

Michael Sullivan

From: gshaff@gmail.com
Sent: Tuesday, March 11, 2025 6:45 PM
To: Planning Commission - Public Testimony
Subject: HEARINGS PLANNING ACTION: PA-T2-2024-00053 - Variance

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

TO: Planning Commission

A variance to the driveway grade standard should not be granted.

The code's driveway standards are designed to ensure safe, reasonable access to all developed properties in the city. Allowing a variance to the standard would create a hazardous area within what is already recognized as a wildfire hazard area. Excessive grades, together with the narrow width of the proposed driveway poses risks for emergency personnel and equipment during a wildfire or at times when there is snow accumulation.

3.

Criteria #3 - The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.

Finding:

The proposal's benefits (a large residential structure built in a recognized wildfire hazard area with inadequate access) do not exceed the risks posed to the community in the event that a fire started on the subject property and subsequently destroys nearby homes or an entire areas of the community.

Criteria 4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

Finding:

It is recognized that the driveway (i.e. flag lot) was not created by the applicant. However, the previous property owner or owners created the conditions that the applicant now hopes the city will ignore. The flag lot and its steep grade were recognized and were created with full knowledge that access via the flag lot was not practical but, instead, satisfied a dubious requirement that all lots have "frontage" on a public road.

The lot in question was created by individuals that were fully aware of the property's constraints. They created the lot and its flag anyway.

Allowing a "new" owner to develop an "undevelopable" lot simply because they didn't have an active role in creating the tax lot is inconsistent with the purpose of the code. Imagine, if there were illegal structures built in the city and then subsequently sold to another property owner who then sought a "variance" from the city to use the "illegal" structure even though it was inconsistent with the code. It wouldn't be permitted.

Conclusion Finding:

The applicant knew or should have known that the property was impossible to develop when they purchased the subject property. Their justification for a variance is inadequate to meet the requirements of the code.

Gary Shaff

Ashland

Michael Sullivan

From: noreply@civicplus.com
Sent: Tuesday, March 11, 2025 5:24 PM
To: planning
Subject: Online Form Submittal: Contact Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Contact Planning Commission

Full Name	Douglas Smith
Phone	541-941-2874
Email Address	dougzmail7@gmail.com
Subject	231 Granite Street Proposal
Type of Testimony	Written

Message

I am a resident of Ashland since 1977, when my wife and I rented and then purchased a residence on lower Granite Street.

I'm writing to you with concerns regarding two properties on Granite Street, one was approved several years ago and the other is being discussed in tonight's Planning Commission. The first one is 329 Granite and was approved by Planning and then City Council. I discussed the project with the Mayor online and a City Planner who were helpful.

At this point, I would like to make you aware of similarities of that property (329 Granite) which was approved with multiple variances and then multiple "modifications" - and then additional modifications-to-the-modifications which had to be extended by the Planning Department to complete that project. All those extreme modifications had to occur through the Planning Department staff without public or Council/Commission input after the original project application was approved. Btw - the City Council only examined - in person - the actual slope of the property a month AFTER they approved the 329 proposal. (I included photos of the slope and driveway and have more written concerns regarding that

project if interested).

This new project at 231 Granite is similar in slope and would disrupt hiking trails, creating extreme excavation and habitat loss which are some of our best city assets for common outdoor enjoyment. Aside from that, thousands (yes, thousands) of dump truck trips such as those that occurred with the 329 Granite project, will bring the mountain (excavation) down Granite and High Streets (and thousands more carried gravel and cement up to the project) creating noise, vibration, and traffic hazards. This, on a street which supports many pedestrians (tourists included), bike riders, driveways, etc.

Thank you for any attention you will give to my concerns and I would be happy to discuss it further.

Douglas Smith
dougzmail7@gmail.com
Cell: 541-941-2874

Attachment 1 [Land329 Granite-4436.jpg](#)

Attachment 2 [Land329 Granite-4444-1.jpg](#)

Attachment 3 [Land329 Granite-4501.jpg](#)

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Len and Karen Eisenberg
223 Granite Street
Ashland, Oregon. 97520

March 13, 2025

Additional written comments
RE: Planning Action PA-T2-2024-00053
Subject Property. 231 Granite Street

Community Development Department
Ashland Planning Commission
51 Winburn Way
Ashland, Oregon. 97520

Each new information item below is preceded by a summary of the relevant discussion from the March 11, 2025 Public Forum.

Chapter 18.3.10 Physical and Environmental Constraints > 18.3.10.090 Development. Standard for Hillside Lands - Section A General Requirements Subhead 1 Buildable Area.

Applicant states "There are no slopes greater than 35 percent within the areas of proposed development". This is contradicted by the Site Slope Analysis Map 1 (pg 33 of proposal pdf) which shows four significant areas of slope greater than 35% within the proposed development envelope. Development on slopes >35% requires a variance. No request for such a variance was submitted by the applicant.

Development Standards for Hillside Lands 18.3.10.090 requires satisfaction of all four conditions from 18.3.10.090 H to grant a variance to develop hillside lands >35% slope.

New Information

Measurement of the areas of slope >35% within applicant's development envelope, using applicant's Site Slope Analysis Map 1 (pg 33 of the pdf), determined a total of about 3327 square feet. This represents about 18% of the 18,738 square foot proposed development area.

There are four areas of slope >35% within the proposed development area. A central area is about 880 square feet. The northern area is about 832 square feet. A southern area is about 681 square feet, and a small western area is about 54 square feet.

Chapter 18.3.10 Physical and Environmental Constraints > 18.3.10.090 Development. Standard for Hillside Lands - Section D Tree Conservation and Removal

Tree Removal

Applicant states that "...of the 75 trees in the vicinity of the area of disturbance, four (4) significant trees are proposed for removal,..." This statement is incorrect.

There are 5. The fifth tree is a 30" dbh madrone near the northeast corner of the flag portion of the lot, and is not plotted on any of the tree survey or tree removal plan maps. This 30" dbh madrone, and two trees that are slated for removal on the Tree Removal map L0.3 (pg 28 of the pdf), (a 16" oak and a two stem 10" and 12"), all appear to straddle the property line between

TL 1800 and TL700. These trees are thus half owned by the owners of TL 700, Kent and Pamela McLaughlin. These trees cannot be removed without the consent of the McLaughlins.

New Information

Pacific Crest Surveying the morning of March 11 determined that the large madrone at the northeast corner of the flag portion of TL 1800 was as large as 32" dbh, and confirmed that it, and a 16" oak and a two-stem 10-" and 12" madrone slated for removal in the applicant's proposal, all straddle the property line between TL 1800 and TL 700.

Attached is a letter from Pacific Crest Surveying confirming their assessment.

The Planning Commissioners had several questions about the distance between the east termination of the flag portion of TL 1800 and the head of the existing driveway, and how that was reflected in applicant's variance request on hillside driveway standards from AMC 18.5.3.060F.

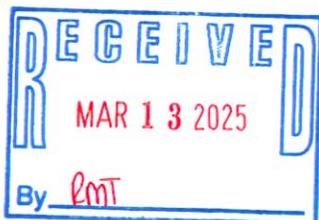
New Information

The distance from the northeast corner of the flag portion of TL 1800 to the head of the existing driveway, which is where the driveway turns into the garage area of TL 702, is about 30 feet.

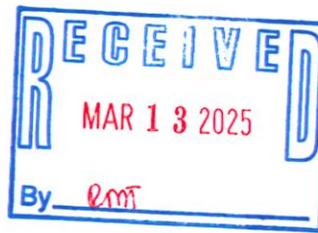
The morning of March 11, Curt Chappell, registered surveyor of Pacific Crest Surveying located, flagged and staked several relevant survey pins that mark property corners in that area. A portion of partition plat no. P-43-1996 attached is annotated to show which property corners are currently flagged. Commissioners and staff may want to revisit the property to help them better assess the issue.

Len Eisenberg Karen Eisenberg

Len and Karen Eisenberg
223 Granite Street
Ashland, Oregon. 97520
evogeneao@gmail.com



City of Ashland Planning Division,
51 Winburn Way
Ashland, OR 97520



RE: PLANNING ACTION: PA-T2-2024-00053 – 231 Granite Avenue

Planning Commission Members,

On March 11, 2025, we surveyed and established the boundary line common to the Deboer parcel (Tax Lot 391E8DA 1800) and the McLaughlin parcel (Tax Lot 391E8DA 700) and the trees at the proposed driveway access point.

Our survey determined that the trunks of the 10" and 12" Pacific Madrone, and the 16" Oregon White Oak, tree numbers 68 and 71 respectively, as on Sheet L0.3 (Tree Removal Plan) straddle said common boundary line.

Additionally, a 32" Madrone not shown on the Tree Removal Plan, which is in the vicinity of the proposed driveway access point, straddles said common boundary line.

Regards,

A handwritten signature in blue ink, appearing to read "Curt Chappell".

Curt Chappell, President – Pacific Crest Surveying
PLS 84543

131 Helman Street
Ashland, OR 97520
408.375.5220



Michael Sullivan

From: noreply@civicplus.com
Sent: Thursday, March 13, 2025 7:31 AM
To: planning
Subject: Online Form Submittal: Contact Planning Commission

[EXTERNAL SENDER]

Contact Planning Commission

Full Name	Catherine M. Ellison MD
Phone	5037807420
Email Address	cmellison@comcast.net
Subject	DeBoers and The Ditch Trail, Ashland
Type of Testimony	Written
Message	<p>Dear Council: I had submitted a comment earlier about the construction planned by the DeBoer family. I had not realized that the project made a threat to the Ditch Trail system. If indeed the DeBoer family provides for an easement through their project to maintain the integrity of The Trail then my concerns lessen greatly. There are sections of this unique, fantastic and Historic trail which are currently blocked from public access to the dismay of many of us. We are of the opinion that the city or the park system should be acquiring this blocked land and opening up more miles of the Ditch Trail. (Perhaps the DeBoer family with their love for our trail system would be willing to help with other property owners improving & restoring our historic trail!!!!). In any case the City of Bellingham Washington has done just that, acquiring land where the treasured trail system crosses it.</p> <p>Thankyou for taking my comments. I feel so very strongly about this unique & historic trail system (The Ditch). Friends from out of town find it fascinating & and asset to what makes our town so special!!!! -Catherine Ellison</p>
Attachment 1	<i>Field not completed.</i>
Attachment 2	<i>Field not completed.</i>
Attachment 3	<i>Field not completed.</i>

Michael Sullivan

From: David Oursler <paul.oursler@gmail.com>
Sent: Friday, March 14, 2025 10:14 AM
To: planning
Subject: Planning Actions

Some people who received this message don't often get email from paul.oursler@gmail.com. [Learn why this is important](#)

[EXTERNAL SENDER]

Dear Mr. Goldman-

I request that you help me find the answers to the following questions:

At the 3/11/24 meeting, a Planning Commission member stated that easements could not be compelled at the time of Planning actions.

Please see Planning Action #90-008 (regarding 252 Strawberry Lane) signed 2/22/90 that required "That a granting of a 10' easement for public pedestrian access be granted along the irrigation ditch along the property. Such easement to be shown on the final survey plat." This was a "condition" of the Planning Commission's granting that Planning action.

- When the law or policy changed?
- Was there a legal finding requiring this?
- Are prior easements which were required as part of planning actions void?

In Mr. Deboer's opening statements he relayed that his requests should be approved because of his family's standing in the community including their charitable activity and the fact that he had not moved Lithia Motors out of state. (He seemed to feel that this was very pertinent to the Commission and went on for some time.)

- Is it the policy of the Planning Department to provide exceptions to the ordinances based on the characteristics of the applicant?
- Is there any explicit statement to the contrary in Planning rules?

In questions to the applicant and his staff by members of the Planning Commission, it was evident that the Planning Commission might be being purposely misled on issues including the actual slopes of the property, the placement and type of the trees involved, the actual size of building walls, and the length and slope of the driveway.

- What mechanisms are in place to confirm the information provided by an applicant?
- Are there any consequences of providing inaccurate or misleading information to the Planning Division or Planning Commission?
- Once building starts, are there any consequences for violating the plan?
- What happened at 329 Granite Street? (Was the original information provided found to be inaccurate? Were additional exceptions/variances required after building began because of this? Knowing what it knows now, would Planning approve that project?)

I think the Commission chair stated that all platted lots are buildable and that City Ordinances cannot be used to prevent an owner from building on his property.

-Is this correct?

-Is the Planning Division and the Planning Commission obliged to provide variances if variances are required to build?

Thanks for your answers.

Sincerely,

David P. Oursler

252 Strawberry Lane
Ashland OR 97520
paul.oursler@gmail.com

Michael Sullivan

From: Brandon Goldman
Sent: Friday, March 14, 2025 3:20 PM
To: David Oursler
Cc: planning
Subject: 231 Granite Street - Questions and Response

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Ousler,

Thank you for your inquiry regarding the application currently in process for 231 Granite Street. As you are a party of record who testified before the Planning Commission, and since your inquiry was received after the close of the public hearing but during the seven-day period in which the record remained open for additional written information, it will be included in the public record for this planning action. Likewise, my response will be documented as part of the official record and incorporated into the materials submitted to ensure full transparency and accessibility.

Requirement for Easements and the Dolan v. Tigard Nexus Test

Regarding your question about the requirement for pedestrian easements, a partition or subdivision—such as the three-lot partition that created 252 Strawberry Lane—was and would be subject to requirements ensuring adequate transportation access to and through the property, which can include pedestrian access. The 1990 Planning Action PA#90-008 required a 10-foot public pedestrian access easement along the irrigation ditch as a condition of approval under the regulations in place at that time. Such a public easement once dedicated remains valid and “runs with the land” whenever the property ownership changes, the easement persists.

In 1994 U.S. Supreme Court ruling in Dolan v. City of Tigard established a “nexus and rough proportionality” test for government-imposed exactions, such as requiring public easements. This two-part test states that:

1. There must be a direct connection (nexus) between the development and the required dedication.
2. The required dedication must be roughly proportional to the impact created by the development.

A single-family home on an individual lot, such as the proposed development at 231 Granite Street, does not meet the second prong of this test, as it does not create a level of impact that would justify the requirement of a pedestrian easement. As a result, the City cannot require a trail easement in this case as no new lots are created and the development will not result in increases in traffic generated by pedestrians independent of the property owner’s use of their own property.

The City does require by code (<https://ashland.municipal.codes/LandUse/18.4.6.060.A>) public use improvements that are subdivided and creating new transportation impacts proportional to the dedication requested. As such the 1990 Planning Action you referenced which created multiple lots would even today trigger the evaluation of the dedication for a easement as proportional to the increased development potential.

However, the applicant/property owner has voluntarily proposed to dedicate a pedestrian access easement along the Talent Irrigation Ditch (TID) and is working with the Parks Department to facilitate this. Since the dedication is being made voluntarily, concerns about a potential violation of the Takings Clause of the Fifth Amendment and the Dolan V Tigard case are not applicable in this case.

Consideration of the Applicant’s Identity in Land Use Decisions

With regard to your question about the applicant's statements at the hearing regarding their community standing, the identity of the applicant is not a factor in the review of a land use application. All applications are reviewed exclusively based on the applicable land use criteria by both the Planning Division and the Planning Commission, and exceptions or variances are not granted based on the personal characteristics of an applicant. The City's review process ensures that decisions are made based on adopted standards rather than subjective considerations.

