION: 2008-00594

SUBJECT PROPERTY: 954 Siskiyou Blvd.

APPLICANT: Gregory Adams

DESCRIPTION: Request for a Conditional Use Permit and Site Review approval for an office use in and R-2 zone, with an apartment upstairs for the property located at 954 Siskiyou Blvd. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2 **ASSESSOR'S MAP #:** 39 1E 09 DD; **TAX LOT:** 100

No discussion. Action stands as approved.

D. PLANNING ACTION: 2008-00813
SUBJECT PROPERTY: Water Street Bridge/Overpass
APPLICANT: City of Ashland
DESCRIPTION: Request for a Governmental Sign Conditional Use Permit for the installation of artwork on the underside of the Oregon Dept of Transportation bridge/overpass located within the right of way between the properties addressed as 51 Water St and 96 North Main St. COMPREHENSIVE PLAN DESIGNATION: Commercial ZONING: C-1 ASSESSOR'S MAP#: TAX LOT: N/A – Located within ODOT Public right of way

No discussion. Action stands as approved.

Permit Center Manager Adam Hanks reminded the commissioners that this was the last Hearings Board Meeting prior to the amended Land Use Ordinance taking effect. He clarified the Hearings Board would be convened only as needed from this point forward.

ADJOURNMENT

Meeting adjourned at 1:35 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
HEARINGS BOARD
MINUTES
JULY 8, 2008

CALL TO ORDER

Commissioner Dotterrer called the meeting to order at 1:30 p.m. in the Civic Center Council Chambers, 1175 E Main Street.

Commissioners Present:

John Stromberg
Michael Dawkins
Michael Church

Staff Present:

Adam Hanks, Permit Center Manager
Amy Anderson, Assistant Planner
Angela Barry, Assistant Planner
April Lucas, Administrative Assistant

APPROVAL OF MINUTES

Stromberg announced the June 10, 2008 Hearings Board minutes would be approved at tonight's Planning Commission meeting.

TYPE I PLANNING ACTIONS

A. PLANNING ACTION: 2008-00762

SUBJECT PROPERTY: 146 & 156 Clear Creek

OWNER/APPLICANT: BSR LLC

DESCRIPTION: Site Review approval for two, attached wall 3-story mixed-use commercial and residential buildings. The two buildings comprise approximately 5,500 square feet. The ground floor of each building will be office and the upper two floors residential space. Two residential units are proposed in the development. The site is located in the Detail Site Review Zone, and is subject to the Detail Site Review Standards.

COMPREHENSIVE PLAN DESIGNATION: Employment; ZONING: E-1; ASSESSOR'S MAP #: 39 1E 09BA; TAX LOTS: 14704 & 14705

No discussion. Action stands as approved.

B. PLANNING ACTION: 2008-00654

SUBJECT PROPERTY: 508 Tucker

APPLICANT: David Oas & Lyn Owens

DESCRIPTION: Request for a two-lot Minor Land Partition approval for the property located at 508 Tucker. The new parcel will front on Thornton Way.

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP #: 39 1E 05BD; TAX LOTS: 1801

No discussion. Action stands as approved.

C. PLANNING ACTION: 2008-00596

SUBJECT PROPERTY: 165 W Fork Street

APPLICANT: Ashley Jensen

DESCRIPTION: Physical and Environmental Constraints Review Permit for the development of hillside lands including severe constraints land. The proposal is to construct a new single-family residential home, the associated excavation for utility installations and driveway construction. The application also includes an Administrative Variance for the height of the retaining wall along the north property line to exceed the allowed five-foot height limit. Property is located at 165 W. Fork.

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential; ZONING: R-1-7.5; ASSESSOR'S MAP #: 39 1E 09BC; TAX LOTS: 3600

Assistant Planner Amy Anderson requested the Board review the Historic Commission recommendations. She explained applying these recommendations could cause significant changes to the application and therefore affect staff's approval. Ms. Anderson noted the applicant's planner and architect have not had the opportunity to review the recommendations submitted by the Historic Commission.

Church noted he has questions regarding the retaining wall issue and commented that this lot is almost un-developable. He suggested this item come back before the Hearings Board as a Type II application, which would allow the applicant and their architect time to review the Historic Commission's recommendations and work with staff. Stromberg noted this lot was grandfathered in and voiced support for having the applicant go back and work with staff.

Commissioners Church/Dawkins m/s for this application come back to the Hearings Board as a Type II application on the next available agenda. Roll Call Vote: Commissioners Dawkins, Church and Stromberg, YES. Motion passed 3-0.

- D. **PLANNING ACTION: 2008-00925**
SUBJECT PROPERTY: 872 B Street
APPLICANT: Dan Heller and Mary Beth Burton
DESCRIPTION: Site Review approval for a 390 square foot addition to the second story of an existing residence that is part of a multi-family development located at 872 B Street. COMPREHENSIVE PLAN DESIGNATION: Low-Density Multi-Family Residential; ZONING: R-2 ASSESSOR'S MAP #: 39 1E 09AC; TAX LOTS: 200

No discussion. Action stands as approved.

- E. **PLANNING ACTION: 2008-00907**
SUBJECT PROPERTY: 33 Morse Street
APPLICANT: Polly Hodges
DESCRIPTION: A request for a Conditional Use Permit intensification of use of an existing non-conforming garage located at 33 Morse. The proposal is to convert the garage into an addition to the existing home. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 09AD; TAX LOTS: 5800

Assistant Planner Amy Anderson noted the Historic Commission's recommendations for this application should not be difficult for the applicant to meet and would not affect any other code requirements. She clarified the applicant was present at the Historic Commission meeting and is aware of the recommendations.

Action stands as approved.

TYPE II PUBLIC HEARINGS

- A. **PLANNING ACTION: 2008-00910**
SUBJECT PROPERTY: 303 & 323 Oak Street
APPLICANT: Barry Peckham
DESCRIPTION: Minor land partition to divide the property at 303 Oak Street into two lots with one lot being a flag lot. The flag lot would share a driveway with the property at 323 Oak Street. The application includes a Variance request to reduce the required setback from 20 feet to 13 feet, a Variance request to reduce the required parking from 5 spaces to 3 spaces, and a Variance request to not pave the flag driveway. The applicant includes a request for a Physical and Environmental Constraints Permit for one parking space to encroach into the area designated as Flood Plain Corridor by the Land Use Ordinance. The application also includes a Tree Removal Permit for the removal of 3 trees, a 15-inch diameter-at-breast-height walnut tree, a 6-inch diameter-at-breast-height cherry tree, and a 6-inch diameter-at-breast-height mimosa tree. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 04CC; TAX LOTS: 5900 & 6000

Church read aloud the public hearing procedure for land use hearings.

Declaration of Ex Parte Contact

Stromberg indicated he performed a site visit, but had no ex parte contact. Church stated he went past the site, but has not been on the property. Dawkins stated he is familiar with the site.

Staff Report

Assistant Planner Angela Barry presented the staff report. She stated the property is approximately 12,000 sq. ft in size, it is zoned R-2, and is located in the Railroad Historic District and the Riparian Protection Zone. Ms. Barry explained the applicant is requesting a minor land partition to divide the property into two lots, with one being a flag lot. She stated the flag lot would share a driveway with the property at 323 Oak Street and the application includes the following variance requests:

- 1) Reduce the required setback from 20 ft. to 13 ft. in order to shift the building envelope away from the riparian area at the back of the property and maintain the historic property in the front.
- 2) Reduce the required parking from 5 spaces to 3 spaces. Ms. Barry clarified the proposal would still be an improvement over the current parking situation.
- 3) A variance request to not pave the flag driveway, which would allow them to preserve the tree.

Ms. Barry noted the applicant is also requesting a Physical and Environmental Constraints permit to remove three trees on the lot. She indicated staff is recommending approval with the proposed conditions.

Applicants Presentation

Mark Knox/700 Mistletoe Rd, Suite 204/Stated this application is not as complex as it sounds. He explained the applicant does not want to damage the historic integrity of the site and commented on a few of the elements of the application. Mr. Knox spoke to the current parking situation and stated this proposal would solve that problem. He also commented on the paving variance for the flag driveway, and explained this would save the Cedar tree located between the two houses.

Barry Peckham/303 Oak Street/Stated that he is the applicant and has owned this property for 30 years. Mr. Peckham noted that he has collaborated with his neighbor on this project and stated he intends to build his last home on this property. He clarified it would be a one-story home and would be as energy efficient as possible.

Public Testimony

None

Deliberations and Decision

Commissioners Church/Dawkins m/s to approve PA 2008-00910 with the conditions proposed by staff. Roll Call Vote: Commissioners Church, Dawkins, and Stromberg, YES. Motion passed 3-0.

ADJOURNMENT

Meeting adjourned at 2:15 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
REGULAR MEETING
MINUTES
July 8, 2008

CALL TO ORDER

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

Commissioners Present:

John Stromberg, Chair
Michael Dawkins
Mike Morris
Debbie Miller
Michael Church
Pam Marsh
Melanie Mindlin
Tom Dimitre

Staff Present:

Bill Molnar, Community Development Director
Assistant Planner Angela Barry
April Lucas, Administrative Assistant

Absent Members:

Dave Dotterer, excused

Council Liaison:

Cate Hartzell, arrived at 8:20 p.m.

APPROVAL OF AGENDA

Commissioners Miller/Dimitre m/s to approve agenda. Voice Vote: all AYES. Motion passed 8-0.

CONSENT AGENDA

- A. Approval of Minutes
1. June 10, 2008 Planning Commission Minutes.
 2. June 24, 2008 Planning Commission Special Meeting Minutes.

Commissioners Church/Dimitre m/s to approve the Consent Agenda. Voice Vote: all AYES. Motion passed 8-0.

PUBLIC FORUM

No one came forward to speak.

TYPE II PUBLIC HEARINGS

- A. PLANNING ACTION: 2008-00359
SUBJECT PROPERTY: 265 North Main Street
APPLICANT: Lithia Arts Guild
DESCRIPTION: Request for a Conditional Use Permit to allow a portion of the former Briscoe Elementary School building and the surrounding grounds to be used for individual artists' workspaces and community events. The application requests permanent approval for a yearly event that was previously approved on a temporary basis. The applicant is requesting to host 11 additional events per year in addition to the previously approved event. The application also includes a Type II Variance to parking to allow the parking for events to be off-site in the adjacent neighborhood. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP #: 39 1E 05 DD; TAX LOT: 2500

Stromberg read aloud the public hearing procedures for land use hearings.

Declaration of Ex Parte Contact

Commissioners Miller, Morris, Marsh, Dimitre, Church, Mindlin, Dawkins and Stromberg all reported no ex parte contact.

Staff Report

Assistant Planner Angela Barry provided a brief overview of the application and clarified the applicant has requested the public hearing be re-opened in order to submit new conditions that respond to the concerns expressed at the last hearing. The new conditions submitted by the applicant were summarized as the following:

- 1) The annual outdoor events would be limited to the Midsummers Dream event, the First Nations Day event, and a maximum of two other one-day events.
- 2) The Midsummers Dream event would be permitted between the hours of 10 a.m. and 8 p.m. on Saturday, and 11 a.m. to 5 p.m. on Sunday. Sound amplification at this event will not exceed 95 decibels between 10 a.m. and 6 p.m., and 75 decibels between 6 p.m. and 8 p.m. A sound technician will be required to be present to ensure the event complies with these requirements.
- 3) Sound amplification at the First Nations Day will be limited to single speakers and will not be audible more than 250 ft. from the site. There will be no amplification of music or drumming.
- 4) The two, one-day events will be limited to a maximum of 350 attendees, the events will conclude at 6 p.m., and there will be no sound amplification or drumming permitted.
- 5) Indoor events open to the public will be limited to a maximum of 5 weekend events and 12 evening events per year.
- 6) The Guild will deliver notice to each residence within two blocks of the site 60 days prior to the Midsummer s Dream and First Nations Day events, along with notice that the Guild will provide traffic barricades, upon request, to those residents who wish to protect the parking spaces in front of their homes.
- 7) The Guild will arrange for traffic and parking direction during the Midsummers Dream and First Nations Day events.

Ms. Barry recommended Condition 6 proposed by the applicant be amended to read *"The Guild will provide traffic barricades, upon request, to residents who wish to protect their driveway entrances. Barricades shall not be used to block on-street parking."* She also recommended the following language be added to Condition 7, *"The applicant shall submit a traffic control plan for review and approval by the Ashland Engineering Department prior to implementing any traffic control measures on City of Ashland public right-of-ways. All traffic control measures are subject to City of Ashland standards and must be according to the approved traffic control plan."* Ms. Barry noted the applicant has requested permanent approval, and if the Commission feels this is appropriate, they should strike Condition 9. Mr. Molnar clarified if they are granted permanent approval, and the applicant wished to add an event, that would be considered a modification to the CUP and it would have to come back before the Planning Commission.

Applicants Presentation

Jim Young/1102 Holton Rd, Talent/Chair of the Lithia Arts Guild/Commented on the work that was done following the public hearing to reach an agreement with the concerned neighbors. He commented on their relationship with the Methodist Church and clarified the church has not expressed any concerns with them starting at 11 a.m. on Sundays. Mr. Young noted the condition regulating decibel levels and explained these were determined after observing the levels at this year's Midsummers Dream event. He commented briefly on possible traffic control measures and gave an example of how fencing is used at the Saturday markets in Eugene. Mr. Young noted their request for permanent approval and stated they would prefer to not have to come back annually. He reminded the Commission of the Guild's relationships with the School Board and the Methodist Church, and recommended they not be required to draw up a formal parking agreement with the church.

Public Testimony

Bev Thurston/103 S. Laurel/Noted she lives directly across the street from the site and stated they have worked very hard to reach this agreement and find solutions that will work for the whole neighborhood. She noted they were able to gather decibel measurements at the recent Midsummers Dream event and explained the sound technician used a meter to gather this information. Ms. Thurston commented on the 60 day noticing requirement and stated this would provide neighbors adequate notice if they wished to go out of town. She stated a traffic control plan is a wonderful idea and voiced her support for granting permanent approval, so long as the applicant complies with the conditions.

Rebuttal by the Applicant

Jim Young/Stated they are willing to develop the traffic control plan recommended by staff, and thanked the Briscoe neighborhood for hosting these events.

Stromberg announced the public hearing and the record were now closed.

Deliberations and Decision

Commissioners Church/Dawkins m/s to approve PA 2008-00359, 265 North Main Street, with the staff recommended condition corrections. DISCUSSION: Dawkins suggested modifying Condition 10 to state if the church issues a complaint about the parking situation, this would trigger a violation of the CUP. Stromberg questioned to how to structure the condition to make this enforceable. Marsh noted there is letter of cooperation in the record from the church, and suggested the condition state "should the church rescind their letter of cooperation, it will trigger a review of the application" or something similar. Mindlin recommended they eliminate Condition 9 regarding periodic review of the CUP. Marsh suggested they strike Condition 13 and rewrite Condition 6 to read, *"The Guild will deliver a notice to each residence within the parking impact area, at least 30 days prior to the Midsummers Dream event and at least 30 days prior to the First Nations Day event..."* Morris asked if the Guild could distribute an annual events calendar to the neighborhood to satisfy this condition. Comment was made voicing support for the 60 day notification timeline brought forward by the applicant. The Commission briefly discussed the remainder of Condition 6 which addresses traffic barricades. Suggestion was made to amend this language to read, *"...the Guild will provide traffic barricades, upon request, to residents within 2 blocks of the site ..."* Dawkins questioned Condition 11 regarding the placement of temporary fencing. Staff clarified the Commission could eliminate the language addressing the placement of the fencing and rely on the traffic control plan listed in Condition 7. Ms. Barry summarized the changes recommended by the Commission and clarified the conditions would be amended as follows:

- 1) Condition 6 will read, *"The Guild will deliver a notice to each residence within the parking impact area, at least 30 days prior to the Midsummers Dream event and at least 30 days prior to the First Nations Day event, of the days and hours of such event, together with a notice that the Guild will provide traffic barricades, upon request, to residents within 2 block of the site who wish to protect their driveway entrances. Barricades shall not be used to block on-street parking."*
- 2) Condition 9 will be eliminated.
- 3) Condition 10 will read, *"If the Methodists Church revokes its agreement to cooperate with The Guild to share its parking area, the application will be subject to review."*
- 4) Condition 11 will read, *"If the temporary fencing proposed by the applicant as a pedestrian safety measure is used, it shall be installed not more than 24 hours prior to the event and be removed within 24 hours of the end of the event."*
- 5) Condition 13 will be eliminated.

