



Council Business Meeting Agenda

ASHLAND CITY COUNCIL BUSINESS MEETING AGENDA

Tuesday, June 17, 2025

Council Chambers, 1175 E Main Street

Live stream via RVTV Prime at rvtv.sou.edu or broadcast on Spectrum 180 & 181.

Public comment will be accepted for both general public forum items and agenda items.

If you would like to submit **written comments** or if you wish to **speak electronically** during the meeting, complete the online [Public Testimony Form](#) no later than 10 a.m. the day of the meeting.

I. EXECUTIVE SESSION 5:00 pm

- a. To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing pursuant to ORS 192.660 (2)(i).
- b. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (2)(h).

II. CALL TO ORDER 6:00 pm

- a. Land Acknowledgement**

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. MAYOR'S / CHAIR OF THE COUNCIL ANNOUNCEMENT

- a. Bee City Proclamation

VI. APPROVAL OF MINUTES

- a. Minutes of the June 2, 2025 – Study Session Meeting
- b. Minutes of the June 3, 2025 - Business Meeting

VII. CONSENT AGENDA

- a. APD Contract for Records Management System
- b. Surplus three vehicles for the Public Works Fleet Division
- c. Surplus 2023 Van Ambulance
- d. Committee Member Appointments
- e. Award of Construction Contract - Water Treatment Plant Offsite Improvements

VIII. SPECIAL PRESENTATIONS

- a. Swearing in of Council Member Derek Sherrell

IX. PUBLIC FORUM

15 minutes – Public input or comment on City business not included on the agenda

X. PUBLIC HEARING

- a. PA-Appeal-2025-00021 - An appeal on the record of the Planning Commission's approval of PA-T2-2024-00053, a Physical and Environmental (P&E) Constraints Review Permit to allow the construction of a new single-family dwelling on Hillside Lands/Severe Constraints Lands at 231 Granite Street, including an Exception to the Development Standards for Hillside Lands, a Tree Removal Permit to remove 74 trees, and a Variance to the flag drive standards.



Council Business Meeting Agenda

XI. ORDINANCES, RESOLUTIONS AND CONTRACTS

- a. Second Reading of Ordinance 3265 adopting the 2025 Economic Opportunity Analysis
- b. Second Reading of Ordinance 3264 Creating Section 13.40 of the Ashland Municipal Code Establishing Recreational Immunity Protections
- c. A Resolution of the City of Ashland Clarifying Certain Conditions of Employment for Management, Confidential, and Non-Represented Employees and Repealing Resolution 2022-26.

XII. UNFINISHED BUSINESS

XIII. NEW BUSINESS

XIV. CITY MANAGER REPORT

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

XVI. ADJOURNMENT

If you need special assistance to participate in this meeting, please contact Alissa Kolodzinski at recorder@ashlandoregon.gov or 541.488.5307 (TTY phone number 1.800.735.2900). Notification at least three business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting in compliance with the Americans with Disabilities Act.

* Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.(D)(3)]

**** LAND ACKNOWLEDGEMENT**

We acknowledge and honor the aboriginal people on whose ancestral homelands we work—the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

***Agendas and minutes for City of Ashland Council, Commission and Committee meetings may be found at the City website, ashlandoregon.gov.





A PROCLAMATION FOR BEE CITY USA POLLINATOR WEEK

WHEREAS, pollinators such as thousands of species of bees are essential partners in producing much of our food supply; and

WHEREAS, pollinators provide significant environmental benefits that are necessary for maintaining healthy, diverse ecosystems in towns and cities; and

WHEREAS, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

WHEREAS, the City of Ashland manages parks, public landscaping, and other public lands that may include greenways and wildlife habitats; and

WHEREAS, the City of Ashland provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats; and

NOW, THEREFORE, I, Tonya Graham, Mayor of the City of Ashland, do hereby proclaim the week of June 16–22, 2025, as **National Pollinator Week** in the City of Ashland and, as Ashland is an affiliate of **Bee City USA**® urge all citizens to learn more about how to make Ashland a more welcoming home to our pollinator friends.



Dated the 17th day of June 2025

Tonya Graham, Mayor

Alissa Kolodzinski, City Recorder



**ASHLAND CITY COUNCIL
STUDY SESSION MINUTES
Monday, June 2, 2025**

Mayor Graham called the meeting to order at 5:30 p.m.

Council Present: Mayor Graham, Councilors Bloom, Dahle, DuQuenne, Hansen, and Kaplan.