Accuracy of Information Provided in Applications

You also raised concerns about whether the Planning Commission was misled regarding aspects of the proposal, including slope calculations, tree impacts, structure size, and driveway dimensions. The record for this application includes scalable drawings, a slope analysis, and other detailed materials prepared by licensed architects and engineers. Additionally, the slope analysis submitted by the applicant aligns with the general topographic data available through the City's GIS system. In the event any party of record has additional information and expert testimony asserting the materials presented in the application are inaccurate, it would be incumbent upon them to submit such new information by 4:30on 3/18 to allow the Planning Commission to consider such information in their deliberations.

While members of the public may have differing interpretations of project details, all technical information submitted is reviewed by staff for consistency with adopted standards. If a project is approved by the Planning Commission, it is subject to conditions of approval, which are enforced through the permitting process.

Enforcement of Conditions and Compliance Monitoring

When a project is approved, compliance is ensured through the building permit review and inspection process. Specifically:

- Building permit review ensures that the submitted plans comply with the approved land use decision and conditions of approval prior to issuance of the permit.
- Prior to excavation and tree removal, staff conducts a site visit to verify compliance with tree protection fencing and removal requirements.
- Construction inspections confirm that the development is proceeding in accordance with the approved plans.
- If a developer does not comply with the approved plans or conditions, enforcement actions may be taken.

Reference to 329 Granite Street

Regarding your reference to the development at 329 Granite Street, that project encountered modifications to address site constraints during driveway construction, which necessitated an additional hearing before the Planning Commission to review and approve changes to the driveway configuration and its impact on hillside lands. However, that project is entirely separate from the proposal at 231 Granite Street and has no bearing on the current application. I

Buildability of the Lot and Variance Considerations

With regard to the buildability of the lot, 231 Granite Street is a legal lot of record, and the staff report and application materials address its eligibility for development under local and state land use laws. While the City cannot prohibit development on a legal lot of record, all development proposals must meet the applicable standards or obtain necessary variances.

Regarding variances, the criteria for approval are explicitly outlined in the land use ordinance, and it is the applicant's burden of proof to demonstrate that those criteria are met. Because each variance request is reviewed on a case-by-case basis, I cannot provide a general statement about any obligation of the Planning Division or Planning Commission to approve a variance. Instead, each request is evaluated on its own merits against the applicable standards.

Conclusion

Your questions raise important points about land use review, enforcement, and legal requirements for exactions such as trail easements. I appreciate the opportunity to clarify these matters as part of the public record for this application. Should you have any further questions, please feel free to reach out.
Sincerely,

Brandon Goldman, AICP
Director of Community Development

Pronouns: he, him, his



Better Together

City of Ashland
Community Development

51 Winburn Way, Ashland, Oregon 97520
541-552-2076 | TTY 800.735.2900
Brandon.goldman@ashland.or.us

Online ashland.or.us; social media (Facebook @CityOfAshlandOregon | Twitter @CityofAshland)

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records Law for disclosure and retention. If you have received this message in error, please contact me at 541-552-2076.

From: April Lucas <april.lucas@ashland.or.us>
Sent: Friday, March 14, 2025 10:26 AM
To: Brandon Goldman <brandon.goldman@ashland.or.us>
Cc: planning <planning@ashland.or.us>
Subject: FW: Planning Actions

From: David Oursler <paul.oursler@gmail.com>
Sent: Friday, March 14, 2025 10:14 AM
To: planning <planning@ashland.or.us>
Subject: Planning Actions

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[EXTERNAL SENDER]

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- Is this correct?
- Is the Planning Division and the Planning Commission obliged to provide variances if variances are required to build?

Thanks for your answers.

Sincerely,

David P. Oursler

252 Strawberry Lane
Ashland OR 97520
paul.oursler@gmail.com

Planning Action- City of Ashland Planning Commission

Kent McLaughlin <kbmc22@gmail.com>

Tue, Mar 18, 2025 at 10:11 AM

~~Draft~~ K.B.M.

Kent and Pamela McLaughlin
234 Strawberry Ln
Ashland, OR 97520



Subject Property: 231 Granite Street [PA-T2-2024-00053]

New Information

TREES ON OUR PROPERTY LINE:

Pacific Crest Surveying on the morning of March 11,2025 determined that the 16" Oak and the two-stem 10" and 12" Madrone slated for removal on the Tree Removal map LO.3 {pg. 28, Tree Removal Plan} of the applicant, straddle the property/boundary line shared with the McLaughlin parcel {Tax Lot 391E8DA 700}. It also determined that "...a 32" dbh Madrone not shown on the Tree Removal Plan, which is in the vicinity of the proposed driveway access point, straddles said common boundary line."

We have given no consent for any trees on our boundary being removed. Nor have we even been approached. See accompanying letter and plat partition from Pacific Crest Surveying confirming their above assessment.

One other major concern is twofold in nature. First, there is another major [significant] Madrone, which *is* shown on the Tree Removal map LO.3 and is *not* slated for removal. However, it is also located very near to the proposed driveway access point. It, too, straddles the common boundary line, as do many of our other trees. None of these trees are to be removed without our consent.

Second, **ALUO 18.5.7.040 B.2.c** states that :

"Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property. The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone."

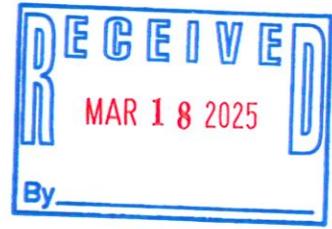
We do not see any evidence that alternatives have been explored. Perhaps the Applicant should have assessed the many difficulties of building on this site. Regardless, we do not want any of our trees removed or damaged "irreversibly" by either the proposed construction or the proposed driveway.

Respectfully,

Kent and Pamela McLaughlin

Kent B. McLaughlin

Pamela R. McLaughlin



City of Ashland Planning Division,
51 Winburn Way
Ashland, OR 97520



RE: PLANNING ACTION: PA-T2-2024-00053 – 231 Granite Avenue

Planning Commission Members,

On March 11, 2025, we surveyed and established the boundary line common to the Deboer parcel (Tax Lot 391E8DA 1800) and the McLaughlin parcel (Tax Lot 391E8DA 700) and the trees at the proposed driveway access point.

Our survey determined that the trunks of the 10" and 12" Pacific Madrone, and the 16" Oregon White Oak, tree numbers 68 and 71 respectively, as on Sheet L0.3 (Tree Removal Plan) straddle said common boundary line.

Additionally, a 32" Madrone not shown on the Tree Removal Plan, which is in the vicinity of the proposed driveway access point, straddles said common boundary line.

Regards,

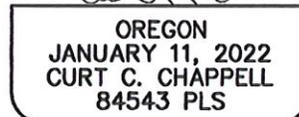
A handwritten signature in black ink, appearing to read "Curt Chappell".

Curt Chappell, President – Pacific Crest Surveying
PLS 84543

131 Helman Street
Ashland, OR 97520
408.375.5220



A handwritten signature in black ink, appearing to read "Curt Chappell".



EXPIRES: 12/31/2025

Ashland Planning Commission
51 Winburn Way
Ashland, OR 97520

March 17, 2025

Subject: Planning Action PA-T2-2024-00053 – 231 Granite Street

Dear Ashland Planning Commission,

If the Commission feels compelled to allow building, it should try to follow the intent of the ordinances even if it is unable to enforce the letter of the ordinances. The neighbors deserve the protection of the ordinances to the use of their properties.

One of the goals of the Hillside Ordinance was to limit houses with high front sides from looming over their neighbors and the landscape. Given that the proposed structure sits on land exceeding Hillside Ordinance slopes, it would be reasonable for the approved structure to be less tall than the Hillside Ordinance usually allows. The structure should be limited to a single story on the downhill side so that its overall facade exposure as seen downslope would be similar to a taller building on a less steep slope. Limiting the length of the structure could also limit the amount of steep slope it violates and would also allow for the preservation of more trees while still allowing the applicants to build on their land.

The driveway however presents an intractable problem. There is no way to make this access work in a way that is safe and fair. The access is so steep that even walking it would be difficult. (As a reference, we try to limit the slope of hiking trails to about 10% maximum.) Cars would slide out of control much of the year—a disaster waiting to happen. The rest of the time the neighbors would be subjected to the sound of cars straining and skidding to try to get up the hill feet from their home.

The best option is to deny the building permit and facilitate the offer that has been made to buy the land for open space (which would seem to prevent claims of harm). There are many uses for land other than building. The applicants bought a piece of land knowing its characteristics. This lot's characteristics have prevented it from being used as a home site for all of Ashland's history.

Respectfully,
David P. Oursler 
252 Strawberry Lane
Ashland, OR 97520

Michael Sullivan

From: noreply@civicplus.com
Sent: Tuesday, March 18, 2025 7:50 AM
To: planning
Subject: Online Form Submittal: Contact Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Contact Planning Commission

Full Name	Craig Anderson c/o Rogue Advocates
Phone	5414992844
Email Address	craig.ashland@gmail.com
Subject	PA-T2-2024-00053
Type of Testimony	Electronic (to appear electronically)
Message	<p>The following are comments from Rogue Advocates on the above application:</p> <p>Rogue Advocates hereby references record submissions from others on substantive approval criteria as our own. Further, we understand that an easement for trail/recreation purposes is not part of any approval criteria for this application. However, since the applicant has offered such an easement as part of his public testimony, we will withdraw any objections to this application if the applicant is willing to make such an easement a condition of approval.</p> <p>Thank you for your consideration in this matter.</p>
Attachment 1	<i>Field not completed.</i>
Attachment 2	<i>Field not completed.</i>
Attachment 3	<i>Field not completed.</i>

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Sarah Sameh & Jay Reeck
230 Strawberry Lane
Ashland, Oregon, 97520

March 18, 2025

Ashland Planning Commission
Ashland Community Development Department
51 Winburn Way
Ashland, OR 97520

Subject: New Evidence and Information Regarding Planning Action PA-T2-2024-00053: 231 Granite St.

Dear Ashland Planning Commission,

We are writing to provide additional testimony, argument, and evidence regarding the proposed land use application PA T2-2024-0053 for the construction of a new single-family residence that is actually 6,046 square feet, including living space, basement, and garage, at 231 Granite Street. The additional information and evidence below contribute to our significant concerns about the impacts of this development. The Planning Commission should not approve the application as it currently stands.

The information below demonstrates that the ALUO has internal conflicts about whether the lot is buildable. While the applicants contend that the lot favorably falls within the general requirements of **ALUO 18.3.10.090 A. 1.**, the conflicts enumerated below demonstrate that the proposed application PA-T2-2024-00053 is not feasible.

Driveway Slope

The project requests a variance for driveway slope exceeding 18% (**ALUO 18.5.3.060 F.**). Per the applicant's information in their packet, the proposed driveway is greater than 18%. The application indicates a driveway slope of 23%. The applicant notes that the current slope of the flag portion of the lot is 27%. The applicant's topographic map indicates portions of the existing slope for the driveway are 29% and even over 35% at the top portion of the driveway adjacent to the garage (see topographic map included). Notably, the ALUO does not even allow for a variance greater than 18%.

An additional ordinance, **ALUO 18.4.3.080 D. 8.**, stipulates that no portion of a driveway shall be greater than 20%. The proposed driveway is much steeper than 20% and includes multiple portions of existing slope of 27% and an area greater than 35% per the applicant's supplied topographic map in their application. The applicant has not requested a variance to this ordinance.

In our initial written comments on March 6, 2025, a typographical error indicated ALUO 18.5.5.060 F. pertaining to this matter, instead of **18.5.3.060 F.**

Driveway Length

ALUO 18.5.3.060 F. also indicates that "the cumulative length of such variances ... does not exceed 200 feet." The application indicates a length of 197 feet, and this is the number the applicants' development consultant, Amy Gunter, referred to at the public hearing. This number is incorrect.

Commissioner Herron asked pointed questions about the length of the driveway and public comments from citizens indicated that the supplied length of the driveway may be inaccurate. The 197 feet in the application is measured linearly on the map, not following the course of the driveway. In fact, the measurement courses outside the boundaries of the tax lot. Best practice for surveyors includes measuring the length of the driveway along the centerline of the driveway. If the driveway is curved, distances are usually measured along the actual travel path, rather than a straight-line approximation. For instance, a driveway that travels north for 200 feet from point A to point B and then turns ninety degrees and travels west for 200 feet to point C is 400 feet long. No reasonable person would describe the length of the driveway as the distance directly from point A to point C (283 feet).

Common start and stop points for measuring driveway length include the edge of the public right of way and the front of the garage, carport, or designated parking area. In the application, the applicant indicates that the garage itself is the designated parking area for the required three parking spots. Therefore, it follows that the length of the driveway is from the property edge of the flag to the closest garage (furthest east). On the applicant's maps, this is measured as 210 feet along centerline as described above. Furthermore, the actual length of the distance (corrected for the slope (rise and run)) is 215 feet. This accounts for the fact that the 210 feet is measured on a two-dimensional map and the calculation of the distance over the course of the sloped driveway is correctly calculated using the Pythagorean theorem.

Mr. Herron also noted that the measurements of the driveway length didn't account for the additional driveway length that needs to be built on adjacent properties through an easement to reach the existing shared driveway. Using the applicant's provided maps, this adds approximately 16 more feet to the length of the driveway, for a total of 231 feet, far exceeding the 200-foot limit of code, notwithstanding the slope exceeding 18% per upper level of variance considered.

The above driveway calculations are a very significant issue related to the plans for this property. We have seen multiple problems with steep driveways in Ashland, resulting in injuries and damage.

Driveway Emergency Turnaround

ALUO 18.5.3.060 J. states that, "When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround ... The Staff Advisor, in coordination with the Fire Code Official,

may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions."

In the current application, there is no exemption provided by a Staff Advisor or Fire Code Official.

Section 503 of Oregon Fire Code requires access roads to "extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility." Exceptions include "1.1 The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3." The applicant includes a fire suppression system within the plans for the residence. However, **ALUO 18.5.3.060 J.** only allows an exception in the City of Ashland to extend the turnaround distance to 250 feet. Reading the Oregon Fire Code, the intent is for the far extent of the road to be "within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building." The distance to a turnaround, or a pseudo-turnaround as shown below, is well over 250 feet. Additionally, an estimated distance of a route around the first story of the proposed building conservatively adds another 100 feet. While the Ashland ordinance doesn't include this verbiage, it illustrates the intent of a turnaround to be within a reasonable distance of the structure to aid in fire suppression for occupant safety, preservation of the structure, safety of first responders, and the ability to stop spread of fire.

At the March 11 public hearing, the applicant said that a designed turnout in the flag portion of the driveway (a widened portion illustrated in the application packet) serves as an adequate replacement for the required turnaround. In the application, there is an email from the Ashland Fire Marshal stating that he would consider such an arrangement designed to Jackson County Standards. However, there is no exemption or confirmation provided by a Staff Advisor or Fire Code Official, nor is there any confirmation that the proposed turnout is designed to Jackson County Standards.

During questioning and response during the March 11 public hearing, commissioners noted there is no turnaround and asked if the plan was for emergency vehicles to back out of the driveway after accessing a structure in the proposed building envelope. The applicant indicated that yes, backing the vehicles up was the plan. The applicant said that there is a pseudo-hammerhead turnaround located below the applicant's property on the shared easement driveway from Granite Street, implying that this fulfills turnaround requirements. This pseudo-hammerhead turnaround is another 150-160 feet from easternmost end of the subject flag lot. This is a total of about 360-370 feet from the proposed single-family dwelling. This far exceeds the intention of **ALUO 18.5.3.060 J.**, which clearly aims to have a turnaround within 150 feet of a structure, or within 250 feet in extenuating circumstances with appropriate approval. With the additional 100 feet to reach the far side of the house, the distance from a turnaround increases to 460-470 feet. This is a significant distance, including a steep slope, that far

exceeds the intentions of safety for emergency vehicle access as outlined in **ALUO 18.5.3.060 J.** and the intentions of Oregon Fire Code section 503.