Roll Call Vote: Commissioners Dawkins, Mindlin, Church, Miller, Morris, Dimitre, Stromberg and Marsh, all AYES. Motion passed 8-0.

OTHER BUSINESS

A. Update on Water Resources Ordinance: Field Trips and Responses to Issues.

Stromberg noted some of the commissioners attended the field trip organized by staff and stated the group visited several sites that would be impacted by the Water Resources Ordinance. He asked those that attended the field trip to share their thoughts and observations.

Dawkins commented that a building envelope as close 10 ft. could be problematic, and observed that the TID was responsible for the creeks at the Peachy Street and Tolman Creek properties they visited. He expressed concern with not allowing people to mechanically weed their property and voiced his appreciation to owners who have enhanced their creekside areas.

Mindlin noted that some of the improvements they observed would not be allowed under the proposed ordinance. She commented on the plants at the Helman and Paradise properties and noted these owners tried to work with native plants for a long time before switching to other plants.

Church stated he received conflicting data on whether native plants would work. He commented that a 10 ft. setback from the bank was too small and stated there are conflicting standards between what private parties can do compared to public agencies. He stated the public agencies will have to live by the same rules or no one will take this ordinance seriously.

Miller commented on the need to educate people on what the problem is and why the ordinance is necessary.

Council Liaison Hartzell arrived at 8:20 p.m.

Stromberg noted one of the property owner's suggestion to measure from the center of the stream, rather than top of bank. He questioned how this ordinance would be enforced and how to apply the regulations to everyone. He added the Commission will need to consider how this ordinance will affect properties such as the Water Street Inn and Lithia Park.

B. Sustainability Planning: Initial Steps

Stromberg noted Mindlin, Dawkins, Dimitre and himself have been talking about formulating an agenda item for the next Study Session. He recommended they start this process by establishing an inventory of what is going on with sustainability in the community. Marsh recommended they check with the League of Cities to see if they have some of this information. Stromberg requested the commissioners submit any ideas or information they have to him.

C. Update on Water Resources Ordinance: Field Trips and Responses to Issues. (Continued)

Comment was made questioning where the Commission was in this process and what the next steps are. Mr. Molnar stated the Water Resources Ordinance would likely come back to the Commission at the July Study Session. He noted the Commission has not had the opportunity to really discuss the proposed ordinance and stated staff would like the Commission to move into more formal deliberations.

ADJOURNMENT

Meeting adjourned at 8:40 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

**CITY OF
ASHLAND**
ASHLAND PLANNING COMMISSION
SPECIAL MEETING
MINUTES
July 22, 2008

CALL TO ORDER

Commission Chair John Stromberg called the meeting to order at 7:05 p.m. in the Civic Center Council Chambers, 1175 E Main Street.

Commissioners Present::

John Stromberg, Chair
Michael Dawkins
Mike Morris
Michael Church
Pam Marsh
Melanie Mindlin
Tom Dimitre
Dave Dotterrer

Staff Present:

Bill Molnar, Community Development Director
Maria Harris, Planning Manager
Richard Appicello, City Attorney
Angela Barry, Assistant Planner
April Lucas, Administrative Assistant

Absent Members:

Debbie Miller, excused

Council Liaison:

Cate Hartzell

APPROVAL OF AGENDA

Stromberg added Public Forum to the agenda and moved adoption of the Lithia Arts Guild findings to the top of the agenda.

ANNOUNCEMENTS

Community Development Director Bill Molnar announced a joint meeting between the City Council and the Planning Commission has been tentatively scheduled for August 27, 2008. The purpose of the meeting is to discuss the Croman Mill Redevelopment Plan, review the options, and identify a preferred alternative.

PUBLIC FORUM

No one came forward to speak.

UNFINISHED BUSINESS

1. Adoption of Findings – PA 2008-00359, Lithia Arts Guild.

No ex parte contact was reported by any of the commissioners. Mr. Molnar noted revised Findings had been passed out to the Commission and noted the correction to Condition #10.

Commissioners Marsh/Dawkins m/s to approve the Findings as presented. Roll Call Vote: Commissioners Church, Dawkins, Mindlin, Dimitre, Morris, Stromberg and Marsh, YES. Commissioner Dotterrer abstained. Motion passed 7-0.

PUBLIC HEARINGS

1. Water Resources Protection Zones Ordinance.

Stromberg commented on the best way to proceed with this item and recommended they take public comment and keep the public hearing open until the end of their discussions in case they want to ask questions. Support was voiced by the Commission for this process.

Terrence Stenson/172 Alida/Commented on the early civilization that occupied this valley and explained how the stream beds were altered. Mr. Stenson noted the materials he had previously submitted to the Commission and requested they include language in the ordinance that addresses the preservation and protection of the water tables.

Staff Presentation

Senior Planner Maria Harris provided a presentation on the draft ordinance. She reviewed the public hearings the Planning Commission has had to date, and provided a timeline and project schedule.

Stromberg noted the email submitted by Royce Duncan and summarized his comments. Stromberg clarified this correspondence would be included in the record.

Ms. Harris continued her presentation and reviewed why this ordinance is necessary. She noted the Ashland Comprehensive Plan goals, as well as the City Council goals. Harris provided an explanation of State Planning Goal 5 and clarified the City is required to identify significant wetland and riparian corridors and adopt provisions protecting these lands. Comment was made questioning the level of requirement imposed by the State. Harris commented on the safe harbor approach and clarified the City would need to create findings and make their argument to the State if they deviate from the prescribed path.

Hartzell commented briefly on tree canopies and how shade could assist in meeting the DEQ water temperature requirements.

Ms. Harris continued with her presentation and provided explanations of the following key issues:

- 1) Local native plant species requirement.
 - Allow 15% to be planted in non-native vegetation.
 - Allow outdoor use area of up to 150 sq. ft.
- 2) Landscape maintenance in water resource protection zones.
 - Exempt removing non-native, noxious and invasive vegetation with hand-held equipment.
 - Prohibit removing native vegetation, trees greater than 6" dbh or soil disturbance.
 - Define hand-held equipment (100 lbs or less).
- 3) Nonconforming structures and activities.
 - Exempt replacement of primary structures destroyed by fire or natural hazard.
 - Planning approval required to replace non-exempt structures.
 - Primary structure definition.
- 4) Nonconforming driveways and building envelopes.
 - Exempt construction of new driveways if approved prior to the ordinance.
 - Exempt construction of new structures on vacant lots in building envelopes if approved prior to ordinance.
- 5) Top of bank definition.
 - Amend definition to make more measurable.

Ms. Harris noted the staff recommendation listed in the packet materials and requested the Commission move into deliberations and provide specific feedback on what their issues and concerns are. She clarified staff is scheduled to provide an update to Council in August and they need to know if they are on the right track.

Top of Bank Definition

Harris clarified this language was pulled from Portland's ordinance and asked if the Commission was comfortable with this definition. Mindlin noted Rick Landt's recommendation to measure top of bank from the center of the stream. Comment was made suggesting they compromise and keep the proposed method for fish bearing streams, but consider using the center line measurement for intermittent and local streams. Several commissioners voiced support for having separate measurements for small and large streams. Stromberg voiced concern with making the ordinance too complex and questioned if they should hear from a knowledgeable scientist on the possible risks before going with separate measurements. Dimitre agreed and stated he would like more information from a specialist to help them get a handle on this issue.

Outdoor Use Area

Marsh questioned the 150 sq. ft. figure and asked if they should consider using a percentage instead. Staff confirmed that a percentage could be used, but cautioned this could allow for some significant sized areas on larger lots. Several comments were made voicing support for the 150 sq. ft. limitation.

Local Native Plant Species

Hartzell commented that streams transfer seeds and roots into other areas and stated this is where the non-native plant requirement stems from. Dotterrer expressed concern with the 15% figure and felt this was too small. He voiced support for allowing some non-native species and questioned if this would have an impact on the water quality. Church clarified these

requirements would only apply to something new or if the owner needed to replace it. Stromberg stated he would like a scientist to verify that using all native plants achieves something. Dawkins commented that different scientists will give different opinions and feels they are making this more complex than it needs to be. He recommended they use a list of locally identified plants (both native and non-native) that are compatible with what they are trying to achieve. He added that he is also in favor of allowing food production within the protection zone. Mindlin agreed with Dawkins and voiced support for a list of plants, but questioned who would put the list together. She agreed that food production should be permitted, but questioned how they would address the fencing requirement. Dotterrer questioned how staff would measure the 15% limitation and felt using a percentage might make this too complicated. Dimitre commented that the ordinance needs to be enforceable and agreed that the 15% figure would be difficult to measure and hard to enforce. He stated he is not in favor of non-native species in the protection zone, but is open to hearing more from someone who is knowledgeable on this subject. Hartzell commented that native plants attract native species and feels this needs to be maintained. She added if they allow gardens there is a possibility people will clear the space to allow for more sunlight, rather than maintaining the shade. Morris voiced his opposition to allowing gardens and agreed that native plants were preferred. He also voiced concern with making the ordinance too complicated and stated it has to be clear and enforceable.

Stromberg requested the commissioners share their final thoughts on this issue. Dimitre voiced opposition to non-native species within the protection zone and felt the 15% figure was unenforceable. Dotterrer stated he does not have any issues with allowing both native and non-native species and felt property owners should be allowed to landscape to a certain extent. He added he does not think gardens are a good idea in the riparian zone. Church stated he does not think they should allow a mix of native and non-native plants and felt they should get these areas back to a natural state. Dawkins restated his support for a list of allowable native and non-native species. Mindlin stated she is not in favor of the all native approach and would like to see a list of suitable plants. Marsh noted the staff report provides a convincing argument for requiring all native plants, but stated she is supportive of vegetable gardens.

Commissioners Dotterrer/Church m/s to extend meeting to 10:00 p.m. Voice Vote: all AYES. Motion passed.

Landscape Maintenance

Stromberg voiced support for the proposed parameters regarding landscape maintenance. Church commented on a situation where equipment had to be brought in to remove a large amount of blackberries. Staff clarified the proposed ordinance would not prohibit this type of removal, but it would trigger a review. The commission voiced general consensus for the proposed landscape maintenance requirements.

Nonconforming Structures

Comment was made questioning how this would affect the Plaza businesses. Staff clarified these areas could be rebuilt, but the ordinance would trigger a review before this is allowed. It was questioned if the ordinance could distinguish between commercial and residential. Morris commented if they wanted to take this approach, they would have to break it out by zone. Staff clarified the ordinance states the primary structure can be rebuilt, what would require planning approval are other structures, such as decks. City Attorney Richard Appicello commented that for commercial businesses there are other things that are required, such as parking areas, and suggested they include language that allows for the replacement of all structures that are essential for the continuation of the business. Comment was made questioning how this provision would affect Lithia Park. Mr. Molnar explained if Lithia Park were damaged by a flood, the Parks Department would be required to obtain a city permit to replace any structures. He clarified bridges are allowed to be constructed; however they are required to withstand a 100-year flood. Dimitre commented that they should require structures to be built outside the riparian zone if this is available. Church agreed and stated they should make it possible to remove the nonconformities over time. Dawkins stated he is not in favor of replacing nonconforming structures and made a distinction between structures and houses. Morris expressed concern with how this would affect the Water Street Inn. Marsh voiced support for staff's recommendation and felt it was a good compromise. She noted it would only be a Type I permit process to replace the nonconforming structures. Stromberg expressed concern with how this provision might affect the downtown businesses and stated there is a difference between placing a burden on a residential owner and placing a burden on a business that is part of the City's economic process. Church questioned if it would be possible to make the downtown zone exempt. Mindlin stated if there is room to move the structure out of the protected area it should be moved, but if not, people should be allowed to have the same amount of use as before.

Nonconforming Driveways & Building Envelopes

Morris commented on the Bud's Dairy project and questioned how this would be affected by the ordinance. It was clarified this site is located within the protection zone and the affordable housing has not been built yet. City Attorney Richard Appicello suggested they include language that establishes a "drop dead date."

Commissioners Dawkins/Mindlin m/s to extend to 10:30 p.m. Voice Vote: all AYES.

Dimitre voiced support for a time limit as suggested by Mr. Appicello. Mr. Molnar commented on the Bud's Dairy issue and clarified this is a unique situation and staff would have to look into how this ordinance would affect that project and the conditions of the planning approval. Several comments were made voicing support for including a timeline in this provision. Ms. Harris stated staff would need direction on how much time they would want to specify. She clarified there is a very limited set of properties that would be affected by a time limit. Dawkins voiced hesitation over whether this was necessary. Stromberg recommended they not make a decision at this time and come back to it.

Stromberg recommended the commissioners submit any additional comments or concerns they may have.

Stromberg announced the hearing would be continued to September 9, 2008. No objection was voiced by the commission.

OTHER BUSINESS

1. Factoring Sustainability into the Comprehensive Plan.

Stromberg commented on whether the Planning Commission should begin a process to incorporate sustainability into the planning process. He suggested they take an inventory of what is currently being done in the community and then bring a proposal before the Council for their approval. He stated they would need to incorporate all those who have some ownership of this issue and would need to make this a joint process.

Stromberg asked the commissioners whether they should proceed with this task. Dotterer expressed concern with how this project would affect staff and stated he does not think staff has enough time to work on this. Morris questioned how they would merge sustainability into the Comprehensive Plan and questioned if it was appropriate for the Commission to be undertaking this action. Marsh voiced support for getting the conversation started, but questioned if it was appropriate for the Planning Commission to take ownership of this action. Dawkins voiced his support for this item and stated it was appropriate for the Commission to do this. Hartzell voiced her support for the Commission moving forward. She stated the Council has expressed consistent interest in this topic and felt there were a lot of things the Commission could do with this issue.

Commission reached a general consensus to take this proposal before the Council.

ADJOURNMENT

Meeting adjourned at 10:30 p.m.

*Respectfully submitted,
April Lucas, Administrative Assistant*

Planning Commission Communication

TO: Planning Commission
Title: Amendments to the Annexation and Zone Change ordinances
Date: August 13, 2008
Submitted By: Brandon Goldman, Senior Planner

The Housing and Planning Commissions have worked on revising Ashland's current annexation policies specifically as they relate to promoting the development of affordable workforce housing to the point where draft ordinance changes are now being presented for consideration.

Revisions to the existing ordinances have been proposed to ensure the provision of affordable housing is both timely and equitable. These issues are as follows:

- Percentage of affordability
- Land Dedication
- Construction Timing
- Distribution of Affordable Housing
- Construction Standards

It is important to note that the purpose behind amending the annexation ordinance at this time has been limited to addressing the provisions specifically relating to affordable housing to better reflect policy objectives for affordable and workforce housing.