Council Absent: none

Staff Present:

Sabrina Cotta	City Manager
Johan Pietila	City Attorney
Dorinda Cottle	Communications Officer
Chad Sobotka	AFN Operations Manager

I. Strategic Communications

Cottle presented an overview of the city's communication strategy (see attached presentation). Current practices and plans for expansion were discussed, including communication goals, challenges faced in the past, progress made, and future objectives. Emphasis was placed on the importance of accuracy, accessibility, timeliness, and engagement in communications. Improvements made included launching a new website, expanding social media presence, and introducing various communication channels such as monthly newsletters and in-person presentations. Plans include transitioning to a fully digital newsletter, increasing video content, and enhancing regional outreach. Challenges addressed were capacity constraints and the need for better timing with communications.

Feedback from the council highlighted improvements in communications. Suggestions included exploring AI (Artificial Intelligence) tools for content creation and partnering with Southern Oregon University for internships. The need for communication partnerships with other organizations to reach a wider audience was also stressed. Discussions also included the transition to a fully digital newsletter and utilizing notices in utility billing mailings to expand the subscriber base. The council agreed on the need for simple metrics to gauge progress in communications and track the impact of transitioning to a digital newsletter on residents who may prefer printed communications

II. AFN Pilot Program Update and Next Steps

Sobotka presented a PON (Passive Optical Network) pilot project update (see attached presentation). The project aimed to reach 500 homes with fiber and connect over 200 customers in the first year. Significant cost savings were achieved in construction and equipment purchases and details on customer adoption rates, service plans, and comparisons with other providers were presented. Expansion plans include deploying DOCSIS

(Data Over Cable Service Interface Specification) 3.1 technology for gigabit speeds in a larger portion of Ashland.

Council members raised concerns about the project's long-term financial sustainability and requested a detailed business plan with financial projections. AFN's potential as a revenue generator was discussed and marketing strategies for increased customer adoption was considered such as targeting residential and business customers. When asked about the status of upgrading outer-lying neighborhoods, Sobotka spoke about prioritization of central business area upgrades with PON technology and gigabit service deployment.

After extensive discussion, the council provided the following direction to staff:

1. Continue with the current deployment of the project as presented.
2. Develop a more refined business plan that includes aspects of economic development and the nexus with the local business community.
3. Hold off on appropriating additional funds from the ending fund balance until the business plan is presented and approved.

The council agreed to revisit the topic in a future study session once the business plan is developed.

III. Council Vacancy Appointment Options

Bloom and Kaplan presented two options for selecting a new city councilor to fill a vacant seat: an exhaustive ballot method or a ranked choice voting method. The proposed exhaustive ballot method involves multiple rounds of voting with potential instant runoffs in case of ties, emphasizing transparency and allowing the public and candidates to see how the process unfolds. The ranked choice voting method is a process of ranking all candidates and reallocating votes based on preferences. It was noted that over 70% of Ashland voters supported this method in a recent measure.