No exemption has been provided to confirm that fire authorities have approved the lack of a turnaround, a pullout option, or a distant pseudo-hammerhead turnaround as an acceptable option. Furthermore, the ALUO does not have any language that states a turnout is a permissible replacement for a turnaround. A pullout does not provide maneuvering room to turn around a large emergency vehicle.

Given what we have all experienced within the last five years in our valley regarding real fire danger, we hope the Commission takes this section extremely seriously.

Invalid Variance Argument

The type II variance should be not be approved, per **ALUO 18.5.5.050**. Notably, four criteria are listed (1-4), and all of the criteria must be met. The criterion of **ALUO 18.5.5.050. A. 4.** is not met because the variance is self-imposed. The proposal and design (driveway, building, outdoor area, etc.) were voluntarily submitted by the applicant in 2024 and 2025. As the applicant points out in their application, the ordinances were in place at the time of the application. Due diligence before the purchase of the land and before the application would have demonstrated that there is no compliant way to create vehicular access to a building envelope on this tax lot.

Ordinances which are in effect at the time of application for a building permit are enforceable, and the plans must comply with said ordinances. These facts stand regardless of the chronology of lot partitions and ordinance adoption if the application of interest was submitted after current ordinances are in effect.

Additionally, while the City's intent with the lot partition in the 1990s was presumably to create a buildable lot, conditions have changed over the years since the original partition. Safety awareness has increased. Wildfire risks have increased. Environmental fragility has increased. Thus, the city has wisely implemented land use ordinances to protect residents, neighbors, and the community, accounting for the new conditions and to incorporate new environmental and engineering knowledge.

The applicant has not demonstrated that the benefits of the proposed development outweigh the negative impact of the development, as required in **18.5.5.050. A. 3.** Adjacent uses include hillside safety (see retaining wall concerns below relating to **ALUO 18.3.10.090 B. 4. b.**), tree and wildlife impacts of the development (as pointed out by neighbors at the March 11 public hearing, trees to be removed straddle the property line and are half on a neighbor's property – see **ALUO 18.5.7.040 B. 2. c.**), headlight impacts upon neighboring properties (as pointed out by a commissioner during the public

hearing), and downhill neighborhood danger from runaway vehicles on the exceedingly steep slope (as pointed out during oral testimony at the March 11 hearing).

At the March 11 public hearing, Ms. Gunter stated that the project must be accepted because there are no other developable lots in the city. In fact, there are indeed residential lots for sale in the Ashland city limits. In addition, there are approximately 60 single-family homes for sale in Ashland at this time. There are also three single-family homes for sale within two blocks of the applicant's current home, as they indicated that they would like the proposed new home to be occupied by family, and to be within close proximity to their current home. One of the nearby properties is a beautiful, high-end property with a pool and outdoor living area on Granite Street. It is a stunning home and is actually part of the applicants' family legacy.

Rather than choosing to purchase a more readily buildable lot, purchase another home, or purchase another home and make significant modifications, the applicants have chosen to attempt to build on a lot that is not conducive to achieving their desired vision. One of the above options could most certainly yield a large, inspiring, beautiful home and outdoor living area without the self-imposed environmental challenges, engineering requirements, and land use ordinance exceptions and variances.

Retaining Wall Height

The retaining wall criteria **ALUO 18.3.10.090 B. 4. b.** states that, "Exposed cut slopes, such as those for streets, driveway accesses, or yard areas, greater than seven feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five feet. Terrace widths shall be a minimum of three feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of 15 feet. The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line." The plans show (in the north landscape elevation schematic) that the retaining wall on the north aspect of the driveway will be as high as 22 feet at its westernmost end and is set back 6 feet from the North property line per the applicant's schematics. This is A) a cut slope for a driveway; B) greater than 7 feet in height; C) not terraced; D) exceeding a maximum vertical height of 15 feet; E) not indicating utilization of a structural retaining wall; and F) the top of the wall (not structural) is not setback one-half of the height of the cut slope (approximately 11 feet setback) from the nearest property line (the north property line).

Environmental Impact and Tree Removal

At the March 11 public hearing, Ms. Gunter characterized the proposed house as a single-level home that is similar in size to neighboring homes. In layman's terms, the proposed home includes two levels with living areas. Additionally, the applicant characterized the house as similar in size to neighboring homes. Using the applicant's architectural plans (which were absent from the initial public records

available before the March 11 public hearing) the applicant's proposed house is 6,046 square feet including the living space, basement, and garage space. A greater than 6,000 square foot structure in a Hillside and Wildfire overlay area is not in keeping with the spirit of minimizing impact on excavation and tree preservation, per **ALUO 18.3.10.090 D. 3. b.**, which stipulates that "Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the general fuel modification standards if the development is located in Wildfire Lands."

During the public hearing on March 11, the applicant noted that they plan to shift the driveway to create more buffer zone to the 36" DBH Madrone on adjacent property on the north property line. We request that the new plans be submitted for consideration by the Planning Commission (and the Tree Commission, as appropriate). Please note that this modification does not fulfill the additional required assessment for tree removal per **ALUO 18.5.7.040 B. 2. c.**, analyzing impacts of tree removal within 200 feet of the property. (In our original March 6 letter, a typographical error said 18.5.7.040 B. 2. b.)

Exceptions Requested

The same logic leading to the conclusion to deny the requested variance for the driveway applies to the following requested exceptions. All of these exceptions are self-imposed features of the applicant's proposed design and do not create benefits outweighing drawbacks for the neighbors and community. They are self-imposed simply because the design submitted can and should be altered to comply with the ALUO standards.

- Downhill height exemption greater than 20 feet (introduced as an exception at the public hearing) **ALUO 18.3.10.090. E. 2. c.**
- Tree removal exception **ALUO 18.3.10.090 D. 3. b.** (note that our March 6 written comments had a typographical error reading ALUO 18.3.10.900 D. 3. b.).
- Horizontal length without 6-foot setback exception **ALUO 18.3.10.090 E. 2. d.**
- Terracing exceptions **ALUO 18.3.10.090 B. 8. a.**

Variance Conditions

If, despite the above facts and conditions, the Planning Commission grants a variance for access to the building lot via the proposed driveway, the Commission is compelled to implement conditions as noted in **ALUO 18.5.5.050 B.** These conditions should include a new design. The new design should include the intent of complying with ALUOs, including but not limited to: not having a pool (discouraged on hillside lands per **ALUO 18.3.10.090 B. 8. c.**), limiting outdoor space and terracing per **ALUO 18.3.10.090 B. 8. a.**, having a fire turnaround per **ALUO 18.5.3.060 J.**, minimizing its footprint and excavation to preserve the maximum number of trees per **ALUO 18.3.10.090 D. 3. b.**, and creating a safe ingress and egress to prevent increased risk to the occupants of the property, first responders, neighbors, and the community

in the case of emergency or wildfire. Simply put, the Planning Commission, if they grant the variance for the driveway access, should compel the applicants to submit new designs for a single-family dwelling that meets the spirit of the ALUOs, with a smaller footprint, a smaller house, and less outdoor living space development.

Community Commitment

We want to reiterate that we respect and appreciate the applicants/owners and their many contributions to our community. They are an upstanding family, and we are grateful for their commitment to numerous causes, including their conviction to protect the trail. Likewise, we appreciate the design aesthetic of previous projects by the applicant/owners and the architect. We want the best for the applicants and their family, just as we would want for any family endeavoring to live closer to one another. We are family-oriented people, and we deeply value strong connections with our neighbors and the community at large. This lot is clearly a very tricky area that does not present ideal building conditions. Please understand that we are simply afraid – gravely, in fact – about the safety ramifications and long-term impacts of excavating this lot, tearing down 70 trees, attempting to secure a long and very steep driveway, and building a large structure with major terracing.

Ordinances are in place for a reason. We value the ongoing open dialogue and public discourse, as these are traits that make a community stronger and more committed to each other in the end. We are grateful for the efforts of the applicants, owners, public citizens, planning department staff, and commission members.

Thank you for your thoughtful consideration of our concerns.

Warm regards,

Jay Reeck and Sarah Sameh

Michael Sullivan

From: noreply@civicplus.com
Sent: Tuesday, March 18, 2025 3:39 PM
To: planning
Subject: Online Form Submittal: Contact Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Contact Planning Commission

Full Name	Douglas R Smith
Phone	541-941-2874
Email Address	dougzmail7@gmail.com
Subject	321 Granite Street
Type of Testimony	Electronic (to appear electronically)
Message	I spoke at the 4/11 meeting and was told that I could submit more comments/evidence. Please see attached letter.
Attachment 1	Land New Evidence Regarding PA-T2-2024-00053.pdf
Attachment 2	<i>Field not completed.</i>
Attachment 3	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Sarah Sameh & Jay Reeck
230 Strawberry Lane
Ashland, Oregon, 97520

March 18, 2025

Ashland Planning Commission
Ashland Community Development Department
51 Winburn Way
Ashland, OR 97520

Subject: New Evidence and Information Regarding Planning Action PA-T2-2024-00053: 231 Granite St.

Dear Ashland Planning Commission,

We are writing to provide additional testimony, argument, and evidence regarding the proposed land use application PA T2-2024-0053 for the construction of a new single-family residence that is actually 6,046 square feet, including living space, basement, and garage, at 231 Granite Street. The additional information and evidence below contribute to our significant concerns about the impacts of this development. The Planning Commission should not approve the application as it currently stands.

The information below demonstrates that the ALUO has internal conflicts about whether the lot is buildable. While the applicants contend that the lot favorably falls within the general requirements of **ALUO 18.3.10.090 A. 1.**, the conflicts enumerated below demonstrate that the proposed application PA-T2-2024-00053 is not feasible.

Driveway Slope

The project requests a variance for driveway slope exceeding 18% (**ALUO 18.5.3.060 F.**). Per the applicant's information in their packet, the proposed driveway is greater than 18%. The application indicates a driveway slope of 23%. The applicant notes that the current slope of the flag portion of the lot is 27%. The applicant's topographic map indicates portions of the existing slope for the driveway are 29% and even over 35% at the top portion of the driveway adjacent to the garage (see topographic map included). Notably, the ALUO does not even allow for a variance greater than 18%.

An additional ordinance, **ALUO 18.4.3.080 D. 8.**, stipulates that no portion of a driveway shall be greater than 20%. The proposed driveway is much steeper than 20% and includes multiple portions of existing slope of 27% and an area greater than 35% per the applicant's supplied topographic map in their application. The applicant has not requested a variance to this ordinance.

In our initial written comments on March 6, 2025, a typographical error indicated ALUO 18.5.5.060 F. pertaining to this matter, instead of **18.5.3.060 F.**

Driveway Length

ALUO 18.5.3.060 F. also indicates that "the cumulative length of such variances ... does not exceed 200 feet." The application indicates a length of 197 feet, and this is the number the applicants' development consultant, Amy Gunter, referred to at the public hearing. This number is incorrect.

Commissioner Herron asked pointed questions about the length of the driveway and public comments from citizens indicated that the supplied length of the driveway may be inaccurate. The 197 feet in the application is measured linearly on the map, not following the course of the driveway. In fact, the measurement courses outside the boundaries of the tax lot. Best practice for surveyors includes measuring the length of the driveway along the centerline of the driveway. If the driveway is curved, distances are usually measured along the actual travel path, rather than a straight-line approximation. For instance, a driveway that travels north for 200 feet from point A to point B and then turns ninety degrees and travels west for 200 feet to point C is 400 feet long. No reasonable person would describe the length of the driveway as the distance directly from point A to point C (283 feet).

Common start and stop points for measuring driveway length include the edge of the public right of way and the front of the garage, carport, or designated parking area. In the application, the applicant indicates that the garage itself is the designated parking area for the required three parking spots. Therefore, it follows that the length of the driveway is from the property edge of the flag to the closest garage (furthest east). On the applicant's maps, this is measured as 210 feet along centerline as described above. Furthermore, the actual length of the distance (corrected for the slope (rise and run)) is 215 feet. This accounts for the fact that the 210 feet is measured on a two-dimensional map and the calculation of the distance over the course of the sloped driveway is correctly calculated using the Pythagorean theorem.

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The above driveway calculations are a very significant issue related to the plans for this property. We have seen multiple problems with steep driveways in Ashland, resulting in injuries and damage.

Driveway Emergency Turnaround

ALUO 18.5.3.060 J. states that, "When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround ... The Staff Advisor, in coordination with the Fire Code Official,

may extend the distance of the turnaround requirement up to a maximum of 250 feet in length as allowed by Oregon Fire Code access exemptions."

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exceeds the intentions of safety for emergency vehicle access as outlined in **ALUO 18.5.3.060 J.** and the intentions of Oregon Fire Code section 503.

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Variance Conditions

If, despite the above facts and conditions, the Planning Commission grants a variance for access to the building lot via the proposed driveway, the Commission is compelled to implement conditions as noted in **ALUO 18.5.5.050 B.** These conditions should include a new design. The new design should include the intent of complying with ALUOs, including but not limited to: not having a pool (discouraged on hillside lands per **ALUO 18.3.10.090 B. 8. c.**), limiting outdoor space and terracing per **ALUO 18.3.10.090 B. 8. a.**, having a fire turnaround per **ALUO 18.5.3.060 J.**, minimizing its footprint and excavation to preserve the maximum number of trees per **ALUO 18.3.10.090 D. 3. b.**, and creating a safe ingress and egress to prevent increased risk to the occupants of the property, first responders, neighbors, and the community

in the case of emergency or wildfire. Simply put, the Planning Commission, if they grant the variance for the driveway access, should compel the applicants to submit new designs for a single-family dwelling that meets the spirit of the ALUOs, with a smaller footprint, a smaller house, and less outdoor living space development.

Community Commitment

We want to reiterate that we respect and appreciate the applicants/owners and their many contributions to our community. They are an upstanding family, and we are grateful for their commitment to numerous causes, including their conviction to protect the trail. Likewise, we appreciate the design aesthetic of previous projects by the applicant/owners and the architect. We want the best for the applicants and their family, just as we would want for any family endeavoring to live closer to one another. We are family-oriented people, and we deeply value strong connections with our neighbors and the community at large. This lot is clearly a very tricky area that does not present ideal building conditions. Please understand that we are simply afraid – gravely, in fact – about the safety ramifications and long-term impacts of excavating this lot, tearing down 70 trees, attempting to secure a long and very steep driveway, and building a large structure with major terracing.

Ordinances are in place for a reason. We value the ongoing open dialogue and public discourse, as these are traits that make a community stronger and more committed to each other in the end. We are grateful for the efforts of the applicants, owners, public citizens, planning department staff, and commission members.

Thank you for your thoughtful consideration of our concerns.

Warm regards,

Jay Reeck and Sarah Sameh



Memo

To: Planning Commissioners
From: Amy Gunter, Rogue Planning & Development Services, LLC
Date: March 17, 2025
Re: PA-T2-2024-00053

This memo serves to clarify and amend some of the information related to the review and decision regarding the development of the residence proposed at 231 Granite Street.

1. An Exception to Hillside Design Standard AMC 18.3.10.090.E.2.d. was requested.
18.3.10.090.E.2.d. Continuous horizontal building planes shall not exceed a maximum length of 36 feet. Planes longer than 36 feet shall include a minimum offset of six feet.

This exception has been eliminated from the east and south sides of the proposed structure through footprint and façade alterations that increase the offsets to six feet. This also reduces the floor area of the home by 44 square feet. See attached sheet A1.0., A1.1., A2.2., and A2.1.