Background

Under Goal 10 of Oregon's Statewide Planning Goals & Guidelines (OAR 660-015-0000(10)) jurisdictions are charged to encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. The City of Ashland Comprehensive Plan, including the Housing Element, establishes the goal of ensuring that a variety of dwelling types housing opportunities are available for the total cross-section of Ashland's population, consistent with preserving the character and appearance of the City.

The application of specific residential zoning in large part functions to address the variety of dwelling types, However, as recent market conditions have demonstrated, the zoning standards alone do not effectively provide housing opportunities to the total cross section of the City residents. Specifically low-income rental households, and owner occupant opportunities for those households earning less than 120% the Area Median Income have not been provided by the open market.



The need for a variety of housing types that are financially attainable by various income levels is further substantiated in the Housing Needs Analysis completed in 2002. Specifically this analysis provided an estimate of housing affordability and dwelling unit gap (Table B12) which indicated that for virtually all income levels for households earning less than 120% the Area Median there was at that time a deficit of housing units that were affordable. Given market conditions since 2002, where housing prices have increased considerably and yet incomes have remained relatively flat, this unit gap deficit has been further exacerbated. Through the implementation of the affordable housing provision of the annexation ordinance the City can exercise a means of addressing the provision of needed housing types at price ranges and rent levels that are commensurate with the financial capabilities of Ashland residents.

The State of Oregon presently has a prohibition on “inclusionary zoning” which prohibits a city, county or metropolitan service district from imposing requirements that establish sales prices for housing or limits availability of housing unit or residential lot or parcel to class or group of purchasers. However, establishing affordability targets for applicants exercising the voluntary act of requesting an annexation or a zone change is not the same as imposing such requirements on land developed according to its present zone. Annexations and zone changes are also distinguished as legislative acts, as opposed to land use regulations. Receiving a zone change or annexation approval that allows for considerably more residential density than would be permitted at the present zone, or county designation, imparts considerable value to a property. In consideration of this substantial increase in density Ashland has previously implemented such affordability targets as minimum standards for annexations and zone changes.

With the adoption of modifications to the Annexation Ordinance in 1997 (Ordinance 2792) the City of Ashland established that in order to protect the health, safety and welfare of existing and future residents of Ashland who are adversely impacted by the lack of housing available to all income types, that it was necessary to establish approval standards for annexations that included a percentage of affordable housing be provided in new developments annexed into the City. This ordinance was further amended in 2002 to allow for a mix of affordability levels ranging from 80%AMI to 120%AMI.

The amendments in the proposed ordinance at this time aim to further refine the requirements in keeping with the primary goal to provide a variety of dwelling types housing opportunities are available for the total cross-section of Ashland’s population.

Prior Planning Commission Review

The Planning Commission reviewed the draft ordinance at a study session on June 24th (minutes attached) and discussed specific provisions they would like to see included or eliminated from the final draft.

These items included:

- Removing the originally proposed section on Cash-in Lieu fees
- Ensure affordable units are provided in a proportionate housing type mix to the market rate units.
- Ensure affordable housing units are developed with comparable building materials and amenities to the market rate units.



The draft ordinance currently presented includes newly proposed language to address the above items. Specifically section 18.106.030G3(b) has been added to include a requirement that affordable units shall be comprised of the different unit types (Single family detached, townhomes, apartments, etc) in the same proportion as the market rate dwelling units in the development.

Concern that has been raised regarding building materials used in constructing the affordable units is now addressed in section 18.106.030G6 within the proposed ordinance. Distinguishing between external and internal building materials and comparable features these newly added sections aim to ensure that the affordable units are visually compatible with the market rate units utilizing external finishes that are substantially the same as those used upon market rate units within the development. Further the amended ordinance would require that affordable units could use different materials internally provided they are comparable to those used in market rate units within the development. Specifically the proposed language includes a provision requiring comparability in terms of energy efficiency.

Housing Commission Review

The Housing Commission reviewed the initial draft ordinance on July 24th and has forwarded a recommendation to the Planning Commission and City Council in support of the ordinance with specific proposed changes as described below. The Housing Commission was favorable to the elimination of the Cash-in-Lieu provision with the understanding that in the event the City ever establishes such a program in the future, the annexation ordinance could be amended at that time to incorporate such a section.

The Housing Commission expressed that the newly proposed approval standard requiring a commensurate mix of housing types was a positive modification to the proposed ordinance. In discussing the provision regarding comparable building materials the Housing Commission expressed that the exterior of the affordable units should use the same finishes and quality of materials as is provided on the market rate units. However, in discussing the interior surfaces, floors, counters, appliances, it was expressed that provided that such materials afford comparable utility, they need not be the same as those installed within market rate units. Therefore the proposed ordinance under section 18.106.030G6a-b addresses this distinction.

In discussing the proposed approval standard establishing an “equivalency value” for affordable housing units (18.106.030G1) the Housing Commission was supportive of this means of providing greater flexibility in the mix of income levels targeted by a development. However, regarding subsection “c” as it relates to rental housing, the Housing Commission believes that rental units targeted at the 80% median income should not be considered as meeting the required affordable housing approval standard. Therefore the Housing Commission recommends that this subsection be amended to eliminate the rental option as follows:

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



The Housing Commission has expressed a desire to see this proposed ordinance be approved with their proposed change, to better provide for various levels of housing affordability necessary to maintain a balanced community, and ensure an adequate supply of housing for residents and working people of all income levels.

Full copies of the proposed Zone Change and Annexation Ordinances are attached



DRAFT CHANGES TO THE ANNEXATION ORDINANCE

8-12-08

Additions are indicated in **Bold and Underlined**, deletions in ~~strikeout type~~.

CHAPTER 18.106

- 18.106.010 Procedure.**
- 18.106.020 Application.**
- 18.106.025 Initiation by Council.**
- 18.106.030 Approval Standards.**
- 18.106.040 Boundaries.**
- 18.106.050 Statutory procedure.**

SECTION 18.106.010 Procedure.

All annexations shall be processed under the Type III procedure. (ORD 2791, 1997)

SECTION 18.106.020 Application.

Except for annexations initiated by the council or commission pursuant to section 18.106.025, application for annexation shall include the following information:

- A. Consent to annexation which is non-revok~~able~~^{able} for a period of one year from its date.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared in accordance with ORS 308.225. Such description and map shall be prepared by a registered land surveyor. The boundaries shall be surveyed and monumented as required by statute subsequent to Council approval of the proposed annexation.
- D. Written findings addressing the criteria in 18.106.030.
- E. Written request by the property owner for a zone change. Provided, however, no written request shall be necessary if the annexation has been approved by a majority vote in an election meeting the requirements of Section 11g of Article XI of the Oregon Constitution (Ballot Measure No. 47). (ORD 2792, 1997)

SECTION 18.106.025 Initiation by Council.

A proposal for annexation may be initiated by the council or commission on its own motion. The approval standards in section 18.106.030 shall apply. Provided, however, that in the case of annexation pursuant to section 18.106.030.4 (current or probable public health hazard due to lack of full City sanitary sewer or water services) or section 18.106.030.6 (the lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits), the approval standards in section 18.106.030.E, F and G shall not apply. (ORD 2792, 1997)

SECTION 18.106.030 Approval Standards.

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.

- B. The proposed zoning for the annexed area is in conformance with the designation indicated on the Comprehensive Plan Map, and the project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City limits.
- D. Adequate City facilities for the provision of water to the site as determined by the Public Works Department; the transport of sewage from the site to the waste water treatment plant as determined by the Public Works Department; the provision of electricity to the site as determined by the Electric Department; urban storm drainage as determined by the Public Works Department can and will be provided to and through the subject property. Unless the City has declared a moratorium based upon a shortage of water, sewer, or electricity, it is recognized that adequate capacity exists system-wide for these facilities.
- E. Adequate transportation can and will be provided to and through the subject property. For the purposes of this section "adequate transportation" for annexations consists of vehicular, bicycle, pedestrian and transit transportation meeting the following standards:
 - 1. For vehicular transportation a 20' wide paved access exists, or can and will be constructed, along the full frontage of the project site to the nearest fully improved collector or arterial street. All streets adjacent to the annexed area shall be improved, at a minimum, to a half-street standard with a minimum 20' driving surface. The City may, after assessing the impact of the development, require the full improvement of streets adjacent to the annexed area. All streets located within annexed areas shall be fully improved to city standards. Where future street dedications are indicated on the City's Street Dedication Map or required by the City, provisions shall be made for the dedication and improvement of these streets and included with the application for annexation.
 - 2. For bicycle transportation safe and accessible bicycle facilities exist, or can and will be constructed. Should the annexation be adjacent to an arterial street, bike lanes shall be provided on or adjacent to the arterial street. Likely bicycle destinations from the project site shall be determined and safe and accessible bicycle facilities serving those destinations shall be indicated.
 - 3. For pedestrian transportation safe and accessible pedestrian facilities exist, or can and will be constructed. Full sidewalk improvements shall be provided on one side adjacent to the annexation for all streets adjacent to the proposed annexed area. Sidewalks shall be provided as required by ordinance on all streets within the annexed area. Where the project site is within a quarter of a mile of an existing sidewalk system, the sidewalks from the project site shall be constructed to extend and connect to the existing system. Likely pedestrian destinations from the project site shall be determined and the safe and accessible pedestrian facilities serving those destinations shall be indicated.
 - 4. For transit transportation, should transit service be available to the site, or be likely to be extended to the site in the future based on information from the local public transit provider, provisions shall be made for the construction of adequate transit facilities, such as bus shelters and bus turn-out lanes. All required transportation improvements shall be constructed and installed prior to the issuance of a certificate of occupancy for any new structures on the annexed property.



F. For all residential annexations, a plan shall be provided demonstrating that the development of the entire property will ultimately occur at a minimum density of 90% of the base density for the zone, unless reductions in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar physical constraints. The owner or owners of the property shall sign an agreement, to be recorded with the county clerk after approval of the annexation, ensuring that future development will occur in accord with the minimum density indicated in the development plan. For purposes of computing maximum density, portions of the annexed area containing undevelopable areas such as wetlands, floodplain corridor lands, or slopes greater than 35%, shall not be included.

G. For all annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay):

- ~~1. 35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or~~
- ~~2. 25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or~~
- ~~3. 20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or~~
- ~~4. 15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or~~
- ~~5. Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.~~

1) The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25% of the base density as calculated using the unit equivalency values set forth herein:

- a. Ownership units restricted to households earning at or below 120% the area median income shall have an equivalency value of 0.75 unit**
- b. Ownership units restricted to households earning at or below 100% the area median income shall have an equivalency value of 1.0 unit.**
- c. Ownership or rental units restricted to households earning at or below 80% the area median income shall have an equivalency value of 1.25 unit.**
- d. Ownership or rental units restricted to households earning at or below 60% the area median income shall have an equivalency value of 1.5 unit, or;**

2) As alternative to providing affordable units per section 18.106.030(G)(1) the applicant may provide Title to a sufficient amount of buildable land for development through transfer to a non-profit (IRC 501(3)(c)) affordable housing developer or public corporation created under ORS 456.055 to 456.235 for the purpose of complying with subsection 18.106.030(G)(1)(b).



- a. The land to be transferred shall be located within the project meeting the standards set forth in 18.106.030(G)4, 18.106.030(G)5 and 18.106.030(G)6
 - b. All needed public facilities shall be extended to the area or areas proposed for transfer.
 - c. Prior to commencement of the project, Title to the land shall be transferred to the City, an affordable housing developer which must either be a unit of government, a non –profit 501(C)(3) organization, or public corporation created under ORS 456.055 to 456.235,
 - d. The land to be transferred shall be deed restricted to comply with Ashland’s affordable housing program requirements.
- 3) The affordable units shall be comparable in bedroom mix and housing type with the market rate units in the development.
- a. The number of bedrooms per dwelling unit in the affordable Units within the residential development shall be in equal proportion to the number of bedrooms per dwelling unit in the market-rate units within the residential development. This provision is not intended to require the same floor area in affordable units as compared to market-rate Units. The minimum square footage of each affordable unit shall comply with the minimum required floor based as set forth in Table 1.

Table 1

<u>Unit Type</u>	<u>Minimum Required Unit Floor Area (Square Feet)</u>
<u>Studio</u>	<u>350</u>
<u>1 Bedroom</u>	<u>500</u>
<u>2 Bedroom</u>	<u>800</u>
<u>3 Bedroom</u>	<u>1,000</u>
<u>4 Bedroom</u>	<u>1,250</u>

- b. The required on-site affordable units shall be comprised of the different unit types in the same proportion as the market dwelling units within the development.
- 4) A development schedule shall be provided that demonstrates that that the Affordable Housing Units per 18.106.030(G) shall be developed, and made available for occupancy, as follows:
- a. That 50% of the affordable units shall have been issued building permits prior to issuance of a certificate of occupancy for the last of the first 50% of the market rate units.
 - b. Prior to issuance of a building permit for the final 10% of the market rate units, the final 50% of the affordable units shall have been issued certificates of occupancy.
- 5) That affordable housing units shall be distributed throughout the project



6) That affordable housing units shall be constructed using comparable building materials and include equivalent amenities as the market rate units.

a. The exterior appearance of the affordable units in any residential development shall be visually compatible with the market-rate units in the development. External building materials and finishes shall be substantially the same in type and quality for affordable units as for market-rate units

b. Affordable units may differ from market-rate units with regard to interior finishes and materials provided that the affordable housing units are provided with comparable features to the market rate units, and shall have generally comparable improvements related to energy efficiency, including plumbing, insulation, windows, appliances, and heating and cooling systems.

H. Exceptions to the requirements of 18.106.030.G(2), 18.106.030.G(3), 18.106.030.G(4), and/or 18.106.030G(5) may be approved by the City Council upon consideration of one or more of the following:

1) That an alternative land dedication as proposed would accomplish additional benefits for the City, consistent with the purposes of this chapter, than would development meeting the on-site dedication requirement of 18.106.030(G)2, or;

2) That an alternative mix of housing types not meeting the requirements of 18.106.030.G(3)(b) would accomplish additional benefits to the City consistent with this chapter, than would the development providing a proportional mix of unit types.

3) That the alternative phasing proposal not meeting 18.106.030.G(4) provided by the applicant provides adequate assurance that the affordable housing units will be provided in a timely fashion, or;

4) That the distribution of affordable units within the development not meeting 18.106.030.G(5) is necessary for development of an affordable housing project that provides onsite staff with supportive services or;

5) That the distribution of affordable units within the development as proposed would accomplish additional benefits for the city, consistent with the purposes of this chapter, than would development meeting the distribution requirement of 18.106.030.G(5), or;

6) That the materials and amenities applied to the affordable units within the development, that are not equivalent to the market rate units per 18.106.030.G(6), are necessary due to local, State, or Federal Affordable Housing standards or financing limitations;

The total number of affordable units described in this section G shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years. Properties providing affordable units as part of the annexation process shall qualify for a maximum density bonus of 25 percent.