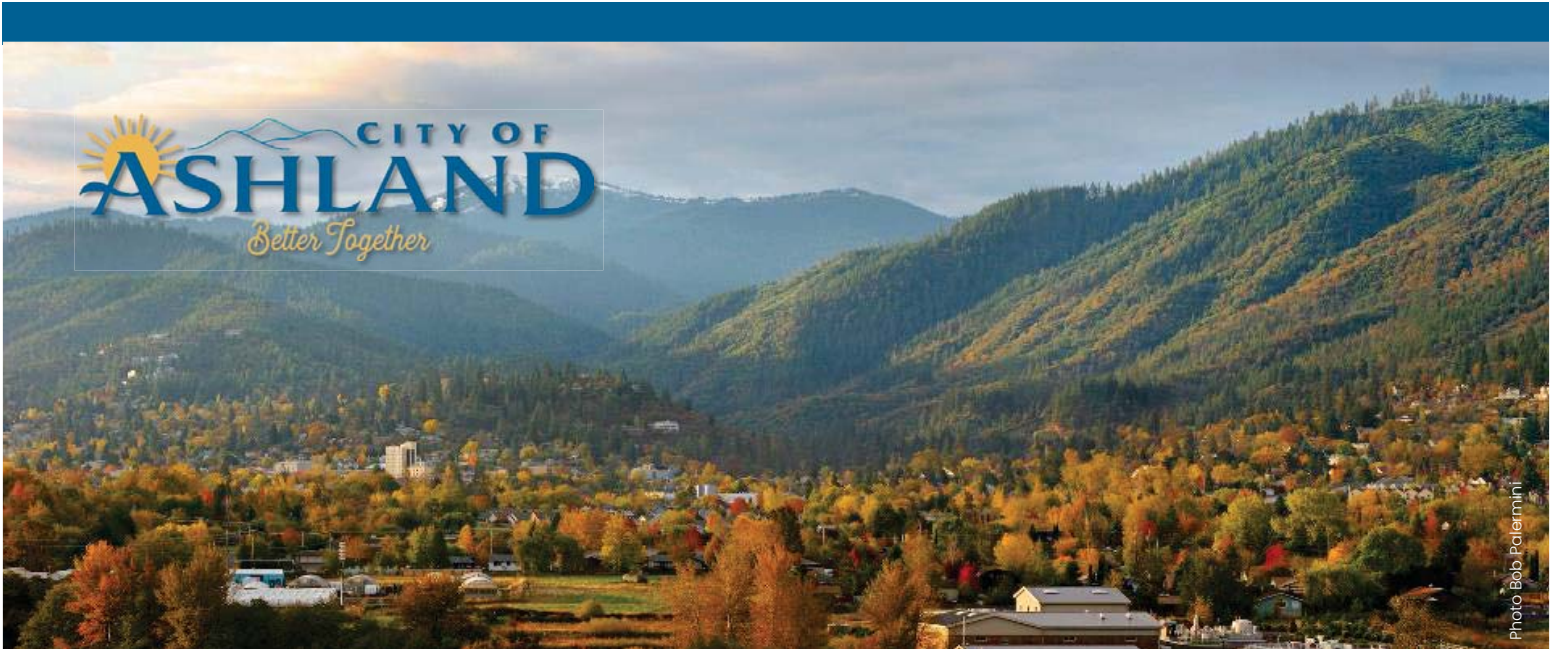
After discussion, preferences were expressed for the Exhaustive Ballot Method citing simplicity and transparency, discomfort with ranking all 8 candidates for a single position, and appreciation for the ability to lead with a top choice. The council agreed to use the Exhaustive Ballot Method for the upcoming council appointment. It was advised to prepare internal rankings to facilitate decision-making in case of multiple voting rounds.

Adjournment of Study Session

The meeting was adjourned at 7:46 p.m.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham



Strategic Communications

City Council Guidance – June 2, 2025

Communications Goals

When it comes to communicating, we are...

Accurate – We are a trusted source of information for the community.

Accessible – Information is in a style and format that people can easily access and understand.

Timely – Information is available early enough that the community can proactively provide feedback and make effective personal decisions, if needed.

Engaging – Communication is two-way, interesting, and it helps people feel connected to our community.



Communication in the Past

We struggled to meet our goals.

NO DEDICATED VOICE –The Communications role was vacant from March 2018 for nearly 5 years, leaving the City without a consistent communications presence.

NEWSLETTER PAUSED –Production of the City Newsletter ceased in October 2021 and remained inactive for approximately 2.5 years.

OUTDATED WEBSITE –Challenging to navigate, limited search functionality, inefficient content discovery, and outdated information.

STALE BRAND –The City brand had lost its spark.



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Communications Presently

We are making progress.

Accurate

- Dedicated PIO
- Website protocols

Accessible

- New Website
- Sneak Preview
- City Corner/Ashland.news
- Social Media
- Sandwich Boards

- Monthly communications
- Website project pages
- 2x per week News Releases

Timely

- Website Q&A
- Coffee & Conversation
- Office Hours
- Town Hall
- New Brand Identity

Engaging



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Communications in the Future

Here is what we plan to implement this coming year.

Accurate

- The current protocols in place are working

Accessible

- Videos
- Fully digital newsletter
- Infographics
- Regional outreach

- Welcome new residents & business
- General communication calendar

- Get-to-know your City (staff and services highlights)

Timely

Engaging



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Challenges

Core issues we will continue to address.

Challenges

Capacity: we are communicating a lot of information, with only one dedicated staff member.

Timing: It can be challenging to match the timing of our communication with when decisions actually get made.

Relevance: we are still learning what topics matter most to our community.

How we plan to address them

Reduce the number of communication channels and/or reduce how we use certain channels.

Better align communication plan with City Council agendas. Share when decisions are delayed.

Continue to assess which topics have the most engagement on our various platforms.



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Priority Topics

Here is how we prioritize what we communicate.

- Emergency messaging
- Changes to fees or cost-of-service
- Large-scale projects that will impact access or City services
- Council agenda topics
- Community events



Measuring our Success

How we know if we are meeting our goals.