2. An Exception to Hillside Design Standard AMC 18.3.10.090.E.2.c. is not required.
18.3.10.090.E.2.c. A building step-back shall be required on all downhill building walls greater than 20 feet in height, as measured above natural grade. Step-backs shall be a minimum of six feet. Decks projecting out from the building wall and hillside shall not be considered a building step-back. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of 20 feet above natural grade. See Figure 18.3.10.090.E.2.c.

As noted during the hearing, the proposed residence complies with the downhill wall height as depicted in the graphic from the land development ordinance 18.3.10.090.E.2.c. The roof framing and the fascia board are not part of the wall and should

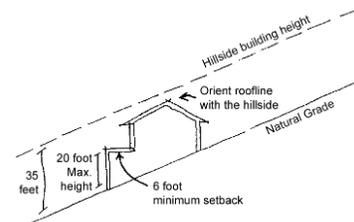


Figure 18.3.10.090.E.2.c. Downhill Building Step-Back



not be included in the downhill wall height measurements. This does not require an exception to the design standards. See attached sheet A2.1. and A2.2.

3. A Variance to exceed the driveway grades allowed for flag lot driveways 18.5.3.060.F. has been requested. *Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent; provided, that the cumulative length of such variances across multiple sections of the flag drive does not exceed 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5, Variances.*

The length of the shared driveway and the grade of the shared driveway is a pre-existing, legal, non-conforming situation. The subject property is a legal, buildable lot of record with no other access. The location and grade of the proposed driveway are within the only guaranteed access.

The proposed driveway length on the subject property is 183 feet and 223 feet to the edge of the existing gravel-surfaced driveway. This existing and proposed driveway exceeds 18 percent and exceeds 200 feet in length. The requested variance for the required access to the property is not only for the grade but the maximum length of the allowed grade. A graphic of the entire driveway has been provided on attached Sheet AS1.1., AS1.2., and on the Civil Sheet (C1).

The proposed grade and length are the sole options and the minimum necessary to comply with the criteria. The subject property was not created by the property owner when it was platted in 1995. It had previously been acknowledged by the City of Ashland in 1992 that the property would be recognized as a legal lot of record when an access easement was provided. The 1992 letter from staff also recognizes that the future development of the driveway would require a variance.

The need for the variance was not self-imposed as the property owners did not create the lot nor did they create the existing shared driveway. The existing driveway grade, the lot location, and limited access are unique and unusual circumstances that do not typically apply to other properties because shared driveways with nine lots are a unique situation that is 'grandfathered'.



4. A revised tree survey has been completed with the addition of a 36-inch diameter at breast height (DBH) Madrone tree near the northeast property corner where the subject property flagpole begins and is shared with the adjacent property at 234 Strawberry Lane. This tree is within the access easement. This tree will require removal because the preservation of the madrone will narrow the driveway below what is acceptable for fire apparatus access, and it is unlikely to survive the construction of the driveway within a substantial portion of its root zone.

74 trees are six inches DBH or larger within the impact area of the site development. Of these trees, there are 24 trees in fair or poor health and 10 dead trees. Only seven deciduous trees and two conifers are considered significant trees.

The Planning Commission can find that the proposed tree removal removes the minimum number of significant stature trees to accommodate the development of the 2.1-acre parcel with a single-family residence on the oversized Rural Residential lot. The proposed tree removal increases wildfire hazard safety for the subject property and the adjacent properties.

The removal of the significant trees is necessary to allow for the development of the driveway within both the deeded driveway access and utility easement, within the footprint of the proposed residence, within the impact area of the construction area, or within the wildfire buffer.

The removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, or protection of adjacent trees or windbreaks. The trees proposed for removal are within the portion of the property that will be developed with the driveway, the structure, the retaining walls, the patio area, or within the construction impact area. Slope and soil stability are replaced through development and revegetation. There are no surface waters or wind breaks.

The removal of the trees, including the removal of nine significant stature trees will not have a negative impact on tree densities, canopies, and species diversity within 200 feet of the subject property. There are numerous significant stature madrone, Ponderosa pine, Douglas fir, and oak trees on the subject property and upon the properties within 200 feet of the subject property. The removal of five significant trees will not reduce tree density, tree canopy, or species diversity within 200 feet of the subject property.



All significant trees proposed for removal will be mitigated onsite with a mitigation tree consistent with AMC 18.5.7.050.A.

The proposed tree removal is consistent with the requirements of 18.3.10.100 and areas of heavy vegetation including the removal of the dead and dying trees to clear sufficient vegetation to reduce the fuel load on the property have been proposed.

5. As noted during the public hearing, the property owners, Bryan and Stephanie DeBoer will dedicate a perpetual public pedestrian access easement for recreational purposes along the Talent Irrigation District trail.

The subject property is a buildable lot. Though the lot is subject to hillside design and development standards today, it was created in 1995 before the hillside development standards were adopted and some flexibility is necessary to allow for the site development.

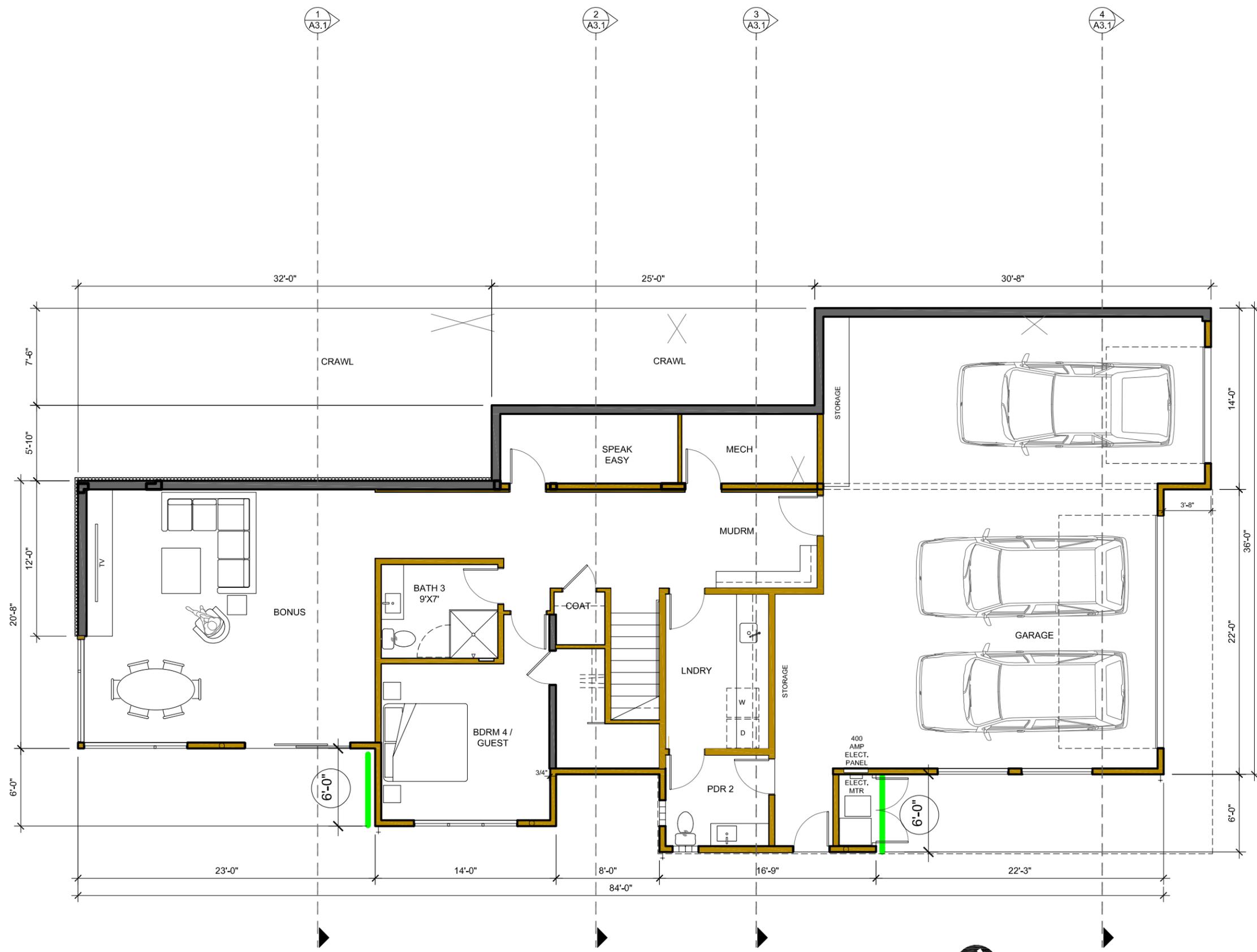
With hillside development, the primary objective is to preserve the natural environment and to reduce impacts on the hillside slopes. The proposed site disturbance is less than 20 percent of the 2.1-acre, parcel while the code allows for up to 48 percent disturbance. Lot coverage is less than 10 percent while 20 percent is allowed. This demonstrates that all measures to reduce impacts have been taken and the development standards for hillside lots that include a small area of severely constrained slopes (~900 square feet) have been considered.

DESCRIPTION	DATE

NEW RESIDENCE
 BRYAN & STEPHANIE DEBOER
 231 GRANITE ST.
 ASHLAND, OR 97520
 ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

NOT FOR CONSTRUCTION

DRAWN : CHECKED:
 TS CD
 DATE :
 03/12/25
 PROJECT :
 ROGERS_24
 SHEET :
A1.0



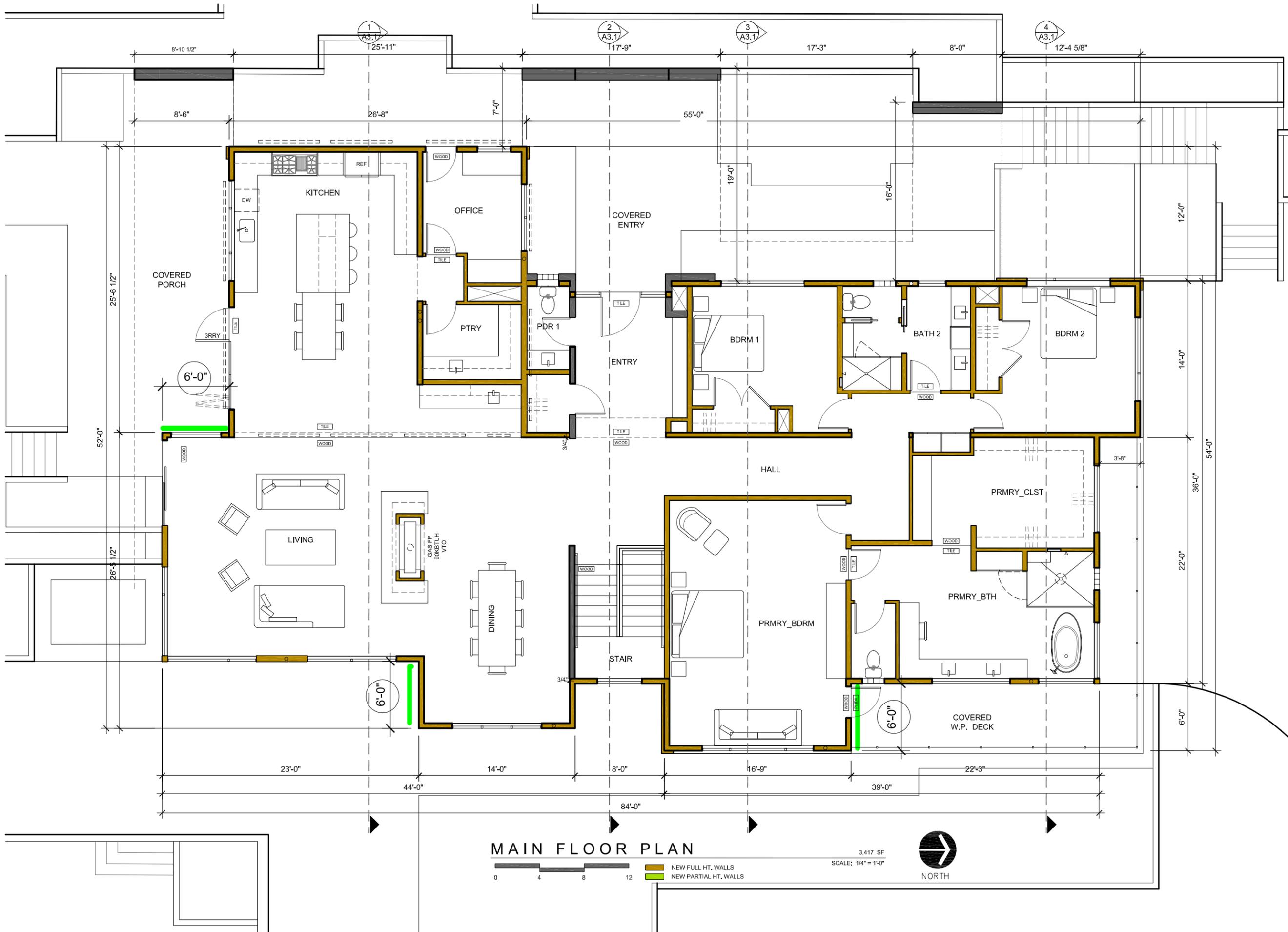
BASEMENT FLOOR PLAN



GHFA: 1,328 SF
 GARAGE: 1,250 SF
 SCALE: 1/4" = 1'-0"



11X17 SHEETS ARE HALF SCALE



MAIN FLOOR PLAN



NEW FULL HT. WALLS
NEW PARTIAL HT. WALLS

3,417 SF
SCALE: 1/4" = 1'-0"



Carlos Delgado
ARCHITECT
200 Clear Crk #C • Ashland OR 97520
541.552.9502
info@CarlosDelgadoArchitect.com

DESCRIPTION	DATE

NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND, OR 97520
ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