H I. One or more of the following standards are met:

1. The proposed area for annexation is to be residentially zoned, and there is less than a five-year supply of vacant and redevelopable land in the proposed land use classification within the current city limits. "Redevelopable land" means land zoned for residential use on which development has already occurred but on which, due to present or expected market forces, there exists the likelihood that existing development will be converted to more intensive residential uses during the planning period. The five-year supply shall be determined from vacant and redevelopable land inventories and by the methodology for land need projections from the Housing Element of the Comprehensive Plan; or
2. The proposed lot or lots will be zoned E-1 or C-1 under the Comprehensive Plan, and that the applicant will obtain Site Review approval for an outright permitted use, or special permitted use concurrent with the annexation request; or
3. A current or probable public health hazard exists due to lack of full City sanitary sewer or water services; or
4. Existing development in the proposed annexation has inadequate water or sanitary sewer service; or the service will become inadequate within one year; or
5. The area proposed for annexation has existing City of Ashland water or sanitary sewer service extended, connected, and in use, and a signed "consent to annexation" agreement has been filed and accepted by the City of Ashland; or
6. The lot or lots proposed for annexation are an "island" completely surrounded by lands within the city limits. (ORD 2792, 1997)

(Ord 2895, Amended, 04/15/2003)

SECTION 18.106.040 Boundaries.

When an annexation is initiated by a private individual, the Staff Advisor may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Ashland. The Staff Advisor, in a report to the Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Planning Commission and Council to make annexations extending the City's boundaries more logical and orderly. (ORD 2792, 1997)

SECTION 18.106.050 Statutory procedure.

The applicant for the annexation shall also declare which procedure under ORS Chapter 222 the applicant proposes that the Council use, and supply evidence that the approval through this procedure is likely. (ORD 2792, 1997)



**DRAFT CHANGES TO THE PROCEDURES SECTION OF THE LAND USE CODE
RELATING TO ZONE CHANGES**

Additions are indicated in **bold red type**, deletions in ~~strikeout type~~.

**CHAPTER 18.108
PROCEDURES**

SECTIONs:

- 18.108.010 Purpose.**
- 18.108.015 Pre-Application Conference.**
- 18.108.017 Applications.**
- 18.108.020 Types of Procedures.**
- 18.108.022 Ministerial Action Time Limits.**
- 18.108.030 Staff Permit Procedure.**
- 18.108.040 Type I Procedure.**
- 18.108.050 Type II Procedure.**
- 18.108.060 Type III Procedures.**
- 18.108.070 Effective Date of Decision and Appeals.**
- 18.108.080 Public Notice.**
- 18.108.100 Public Hearings Procedure.**
- 18.108.110 Appeal to Council.**
- 18.108.140 Fees.**
- 18.108.150 Council or Commission May Initiate Procedures.**
- 18.108.160 Ordinance Interpretations.**
- 18.108.170 Legislative amendments.**
- 18.108.180 Resubmittal of Applications.**

SECTION 18.108.010 Purpose.

The purpose of this chapter is to establish procedures to initiate and make final decisions regarding planning actions.

Sections 18.108.070-18.108.180 not included as no changes are proposed to those sections, and they do not relate to the changes proposed in 18.108.060

SECTION 18.108.060 Type III Procedures.

A. The following planning actions shall be subject to the Type III Procedure:

1. Zone Changes or Amendments to the Zoning Map or other official maps, except for legislative amendments.
2. Comprehensive Plan Map Changes or changes to other official maps, except for legislative amendments.
3. Annexations.
4. Urban Growth Boundary Amendments

B. Standards for Type III Planning Actions.

1. Zone changes, zoning map amendments and comprehensive plan map changes subject to the Type III procedure as described in subsection A of this section may be approved if in compliance with the comprehensive plan and the application demonstrates that:

- a. The change implements a public need, other than the provision of affordable housing, supported by the Comprehensive Plan; or
- b. A substantial change in circumstances has occurred since the existing zoning or Plan designation was proposed, necessitating the need to adjust to the changed circumstances; or
- c. Circumstances relating to the general public welfare exist that require such an action; or
- d. Proposed increases in residential zoning density resulting from a change from one zoning district to another zoning district, will provide **25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G)** ~~one of the following:~~
 1. ~~35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or~~
 2. ~~25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or~~
 3. ~~20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or~~
 4. ~~15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or~~
 5. ~~Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for transfer. Ownership of the land shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project; or~~
- e. Increases in residential zoning density of four units or greater on commercial, employment or industrial zoned lands (i.e. Residential Overlay), will not negatively impact the City of Ashland's commercial and industrial land supply as required in the Comprehensive Plan, and will provide **25% of the proposed base density as affordable housing consistent with the approval standards set forth in 18.106.030(G)** ~~one of the following:~~
 1. ~~35% of the base density to qualifying buyers or renters with incomes at or below 120% of median income; or~~
 2. ~~25% of the base density to qualifying buyers or renters with incomes at or below 100% of median income; or~~
 3. ~~20% of the base density to qualifying buyers or renters with incomes at or below 80% of median income; or~~
 4. ~~15% of the base density to qualifying buyers or renters with incomes at or below 60% of median income; or~~
 5. ~~Title to a sufficient amount of buildable land for development is transferred to a non-profit (IRC 501(3)(c)) affordable housing developer or comparable Development Corporation for the purpose of complying with subsection 2 above. The land shall be located within the project and all needed public facilities shall be extended to the area or areas proposed for dedication. Ownership of the land and/or air space shall be transferred to the affordable housing developer or Development Corporation prior to commencement of the project.~~

The total number of affordable units described in sections D or E shall be determined by rounding down fractional answers to the nearest whole unit. A deed restriction, or similar legal instrument, shall be used to guarantee compliance with affordable criteria for a period of not less than 60 years.

Sections D and E do not apply to council initiated actions.

C. Type III Procedure.

1. Applications subject to the Type III Procedure shall be process as follows:
 - a. Complete applications shall be heard at the first regularly scheduled Commission meeting which is held at least 45 days after the submission of the application.
 - b. Notice of the hearing shall be mailed as provided in section 18.108.080.
 - c. A public hearing shall be held before the Commission as provided in 18.108.100.
2. For planning actions described in section 18.108.060.A. 1 and 2, the Commission shall have the authority to take such action as is necessary to make the amendments to maps and zones as a result of the decision without further action from the Council unless the decision is appealed. The decision of the Commission may be appealed to the Council as provided in section 18.108.110.
3. For planning actions described in section 18.108.060.A. 3 and 2, the Commission shall make a report of its findings and recommendations on the proposed action. Such report shall be forwarded to the City Council within 45 days of the public hearing.
 - a. Upon receipt of the report, or within 60 days of the Commission hearing, the Council shall hold a public hearing as provided in 18.108.100. Public notice of such hearing shall be sent as provided in section 18.108.080.
 - b. The Council may approve, approve with conditions, or deny the application.

(Ord 2895, Amended, 04/15/2003)
, 1990; Ord. 2775, 1996)

Sections 18.108.070-18.108.180 not included as no changes are proposed to those sections, and they do not relate to the changes proposed in 18.108.060

Excerpts from recent Housing and Planning Commission Meeting minutes relating to the proposed Annexation and Zone Change Ordinance changes.

ASHLAND PLANNING COMMISSION SPECIAL MEETING MINUTES

June 24, 2008

Ashland Land Use Ordinance – Annexation and Zone Change Amendments

Senior Planner Brandon Goldman introduced Housing Commissioners Regina Ayers and Aaron Benjamin and invited them to join the Planning Commission in this discussion.

Mr. Goldman presented the staff report and stated the purpose of the proposed annexation and zone change amendments are to address the issues related to affordable housing. He provided the following timeline for this process: 1) legal review of the proposed ordinance will occur in June, 2) the Housing Commission will review the ordinance in July, 3) in August, the Planning Commission will review the ordinance and it will go before the City Council during their Study Session, 4) the Council will conduct first reading in September, and 5) the ordinance should be adopted by October.

Mr. Goldman noted this is the first time the Commission has seen the changes in code format and stated it would be beneficial if the Commission could provide input on the following areas: 1) the cash in lieu of fees provision, 2) the equivalency value concept, and 3) the construction standards and comparable unit size.

Cash in Lieu of Fees

Mr. Goldman provided a brief overview and stated staff has some concerns and would like direction from the Commission. Dawkins stated he is familiar with this concept and shared his concerns with this type of provision. Mr. Goldman clarified the ad hoc committee agreed to drop this language, but staff needs to know if the entire Commission feels the same. The majority of the group recommended eliminating this language.

Equivalency Value

Mr. Goldman provided a brief overview and stated the primary question is whether affordable rental housing units targeted to households earning 80% the area median income should qualify as meeting the standard. Council Liaison Cate Hartzell shared a recent conversation she had with the regional HUD director, who felt that as a result of the current housing market, there will be increased pressure on rentals. Comment was made that if this provision encourages rentals, they should include it. Alternate comment was made that Ashland is lacking diversity in ownership units and affordable ownership units would be more beneficial than near market rate rentals. Stromberg conducted a straw vote and the majority of the Commission favored this provision.

Comparable Unit Size

Mr. Goldman explained the minimum one-bedroom unit size set by the State is 600 sq. ft.; however, the City's ordinance allows for a reduced density calculation for units that are 500 sq. ft. or less as well as a reduced parking requirement for units 500 sq. ft. or less. As such, staff believes that changing the one-bedroom minimum unit floor area from 600 sq. ft. to 500 sq. ft. has merit and should be considered for inclusion in the final ordinance. Mr. Goldman clarified if a developer submitted an application for units 500 sq. ft. in size, they would be ineligible for state funding. Several comments were made voicing support for retaining the 500 minimum sq. ft. size for one-bedroom units.

Comment was made questioning how to ensure the mix of units that are built as affordable echo the market rate housing. Suggestion was made for comparability between affordable and market rate exterior and interior amenities.

ASHLAND HOUSING COMMISSION MINUTES

April 24, 2008

"The proposed changes are also intended to establish a means of insuring the units are being built in a timely manner, that the units are commensurate with the full development in terms of unit size, distribution of the affordable housing units, target percentages of affordability, and identify the potential for cash in-lieu fees and land dedication.

Commissioners discussed the proposed changes in order to make recommendations to the Ad Hoc Committee to look at incorporating these changes.

Regarding construction standards: Voisin/ Billin m/s that the Commission recommend the minimum unit size be 375 square feet. The motion passed unanimously.

Regarding percentage of affordability: Hardesty/Billin m/s that the Housing Commission revise the requirements in the *Percentage of Affordability* section such that in item 'c' the words **or rental** would be deleted and in item 'd' the number 80% be changed to **60%** and that they make these recommendations on the part of the Commission to the Ad Hoc committee. The motion passed unanimously."

ASHLAND HOUSING COMMISSION MINUTES

February 28, 2008

"In 2006 the Housing Commission looked at the ordinance to see what was working with it and what wasn't. Goldman reviewed the Commission Communication dated March 27, 2007. The Housing Commission in March of 2007 had recommended in favor of these ordinance changes going forward. Given the lapse of time Bill Molnar felt that instead of taking a draft ordinance to the Planning Commission they should have an Ad Hoc meeting structure where some Housing Commissioners and Planning Commissioners get together in April and go over what was being presented. Then they would come back to the Housing Meeting at the April 24th meeting with draft language that has already had legal review. With the Commissions recommendations they would either modify the ordinance or send out a notice to the affected parties in advance of having the draft ordinance sent to a Planning Commission study session in June. It would then go to a hearing before the Housing Commission in July and to the Planning Commission and City Council in August for first reading of it in September. Assuming that the City Council at first reading wanted to go forward with the ordinance the second reading would be in October and 30 days after that it would be approved as the new law of the land. All future annexations after that would be subject to it.

Goldman explained that Measure 49 was a response to Measure 37 and explained how it could affect the City and Housing densities.

After discussing these previously identified changes to the Annexation and Zone Change Ordinances, and specifically the matrix describing affordable housing mixes, Hardesty made the following motion "We recommend to the joint Ad Hoc Housing Commission /Planning Commission members that the words *or rental* be deleted from items C on the subject of percentage of affordability." Billin seconded it. Voice vote: approved.

It was decided that the members on the Land Use Committee will be on the Ad Hoc committee. "

Housing Needs Analysis 2002

Data tables

Table B-11. Financially attainable housing type by income range

Market Segment by Income	Income range	Number of Households	Percent of Households	Financially Attainable Products	
				Owner-occupied	Renter-occupied
High (120% or more of MFI)	\$48,480 or more	2,482	29%	All housing types; higher prices	All housing types; higher prices
Upper Middle (80%-120% of MFI)	\$32,320 to \$48,480	2,503	29%	Manufactured/Single-family on small lots	Single-family attached; detached; manufactured on lots;
Lower Middle (50%-80% of MFI)	\$20,200 to \$32,320	1,479	17%	Manufactured on lots; single-family attached; duplexes	Apartments; manufactured in parks; duplexes
Low (30%-50% or less of MFI)	\$12,120-\$20,200	1,161	13%	None	Low cost apartments; manufactured in parks; duplexes; government assisted housing
Very Low (Less than 30% of MFI)	Less than \$12,120	1,020	12%	None	Apartments; government assisted housing

↑ New Housing

↓ Used Housing

Source: Analysis by ECONorthwest, 2002

MFI: Median family income

Table B-12. Rough estimate of housing affordability and dwelling unit gap, Ashland, 2001

Income Level	Number of HH	Percent	Affordable Monthly Housing Cost	Estimated Rental Units	Crude Estimate of Affordable Purchase Owner-Occupied Unit	Estimated Owner Units	Unit Gap
Under \$10,000	985	11%	\$0 to \$250	130	\$0 to \$25,500	63	-792
\$10,000-\$19,999	1,441	17%	\$250 to \$500	1,520	\$25,000 to \$50,000	7	87
\$20,000-\$24,999	714	8%	\$500 to \$625	1,303	\$50,000 to \$62,500	5	594
\$25,000-\$29,999	542	6%	\$625 to \$750	521	\$62,500 to \$75,000	18	-3
\$30,000-\$34,999	542	6%	\$750 to \$875	348	\$75,000 to \$87,500	29	-165
\$35,000-\$39,999	603	7%	\$875 to \$1,000	261	\$87,500 to \$100,000	61	-281
Ashland Median: \$40,400			1,010		101,000		
\$40,000-\$49,999	886	10%	\$1,000 to \$1,250	174	\$100,000 to \$125,000	209	-504
\$50,000-\$74,999	1,579	18%	\$1,250 to \$1,875	87	\$125,000 to \$187,500	1,575	83
\$75,000-\$99,999	654	8%	\$1,875 to \$2,450	0	\$187,500 to \$245,000	1,146	492
\$100,000-\$149,999	493	6%	\$2,450 to \$3,750	0	\$245,000 to \$375,000	1,229	736
\$150,000 and over	207	2%	More than \$3,750	0	More than \$375,000	374	167
Total	8,645	100%		4,344		4,706	

Sources: Claritas, Inc. and Oregon Housing & Community Services. Analysis by ECONorthwest

Notes: FMR-Fair market rent

**CITY OF
ASHLAND**
ASHLAND HOUSING COMMISSION
MINUTES
July 24, 2008

CALL TO ORDER

Chair Bill Smith called the meeting to order at 4:33 p.m. at the Community Development and Engineering Services Building, 51 Winburn Way, Ashland, OR 97520.

Commissioners Present: Carol Voisin	SOU Liaison: Alexandra Amarotico, Absent
Nick Frost	
Graham Lewis	Council Liaison: Alice Hardesty
Steve Hauck	
Bill Smith	Staff Present::
Aaron Benjamin	Linda Reid, Housing Specialist
Regina Ayars	Carolyn Schwendener, Account Clerk
Commissioners Absent	
Richard Billin	

APPROVAL OF MINUTES

Housing minutes from the June 26, 2008 meeting - Brandon Goldman's job title should read Senior Planner. Page three under items from Commissioners not on the Agenda, second sentence should read "The editorial explained that in a ***New Jersey Jurisdiction*** one affordable unit is currently required for every eight market ***rate*** units and they are suggesting making one for every five."