Website analytics

Social Media statistics

Qualitative feedback



Measuring our Success

WEBSITE Analytics Monthly Snapshot.

- **25K users**
- **71K View**
- **Top 5 page visits:** Home, Utility Billing, Parks, Agenda/Minutes, Civic Alerts
- **Top 3 downloads:** City Newsletter, Senior Services Newsletter, Parking Map
- **Top 3 search terms:** Parks, Utility Billing, Parking
- **Time spent on site:** 3.02 minutes or average session duration
- **Sessions average** 1.59 minutes per visitor



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Measuring our Success

SOCIAL MEDIA / Facebook* – Monthly Snapshot.

- Approximately 35 posts in May 2025
- 73K views
- 29K reached
- 600 content interactions
- 200 links



* – Our most widely used social platform with 5.8K followers (up 2.3K in the past 2 years).

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Measuring our Success

Qualitative Feedback

- New website
- Revived newsletter
- SeeClickFix
- Educational series
- Community events



Questions?

Thank you for the guidance and being Better Together!



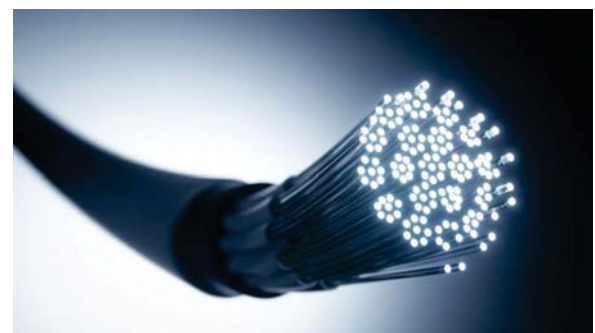


Ashland Fiber Network – Next Gen Fiber Pilot Project Update

June 2, 2025

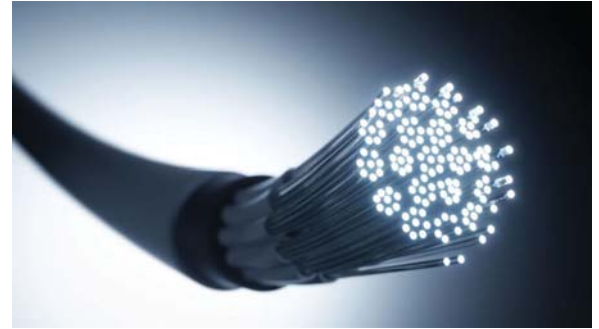
AFN's Goals

- Bring value to the community
- Provide internet service that is:
 - ✓ High quality
 - ✓ Reliable
 - ✓ Future proof
- Offer competitive pricing and speed
- Increase digital equity and inclusion
- Implement “green” technologies to reduce carbon footprint
- Deploy fiber to every home and business in Ashland
 - 10 Gigabit Passive Optical Network (XGS-PON)



Pilot Project Goals

- Deliver the fastest internet speeds
- Pass 500 homes with fiber per year
- Connect 200 customers (new & existing)
- Assessment for AFN staff
- Proof of concept for network design



Project Timeline

- July 2023 – Funds released; project approved
- Fall 2023 – Vendor selection
- January 2024 – Council contract approval
- February 2024 – Signed contract with Calix
- March 2024 – Request for Bid issued to 14 contractors
- July 2024 – One contractor responded
- August 2024 – Construction begins
- September 2024 – First PON customer connected