11X17 SHEETS ARE HALF SCALE

NOT FOR CONSTRUCTION

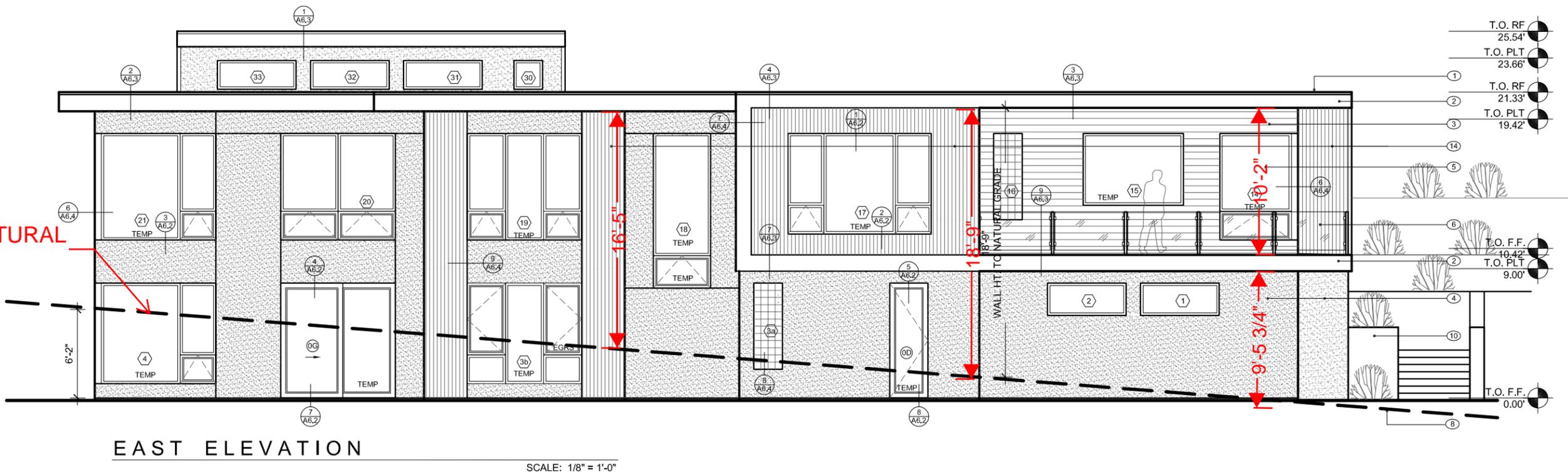
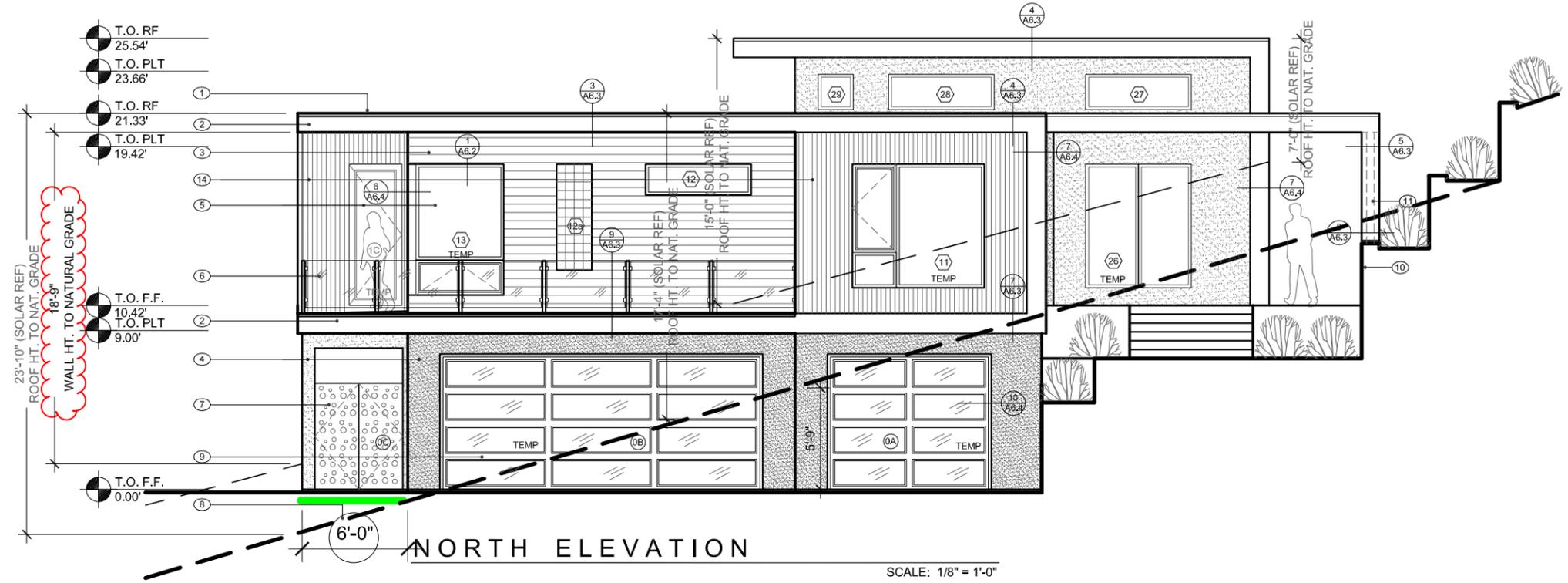
DRAWN : CHECKED :
TS CD
DATE :
03/12/25
PROJECT :
ROGERS_24
SHEET :
A1.1

DATE	DESCRIPTION

NOT FOR CONSTRUCTION

11X17 SHEETS ARE HALF SCALE

- ELEVATION KEY NOTES**
- PVC MEMBRANE ROOFING, DARK GRAY, CLASS 'B' FIRE RATED
 - STUCCO FASCIA W/ FLASHING TO MATCH STUCCO
 - THERMALLY MOD. HORIZ. SHIPLAP SIDING, 6" EXP.
 - WESTERN 'ONE COAT' STUCCO FINISH W/ INTEGRAL COLOR
 - FIBERGLASS WINDOWS & DOORS, BLACK
 - +36" BRNZE POWDER COATED METAL POSTS W/ METAL RAIL & TEMP. GLASS GUARD, 4" SPHERE TO NOT PASS THRU
 - STEEL FRAME DOORS FOR GARBAGE NICHE
 - LINE OF APROX. EXISTING NATURAL GRADE
 - WAYNE DALTON ALUMINUM & GLASS GARAGE DOOR, BLACK
 - LANDSCAPE WALLS, SEE LANDSCAPE PLAN
 - STUCCO 'WATERFALL' COVERED PORCH AREAS
 - POURED CONCRETE ACCENT WALL
 - STUCCO VENEER CHIMNEY FOR GAS F.P.
 - COMPOSITE WIDE SLAT VERTICAL SIDING



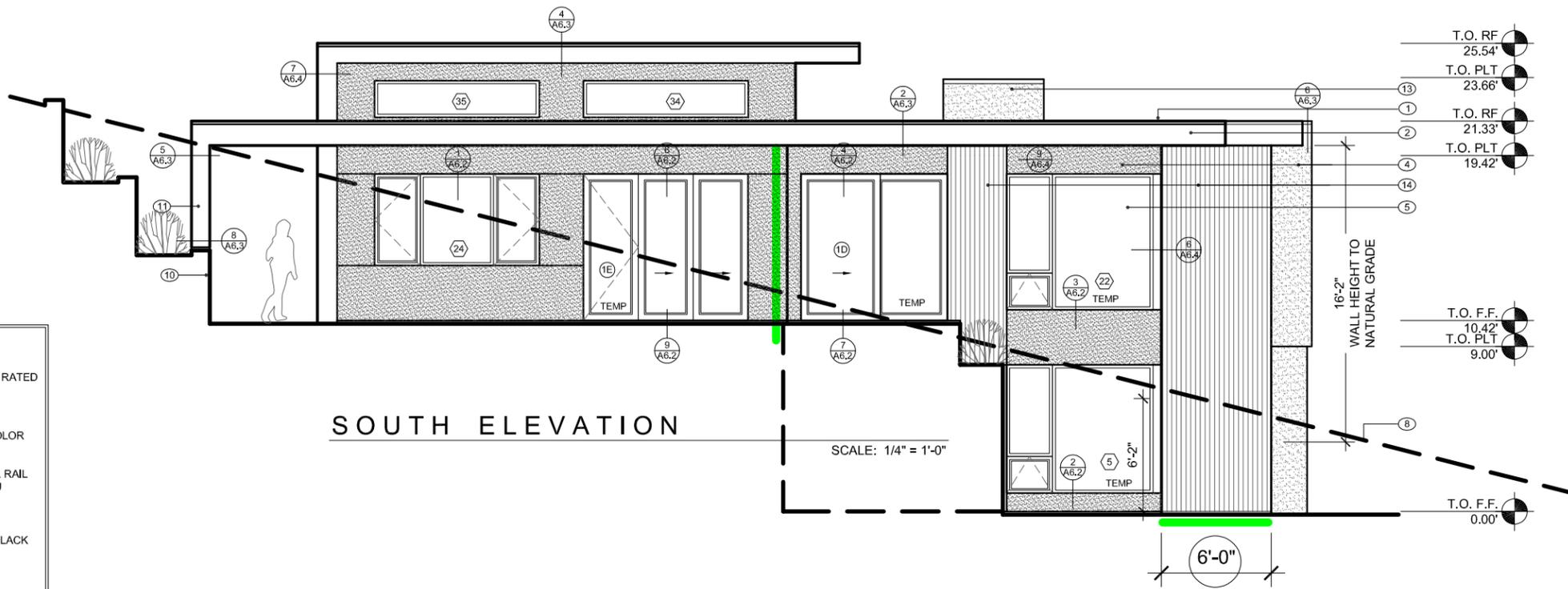
DESCRIPTION	DATE

NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND, OR 97520
ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

NOT FOR CONSTRUCTION

DRAWN : CHECKED :
TS CD
DATE :
03/12/25
PROJECT :
ROGERS_24
SHEET :
A2.2

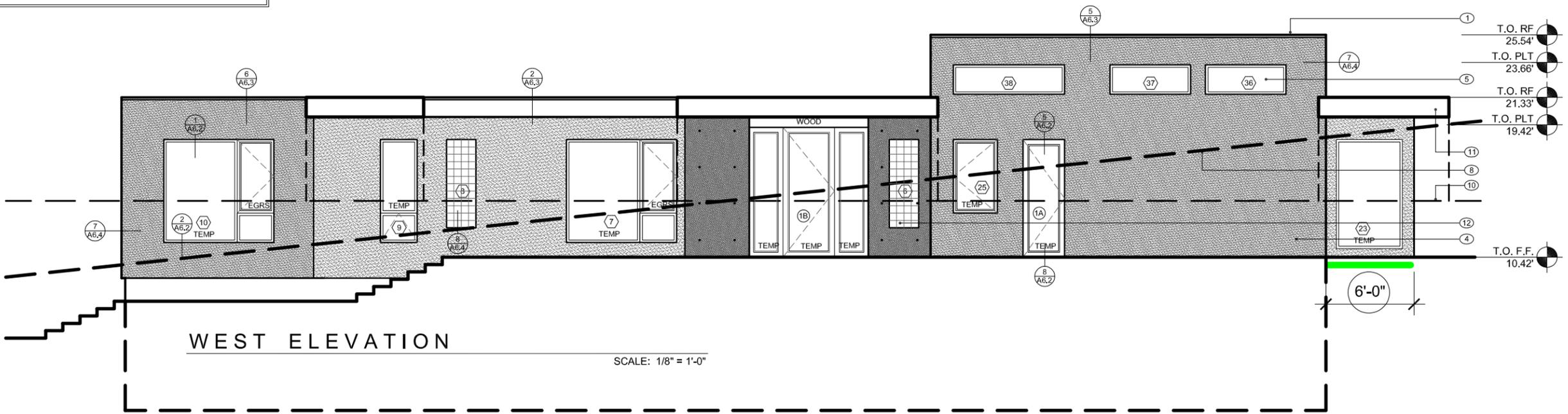
11X17 SHEETS ARE HALF SCALE



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

- ELEVATION KEY NOTES**
- PVC MEMBRANE ROOFING, DARK GRAY, CLASS 'B' FIRE RATED
 - STUCCO FASCIA W/ FLASHING TO MATCH STUCCO
 - THERMALLY MOD. HORIZ. SHIPLAP SIDING, 6" EXP.
 - WESTERN 'ONE COAT' STUCCO FINISH W/ INTEGRAL COLOR
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 - STUCCO 'WATERFALL' COVERED PORCH AREAS
 - POURED CONCRETE ACCENT WALL
 - STUCCO VENEER CHIMNEY FOR GAS F.P.
 - COMPOSITE WIDE SLAT VERTICAL SIDING



WEST ELEVATION

SCALE: 1/8" = 1'-0"

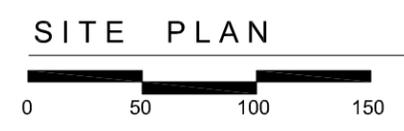
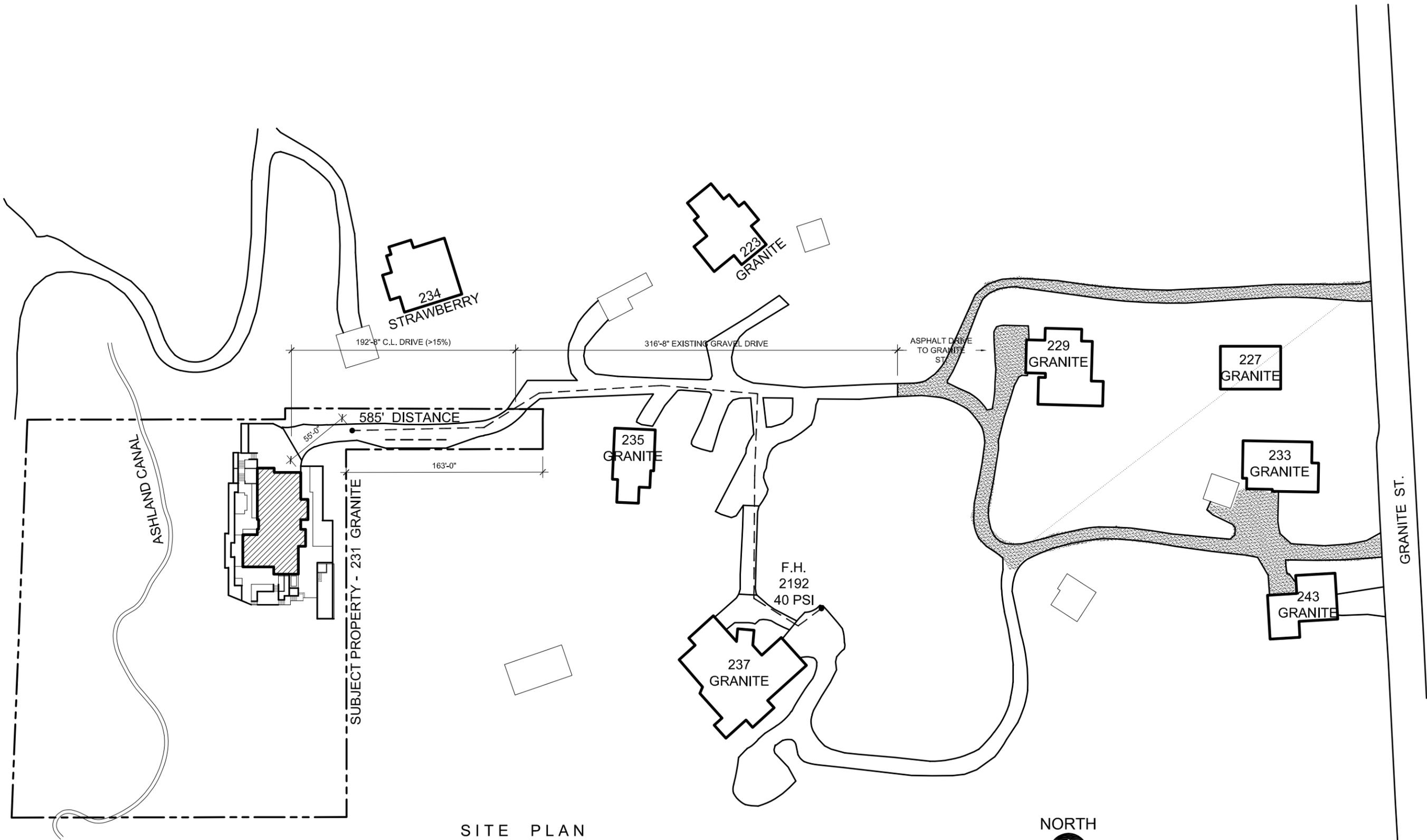
DESCRIPTION	DATE

NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

NOT FOR CONSTRUCTION

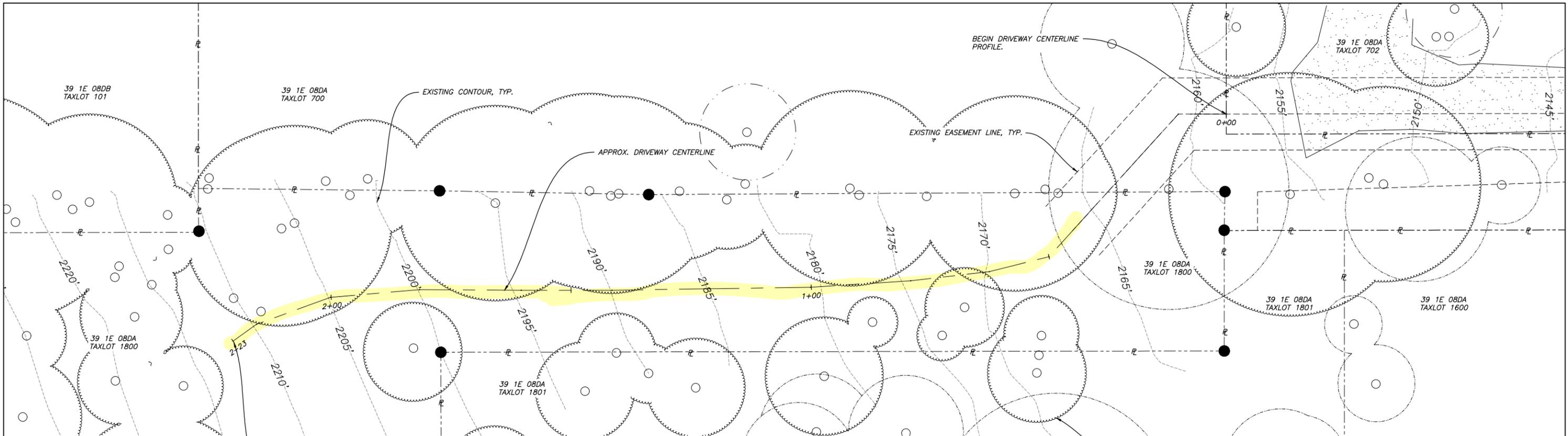
DRAWN: TS CHECKED: CD
DATE: 03/12/25
PROJECT: ROGERS_24
SHEET: **AS1.1**

11X17 SHEETS ARE HALF SCALE

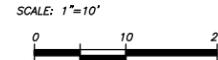


SCALE: 1" = 40'-0"





PRELIMINARY PLAN - DRIVEWAY CENTERLINE

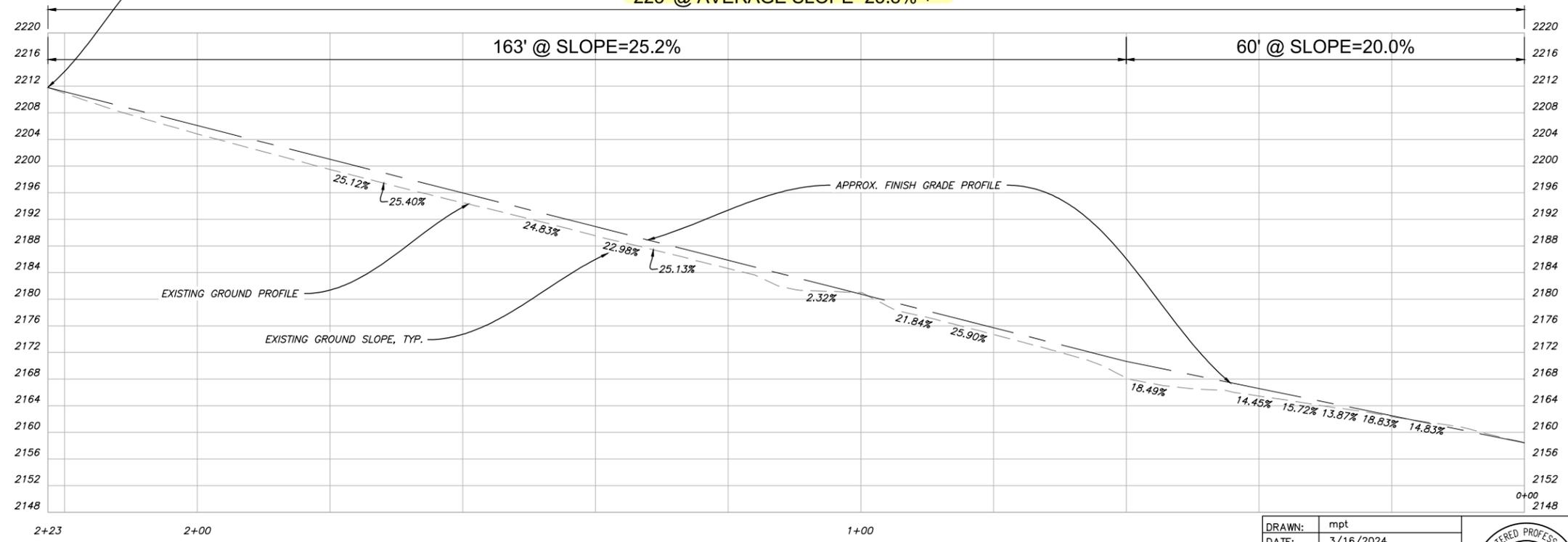


APPROX. END OF DRIVEWAY CENTERLINE AT PROPOSED TURNAROUND.

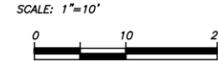
223' @ AVERAGE SLOPE=23.8% +/-

PLAN NOTES

1. Topographic and boundary information provided by Terrasurvey, Inc, 1/29/2024.
2. Approximate driveway alignment and grades provided Scharen Design Studio, Preliminary Plan, 12/6/2024.
3. This plan is for land use application information only, Not for Construction.



PRELIMINARY PROFILE - DRIVEWAY CENTERLINE



DRAWN:	mpt
DATE:	3/16/2024
REVISIONS:	



THORNTON ENGINEERING INC.
 p.o. box 476 • 260 north 3rd street
 jacksonville, oregon 97530
 (541) 899-1489 (541) 899-3419 fax

PRELIMINARY DRIVEWAY PLAN/PROFILE

NEW RESIDENCE
 GRANITE STREET
 ASHLAND, OREGON 97520

SHEET C1

JOB NO. 24-064
 FILE: BASEMAP.DWG

Memo

DATE: March 18, 2025
TO: Planning Commission
FROM: Brandon Goldman, Community Development Director
RE: 231 Granite Street

During the period in which the record remains open for written material, staff is providing this memo to offer additional clarity regarding the Staff recommendation on several key items discussed during the public hearing. These clarifications address the variance request for driveway grade and length, the design exceptions related to hillside development standards, the absence of home size regulations outside of Historic Districts, and considerations regarding the Talent Irrigation Ditch (TID) trail easement. This information is intended to ensure a clear understanding of how the proposal aligns with applicable code requirements and the rationale for staff's assessment.

Variance Request – Driveway Grade and Length

The applicant has requested a Type II Variance to allow for a driveway that exceeds both the maximum permitted grade of 18% and the cumulative length of 200 feet for sections exceeding 15% grade.

- **Code Requirement:**
 - **AMC 18.5.3.060.F** *“Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess of 15 percent but no greater than 18 percent; provided, that the cumulative length of such variances across multiple sections of the flag drive does not exceed 200 feet.”*
 - **AMC 18.3.10.090 A.3.b.** *The portion of the street, flag drive, or driveway on land greater than 35 percent slope does not exceed a length of 100 feet.*
- **Historical Background:** Staff has included attached correspondence from 1992–1993 between then Acting Planning Director John McLaughlin and attorney Carlyle F. Stout, III representing the property owner at the time. At that time, in considering an adjustment to the boundary lines of Tax Lot #1800, the subject property under consideration in the current application, McLaughlin noted that historical access for this area was from Granite Street, and that

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provided that the owner could provide evidence of an easement for their landlocked parcel, staff would sign a boundary line adjustments and recognize this as a buildable lot. McLaughlin recognized that the grade of the access would exceed the allowable grades established by city ordinance, however since this was the historical, existing access for the area, its use for access purposes to the existing otherwise-landlocked parcel to access a residence would be allowable. McLaughlin emphasized that the driveway would need to be paved from the end of the existing easement to a proposed residence, and that development would need to meet Ashland Fire Department's requirements regarding hydrants and sprinklers, including the need to potentially install a pump station and hydrant and provide residential fire sprinklers to comply with the Uniform Fire Code. Staff present this memo from the planning application records for the subject property to make clear that the issue of the use of the driveway to serve the subject property, and the fact that it would exceed driveway grade standards and need to meet Ashland Fire requirements, was recognized in the early 1990's (well before the adoption of the current Physical & Environmental Constraints Review Ordinance regulating hillside development) and is not something now being self-imposed by the applicant. (*The city signed the boundary line adjustment discussed as Partition Plat #P-43-1996 which was recorded as [Jackson County Survey #14932](#) nearly 29 years before the applicant acquired the subject property.*)

- **Staff Assessment:** The existing and proposed driveway well exceeds both the 200-foot cumulative limit and the 18% grade threshold, rendering it ineligible for a Type I variance under AMC 18.5.3.060.F. As such, a Type II variance is required, which is the process currently being followed in this application. Should the Planning Commission approve a variance to the Flag Drive Standards (AMC 18.5.3.060.F), such approval would apply to both the grade and length, as each element is exceeded due to the pre-existing lot configuration and the necessity of locating access on steep slopes.
- **Necessity of Variance:** The driveway's location is determined by the existing private drive and the lot's flagpole configuration, which extends to this established access. The natural slope within the flagpole area averages 23%, making it impossible for the applicant to comply with the standard requirement for a driveway on slopes less than 15%. Additionally, due to the final grade and length required to extend the driveway from the existing private drive to the building envelope, the proposal does not qualify for a Type I variance, necessitating a Type II variance instead. The driveway is not proposed to be developed over land with slopes greater than 35% for a length of 100 feet or more, and as such complies with 18.3.10.090.A.3.b

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- As the proposed building envelope is situated immediately adjacent to the end of the flag-pole along the east property line, it is evident to staff that the proposed building location minimizes the length of the driveway to the greatest extent feasible while still providing necessary vehicular and emergency vehicle access to the property.
- Staff considers the requested flag drive variance to be the minimum necessary deviation to facilitate development of the site while ensuring compliance with safety and accessibility requirements. The Type II Variance Criteria in 18.5.5.05 are met in staff's assessment as the standard code provisions for maximum driveway grade and length do not account for the unique physical characteristics and topography of the site which is recognized as a pre-existing legal lot of record.

Home Size and Design Exceptions

Public testimony at the March 11th hearing referenced concerns regarding the size of the proposed home in comparison to surrounding residences.

Home Size: The Severe Constraints and Hillside Development Standards do not regulate home size but instead emphasize site disturbance limitations by requiring a portion of the lot to remain in a natural state. Specifically, AMC 18.3.10.090.B.3 requires that the percentage of the site preserved in its natural state be determined as follow:

On all projects on Hillside Lands involving partitions and subdivisions, and existing lots with an area greater than one-half acre, an area equal to 25 percent of the total project area, plus the percentage figure of the average slope of the total project area, shall be retained in a natural state.

For this property, the required percentage of the site to remain undisturbed is 52 percent [27% average slope + 25% = 52% to be retained in a natural state], ensuring that development is balanced with environmental preservation by limiting excessive grading and modification of the site. The application indicates that 80% of the property is to be retained in its natural state.

Design Exceptions: Exception to the Development Standards for Hillside Lands are not subject to the variance requirements of chapter [18.5.5](#), Variances, rather they are addressed under ALUO 18.3.10.090.H. While the specific design exceptions requested—vertical wall height and horizontal plane step-backs—are primarily aesthetic, they can also be relevant in evaluating the overall impact of development on the site. The intent of these exceptions is to reduce the perceived bulk and visual prominence of the home when viewed from below; however, they also influence the extent of

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grading, excavation, and tree removal required for construction. For instance, requiring a six-foot setback of the second story without the applicant reducing the building floor area could potentially result in expansion of the building footprint to the west, increasing grading and excavation on steep slopes on the western side of the proposed building and necessitating the removal of additional trees to accommodate the structural shift. Similarly, requiring further excavation to lower the ground floor below natural grade could significantly increase site disturbance, impacting the stability of steeper slopes and further encroaching on preserved natural areas.

Likewise, constructing a one-story home of the same square footage would expand the area of disturbance, as a larger footprint would require additional grading, excavation, and tree removal beyond what is currently proposed.

Staff evaluation: Staff's evaluation of the proposed exceptions focused on their visibility from the downhill side, rather than as a method of constraining the overall building size. The City of Ashland does not regulate maximum home size in this area. Factors that do limit building size and patio area include lot coverage restrictions, which account for the driveway, parking areas, hardscaping (including a pool), and the building footprint. In this application, the proposed development remains within the maximum lot coverage allowance and requirements for retention in a natural state, ensuring compliance with regulations designed to preserve the majority of the site in a natural condition while also minimizing additional site disturbance. Due to the building's location within a heavily wooded area far from Granite Street, it will largely not be visible from below, and in Staff's assessment, the typical concerns regarding prominent bulk and mass on the downhill side of a hillside home are not a factor in this case, which is why Staff has recommended approval of the exceptions requested. Further, in the design of the building effort has been made to reduce the vertical height of the building as viewed from the TID irrigation ditch trail above.

Talent Irrigation Ditch (TID) Trail Easement

Concerns were raised regarding the impact of development on the existing Talent Irrigation Ditch (TID) easement and the potential for a public trail.

- **Driveway & Homesite Impact:** The proposed development does not interfere with the existing TID easement.
- **Public Trail Consideration:** Public testimony and the applicant have indicated an interest in dedicating a public pedestrian easement along the TID ditch to maintain historic recreational use.

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- **Coordination with Parks Department:** While this falls outside the scope of the planning action, the applicant has indicated that he is working separately with the Parks Department to formalize this easement. Attached to this memo is a letter from Parks Director Rocky Houston confirming that the easement acquisition is in progress. Director Houston further clarifies that the parcel's inclusion on the Parks Open Space and Trails Map was to recognize its potential for trail connectivity, but that the City does not require acquisition of the entire property to achieve this goal.
- As the applicant has voluntarily proposed the dedication of a public pedestrian access easement along the Talent Irrigation Ditch (TID) and is actively working with the Parks Department to facilitate this, staff acknowledges that while there is no direct regulatory requirement for such an easement in relation to the development of a single-family home, the applicant's proposal could still be considered for adoption as a condition of approval. Should the Planning Commission wish to formalize this commitment, staff recommends the condition be worded as follows: *"As a proposal of the applicant, a public pedestrian access easement shall be provided to the City of Ashland along the Talent Irrigation Ditch, allowing public trail use from the northern to the southern boundary of the property."*

Questions Raised During Public Comments

In reviewing the public comments received during the hearing, Staff has prepared a document attached to this memo entitled "Staff Response to Select Public Comments". This provided document specifically address certain points raised in written testimony received. This response is not intended to be an exhaustive review of all public comments submitted but rather serves to provide additional written information for the Planning Commission's consideration during their deliberations. The intent is to clarify key issues, provide relevant context, and ensure the record includes staff analysis on select matters that may inform the Commission's decision-making process.