Housing minutes from the July 12, 2008 retreat - Page one under Discussed Housing Commission membership, sentence should read ***Sliding*** membership number scale.

Lewis/Hauck m/s to approve the minutes of the June 26, 2008 Housing meeting and the July 12, 2008 Housing Commission Retreat with corrections. Voice Vote: Approved

PUBLIC RECORDS AND MEETINGS LAW

This presentation was postponed.

PUBLIC FORUM

No one spoke

SUBCOMMITTEE REPORTS

Liaison Reports-

Council- Hardesty reported that Allan Sandler came to the City Council meeting and discussed his proposal for a ten unit apartment rental project over the City of Ashland Lithia parking lot. Though the Council never voted on the proposal their consensus was that they were not in favor of the project. The Council would like to see other possibilities looked at including more than one lot. Hardesty said it was suggested that the first priority should be to look at barriers and incentives. As far as the Council is concerned the project will not be going forward. It was suggested to have an informal meeting with the Planning Commission, Housing Commission and City Council to discuss how to entice development that may or may not be affordable. Benjamin expressed his disappointment in the loss of the project.

Parks- No report because the Parks Commission has not met yet.

School board- The Commission has no Liaison at this time.

Planning Commission - No report

Finance- At the last Finance meeting Frost gave a presentation on Community Land Partnership. The idea was to look at alternative forms of financing and how it can be applied to affordable housing as well as other City projects. Frost first learned about this from a conference he attended in Seattle.

The Commissioners who were at the Finance meeting and heard the presentation gave their comments.

Smith noted that this program opens up some new possibilities for things that can be done differently with financing and with getting tenants to buy into what they are doing, making it their own.

Benjamin found that the Community Land Partnership is a way of giving the activist stake holders a new role, an active role in the process. In the City for example with the leasing of air rights the City becomes a stake holder in that sense. The builder, the sponsor, a private sponsor becomes a stake holder and all of the stake holders have shares and they all come together for the common good. Benjamin felt this is positive.

Reid likes the tenant buy in as it gives the applicant pride of ownership though she wonders about its application in the non-profit sector. What types of funding can go into it. The way it is structured might create some issues.

Hauck commented that the legal issues need to be worked out. He could see this working as a new ownership model for private market rate but it may not work for real affordability. Other income levels it will take a lot more buy down and still prove a steady income. Hauck believes the potential is there though there are questions that need to be addressed but the possibility is well worth looking at.

Voisin said regarding workforce housing it has real possibilities. Voisin would like the Housing Commission to turn this project over to the Education Committee. She would like to see a program developed that would invite developers and non profits, and have Frost present the program to them.

DISCUSSED SUBCOMMITTEE STRUCTURES

Finance Committee – Voisin confirmed that the main task of this Committee is to seriously look at finding revenue streams for the Ashland Housing Trust Fund. The Committee meets the second Tuesday of every month at 5:00 p.m. for one hour. Members include: Voisin (Chair), Billin and Hauck.

Education Committee – Though this committee has slowly disappeared it was decided that it was a necessary Committee especially with the recent tasks at hand. Members include: Benjamin (Chair), Frost and Voisin.

Land Use Committee – Ayars confirmed that the main task of this Committee has been working on the Annexation Ordinance and the Condominium Conversion. Members include: Ayars (Chair), Smith and Lewis.

The Commissioners agreed these were the three necessary Committees and the Chairs will determine the dates and times for the meetings.

Liaisons

- Planning – Benjamin
- School Board – Frost
- City Council – Hardesty
- Parks - Hauck

The Commissioners will work on finalizing their goals at the August 28th regular meeting.

PROJECT UPDATES

Stratford Apartments – Reid reported that the last she heard from the Housing Authority of Jackson County was that they were getting closer to coming to a deal and hoping everything will be finalized in the next couple of weeks. This project would help the Housing Commission meet their unofficial goal of spending some CDBG funds on the project. It has not been determined yet if HAJC would need the money for rehabilitation or acquisition.

AMENDMENTS TO THE ANNEXATION AND ZONE CHANGE ORDINANCE

The Commissioners reviewed the ordinance and made their suggestions. Goldman acknowledged that the Annexation Ordinance has been presented to the Housing Commission a number of times as far back as 2006. In May of this year the Ad Hoc Committee met and then it went to the Planning Commission for review at a Study Session in June. Goldman reviewed the Planning Commissions proposed changes.

The Commissioners discussed the following changes:

- The percentage of affordability, 80% verses 60% AMI
- The omission of the phrase "rental units"
- The omission of the cash and lieu clause and its potential implementation problems
- The clarification of the phrase "comparable amenities."

Public participant Cate Hartzell expressed her concerns regarding providing a mix of housing affordability, promoting the development of rental properties and the phasing of market rate and affordable unit developments.

Regarding Section 18.106.030 (H) Hardesty asked if it was necessary to actually list all of the exemptions to the requirements when an applicant could just apply for exemptions anyway. Goldman explained that an exemption is different then a variance. A variance would require a higher burden of proof as the applicant must show that there is unique or unusual circumstance outside their control. This is saying that the Council may approve the following exceptions though they would not be compelled to. For the most part a developer would not want to proceed with exceptions if there are ways to meet the code directly. Goldman said that by listing the exemptions it provides an avenue by what burden of proof they would have to make in order to get that exception.

Upon completion of their discussion the Housing Commission reiterated their past suggestions

- Rental units verses ownership units. 18.106.030 G (1) Item "C" remove the word rental from this section.
- Approved the removal of the language "cash in lieu"
- The ordinance section that deals with the distribution of affordable units within the developments will be removed.
- General definition of amenities. External construction materials for the affordable units should be the same as the market rate units. Internal building materials need not be the same but comparable.
- Phasing issue 106.030. G (5) Issues regarding the development schedule to include more information and research other ordinances.

Goldman thanked the Commissioners for their two and a half years of hard work on this Ordinance

INFORMATION ON SECTION 108 LOAN PROGRAM

Reid distributed a hand out showing a section 108 Loan process and timeline. Reid gave the background on what a section 108 loan is. It is a program offered through HUD that allows an entitlement entity or an entity that isn't an entitlement, if they have state backing, to use up to five times of their CDBG allotment per year in one lump sum to do a big project. It's a way to try to leverage more funds. Reid said this loan might be a good thing to keep in mind for the future. In order to do a section 108 loan it has to be part of your consolidated plan as well as part of your annual action plan.

Goldman suggested that one opportunity for utilizing a section 108 loan might be for the purchase of the Clay Street property. This loan might be a means of paying for a portion of the land or pay for the public facility infrastructure once the property is annexed and needs roads installed.

AUGUST 28TH AGENDA ITEMS

The commissioners will send their items to Linda. It was determined there will be a quorum at the next meeting.

UPCOMING EVENTS AND MEETINGS

Parks Commission Meeting July 28, 2008, City Council Chambers 7:00 - 9:00

Annexation Ordinance Public Hearing – Planning Commission August 12, 7:00 – 10:00

Housing Commission regular meeting –August 28, 4:30 – 6:30, Community Development Building

ADJOURNMENT – The meeting was adjourned at 6:33 p.m.

Respectfully submitted by, Carolyn Schwendener

Council Communication

Update on the Regional Problem Solving (RPS) Process

Meeting Date:	August 4, 2008	Primary Staff Contact:	Bill Molnar
Department:	Community Development	E-Mail:	bill@ashland.or.us
Secondary Dept.:	Legal	Secondary Contact:	Richard Appicello
Approval:	Martha Bennett 	Estimated Time:	60 minutes

Question:

Does Council have any questions about the status of the Regional Problem Solving (RPS) Process of any specific concerns about the draft participant's agreement?

Background:

In 1999, the members of a Multi-jurisdictional Committee, representing several jurisdictions in the valley, authorized the Rogue Valley Council of Governments to prepare an application for the present Regional Problem Solving grant, which was initially awarded in April 2000. Collaborative regional problem solving establishes a process through which local governments may seek to solve regional problems through a cooperative process. As part of this process, existing land use issues are examined in relation to the regional problems of the area. The program acknowledges that regions throughout the state differ from one another in key characteristics that may cause the state's land use regulations to have unintended results.

Ashland's Initial Position in RPS – December 2003

In December of 2003, after a series of five public study sessions with the Planning Commission, Housing Commission and City Council, the Council determined that it would not propose new growth areas. Instead, the City decided to address future growth through the promotion of more efficient land use strategies on existing lands within its Urban Growth Boundary (UBG).

Initially, the City proposed two potential growth areas, both approximately 90 acres. One site bordered the City's UGB to the southwest near Tolman Creek Road and Crowson Road, while the other proposed site bordered the northeastern UGB line along East Main Street. Both of the potential reserve areas were zoned for Exclusive Farm Use. Three other areas were proposed by private property owners. They included a 15-acre site behind the Mountain Meadows Retirement Community, a 5-acre site near the intersection of North Mountain and 1-5, and the 440-acre Neil Ranch near the Ashland Airport. Ultimately, none of the five proposed growth areas were advanced to the Policy Committee deliberations stage of the process.

Ashland has maintained a relatively constant Urban Growth Boundary since its adoption in the early '80's. Based on the 2005 Buildable Lands Inventory, Ashland still has 240 acres remaining outside the City Limits and inside the UGB. Of those, 180 acres are zoned for future residential use, while approximately 60 acres are zoned for industrial or employment use. Public discussion also centered on Ashland's continued commitment to keeping a small town feel, as well as potential implications with



respect to affordable housing. In the end, the Council decision reaffirmed the choice of growing within the existing Urban Growth Boundary.

Ashland's Comments on Draft Plan – November 15, 2007

The Council had a special meeting in October 2007 devoted to a discussion on the draft Regional Problem Solving Plan. A letter (see attachment) was sent from Mayor Morrison to the Regional Problem Solving Policy Committee, dated November 15, 2007, that described several areas where Ashland would like to see the draft Plan change prior to final adoption or enactment of a participant's agreement. Elements of the draft Plan that were of particular interest to Ashland included: Efficient Use of Existing Lands, Transportation Planning and Implementation, Loss of High Value Agricultural Lands. The Regional Problem Solving response to issues raised in Ashland's letter is attached, while a complete list of responses is available at the website.

Regional Problem Solving Participant Agreement

Chapter 6 of the draft Regional Problem Solving Plan provides a narrative of the region's approach to meeting the requirements of the RPS statute, as well as a summary of the elements identified in the draft Participants' Agreement. A summary of the draft Participants' Agreement are described, as well as a discussion on what was not included or addressed in the regional plan, as well as issues that will not be fully resolved upon completion of the RPS process.

Regional Problem Solving (RPS) Approval Process Strategy

Representatives from Jackson County, DLCD, and the cities of Eagle Point, Central Point, Medford, Phoenix, Talent, and Ashland met in June 2008 to determine an acceptable process for taking RPS through to adoption. Based upon the results of that meeting, which were ultimately ratified by the RPS Policy Committee, the Participants' Agreement has been slightly amended to require the region to commit to a comprehensive plan amendment process based on (rather than incorporating) the draft Plan. Consequently, the process of each local jurisdiction approving the Participants Agreement would take place before work begins on comprehensive plan amendments. Upon all jurisdictions signing the amended Participants' Agreement, and the subsequent acknowledgement of Jackson County's comprehensive plan amendment incorporating the Regional Problem Solving Plan, cities would be free to proceed at their own pace with their comprehensive plan amendments, and could take advantage of their urban reserves immediately upon LCDC acknowledgment. To accelerate acknowledgement of their comprehensive plan amendments, cities could proceed concurrently with the county, with or without joint hearings. Since the City of Ashland has not identified any urban reserves, the city is not directly impacted by the plan amendment process as it relates to identified urban reserves.

Council Options: No action is requested at this time. The Council may, however, direct staff to provide additional comments to the Regional Problem Solving Policy Committee with respect to the Participant's Agreement and/or proposed Approval Process Strategy.



Potential Motions: Since this item is intended to provide the Council with an update on the RPS project, specifically the proposed Participants' Agreement and RPS Approval Process Strategy, a Council motion with respect to specific action has not been suggested.

Attachments:

- Regional Problem Solving - Locations of Pertinent Website Documents - A
- Greater Bear Creek Valley Regional Problem Solving Agreement - B
- Regional Problem Solving (RPS) Approval Process Strategy - C
- Comments of RPS draft plan – City of Ashland letter dated 11.15.08 - D
- RPS Response to Ashland's letter of November 15, 2008 - E



Regional Problem Solving

Locations of Pertinent Website Documents

- ***Jurisdiction RPS Review Packet*** - From this page –From this From this page - http://rvcog.org/mn.asp?pg=rps_main_page, you can link to the latest versions of each document, i.e., participants' agreement, DLCD correspondence, population allocation and land uses, high/low land needs simulators, maps (in the regional plan), responses to public testimony, etc
- ***RPS Policy Committee meeting agendas, packets and minutes***, dating back to January 2008, can be accessed from the main RPS page or directly by clicking here: <http://rvcog.org/mn.asp?pg=agendas&grp=17>
- ***Responses to Public Hearing Testimony*** – Specifically, the response to Mayor Morrison's letter (Exhibit #37) is found under "Testimony Addressing Regional Issues", pgs. 22-24. To link directly to the Mayor's letter, click here: http://rvcog.org/rps_pdf/RPS_Letters/111507_City_of_Ashland.pdf
- **DLCD correspondence** - is included as an appendix in the Regional Plan and can be accessed from the main page. To link directly to that correspondence, please click here: http://rvcog.org/rps/Jurisdiction%20Deliberations%20Packet_2008/Regional%20Plan/XI%20DLCD_Correspondence_final.pdf

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GREATER BEAR CREEK VALLEY
REGIONAL PROBLEM SOLVING AGREEMENT

version 07/08/08

(incorporating 5/13/08 County changes; 5/20/08 Cities changes;
5/28/08 additional County changes; 6/06/08 Attorney changes,
6/16/08 Policy Committee changes, 6/25/08 TAC changes, 7/01/08 Policy Committee
changes)

This REGIONAL PROBLEM SOLVING AGREEMENT (the “Agreement”) is entered into this ____ of _____, 2008 by and between Jackson County, the duly incorporated Oregon municipalities of Medford, Phoenix, Central Point, Jacksonville, Talent, Eagle Point, Ashland, the Department of Land Conservation and Development (“DLCD”), the Oregon Department of Transportation (“ODOT”), the Oregon Department of Housing and Community Services (“ODHCS”), the Oregon Economic and Community Development Department (“OECDD”), the Oregon Department of Environmental Quality (DEQ), the Oregon Department of Agriculture (“ODA”), the Metropolitan Planning Organization (MPO), and Rogue Valley Sewer Services (RVS).