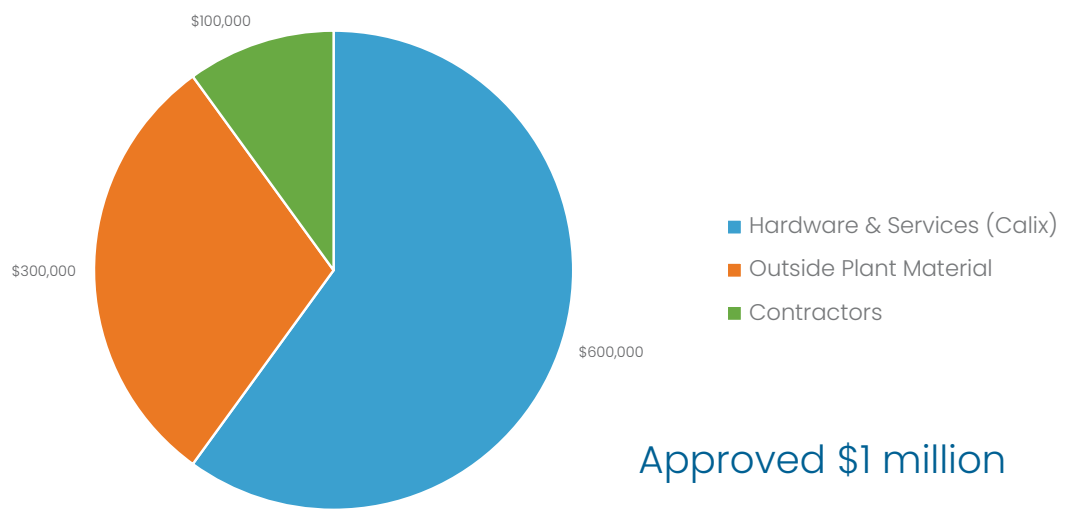


Timing Issues

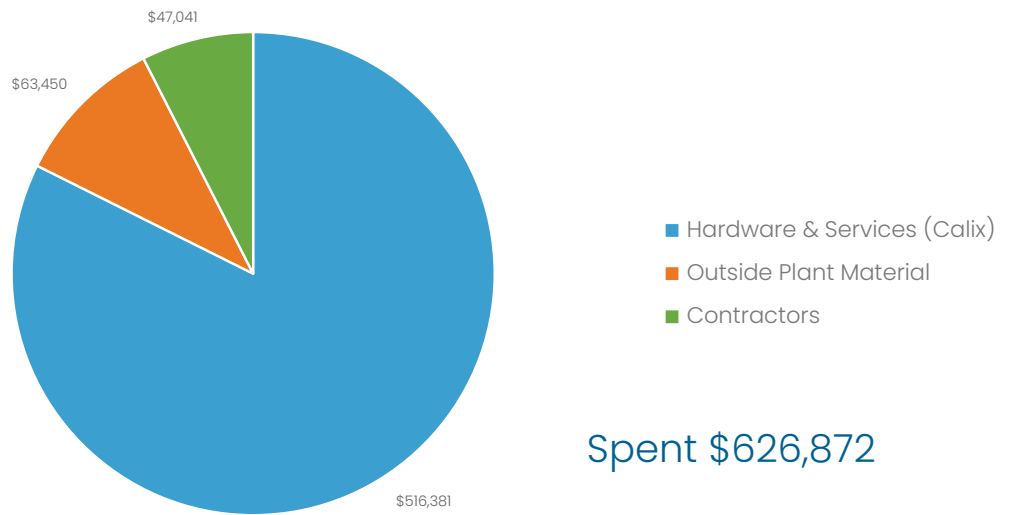
- Council presentation was pushed back three months
- It took four months for a contractor to bid
- Staffing shortage –fourth field tech brought on October 2024



Pilot Project Budget – Projected



Pilot Project Budget – Actual



Pilot Project Budget – Comparison

	Projected	Actual
Hardware & Services	\$ 600,000	\$ 516,381
Outside Plant Material	\$ 300,000	\$ 63,450
Contractors	\$ 100,000	\$ 47,041
	\$ 1,000,000	\$ 626,872

Remaining \$373,128



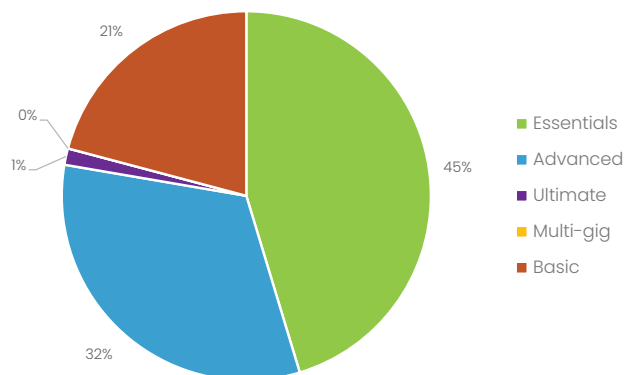
Current Status

- SOU Area:
 - All fiber has been spliced
 - Converting cable modem customers to fiber
 - Cost per home passed: \$193
 - Cost per home connected: \$427 to \$466
 - Cost per foot for fiber overlash: \$6.20
 - 14% customer increase, 50% market share
 - Average Revenue Per User (ARPU): \$48.60
- Granite Street Area:
 - Main splicing is complete
 - First customer has been connected
 - 70% of the drop cases have been spliced