Conclusion

The Staff report presented on March 11, 2025 provided a recommendation to approve the Planning Action as presented and with the conditions of approval as outlined in the report and as presented during the public hearing. This recommendation was based on the following:

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1. The Type II variance process is the appropriate path for addressing the driveway grade and length.
2. The design exceptions do not compromise the intent of the hillside standards due to the project's minimal visibility from public rights-of-way.
3. There is no regulatory basis for limiting the size of the proposed home.
4. The TID trail easement is a separate matter being coordinated through the Parks Department. During the public hearing, the applicant/property owner indicated their commitment to voluntarily dedicate an easement along the Talent Irrigation Ditch (TID) to maintain pedestrian access. While this is not a requirement for the development of a single-family home, the Planning Commission could choose to formalize this voluntary proposal of the applicant as a condition of approval to align with the applicant's commitment. Should the Planning Commission wish to formalize this commitment, staff recommends a condition as follows:

"As proposed by the applicant, a permanent public access easement shall be provided to the City of Ashland along the Talent Irrigation Ditch, allowing public trail use from the northern to the southern boundary of the property prior to issuance of a certificate of occupancy. Dedicating a public access easement to the City satisfies and fulfills the trail acquisition expectation outlined in the adopted 2024 Parks, Trails & Open Space Plan for the property designated as #11 on the map.

Attachments:

- Letter from Parks Director Rocky Houston confirming TID easement process.
- 1992–1993 Correspondence between Acting Planning Director McLaughlin and attorney Carlyle F. Stout, III representing a prior owner of the subject property regarding access.
- Staff Memo dated 3/18/2025– Staff Responses to select Public Comments

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Better Together

March 12, 2024

Planning Division
51 Winburn Way
Ashland, OR 97520

RE: 231 Granite – PA-T32-2024

Dear Planning Division,

The Parks & Recreation Department did not respond to the initial request due to discussions with the property owner prior to the application being submitted. That discussion addressed the recreational need we had identified, an easement for the TID "Ditch" Trail.

The parcel is identified in our 2024 Parks, Trails, and Open Space plan as acquisition #11 – Talent Irrigation Ditch Segment. The entire parcel was identified if the entire parcel was needed to be acquired to ensure the trail easement could be procured. Since the property owner has agreed in principle to an easement and we are working with them on recording the easement, the entire parcel is not needed for other recreational purposes.

Don't hesitate to contact me if there are any questions.

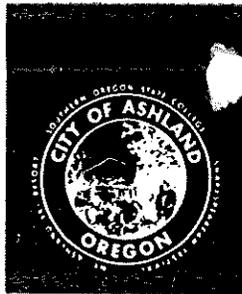
Thanks for the opportunity to clarify our position on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rocky Houston".

Rocky Houston
Director

CITY OF ASHLAND



CITY HALL

ASHLAND, OREGON 97101
telephone (code 503) 482-XXXX

March 22, 1992

Mr. Carlyle F. Stout III
215 Laurel Street
Medford, OR 97501

RE: Adelaide Clary/Tax Lot 1800
Access to tax lot 39 1E 08DA 1800 - Granite Street
Possible access from Strawberry Lane

Mr. Stout:

In regards to your letter of March 15, 1993 regarding the above referenced property, I am submitting a copy of a letter to Sandra Rapp, dated August 12, 1992. In that letter, I stated that, in the City's opinion, the most appropriate access to lot 1800 would be via the existing easement from Granite Street.

The option of using Strawberry Lane, and the possible use of the flag drive from the Sennett partition has been raised. As stated in the previous letter, the use of this drive as an access to tax lot 1800 would require a modification of the Sennett partition approval, and a variance to allow for four parcels to access off a private easement. As you are aware, variances are the most difficult land use process for which to obtain approval. The criteria for approval of a variance, under Ashland's land use ordinance, are as follows:

- (1) That there are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.*
- (2) That approval of the application is necessary for the preservation of property rights.*
- (3) That the proposal's benefits will be greater than any negative impacts on the development of the adjacent uses; and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
- (4) That the conditions or circumstances have not been willfully or purposely self-imposed.*

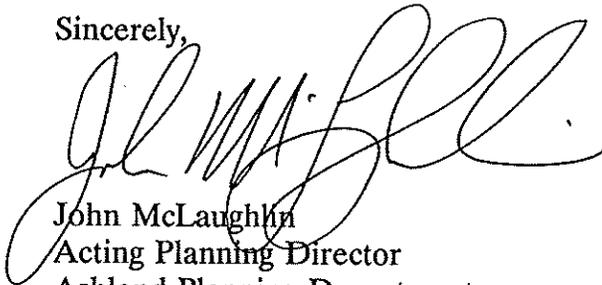
You have asked that I ascertain the possibilities of a positive outcome of such a variance request. That is extremely difficult to do, given that no formal application has been

filed, and that I do not have detailed knowledge of all of the particulars of a proposed application. However, it is known that should a variance request be contested, for whatever reason, that none have withstood appeal to the Land Use Board of Appeals.

The outcome of a variance request at the local level would depend very much on the presentation of facts, the weighing of evidence, and the concerns of the surrounding property owners; both those on the Granite Street easement and those on Strawberry Lane. And given the myriad of scenarios that could be presented, I would say that it is near impossible to predict the outcome of a vote of the Planning Commission or City Council.

However, the City still believes that the Granite Street access is the most appropriate for this site, and recommends that you pursue obtaining the necessary easements to finalize this access. Please be advised that all issues of the previous letter of August 12, 1992 still apply, including the survey requirements, and fire requirements.

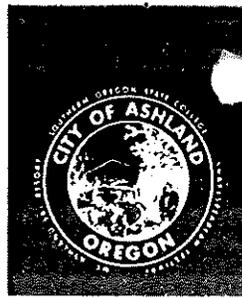
Sincerely,

A handwritten signature in black ink, appearing to read "John McLaughlin". The signature is fluid and cursive, with a large initial "J" and "M".

John McLaughlin
Acting Planning Director
Ashland Planning Department

attachment - Rapp letter 8/12/93

CITY OF ASHLAND



CITY HALL

ASHLAND, OREGON 97520
telephone (code 503) 482-3211

August 12, 1992

Ms. Sandra Rapp
P.O. Box 131
Ashland, OR 97520

RE: Access to tax lot 39 1E 08DA 1800 - Granite Street

Ms. Rapp:

After review of your request, the City of Ashland has made the following determinations:

It would be most appropriate to access lot 1800 via the easement from Granite Street, since this has been the historical access to this area. The Strawberry Lane access of the Sennett's is a very specific access tied to their approval of the minor land partition, as well as now serving three parcels (two of the Sennetts, and one of the Strauss'). Any changes beyond those already approved to allow access to your landlocked parcel would require Planning Commission review and approval, and perhaps a time consuming, litigated process. Therefore the historical access via easement from Granite Street may be used for access to this parcel, once you acquire the necessary easements from the adjoining properties.

The grade of this access exceeds the allowable grades established by our ordinance. However, since this is the historical and existing access to this area, it is allowable to use it for access purposes to this existing parcel for a residence.

The surfacing requirements for access shall be as required by the ordinance, with paving required for the driveway portion extending from the end of the existing easement to the proposed residence on lot 1800. Further, all requirements of the Ashland Fire Department regarding hydrant and sprinklerization shall apply. This may include the installation of a pumping station and hydrant, and possibly residential sprinklers to comply with the requirements of the Uniform Fire Code.

The final issue regards the ultimate clarification of the lots and boundaries. As you are aware, a boundary line adjustment was done on parcels 1800 and 1801 without approval of the City of Ashland. Basically, no survey was completed as required by ordinance. And the survey has been unable to be completed since lot 1800 has not had legal access. Therefore, the City of Ashland does not recognize lots 1800 and 1801 in the configuration currently shown on the assessor's plat. However, should an access easement be provided to lot 1800, and a survey completed in compliance with all requirements of the City of Ashland Municipal Code 18.76 for lots 1800 and 1801, then

the City would recognize these as buildable parcels, subject to all development requirements mentioned above for driveways and fire concerns.

Further, we would encourage you to continue working with the Sennetts and Strauss' in connecting the Strawberry Lane drive with that accessing from Granite Street, if only for emergency purposes, since this will be in the best interest of all involved.

To summarize the above statements, if an easement is granted for access to lot 1800 from the existing drive from Granite Street, the City will allow this as the driveway to this parcel, even though it exceeds the current allowable grades. Further, a minor land partition survey will be required for the parcels to approve the boundary line adjustment previously made illegally. Once these are complete, parcels 1800 and 1801 become buildable parcels, subject to all development requirements of the City regarding driveway surfacing and hydrant/sprinkler requirements.

If you have any further questions regarding the fire hydrant concerns, please contact Don Paul of the Ashland Fire Department. If you have specific concerns regarding the survey requirements, either contact myself or Jim Olson of the Engineering Division.

I hope this answers your concerns on this matter.

Sincerely,

John McLaughlin
Senior Planner

c: Jim Olson, Engineering
Don Paul, Fire Department
Ron Cue, Attorney
Carlyle Stout, Attorney
file

ATTORNEYS:
Carlyle F. Stout III

LAW OFFICE OF
CARLYLE F. STOUT III

215 LAUREL STREET
MEDFORD, OR 97501
TELEPHONE: (503) 776-2020
FAX NUMBER: (503) 776-9841

PARALEGALS:
Deanna "Dee" Dirks

March 15, 1993

John McLoughlin
Department of Planning
City of Ashland
City Hall
Ashland, OR 97520

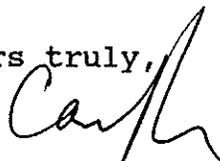
Re: Adelaide Clary/Tax Lot 1800

Dear John:

As you know from our previous discussion and correspondence, my clients are trying to resolve the non-conforming tax lot problem concerning tax lot 1800 by gaining legal access to it. My clients have attempted to obtain an easement from the Strausses over and across the existing road which provides access to the other tax lots off of Granite Street. Recently the Strausses indicated they believed my clients should obtain access off of Strawberry Lane. I advised my clients that the city's current ordinance only allows access for three lots off of a flag drive and these were already allocated.

During our telephone conversation of approximately two weeks ago, you indicated you would write a letter to me explaining that such access could only be obtained by a variance and that the burden of proof for a variance was quite high. You further indicated you would state how the planning commission has treated variances in the past and that the success ratio of obtaining them was quite low. I have not yet received this letter and my clients would like to conclude matters with the Strausses. I am hoping your letter will make the Strausses realize that a variance is not practical nor feasible. Please send me your letter concerning this matter as soon as possible. Thank you for your cooperation.

Yours truly,



Carlyle F. Stout III

CFS:dd
cc: clients

Memo

DATE: March 18, 2025
TO: Planning Commission
FROM: Derek Severson, Planning Manager
RE: 231 Granite Street; PA-T2-2024-00053

Staff Responses to select Public Comments

The responses below provide specific staff replies to select public testimony submitted during the March 11, 2025, public hearing regarding 231 Granite Street. These responses are not comprehensive and do not address all comments received; rather, they are intended to clarify specific questions or concerns raised by multiple parties. They are being submitted into the written record within the first seven days following the request to keep the record open.

*Staff comments are provided in **blue Times New Roman font** below to select public comments received, which are in **black Calibri font** text.*

Environmental Impact and Hillside Ordinance Compliance

The project falls under Ashland Land Use Ordinance (ALUO) 18.3.10.090, which governs development in environmentally constrained areas. The proposed removal of 67 trees, including four significant trees, raises concerns about erosion control, stormwater runoff, and soil stability. Specifically, ALUO 18.3.10.900 D. 3. b. states that "Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the general fuel modification standards if the development is located in Wildfire Lands." This lot and the development are located in the Wildfire Lands Overlay Zone. A smaller sized building envelope (structure and pad) should be considered to preserve trees.

- *As noted elsewhere, the proposed building envelope is as near the driveway access as possible which minimizes disturbance to the site and avoids additional site disturbance and tree removal which would be required if the driveway were extended to construct a building elsewhere, further up the slope.*

The site disturbance is stated as 18,738 square feet, and while the application claims this meets the minimum retention of natural land, the extent of vegetation removal and grading should be reviewed under ALUO 18.3.10.050 (Approval Criteria for Physical Constraints Review Permits) to ensure adverse environmental impacts have been minimized. The Planning Commission should consider the entire

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application, with particular attention to trees and excavation, to ensure that, per ALUO 18.3.10.050 C., "...the applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions."

- As noted elsewhere, based on an average 27 percent slope of the property, AMC 18.3.10.090.B.3, 52 percent of the property must be retained in its natural state. As proposed, the applicants would retain 80 percent of the property in the natural state, significantly exceeding this minimum standard.

The application does not include an analysis of tree removal impacts within 200 feet of the property, as required by ALUO 18.5.7.040 B. 2. b. A full assessment of the environmental impact on the surrounding area should be included, particularly as it relates to the 36-inch dbh Madrone on the north property line, sitting just 6 feet from the proposed development setback.

- The applicant noted during their presentation that there are hundreds of deciduous and coniferous trees on and adjacent to the property, and that the removals proposed will not have significant adverse impacts within 200 feet of the subject property.

ALUO 18.3.10.090 B. 8. a. states that "No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad." The plans show a large outdoor space between the terraced/tiered retaining wall and the house, which actually increases excavation beyond what would be needed if the retaining wall were closer to the uphill side of the house. This outdoor space could be reduced or eliminated to reduce excavation and preserve uphill trees, including the five-stem Madrone of significant value.

- The grading standard referenced does note in 18.3.10.090.B.8.c that, "Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope."
- The Planning Commission will ultimately need to determine whether the proposed yard space, including the lap pool, is reasonable in the hillside context of the site.

The Planning Commission should consider that, with regard to Hillside Lands Development, ALUO 18.3.10.090 B. 8. c. states that "...swimming pools...are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope."

- Swimming pools are discouraged under AMC 18.3.10.090.B.8.c but are not outright prohibited.
- The application suggests that a small outdoor lap pool area is proposed to provide additional "emergency firefighting water outflow", and notes that more than half of the pool area is located on lands with slopes of less than 25 percent (i.e. lands that are not subject to hillside design standards) and that will already be disturbed with construction staging.

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- As noted elsewhere, roughly 80 percent of the subject property is proposed to be retained in its natural state where the minimum hillsides standard calls for 52 percent retention in a natural state.
- The Planning Commission will ultimately need to determine whether placement of the pool in an area already disturbed by construction, with a potential fire response benefit, is acceptable.

Wildfire Zone Hardening Compliance

The project is located in a Wildfire Lands Overlay Zone (ALUO 18.3.10.100), requiring strict adherence to fire prevention measures. The application does not fully specify fire-resistant materials and mitigation strategies and instead defers providing this information. Exact material specifications, as required by Oregon Residential Specialty Code (ORSC) R327.4, should be finalized before approval to ensure compliance.

The proposal allows for thinning and tree removal, but significant vegetation removal could increase wind exposure and erosion risks, potentially exacerbating wildfire spread. The application does not delineate a required Fire Management Plan for fire safety and mitigation, which is required under ALUO 18.3.10.100 A. 4. a.

The application does not indicate whether there will be adequate water pressure for residential use and fire suppression systems. The applicant should provide data on water pressure availability and plans for ensuring adequate supply during site work and occupation.

- R327.4 is part of the Oregon Residential Specialty Code and applies to the review of building permits. The current application is not a building permit submittal and is not reviewed for compliance with building codes as the specifics of the proposal are very likely to change through the land use process. Neither the Building or Fire Departments provide review for compliance with building or fire codes until a formal building permit submittal has been made. Ensuring exact compliance with these codes is not a function of the Planning Commission, or Planning staff, but rather part of the Building Division review of final building permit submittals.
- Similarly, demonstration of adequate water pressure for fire suppression will be considered by the Fire Marshall in their review of the building permit submittals.
- Conditions relating to fire requirements have been recommended to be attached to any approval, including that:
 - **#10** - Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed, that fire apparatus access be provided, and that a fuel break is required.
 - **#11** - That a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.