RECITALS

20 WHEREAS Jackson County and the cities of Phoenix, Medford, Central Point, Eagle
21 Point, Jacksonville, Ashland, and Talent (each a “Local Jurisdiction” and collectively, the
22 “Region”) are part of the Greater Bear Creek Valley, described more particularly in the
23 Plan , attached hereto as Exhibit A, and incorporated by this reference, that expects to see
24 a doubling of the population over the long term future; and

25 WHEREAS the increasing population in the Region will create an ongoing
26 demand for additional lands available for urban levels of development; and

27 WHEREAS that demand for urbanizable land will have to be balanced with the
28 Region’s need to maintain its high quality farm and forest lands, as well as to protect its
29 natural environment; and

30 WHEREAS the Local Jurisdictions recognize that long-term planning for which
31 lands in the region are most appropriate for inclusion in each municipality’s urban
32 reserve areas (“URAs”) in light of the Region’s social, economic, and environmental
33 needs is best determined on a regional basis; and

34 WHEREAS a collaborative regional plan (the “Plan”) is the RPS Policy
35 Committee’s recommended means of elaborating the regional solutions to the identified
36 regional problems; and

37 WHEREAS the State’s Regional Problem Solving (“RPS”) statute provides a
38 special process for addressing regional land use issues that allows the Local Jurisdictions,
39 upon the satisfaction of certain conditions, to implement regional strategies through the
40 adoption of post-acknowledgement comprehensive plan amendments that do not fully
41 comply with the regulations (the “Regulations”) adopted by the Land Conservation and
42 Development Commission (“LCDC”) to implement the Statewide Planning Goals (the
43 “Goals”); and

44 WHEREAS one of the conditions the Local Jurisdictions must satisfy in order to
45 deviate from the Regulations is that all the participants in the RPS process enter into an
46 agreement that: identifies the problem faced by the Region; the goals that will address the

1 problem; the mechanisms for achieving those goals; and the system for monitoring the
2 implementation and effectiveness of those goals; and

3 WHEREAS various entities were identified as potential stakeholders within the
4 regional planning process, and invitations were extended to every incorporated
5 jurisdiction (Jackson County, Eagle Point, Medford, Jacksonville, Central Point, Phoenix,
6 Talent, and Ashland), school district (Ashland School District #5, Central Point School
7 District #6, Jackson County School District #9, Medford School District 549C, and
8 Phoenix-Talent School District #4), and irrigation district (Eagle Point, Medford, Rogue
9 River, and Talent Irrigation Districts) in the study area, plus the Medford Water
10 Commission, the Metropolitan Planning Organization, Rogue River Valley Sewer
11 Services, Rogue Valley Transportation District, and the appropriate state agencies
12 (DLCD, ODOT, ODA, ODHCS, OECD, and DEQ); and

13 WHEREAS the stakeholders mentioned above chose to exercise different levels
14 of participation and responsibility within the planning process, the “participants” (as the
15 term is employed in ORS 197.656(2)(b)), are those jurisdictions and agencies that elect,
16 by signing this Agreement, to implement the regional solutions to the regional problems
17 identified hereinafter; and

18 WHEREAS this Agreement constitutes compliance with ORS 197.656.

19 NOW THEREFORE, the parties to this Agreement agree to commit to
20 comprehensive plan amendment processes based on the attached draft Plan (Exhibit A).
21 With this agreement, participants acknowledge that, notwithstanding the fact that the
22 draft Plan is the result of eight years of collaborative and jurisdiction-specific planning, it
23 may become necessary to make adjustments to the draft Plan as a result of the
24 comprehensive plan amendment process.

25 26 **AGREEMENT**

27 **I. Recitals**

28 The recitals set forth above are true and correct and are incorporated herein by
29 this reference.

30 31 **II. General Agreement**

32 Signatories to this Agreement agree to abide by a Plan developed under
33 Regional Problem Solving, as adopted by participating jurisdictions into their
34 comprehensive plans, and acknowledged by the State of Oregon. Signatories
35 agree to maintain internal consistency with the adopted Plan on an ongoing
36 basis, and when necessary and appropriate, either to amend their comprehensive
37 plans and related policies, codes, and regulations to be consistent with the
38 adopted Plan, or to pursue amendments to the adopted Plan.

39 40 **III. Statement of Problems to Be Addressed [ORS 197.656]**

41 The parties to the Greater Bear Creek Valley RPS process (the “Project”)
42 identified three problems to be addressed by the Project:

43 44 **PROBLEM # 1: Lack of a Mechanism for Coordinated Regional Growth** 45 **Planning**

1 The region will continue to be subjected in the future to growth pressures that
2 will require the active collaboration of jurisdictions within the Greater Bear
3 Creek Valley. A mechanism is needed that accomplishes this without infringing
4 on individual jurisdictional authority and/or autonomy. This Problem #1 shall be
5 referred to hereinafter as “Coordinated Growth Management.”
6

7 **PROBLEM # 2: Loss of Valuable Farm and Forest Land Caused by Urban**
8 **Expansion**

9 As our communities have expanded incrementally, there has been a tendency to
10 convert important farm and forest lands to urban uses while bypassing lands
11 with significantly less value as resource lands. This has been exacerbated by the
12 region’s special characteristics and historic settlement patterns, which can cause
13 some state regulations governing urban growth to have unintended
14 consequences, some of them contrary to the intent of Oregon’s Statewide
15 Planning Goals. This Problem #2 shall be referred to hereinafter as the
16 “Preservation of Valuable Resource Lands.”
17

18 **PROBLEM # 3: Loss of Community Identity**

19 Urban growth boundary expansions have contributed to a decreasing separation
20 between some of the communities in the study area, which jeopardizes
21 important aspects of these jurisdictions’ sense of community and identity. This
22 Problem #3 shall be referred to hereinafter as the “Preservation of Community
23 Identity.”
24

25 **IV. Project Goals [ORS 197.656(2)(A)]**

26 The parties to this Agreement have adopted the following goals with respect to
27 the Problems:
28

29 **GOAL #1: Manage future regional growth for the greater public good.**

30
31 **GOAL #2: Conserve resource and open space lands for their important**
32 **economic, cultural, and livability benefits.**

33
34 **GOAL #3: Recognize and emphasize the individual identity, unique**
35 **features, and relative comparative advantages and disadvantages of each**
36 **community within the Region.**
37

1 **V. Optional Techniques for Implementation [ORS 197.656(2)(B)]**
2 (where “optional techniques for implementation” refers to strategies and
3 mechanisms to implement regional solutions that are in compliance with the
4 statewide goals and statutes, but which may not strictly adhere to Oregon
5 Administrative Rules). These optional techniques for implementation are those
6 identified as appropriate for implementation of the draft Plan. As stated in the
7 Recitals, it may become necessary to make adjustments to the draft Plan, and
8 potentially these optional techniques for implementation, as a result of the
9 public comprehensive plan amendment process.

10 **A. PROBLEM #1: Lack of a Mechanism for Coordinated Regional Growth**
11 **Planning**

12 **GOAL #1: Manage Future Regional Growth for the Greater Public Good**

13 **Optional Implementation Techniques**

14 **(1) Coordinated Periodic Review**
15 Signatory jurisdictions may engage in a coordinated schedule of regular
16 Periodic Reviews following the adoption of the Plan. This regionally
17 coordinated Periodic Review will begin in 2012, will take place every 10 years,
18 and will coincide with the ten-year regular review of the Plan. This coordinated
19 Periodic Review will provide an opportunity to take advantage of an economy
20 of scale in generating technical information, and to incorporate a regional
21 perspective in the Periodic Review process, but it does not mandate a
22 simultaneous or linked process among jurisdictions.

23 **(2) Ten-year RPS Review**
24 Signatory jurisdictions will abide by the review process described in Section VI
25 of this Agreement. The review process complies with the monitoring
26 requirement in the RPS statute, and affords participating jurisdictions flexibility
27 in responding to changing regional and local circumstances by establishing a
28 process and venue for amending the adopted Plan.

29 **(3) Coordinated Population Allocation**
30 Jackson County’s allocation of future population growth, a state-mandated
31 responsibility of the County, will reflect the proportional allocation of future
32 population within the adopted Plan and its future amendments consistent with
33 statute.

34 **(4) Greater Coordination with the MPO**
35 As a proven mechanism of regional collaborative planning in the study area, the
36 MPO, as the federally designated transportation planning entity, will plan and
37 coordinate the regionally significant transportation strategies critical to the
38 success of the adopted Plan. Of special focus will be the development of
39 mechanisms to preserve rights-of-way for major transportation infrastructure,
40 and a means of creating supplemental funding for regionally significant
41 transportation projects.

42
43 **B. PROBLEM # 2: Loss of Valuable Farm and Forest Land Caused by Urban**
44 **Expansion**
45 **GOAL #2: Conserve resource and open space lands for their important**
46 **economic, cultural, and livability benefits.**

1 **Optional Implementation Techniques**

- 2 (1) **Long Range Urban Reserves**
3 The establishment of Urban Reserves sufficient to serve a doubling of the
4 region's urban population will allow long-term production decisions to be made
5 on agricultural land not included in urban reserves.
- 6 (2) **Regional Agricultural Buffering Standards**
7 Signatory jurisdictions will apply the adopted Plan's set of agricultural
8 buffering standards as a means of mitigating negative impacts arising from the
9 rural/urban interface.
- 10 (3) **Critical Open Space Area (COSA) Preservation**
11 The COSA strategies outlined in Appendix IX of the draft Plan are available as
12 an option to jurisdictions interested in further accentuating or more permanently
13 preserving areas of separation between communities (community buffers).
14 These COSA strategies are not mandatory for any jurisdiction, and may be
15 refined or expanded as individual jurisdictions see fit.

- 16
- 17 **C. PROBLEM # 3: Loss of Community Identity**
18 **GOAL #3: Recognize and emphasize the individual identity, unique**
19 **features, and relative comparative advantages and disadvantages of each**
20 **community within the Region.**

21 **Optional Implementation Techniques**

- 22 (1) **Community Buffers**
23 The establishment of Urban Reserves outside of recommended areas of critical
24 open space provides for a basic level of preservation for the Region's important
25 areas of community separation.
- 26 (2) **Allocating to Comparative Advantages**
27 The Region agrees to a distribution of the calculated need of residential and
28 employment lands necessary to support a regional doubling of the population.
29 This distribution, which depends on a number of factors that relate to the
30 comparative strengths and weaknesses of each of the cities, will allow each
31 community to develop its own balance of viability and individuality within the
32 larger regional matrix.
- 33 (3) **Critical Open Space Area (COSA) Preservation**
34 The COSA strategies outlined in Appendix IX of the draft Plan are available as
35 an option to jurisdictions interested in further accentuating or more permanently
36 preserving areas of separation between communities (community buffers).
37 These COSA strategies are not mandatory for any jurisdiction, and may be
38 refined or expanded as individual jurisdictions see fit.

- 39
- 40 **VI. Measurable Performance Indicators [ORS 197.656(2)(C)]**
41 These measurable performance indicators are those identified as appropriate for
42 monitoring purposes of the draft Plan. As stated in prior sections, it may
43 become necessary to make adjustments to the draft Plan, and potentially these
44 measurable performance indicators, as a result of the public comprehensive plan
45 amendment process.
46 The following are measurable performance indicators:

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- 1) On a regular basis, every 10 years starting in 2012, the region’s jurisdictions may participate in a process of coordinated periodic review.
- 2) On a regular basis, every 10 years starting in 2012, all Signatories to this Agreement will participate in the regular RPS review process. Jackson County shall initiate the RPS review process by providing notice of the RPS review to each Signatory to this Agreement and requiring that each Signatory submit a self-evaluation monitoring report addressing compliance with the performance indicators set out in this Section to the County within 60 days after the date of the notice. Jackson County will distribute these monitoring reports to all Signatories.
- 3) Participating cities will incorporate the portions of the RPS Plan that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will reference the larger Regional Plan as an adopted element of Jackson County’s comprehensive plan. To incorporate applicable portions of the RPS Plan into their comprehensive plans and implementing ordinances, cities will adopt at least the following:
 - a) urban reserve areas;
 - b) target residential densities (for the urban reserve areas);
 - c) agricultural buffering standards (for the urban reserve areas);
 - d) implementing ordinances (for the urban reserve areas).
- 4) Signatory jurisdictions will comply with the general and specific conditions to the Agreement set out in Section X,
- 5) Signatory jurisdictions serving or projected to serve a designated urban reserve will adopt an Urban Reserve Management Agreement (URMA).
- 6) Urban reserves identified in the adopted Plan are the *first priority* lands used for UGB expansions by participating cities.
- 7) Cities, when applying urban designations and zones to urban reserve land included in a UGB expansion, will achieve, on average, at least the “higher land need” residential densities in the adopted RPS Plan.
- 8) Cities, when applying urban designations and zones to urban reserve land included in a UGB expansion, will be guided by the general distribution of land uses proposed in the adopted RPS Plan, especially where a specific set of land uses were part of a compelling urban-based rationale for designating RLRC land as part of a city’s set of urban reserves.
- 9) Conceptual plans for urban reserves will be developed in sufficient detail to allow the Region to determine the sizing and location of regionally significant transportation infrastructure. This information should be determined early enough in the planning and development cycle that the identified regionally

VII

1 significant transportation corridors can be protected as cost-effectively as
2 possible by available strategies and funding. Conceptual plans for an urban
3 reserve in the RPS Plan are not required to be completed at the time of adoption
4 of a comprehensive plan amendment incorporating urban reserves into a city or
5 county comprehensive plan.
6

7 10) The county's population element is updated per statute to be consistent with
8 the gradual implementation of the adopted Plan.
9

10 **VII. Incentives and Disincentives to Achieving Goals [ORS**
11 **197.656(2)(D)]**

12 These incentives and disincentives are those identified as appropriate to the
13 draft Plan. As stated in prior sections, it may become necessary to make
14 adjustments to the draft Plan, and potentially these incentives and disincentives,
15 as a result of the public comprehensive plan amendment process.

16 **Incentives**

- 17 1) Continued regional cooperation through the 10-year review process and
18 coordinated periodic review may improve the Region's ability to respond to
19 challenges and opportunities more effectively than it does presently.
20 2) Adherence to the adopted Plan may provide the region with a competitive
21 advantage, increase the attractiveness of the region to long-term investment, and
22 improve southern Oregon's profile in the state.
23 3) Adherence to the Plan may produce significant reductions in
24 transportation infrastructure costs by minimizing future right-of-way acquisition
25 costs and by improving the overall long-range coordination of transportation
26 and land use planning.
27 4) Adherence to the Plan will provide participating jurisdictions with
28 population allocations that are predictable, transparent, and based on the relative
29 strengths of the different participating jurisdictions.
30 5) The adopted Plan will offer compelling regional justifications and state
31 agency support for Tolo and the South Valley Employment Center that may not
32 have been available to an individual city proposal.
33 6) Adherence to the Plan will permit jurisdictions to implement the flexibility
34 provided by the concept of the "Regional Community", in which cities, in the
35 role of "regional neighborhoods", enjoy a wide latitude in their particular mix,
36 concentration, and intensity of land uses, as long as the sum of the regional parts
37 contributes to a viable balance of land uses that is functional and attractive to
38 residents and employers and in compliance with statewide goals.
39

40 **Disincentives**

- 41 1) Cities that choose to expand their UGBs into land not designated as urban
42 reserve will be required to go through the RPS Plan minor or major amendment
43 process prior to or concurrent with any other process.
44 2) The region's failure to adhere to the adopted Plan may damage its
45 competitive advantage, the attractiveness of the region to long-term investment,
46 and southern Oregon's profile in the state.

- 1 3) The transportation projects of jurisdictions signatory to the Agreement not
2 adhering to the adopted Plan may be assumed to be less cost-effective, and may
3 be assigned a lower priority by the MPO when considered for funding.
- 4 4) Jackson County may reconsider the population allocations of jurisdictions
5 signatory to the Agreement not adhering to the adopted Plan.
- 6 5) Jurisdictions signatory to the Agreement not adhering to the adopted Plan
7 may face issues over failing to observe their comprehensive plans, or may find
8 it difficult to make modifications to their comprehensive plans that deviate from
9 the adopted Plan.
- 10 6) The region's failure to adhere to the adopted Plan will compromise its
11 ability to implement the concept of the "Regional Community", and will not
12 provide the participating cities with as wide a latitude in their desired individual
13 mix, concentration, and intensity of land uses.
- 14

15 **VIII. Progress Monitoring System & Amendment Process [ORS**
16 **197.656(2)(E) and (F)]**

17 This progress monitoring system and amendment process is that which is
18 identified as appropriate to the draft Plan. As stated in prior sections, it may
19 become necessary to make adjustments to the draft Plan, and potentially this
20 progress and monitoring system and amendment process, as a result of the
21 public comprehensive plan amendment process.