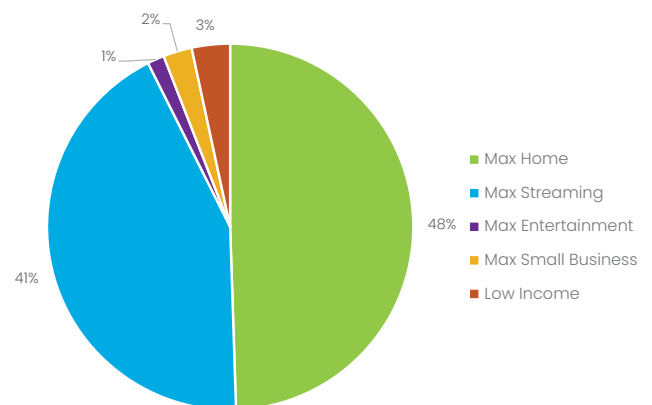


Current Status

Service Plan Breakdown (PON)



Service Plan Breakdown (Cable Modem)



Mid-Project Review

- Inadequate staff levels
- Contacting customers
- Competition
- Outside plant material
- Deploying fiber is slow
- Take-rate with minimal advertising
- AFN staff is incredible!



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Cost Comparison

Hunter				
Name	Download	Upload	MRC	Discount MRC
Value 100	100	100	\$50	\$40
Basic 500	500	500	\$70	\$60
Pro 1G	1,000	1,000	\$90	\$80
Ultimate 2.5G	2,500	2,500	\$130	\$120

Must sign up for autopay to receive discount.

Spectrum				
Name	Download	Upload	MRC	Discount MRC
Internet Advantage	100	20	\$50	\$30
Internet Premier	500	25	\$80	\$50
Internet Gig	1,000	35	\$100	\$70

Discount price valid for the first year

Quantum Fiber				
Name	Download	Upload	MRC	Discount MRC
Simply Fiber	200	200	\$50	\$45
500 Mbps	500	500	\$65	\$60
940 Mbps	1,000	1,000	\$90	\$85
2 Gig	2,000	1,000	\$115	\$110

Lifetime pricing, discount valid with bank account payment

AFN				
Name	Download	Upload	MRC	Discount MRC
Basic	500	200	\$25	
Essentials	500	500	\$50	
Advanced	1,000	500	\$60	
Ultimate	1,000	1,000	\$90	\$70
Multi-gig	2,500	1,000	\$120	

Lifetime pricing, bill included with City Utility bill, 100% local

AFN provides low-cost alternative with greater options



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The Next Biennium

Goals

- Symmetrical gigabit service to *over 60% of Ashland*
- Acquire more than 5,000 customers
- Adjust rate structure to ensure affordability
- Continue to provide service that is:
 - ✓ Stable & high-speed
 - ✓ Low / competitive cost
 - ✓ Offer utility assistance for low-income residents



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The Next Biennium – AFN Expansion Project

Total Project Budget = \$2,560,000

• DOCSIS 3.1 Upgrade	\$1.75M
• Fourth Field Technician	\$120K
• Bucket Truck with maintenance	\$140K
• Fiber Expansion	\$190K
• Cable Modems	\$250K
• Rebranding & target marketing	\$70K

\$1.5M
already in
budget

Unfunded in BN 25-27 = \$1,000,000



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The Next Biennium – AFN Expansion Project

Source of Funds for Biennium

- Debt has been retired \$1,200,000
- PON Pilot Project Carryover \$373,000 *already in capital*
- Capital Outlay \$1,500,000 *already in capital*

- Budgeted EFB BN 25-27 \$1,804,087
 - Request to appropriate \$1,000,000
 - New projected EFB \$804,087
 - Policy EFB \$700,000 *meets 20% requirement*