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- #15 - Prior to bringing combustible materials on site, applicant must provide documentation of fire hydrant location within 600 feet and access (easement), and fire sprinklers as required by the Ashland Fire Department.

Compliance with Seasonal Restrictions on Power Equipment

Ashland enforces seasonal restrictions on power equipment use during high wildfire risk periods, particularly for hillside developments. The application does not address how the construction timeline will comply with these restrictions, which should be required as part of ALUO 18.3.10.100 (Development Standards for Wildfire Lands).

- The land use ordinance regulates “timing of improvements” in <https://ashland.municipal.codes/LandUse/18.3.10.090.B.2> with regard to grading and excavation, but explicitly exempts single family residential development from these timing limitations.
- Seasonal restrictions on the use of power equipment are not part of the city’s hillside or wildfire regulations and are not regulated through the land use process. These are Oregon Department of Forestry regulations enforced by Ashland Fire & Rescue during specific periods, dependent on conditions, and are not a consideration of the Planning Commission.

Impact on Talent Irrigation Ditch

The Talent Irrigation Ditch runs near the property, yet no direct assessment has been made regarding how excavation and grading could impact its structural integrity. There is no referenced hydrological study or geotechnical analysis that specifically assesses the ditch’s potential vulnerability to runoff or erosion caused by new development. This is a significant concern under ALUO 18.3.10.090 4., which requires that development not alter hydrology in a manner that negatively impacts adjacent properties or waterways.

- The Talent irrigation ditch is an irrigation facility and is not considered a regulated water resource under Ashland’s Water Resource Protection Zone Ordinance (AMC 18.3.11).
- The Talent Irrigation District (TID) regulates the irrigation canal system and was provided the opportunity to provide written comment on the current application at the pre-application level. No comments were received.
- The most recent survey of the property which was recorded in 1996 indicates that there is no specific easement of record for the canal through the property.
- The proposed homesite is approximately 60 feet from the canal, and is downhill, 15-20 feet below the canal in elevation.

Variance Requests and Legal Justifications

The project requests a Variance for driveway slope exceeding 18%, citing ALUO 18.5.5.060.F. The engineering letter states that the 153-foot-long driveway will have a slope of 23%, while the topographic map and the applicant's landscaper's map indicate a 27% slope in this area (even going as high as 29%).

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Given the steepness of the existing slope, detailed information on how a decrease in slope will be achieved should be included in the application, per ALUO 18.5.5.060.F.

While the applicant justifies the variance based on pre-existing nonconforming conditions, the increased steepness will likely pose access issues for emergency services, particularly during fire season. Furthermore, the steep nature of the driveway and lot access may cause engineering issues with sewage drainage. Notably, this proposed driveway is very steep, approximately the same slope as the lower portion of Strawberry Lane between Scenic and Granite.

ALUO 18.5.5.050 A. 3. states that "The proposal's benefits will be greater than any negative impacts...and will further the purpose of this ordinance and the Comprehensive Plan of the City." The benefit of the placement of a single-family residence is not greater than the negative impacts of the hillside excavation and loss of trees.

- The existing average slope of the property is noted at 27 percent, and the materials provided from the project engineer suggest that as engineered, the final average slope of the driveway portion will be approximately 23 percent. A condition has been recommended by staff that the driveway grade as installed is consistent with that described in the application, with verification by a professional land surveyor prior to occupancy.
- Both the Fire Department and Public Works Department have commented in the record, and both will review the final civil engineering and building permit submittals to insure that fire apparatus access and public infrastructure are provided in a manner consistent with applicable codes and standards.
- The application includes only one Variance request, for driveway grade, and in determining the lot was buildable in the early 1990's the city recognized that the driveway could not meet grade standards. The Commission may determine that enable the construction of needed housing on an existing buildable lots using an existing driveway system is greater than the negative impacts of a steeper than normal driveway that will be engineered to meet emergency access requirements.

Furthermore, the fact that the City of Ashland had entered an agreement to purchase the subject property to preserve its natural state as part of the Comprehensive Plan of the City demonstrates the greater benefit of preservation.

- The City has not entered into an agreement to purchase the subject property to preserve it in its natural state. The recently adopted Parks, Open Space & Trails Map identifies the subject property as "#11" and notes the aspiration of acquiring public pedestrian easements to continue the "Ditch Trail" through the subject property. The property owner indicates that a perpetual public pedestrian access easement for use of the trail as envisioned in the Parks, Open Space & Trails Map has already been promised to the Parks Department, and the Parks Department has provided written confirmation.

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ALUO 18.5.5.050 A. 4. states that "The need for the variance is not self-imposed by the applicant or property owner." In this case, the need for the variance is self-imposed by the applicant/property owner, as the need for the variance was known before the purchase of the property. The topography and land use ordinances were already in effect prior to the purchase of the property.

- As noted elsewhere in the record, when the lot was recognized as a buildable lot in the early 1990's, it was also recognized both that vehicular access would need to come from Granite Street, as it historically always had, and that such an access would exceed grade requirements. There is no other viable vehicular access to this land-locked property.

The applicant does not provide an emergency vehicle turnaround, as required in ALUO 18.5.3.060 J., and there is no exception provided from the Staff Advisor and Fire Code Official. This, compounded with the very steep driveway, will likely interfere with emergency vehicle response, particularly during fire season.

- AMC 18.5.3.060.J requires a turnaround where required by Oregon Fire Code, with the requirement to be determined in coordination between the Staff Advisor and the Fire Code Official. In this instance, the applicant has provided an e-mail from Ashland Deputy Chief & Fire Marshal Mark Shay dated December 5, 2024 which indicates that he would consider a turnout designed to Jackson County standards to meet the Fire Code requirement. Such a turnout is identified on the plans submitted in the record.

The applicant should demonstrate that construction equipment can feasibly access the construction site, given the steep driveway.

- There are not construction equipment access requirements separate from driveway and emergency access requirements.

A snow removal plan for winter access should be provided prior to development.

- There is no requirement for snow removal/winter access plan in the Land Use Ordinance.

The applicant seeks an exception to the Hillside Development Standards (ALUO 18.3.10.090. E. 2. d.) for exceeding continuous horizontal building plane limits. The request to exceed the 36-foot horizontal plane limit with offsets of only 4-5 feet rather than 6 feet sets a precedent for allowing excessive structural massing on steep slopes, undermining the intent of the hillside regulations.

- The Hillside Development Standards contain specific criteria for considering an exception (i.e. there is a demonstrable difficulty meeting the requirement due to a unique or unusual aspect of the site or proposed use; the exception results in equal or greater protection; the exception is the minimum necessary to alleviate the difficulty, and the exception is consistent with the purpose and intent of the chapter). The Commission's decision should focus on whether these specific criteria are satisfied by the proposal as presented.

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The application does not include proposed color selections for compliance with the neutral color requirements of ALUO 18.3.10.090 E. 2. g. 6. .

- The standard referenced is a recommendation rather than a requirement.
- The application narrative asserts that, “*Neutral colors found in the surrounding landscape that minimize contrast between the natural environment and the structure will be used on the exterior paint.*” The images included in the application submittals reflect dark neutral tones.

Fire Hydrant, Water Supply, Utility Supply, and Flag Driveway Screening Issues

The application references a fire hydrant on the private drive from Granite Street, but this is not shown on any application maps. This is required as set forth in ALUO 18.3.10.100 A. 2. d. Local neighbors indicate no fire hydrant exists on this private driveway. If the applicant refers to hydrants on a separate private driveway, the applicant does not have legal access.

- The applicant’s hearing submittals included a map illustrating the location of Fire Hydrant #2192 at 237 Granite Street (Presentation Slide #3), and noted that the Fire Department has indicated that they will utilize available hydrants when they are needed for fire response.

ALUO 18.5.3.060 (Flag Lot Partition Criteria) requires that flag lots demonstrate adequate public facilities, including utility access, before approval. If utility easements or shared access agreements are necessary, they must be clearly delineated in the application. The current application does not adequately demonstrate the easements or provide access agreements.

- The applicants’ presentation to the Planning Commission included a slide (#18) illustrating all easements in place relating to access to the subject property via the existing driveway down to Granite Street, with instrument numbers or volume and page records to the Official Records of Jackson County.
- Condition #4b also requires that all easements be identified on the building permit submittals.

The application does not include specifications for the required 4- to 6-foot-high screen of sight-obscuring fence, wall, or fire-resistant broadleaf evergreen for the flag driveway, as mandated by ALUO 18.5.3.060 N.

- The flag drive screening requirements noted are typically conditioned at the creation of the driveway, and serve to screen a flag drive where it passes windows to an established home. The driveway here is long-established, and the applicants would not have the option to install fencing on other properties. This application is not a request to create a new Flag Partition, and as such the standard condition requiring screening has not been recommended by staff. Should the Planning Commission determine that screening on the applicants’ property is necessary, it could be included as a condition.

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Requested Actions Given the concerns outlined above, we respectfully request the following before any approval is granted:

1. Demonstrate clearly how the benefits of this hillside development are greater than the negative impacts in this area, especially given the Wildfire Lands Overlay Zone.
 - The Planning Commission may determine that the proposal to enable the development of an existing, otherwise-landlocked buildable lot from an existing driveway is a benefit in terms of providing needed housing, particular when the city recognized that the driveway grade would be an issue when determining the lot to be buildable in the early 1990's.
2. Consider a smaller sized building envelope (structure and pad) to preserve trees.
 - The Planning Commission must consider the request before them in light of applicable criteria and standards. The Planning Commission cannot redesign the project.
3. Review the extent of vegetation removal and grading.
 - A designated percentage of a hillside lot must be preserved in its natural state, as required under the Hillside Development Standards. The specific percentage is determined based on the lot size and slope using the formula outlined in AMC 18.3.10.090 to ensure minimal disturbance and maintain hillside stability. An analysis of this standard is addressed in the applicant submittals.
4. Analyze tree removal impacts within 200 feet of property.
 - The applicant noted during their presentation that there are hundreds of deciduous and coniferous trees on and adjacent to the property, and that the removals proposed will not have significant adverse impacts within 200 feet of the subject property.
 - Those Commissioners who made site visits likely observed the heavily treed nature of the surrounding hillside and the variety of tree species.
5. Review the nature of the terraced retaining wall and living space uphill of the house, which increases the building pad size and increases environmental impact.
 - Design and construction must adhere to the requirements outlined in **AMC 18.3.10.090.B**, ensuring that retaining walls, slope stabilization, and overall site development are consistent with the intent to preserve hillside stability and natural character.
6. Review the inclusion of a pool in the building pad, which increases the building pad size and increases environmental impact.
 - The grading standard referenced does note in 18.3.10.090.B.8.c that, "Building pads should be of minimum size to accommodate the structure and a reasonable amount of yard space. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope."

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- The Planning Commission will ultimately need to determine whether the proposed yard space, including the lap pool, is reasonable in the hillside context of the site.
 - Swimming pools are discouraged under AMC 18.3.10.090.B.8.c but are not outright prohibited.
 - The application suggests that a small outdoor lap pool area is proposed to provide additional “*emergency firefighting water outflow*”, and notes that more than half of the pool area is located on lands with slopes of less than 25 percent (i.e. lands that are not subject to hillside design standards) and that will already be disturbed with construction staging.
 - As noted elsewhere, roughly 80 percent of the subject property is proposed to be retained in its natural state where the minimum hillsides standard calls for 52 percent retention in a natural state.
 - The Planning Commission will ultimately need to determine whether placement of the pool in an area already disturbed by construction, with a potential fire response benefit, is acceptable.
7. Mandate finalization of wildfire-resistant materials and construction measures before approval, rather than allowing a deferred submittal.
- The wildfire-resistant material requirements in OSSC R327.4 are reviewed by Building and Fire Officials during building permit review, rather than at the stage of the land use approval, where Planning Commission-imposed conditions may ultimately alter the proposal prior to final engineering.
8. Require a complete Fire Management Plan, including demonstrating adequate water pressure during and after construction.
- Conditions relating to fire requirements have been recommended to be attached to any approval, including that:
 - **#10** - Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved prior to being installed, that fire apparatus access be provided, and that a fuel break is required.
 - **#11** - That a Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 of the Ashland Land Use Ordinance shall be provided prior to bringing combustible materials onto the property, and any new landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
 - **#15** - Prior to bringing combustible materials on site, applicant must provide documentation of fire hydrant location within 600 feet and access (easement), and fire sprinklers as required by the Ashland Fire Department.
9. Ensure compliance with seasonal construction restrictions, particularly regarding power equipment use during high fire-risk months.

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- The land use ordinance regulates “timing of improvements” in <https://ashland.municipal.codes/LandUse/18.3.10.090.B.2> with regard to grading and excavation, but explicitly exempts single family residential development from these timing limitations.
 - Seasonal restrictions on the use of power equipment are not part of the city’s hillside or wildfire regulations and are not regulated through the land use process. These are Oregon Department of Forestry regulations enforced by Ashland Fire & Rescue during specific time periods, dependent on conditions, and are not a consideration for the Planning Commission.
10. Require a hydrological and geotechnical study to determine excavation and construction impacts to the TID, ensuring minimal negative impacts to adjacent properties or waterways.
- The TID ditch is an irrigation facility, not a regulated waterway, and is 60 feet away and 20 feet above the proposed home.
 - The application includes a geotechnical study of the site and its potential for development from Rick Swanson, a registered professional geotechnical engineer with Marquess & Associates.
11. Reevaluate the necessity and precedent-setting nature of the requested variances, particularly the request for variance of driveway slope, variance of no emergency vehicle turnaround, and request to exceed the 36-foot horizontal plane limit with offsets of only 4-5 feet rather than 6 feet; demonstrate how these variances are not self-imposed.
- The only variance requested is to driveway grade.
 - Deviations from the architectural standards for hillside lots may be approved as "exceptions" rather than through a variance process. Unlike variances, which require a finding that the hardship is not “self-imposed”, exceptions proposed by the applicant and do not require such a finding. An exception to architectural standards may be approved if the applicant demonstrates if the applicant demonstrates that the proposed design meets the intent of the standard, and provides an equal or superior design solution.
 - With the recognition of the property as a buildable lot in the early 1990’s, it was also recognized that development of this otherwise land-locked property would require access from the existing driveway to Granite Street and that such as access would not meet driveway grade requirements.
12. Require color selections for compliance with neutral color requirements.
- AMC 18.3.10.090.E.2.g is a recommendation, rather than a requirement.
 - The application narrative asserts that, “*Neutral colors found in the surrounding landscape that minimize contrast between the natural environment and the structure will be used on the exterior paint.*” The images included in the application submittals reflect dark neutral tones.

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13. Clarify fire hydrant location and access rights, ensuring adequate water pressure for fire suppression and residential use.
 - The applicant's hearing submittals included a map illustrating the location of Fire Hydrant #2192 at 237 Granite Street (Presentation Slide #3), and noted that the Fire Department has indicated that they will utilize available hydrants when they are needed for fire response.
14. Require a complete snow removal plan.
 - There is no requirement in the Physical & Environmental Constraints Review Chapter (AMC 18.3.10) for a snow removal plan.
15. Ensure compliance with required flag driveway screening, per Ashland's requirements.
 - Should the Planning Commission determine that flag driveway screening is appropriate here, it could be made a condition of the approval.
16. Require demonstration of utility easements and shared access agreements prior to approval of application and demolition or excavation of any part of the property.
 - The applicants' presentation to the Planning Commission included a slide (#18) illustrating all easements in place relating to access to the subject property via the existing driveway down to Granite Street, with instrument numbers or volume and page records to the Official Records of Jackson County.
 - Condition #4b also requires that all easements be identified on the building permit submittals.

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