22 Monitoring

23 Monitoring to ensure compliance with the adopted Plan will be a shared
24 responsibility. Each signatory city will be responsible for monitoring its
25 adherence to the portion of the adopted Plan that is incorporated into its
26 comprehensive plan. Jackson County, which will have the full adopted Plan
27 incorporated into its comprehensive plan, will be responsible for overall
28 monitoring.

29 Adherence to the RPS Plan

30 The RPS Plan is directly applicable to comprehensive plan amendments, land
31 use regulation amendments, and the adoption of new land use regulations that
32 affect land in urban reserve areas and/or URA designation changes. The RPS
33 Plan shall not be directly applicable to other land use decisions by signatory
34 jurisdictions. Adherence to relevant RPS Plan provisions adopted by a
35 signatory jurisdiction as part of its comprehensive plan or implementing
36 ordinances will be addressed by the existing state and local mechanisms for
37 ensuring jurisdictional compliance with acknowledged comprehensive plans and
38 implementing ordinances.

39 RPS Plan Amendments

40 Processing amendments to the adopted Plan will be the responsibility of Jackson
41 County, and can only be proposed by the governing authority of a signatory
42 jurisdiction. In acknowledgement of the collaborative process by which the
43 adopted Plan was created, Jackson County will have available the assistance of
44 the signatory entities to this Agreement through a Technical Advisory

1 Committee and Policy Committee. Both committees serve on an as-needed
2 basis, and both serve in an advisory capacity to Jackson County.

3 (a) Technical Advisory Committee

4 The TAC will be comprised of planners and senior-level staff from signatory
5 jurisdictions and agencies, and each signatory will have one vote, irrespective of
6 the number of participating representatives. Recommendations to the Policy
7 Committee or directly to Jackson County will be made by at least a
8 supermajority vote (simple majority plus one) of attending signatory
9 jurisdictions and agencies.

10 (b) Policy Committee

11 The Policy Committee will be comprised of elected officials or executive
12 staff from signatory jurisdictions and agencies. Each signatory jurisdiction will
13 designate a voting and alternate voting member, and each signatory jurisdiction
14 will have one vote. Recommendations to Jackson County will be made by at
15 least a supermajority vote (simple majority plus one) of attending jurisdictions.
16 State agencies, the MPO, and Rogue Valley Sewer Services, while Signatories,
17 will not be voting members of the Policy Committee.

18 When an amendment to the adopted RPS Plan is proposed, Jackson County will
19 make a preliminary determination regarding whether the proposed amendment
20 is a Minor Amendment or Major Amendment, as defined below, will notify
21 signatory jurisdictions and agencies of the County's preliminary determination,
22 and will solicit input for a final determination. Upon its final determination,
23 Jackson County will review the proposed amendment according to the
24 procedures for Minor Amendments or Major Amendments set out below.

25 Proposed amendments to the adopted Plan will adhere to the following
26 provisions:

27 1) Minor Amendment

28 A minor amendment is defined as any request for an amendment to the adopted
29 Plan that:

- 30 a) does not conflict with the general conditions listed in Section X of
31 this Agreement or specific urban-reserve conditions listed in the
32 adopted RPS Plan; and
- 33 b) does not propose an addition of more than 50 acres to a city's
34 urban reserves established for a city in the adopted RPS Plan or more
35 than a 50-acre expansion of the UGB into non-urban reserve rural land.

36 In the case of Ashland, which did not establish urban reserves during the
37 development of the Plan process, a proposal to establish an urban reserve or
38 expand its UGB of not more than 50 acres will be considered a minor
39 amendment.

40 Should a city exceed its limit of 50 acres for adding *to its urban reserves* during
41 the term of the Agreement, it may not use the minor amendment process for
42 further alterations to its urban reserves. Should a city exceed its limit of 50
43 acres for expanding its UGB into non-urban reserve rural land during the

1 planning horizon, it may not use the minor amendment process for further
2 expansions of its UGB into non-urban reserve land.

3 Any participant jurisdiction may initiate a minor amendment to the adopted
4 Plan. The proposing jurisdiction must clearly identify the nature of the minor
5 amendment, and specify whether the minor amendment would require any other
6 signatory jurisdiction to amend its comprehensive plan. Should any signatory
7 jurisdiction other than the proposing jurisdiction and Jackson County be
8 required to amend their comprehensive plans as a result of the proposed minor
9 amendment, the affected signatory jurisdiction will be a party to the minor
10 amendment proceeding.

11 Jackson County's process, and the proposing jurisdiction's process, for a minor
12 amendment to the Plan will be equivalent to the state and local required
13 processes for a comprehensive plan amendment.

14 Signatory jurisdictions and agencies shall be provided with notice of the
15 County's and proposing jurisdiction's final decision on each minor amendment
16 request within five working days of the adoption of the final decision.

17 2) Major Amendment

18 A major amendment is defined as any requested amendment to the adopted Plan
19 that does not meet the definition of a Minor Amendment.

- 20 (a) If multiple signatory jurisdictions are involved in a single request for a
21 major amendment, a lead jurisdiction will be selected by the affected
22 jurisdictions;
- 23 (b) notice containing a detailed description of the proposed change will be
24 forwarded by Jackson County to all signatory jurisdictions and agencies;
- 25 (c) staff from signatory jurisdictions and agencies will be noticed, and will
26 meet as a Technical Advisory Committee and generate a
27 recommendation to the Policy Committee by vote of at least a
28 supermajority of those present (simple majority plus one);
- 29 (d) decision-makers from signatory jurisdictions and agencies will be
30 noticed, and will meet as a Policy Committee and consider the proposal
31 and the Technical Advisory Committee recommendation. Attending
32 jurisdictions will constitute a quorum; and
- 33 (e) the Policy Committee will generate a recommendation to Jackson
34 County by vote of at least a supermajority of those present (simple
35 majority plus one).

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37 Jackson County's process, and the proposing jurisdiction's process, for a major
38 amendment to the Plan will be equivalent to the state and local required process
39 for a comprehensive plan amendment in addition to the above provisions.

40 Signatory jurisdictions and agencies shall be provided with notice of the
41 County's final decision on each major amendment request within five working
42 days of the adoption of the final decision.

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IX. Newly Incorporated City

Should White City or some other area of Jackson County within the area of the adopted Plan incorporate while the adopted Plan is in effect, and should the newly incorporated city desire to become a signatory to the Agreement, increased population will be added to the regional target population adequate to accommodate the projected population growth of the newly incorporated city for the remainder of the adopted Plan’s planning horizon. The addition of a newly incorporated city to the adopted Plan, the establishment of urban reserves, and other such actions shall be accomplished through the major amendment process.

X. Conditions to Agreement

General Conditions

The Signatories agree that the Plan shall comply with the the general conditions listed below, which apply to all jurisdictions signatory to the plan. These general conditions are those which have been identified as appropriate to the draft Plan. As stated in prior sections, it may become necessary to make adjustments to the draft Plan, and potentially these general conditions, as a result of the public comprehensive plan amendment process.

1) Agricultural Buffering

Where appropriate, cities shall apply the agricultural buffering guidelines developed through the Regional Problem Solving process.

2) Transportation

The Plan shall include policies to:

- a. Identify a general network of locally owned regionally significant north-south and east-west arterials and associated projects to provide mobility throughout the region.
- b. Designate and protect corridors for locally-owned regionally significant arterials and associated projects within the MPO to ensure adequate transportation connectivity, multimodal use, and minimize right of way costs.
- c. Establish a means of providing supplemental transportation funding to mitigate impacts arising from future growth.

These policies shall be implemented by ordinance upon the adoption of the latest update of the Metropolitan Planning Organization’s Regional Transportation Plan and the local adoption of the RPS Plan through individual city and county Comprehensive Plan amendments. Participating cities will incorporate the portions of the RPS Plan relative to transportation that are applicable to each individual city into that city’s comprehensive plan and implementing ordinances, and will reference the larger regional plan as an adopted element of Jackson County’s comprehensive plan.

1 Specific Conditions

2 Specific conditions apply to specific jurisdictions and urban reserve areas, and
3 will be contained within the adopted Plan. The signatory jurisdictions agree to
4 abide by these conditions. As stated in prior sections, it may become necessary
5 to make adjustments to the draft Plan, and potentially the specific conditions, as
6 a result of the public comprehensive plan amendment process.
7

8 **XI. Amendments to the Agreement**

9 Amendments to the Agreement can be made at any time by full consensus (all
10 parties in agreement) of the Signatories.
11

12 **XII. Termination of Participation**

13 A jurisdiction may petition Jackson County for termination of its participation
14 in the Agreement, which may be granted by a supermajority (simple majority
15 plus one) of Signatories to the Agreement. A jurisdiction terminating its
16 participation with the consent of the Policy Committee shall not be considered
17 to have failed to adhere to the adopted Plan. Should a jurisdiction terminate its
18 participation in the Agreement without approval of the supermajority of
19 Signatories to the Agreement, it will be considered to have failed to adhere to
20 the adopted Plan, and may be subject to the Disincentives in Section VII and
21 applicable legal and legislative repercussions. For remaining jurisdictions, the
22 validity of this Agreement will not be adversely impacted by a city's
23 termination of participation, by supermajority decision or otherwise.
24

25 **XIII. Termination of the Agreement**

26 This agreement may be terminated when one or more of the following occur(s):

- 27 1) A supermajority (simple majority plus one) of Signatories agree that the
28 Agreement is terminated;
29 2) The doubled regional population is reached;
30 3) 50 years have passed since the Agreement was signed.

31 No Signatory to this Agreement will be adversely impacted by a supermajority
32 decision to terminate this Agreement.
33

34 **XIV. Applicability**

35 Signatories to this agreement agree that necessary amendments to their
36 comprehensive plans will occur as required by the Plan, and that the Plan is in
37 effect for each jurisdiction at the time that its and Jackson County's
38 implementing comprehensive plan amendments and land use regulations are
39 adopted and acknowledged.
40

41 Once the RPS plan is implemented by the appropriate comprehensive plan
42 amendments and land use regulations, a jurisdiction's failure to adhere to the
43 Plan as adopted or subsequently amended will expose that jurisdiction to the
44 usual legal and legislative repercussions from non-compliance with
45 acknowledged comprehensive plans.

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Signatories acknowledge that statutory authority over land use regulation ultimately resides with the Oregon legislature. Additionally, signatories to this agreement recognize that the provisions of the Plan may be determined in the future to be in conflict with existing or yet to be adopted statutes.

Signatories to this agreement expressly recognize that land use regulations and actions must otherwise comport with the statutes and other applicable regulations of the State of Oregon other than those LCDC regulations for which the adopted RPS Plan authorizes less than full compliance.

Therefore, Signatories agree that, when conflicts between statute and the Plan arise, Oregon statute shall prevail.

XV. Severability

Any provision or part of the Agreement held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties. The Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

XVI. Entire Agreement

This Agreement contains the entire agreement, between the parties and supersedes all prior negotiations, discussions obligations, and rights of the parties regarding the subject matter of this agreement. There is no other written or oral understanding between the parties. No modification, amendment or alteration of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

XVII. Counterparts

This Agreement may be signed in counterpart by the parties, each of which shall be deemed original, but all of which together shall constitute one and the same instrument, binding on all parties hereto.

XVIII. Authority to Execute Agreement

Each person signing of behalf of a governmental entity hereby declares that he or she, or it has the authority to sign on behalf of his or her or its respective entity and agrees to hold the other party or parties hereto harmless if he or she or it does not have such authority.

Chairman,
Jackson County Board of Commissioners

Mayor, City of Ashland

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Mayor, City of Talent	Mayor, City of Phoenix
Mayor, City of Medford	Mayor, City of Jacksonville
Mayor, City of Central Point	Mayor, City of Eagle Point
Director, Oregon Department of Land Conservation and Development	Director, Oregon Department of Transportation
Director, Oregon Department of Environmental Quality	Director, Oregon Economic and Community Development Department
Director, Oregon Department of Agriculture	Director, Oregon Housing and Community Development Department
Chair, Rogue Valley Metropolitan Planning Organization	Chair, Rogue Valley Sewer Services
Chair, Land Conservation and Development Commission	

RPS Approval Process Strategy

June 27, 2008

BACKGROUND

Technical representatives from Jackson County, DLCD, and the cities of Eagle Point, Central Point, Medford, Phoenix, Talent, and Ashland met on Friday, June 27th to arrive at a recommendation to the Policy Committee on a process to take RPS to conclusion. After a wide-ranging discussion, one issue was identified that was considered a determining factor in the sequencing of the process to take local jurisdictions to the final acknowledgement of their individual comprehensive plan amendments – the apparently inescapable need for a signed Participants' Agreement (PA) by all participants before the county or any city could be granted acknowledgement of comprehensive plan amendments based on the RPS Regional Plan.

Depending on whether the PA is modified or not, the process could take one of two major paths:

No modification of the PA: At present, the PA directly references the draft Regional Plan, by attachment, as a document to be adopted as part of the PA. As a result, jurisdictions would not be able to sign the PA until they had completed a major land use and comprehensive plan amendment process. Although not inefficient in itself, this process would obligate LCDC to suspend full acknowledgement of individual comprehensive plan amendments until every jurisdiction had fully completed their comprehensive plan amendments, including developing Urban Reserve Management Agreements (URMAs) and amending existing Urban Growth Management Agreements (UGMAs).

With a modification of the PA: By modifying the PA to require the region to commit to a comprehensive plan amendment process based on (rather than incorporating) the draft Plan, the process of approving the PA in each jurisdiction becomes a minor land use action, which can then take place before work begins on comprehensive plan amendments. Upon the signing of this modified PA, and the subsequent acknowledgement of Jackson County's comprehensive plan amendment, cities would be free to proceed at their own pace with their comprehensive plan amendments, and would be able to take advantage of their urban reserves immediately upon LCDC acknowledgment. To accelerate acknowledgement of their comprehensive plan amendments, cities could proceed concurrently with the county, with or without joint hearings.

RECOMMENDATION

By consensus, the group favored the modified PA process. The general sequence would be as follows:

Step 1

The region presents the draft Regional Plan and PA to LCDC in October. The region asks for input as follows:

- 1) A fatal flaws analysis of the draft Regional Plan;
- 2) A determination of the PA's consistency with the RPS statute;

3) An “If and Then” statement of support from LCDC, which would stipulate in some fashion that LCDC anticipates acknowledging local comp plan amendments that closely reflect the draft plan; and

4) A statement of agreement from LCDC that the use of the PAPA process (or a suggestion of another process) for local approval of the Participants’ Agreement is appropriate.

Step 2

Local participants and state agencies sign the PA (the RPS Policy Committee will facilitate the local process, and the Governor’s ERT and the DLCD director will facilitate the state agency process).

Step 3

LCDC signs the Participants’ Agreement.

Step 4

County and cities work concurrently on comprehensive plan amendments. County adopts first, and cities follow at their convenience. City comprehensive plan amendments must include Urban Reserve Management Agreements (URMAs) and newly amended Urban Growth Management Agreements (UGMAs).