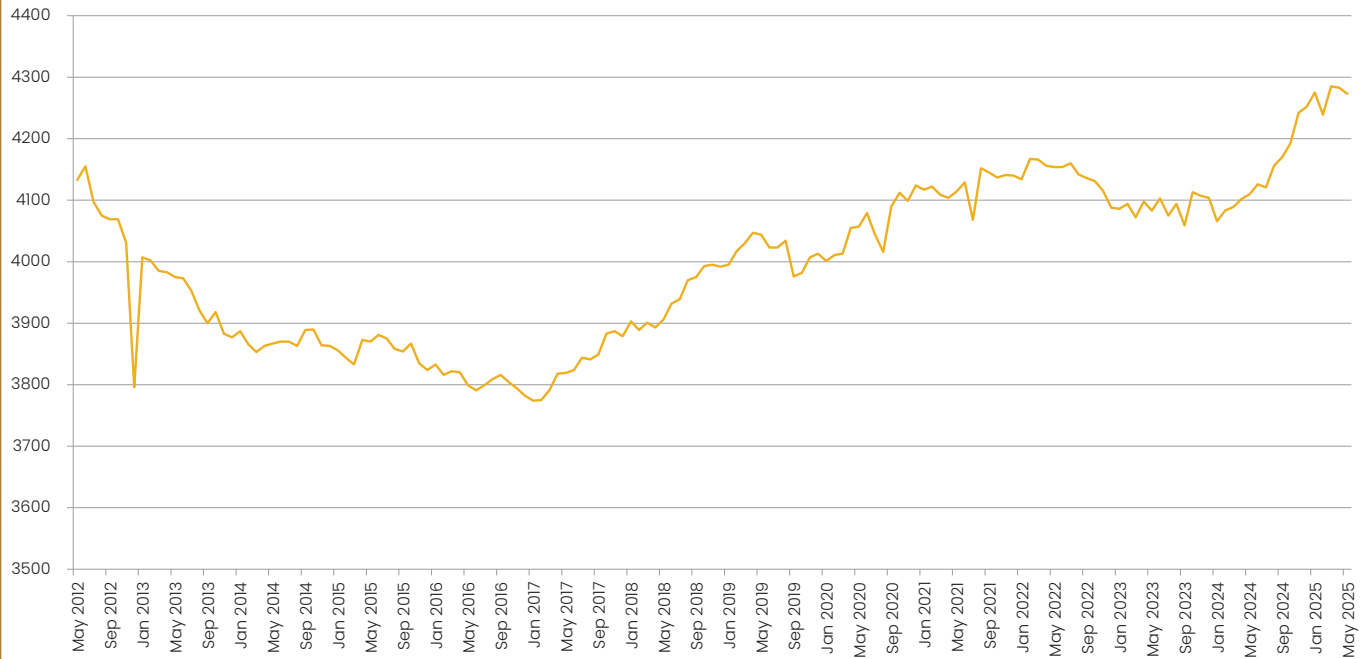
Staffing Levels

	Population	Market Share	Install Technicians	Field Technicians
Sherwood, OR	20,000	50%	2	11
Sandy, OR	13,000	78%	1	4
Anacortes, WA	18,000	42%	0	5
Ashland, OR	21,000	35%	0	4

	100 Mbps	250 Mbps	500 Mbps	1,000 Mbps	2,000 Mbps	5,000 Mbps
Sherwood, OR	\$30	\$40		\$60	\$80	
Sandy, OR			\$44.95	\$59.95	\$80	\$110
Anacortes, WA	\$39			\$69		
Ashland, OR			\$50	\$70	\$120	