November 15, 2007

Greater Bear Creek Regional Problem Solving Policy Committee
C/o Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502

Dear Chair Jackson and Members of the RPS Policy Committee:

On behalf of the entire City Council, I am writing to offer comments on the Regional Problem Solving Draft Plan. The Ashland City Council supports a Regional Plan that recognizes the participants' mutual dependence and our desire to see the valley grow in an economically and environmentally sustainable way. We are committed, as you all know, to accommodating our growing population and growing businesses within our existing boundaries, and we know that our fate as a community is dependent on the decisions of the County and other Cities in the Bear Creek Valley. I hope you will consider our comments as part of our strong commitment to regional coordination and to growth that supports a healthy, robust economy and also preserves our high quality of life and our commitment to environmental protection.

First, we would like to express our sincere appreciation for the considerable effort and countless number of hours that members of the Policy Committee, Technical Advisory Committee, and RVCOG staff have dedicated to this valuable undertaking. The Regional Problem Solving process has been an opportunity to mutually evaluate scenarios that provide for managed growth, efficient land use patterns, a transportation strategy, protections for the region's air and water, and sound management of the valley's agricultural and forest lands over the long haul.

At a special meeting devoted to this topic on October 29, 2007, the City Council identified several areas where Ashland would like to see the draft Plan change prior to final adoption or enactment of a stakeholders agreement.

Efficient Use of Existing Lands

The draft Plan appears to emphasize the size and location of proposed urban reserves as a strategy for accommodating population growth. We perceive that this focus has meant other important regional issues, such as protection of resource lands, the connection between land use and transportation planning, and affordable housing have received less emphasis.

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The City Council is concerned this emphasis may compromise the very thing that the Plan is trying to protect -- the region's remarkable quality of life. The Council believes development of vacant properties, redevelopment of existing land, and increased densities and infill within established urban growth boundaries should be a top priority of the Plan. By directing communities within the region to first enact land use incentives to achieve greater densities on existing lands within established urban growth boundaries, a reduction in the total land acreage committed for urban reserves could likely be achieved. It appears that the City of Medford, in particular, has done an excellent job in considering redevelopment and in accepting that infill has to be a key strategy, and we believe all participants need to similarly commit to greater densities.

The City of Ashland recognizes that we still have work to do in this area ourselves. Although we plan to accommodate growth within our existing urban growth area, our current and planned densities need to be closely examined to make sure we are doing our part to reduce unneeded urban expansion, protect farm and forest land, and support transit in our community and region.

Transportation Planning and Implementation

Upon a cursory review of the draft Plan, the City Council believes the plan lacks an emphasis on the role of alternate forms of transportation and seems to accept as inevitable a need to increase the capacity of arterial street systems. Ashland believes the Regional Plan should prioritize alternative forms of transportation, including transit and other forms of higher occupancy travel. Where it is clear that, over time, certain road improvements will be necessary, the location, type and approximate time frame for implementation should be described. Lastly, the draft Plan should explicitly encourage and reward communities that actively plan for alternative forms of transportation. Regional funding measures must give equal weight to communities that implement strategies aimed at reducing automobile trips, rather than depending on building facilities for additional vehicle capacity.

We believe the transportation modeling conducted by RVCOG as part of RPS reinforces that concern. The modeling shows that mixed use development with density clustered around transit nodes is best way to reduce total vehicle miles, traffic congestion and investments in roads.

As noted above, we hope the Regional Plan and Stakeholders Agreement will create incentives to ensure that, before any urban reserves are moved into any City's Urban Growth Boundary, each City should have to demonstrate it has developed its existing urban areas to densities that support fixed-route transit service.

Loss of High Value Agricultural Lands

The concern over the loss of resource and forest lands caused by urban expansion is one of three stated problems being addressed through Regional Problem Solving. One of the stated "Project Goals" is to "Conserve resource and open space lands for their important economic, cultural and livability benefits."



According to the draft Plan, however, of the 9,200 acres included within Urban Reserve Areas, 77 percent are currently zoned Exclusive Farm Use (EFU) and 18 percent are considered critical to the region's commercial agricultural land base. The City of Ashland is very concerned about the long-term implications of expansion into production lands, especially the "critical" commercial agricultural lands. We would ask the Policy Committee to please consider amendments to the draft Plan to prolong the need for extending urban growth boundaries into the region's commercial agricultural base of land by encouraging all of the region's cities to actively achieve higher densities in appropriate areas in their existing urban growth boundaries. The Council hopes that through a concerted regional effort focused on obtaining reasonable increases in residential and employment density on lands already committed to urbanization, a proportional reduction in the need for future urban reserve areas is possible.

A Regional Approach to Housing and Economic Development

The City Council believes the long term health of the regional economy relies on a range of housing styles and types at prices that serve a wide variety of households. The draft Plan should identify a time line for the creation of regional strategies that encourage a range of housing types throughout the region. The American Planning Association's extensive 2003 study, *Regional Approach to Affordable Housing*, noted that the most important element in ensuring the provision of affordable housing on a regional basis is political will and leadership. The Regional Problem Solving process provides the vehicle by which the region can demonstrate its clear commitment toward addressing the region's affordable housing needs.

Other regional planning efforts across the United States have coordinated policy objectives in the areas of affordable housing, transportation, economic development and smart growth practices, which have helped business, increased jobs, supported schools and other public agencies, and reduced the environmental and social costs of growth. We think RPS could help all of the jurisdictions in the Valley work together on these issues, with lasting benefits for all our communities.

Coordinated Population Allocations

The draft stakeholder's agreement makes reference to the County process for proportional allocation of future population as identified and adopted in Jackson County's Comprehensive Plan. The City of Ashland has reviewed the population allocation documents and believes the population allocation is not an accurate reflection of population trends in Ashland. Our projected growth rate is about ¼ of the rate we have experienced over the last two decades, and our projected population is therefore too low.

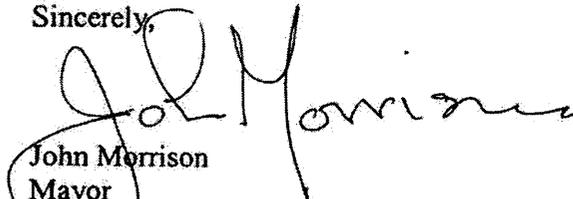
The proposed stakeholder agreement should recognize the concern over the accuracy of future population projections for the City of Ashland, based upon the absence of data to support the County's identified 20-year and 50-year growth rates. The County's population allocation for



Ashland should not be adopted as a conclusion within the Regional Problem Solving process, but rather these population allocations should be revisited and agreed upon by all jurisdictions before Periodic Review.

The Ashland City Council and citizens of Ashland appreciate the opportunity to comment on the draft Plan. We are confident the issues raised can be further evaluated and integrated into the final document so the City of Ashland can readily support this important step toward regional coordination and action.

Sincerely,



John Morrison
Mayor
City of Ashland

c: Ashland City Council
Martha Bennett, City Administrator
Bill Molnar, Community Development Director



RPS Responses to Public Hearing Testimony (1/17/08)

Testimony Received During Regional Public Hearings on September 24th and
October 10th, 2007

TESTIMONY ADDRESSING REGIONAL ISSUES:

EXHIBIT 037 (letter from Mayor John Morrison and Ashland City Council, City of Ashland) November 15, 2007

REGIONAL TESTIMONY SUMMARY:

The City of Ashland identifies several areas in which it would like to see refinements in the final Regional Plan: improved efficiency in the use of existing urbanized areas; greater focus on alternative means of transportation; less impact on commercially important agricultural lands; and an early refinement of the present population element of Jackson County's Comprehensive Plan.

RESPONSE:

The overall desire for the City of Ashland to be part of a progressive planning process in the valley is acknowledged and appreciated. It has been clear that the city is taking a stand on what it believes in by deciding not to expand its municipal footprint through this process. The region also recognizes that circumstances having to do with the environment, the economy, and climate change have been changing quickly over the last several years, calling into question the sustainability of commonly accepted development patterns. While the Plan is progressive, it is not a response in itself to the growing concerns over business as usual. On the other hand, the Plan does not create circumstances that would prevent the region, or individual cities, from encouraging such things as greater future efficiencies in land use, encouraging better agricultural productivity, and providing for more alternative transportation and affordable housing. What this Plan does is outline where future growth, if and when it comes, will be located. How that growth is distributed and accommodated depends on a continued regional conversation.

- Improved efficiency in the use of existing urbanized areas: The City raises an issue that was raised to varying degrees in public hearing testimony, and that is that the Plan is not perfect, and not as proactive or progressive as it could have been. That perception, depending on how far one takes it, is accepted by most who have worked on developing it. But there is also general acknowledgment that, with this process, we have gone as far as we could have in a region that is heavily supportive of jurisdictional autonomy and has limited experience with the type of regional cooperation that could result in mandates on detailed, internal policies of individual cities. This Plan, although in every way revolutionary for the region and for the state, is still an evolutionary step in regional collaboration. Because

RPS requires consensus on all decisions, and because the communities are politically and culturally divergent on many of the issues needing consensus, compromise is inevitable.

On the issue of agricultural lands, it was decided that, given the fact that almost no jurisdiction in the process was not constrained by the large percentage of EFU-zoned land around it, heightened attention would be given to the more commercially viable agricultural lands. The Plan has a complete explanation of the process whereby cities were given information about the location and relative productivity of agricultural lands surrounding them, and discusses the resulting efforts by cities to avoid the more important of those EFU lands. The Plan also documents the fact that the percentage of EFU land in the proposed urban reserves is actually less than the percentage in the county overall, a result of the efforts by participating cities to avoid, when at all feasible, agricultural lands. In addition to this level of protection, the region has also agreed to much improved agricultural buffering standards, which are designed to protect existing agricultural production from adjacent urbanization. Finally, the point is made in the Plan that long-term establishment of urban reserves is an overall positive for agricultural production in the valley due to the predictability it affords the agricultural lands not in urban reserves.

The City also mentions that the connection between transportation planning and land use is deficient in the Plan. The majority of participants, including state agencies, would take issue with that perception. From the outset, this Plan did not intend to replace the Regional Transportation Plan (an MPO responsibility) or individual city Transportation System Plans, but rather, for the first time, to provide a matrix of long-term developable lands to assist in better transportation planning at all levels. The process also allowed a consideration of major transportation constraints when identifying potential urban reserves, which, in the case of Eagle Point, resulted in the removal of large proposed urban reserves on the west side of Highway 62 due to the probable impacts their development would have on the highway. The region has also created a direct relationship between the Plan and the MPO's planning process, and has gained the MPO's support for mechanisms to identify and protect significant transportation corridors in the urban reserves, and to raise additional revenue for that purpose. Finally, the RPS process was the direct impetus behind ODOT developing the state's first LUSDR model, which for the first time permits the region to perform long-range integrated land use and transportation modeling.

The City also mentions the lack of attention to affordable housing in the Plan. The region agrees that the issue is not directly addressed, but does not consider the Plan to be the appropriate mechanism for doing so.

- Greater focus on alternative means of transportation: While the region acknowledges the importance of alternative means of transportation, especially of a viable, fixed-route public transportation system, the Plan was not designed or intended to address that issue. The most appropriate place to do so is at the local jurisdictional and MPO level. What the Plan can and does do is provide the means whereby better long-term land use and transportation planning can take place. As for increasing regional densities, the Plan does call for significantly increased densities, which will, in time, make public transportation more viable. The Plan also calls out the attractiveness of nodal development, but where and how much would be optimal needs to await the conceptual plans that will follow the designation of the urban reserves.
- Less impact on commercially important agricultural lands: This is addressed within the discussion above on more efficient land use.
- An early refinement of the present population element of Jackson County's Comprehensive Plan: The County has agreed to a regular review of the population element in its Comprehensive Plan. More to the point for the City of Ashland, it has been suggested that an amendment could occur as early as 2009 as part of the process of amending the County's Comprehensive Plan to adopt the Regional Plan. Although the County is not obliged to follow the proportional distribution of population within the Regional Plan, it has been in general agreement with the logic in doing so in the future.



**Rogue Valley
Metropolitan Planning Organization**

Regional Transportation Planning

Ashland • Central Point • Eagle Point • Jacksonville • Medford • Phoenix • Talent • White City
Jackson County • Rogue Valley Transportation District • Oregon Department of Transportation

DATE: July 29, 2008
TO: Mayors and Council Members
FROM: Michael G. Quilty, RVMPO Chair
SUBJECT: Regional Problem Solving (RPS) Plan

As the RPS participating jurisdictions begin in earnest to review the draft Participants' Agreement and Regional Plan, which many of your elected officials and staff have assisted in developing, I would like to stress how important the RPS Plan is to our ability to plan transportation infrastructure for the next 40 to 50 years. The ability to conceptually lay out, well ahead of time, the infrastructure needed to support twice our population is significant, as are the cost savings from the early purchase of right-of-way (ROW) and/or the adoption of easements to provide for future growth. Considering the fact that current ROW costs have been as high as 60% on some projects, the early designation of major transportation corridors could essentially double the effective purchasing power of our transportation dollars in the future.

Certainly, the Plan has its detractors. They point to the RPS process itself—how difficult it has been and how long it has taken. The truth is, it has been both. But if cross-jurisdictional and regional planning were fast and easy, we wouldn't be the first region in the state preparing to complete an RPS process.

Could we have done as much as we have without RPS? Possibly. But without the RPS process we may never have gotten together to even begin collectively planning our regional land use and transportation needs for the next 50 years. Certainly, we would not have been able to enjoy anything close to the flexibility that RPS affords us. Consider the urban reserves themselves—many of these areas that have won the approval of the RPS Policy Committee and the participating state agencies would not have been even close to being likely candidates under the normal state system.

There are those who think that too much agricultural land is being dedicated to future urbanization. While the RPS Plan does show the valley growing into agricultural land, the more important issue is to acknowledge the much greater amount of productive agricultural land that will be protected from development pressure over the life of the RPS Plan. Considering the continued strength of our pear industry, the significant increase in wine grape production over the last decade, and the growing interest in local food supplies, the window of stability the RPS Plan will afford the agricultural sector could be as important for the future regional economy as the RPS-derived transportation benefits.

There are also fears that cities are promising too many changes in the future, especially in the higher densities they are agreeing to. Although that is an understandable concern, we are faced with realities that will soon narrow our potential outcomes to just two—one that we largely end up controlling and one that

ends up largely controlling us. Increasing density rationally, modifying our housing mixes, exploiting our region's comparative advantages, fine tuning our transportation and land use planning, and building a more cooperative way of meeting challenges and opportunities are less about giving things up and more about what we stand to gain individually as cities and collectively as a region.

These are just a few of the reasons that I urge you to support the RPS process as it moves forward for LCDC acknowledgment. While I will not argue that the RPS plan is perfect, it is one that many Rogue Valley leaders have worked hard to make workable for all of us. This document, like all planning documents, is a living one, as the ability to make changes when future needs and knowledge dictate is built into it. Every participant in the process knows that changes will be made to the Plan as the valley grows and develops over the next fifty years. Each city will soon be asked to vote to move forward with the Participants' Agreement and to commit to following the policies laid out in the RPS Plan. Once we have taken that step to trust ourselves on how to meet these challenges and opportunities, we can begin the process of making them come true.

As RVMPO Chair, I would be pleased to discuss the advantages to the MPO and the region of successfully completing the RPS process with your council.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Quilty" with a stylized flourish at the end.

Michael G. Quilty, RVMPO Chair

CITY OF ASHLAND

2008 Hearings Board Assignments

January - April

Melanie Mindlin
John Stromberg
John Fields

May - August

Tom Dimitre
Dave Dottererr
Mick Church

September - December

Mike Morris
Pam Marsh
Michael Dawkins