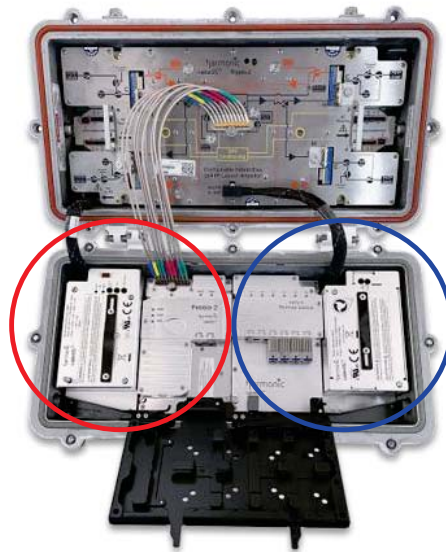


Total Cable Modem Customers, May 2012 – May 2025



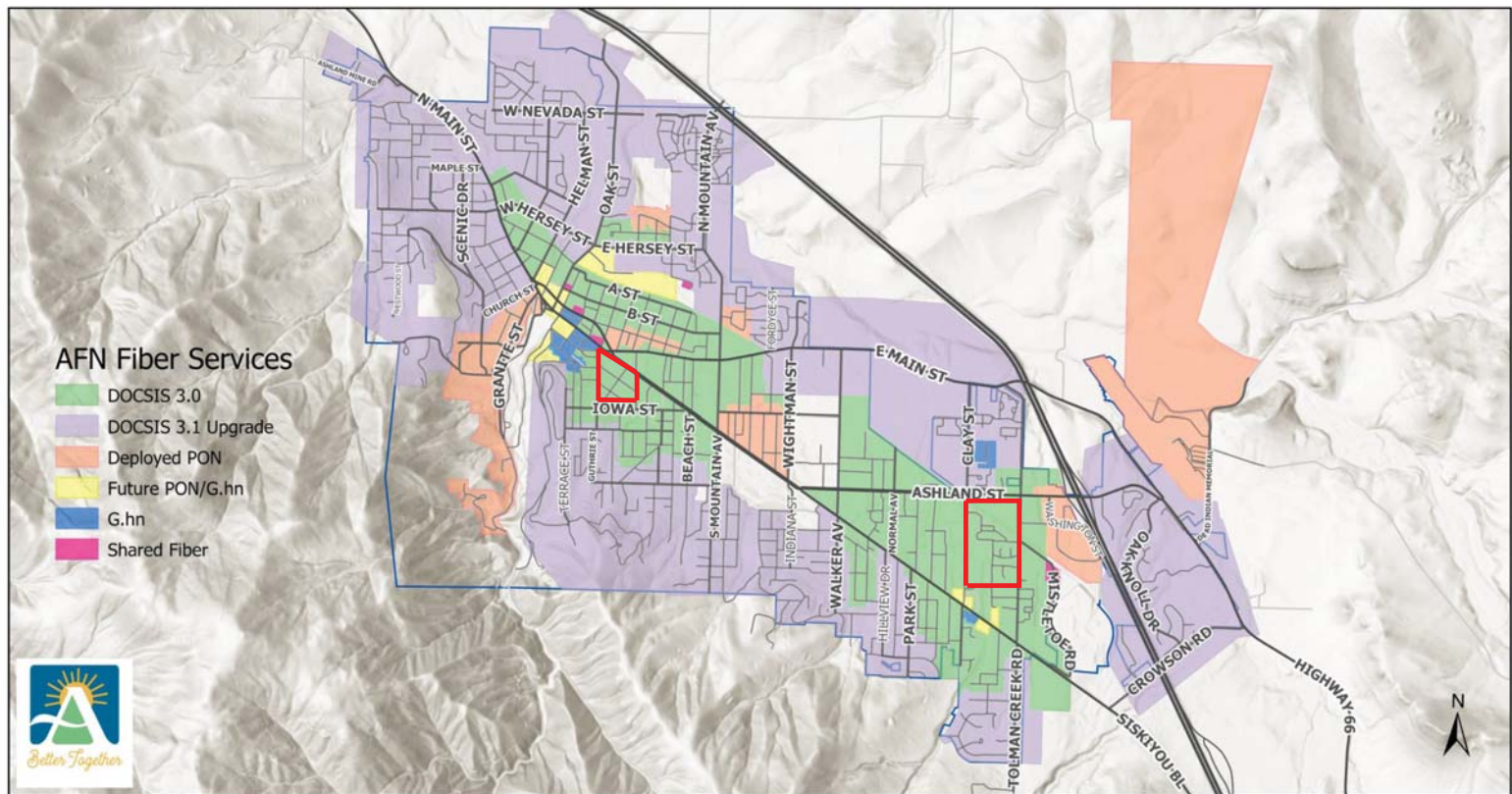
Remote PHY Node

DOCSIS 3.1
Module



PON Fiber
Module





AFN's Moonshot

- ✓ Strong ending fund balance
- ✓ Debt is retired
- ✓ We have a proven track record
- ✓ Our staff is incredible
- ✓ AFN is the only 100% local broadband network
- ✓ Support General Fund through franchise fees
- ✓ Provide low-cost internet to residents



*Not pictured is Nick



Questions?



**ASHLAND CITY COUNCIL
BUSINESS MEETING MINUTES
Tuesday, June 3, 2025**

6:00 PM Business Meeting

Council Present: Mayor Graham, Dahle, Bloom, Kaplan, DuQuenne, and Hansen.

Council Absent: None

Staff Present:

Jordan Rooklyn	Deputy City Manager
Johan Pietila	City Attorney
Alissa Kolodzinski	City Recorder
Marianne Berry	Finance Director
Bryn Morrison	Deputy Finance Director
Brandon Goldman	Community Development Director
Scott Fleury	Public Works Director
Marshall Razor	Fire Chief

I. CALL TO ORDER

Mayor Graham called the meeting to order at 6:01 p.m.

- a. Land Acknowledgement**

Bloom read the land acknowledgement.

II. PLEDGE OF ALLEGIANCE

Kaplan led the pledge of allegiance.

III. ROLL CALL

IV. MAYOR'S/ CHAIR OF THE COUNCIL ANNOUNCEMENT

- a. National Flag Week Proclamation – Graham read the proclamation for the record.
Mayor Graham announced a Coffee and Conversations event on June 17 from 1:00 to 2:30 PM at Railroad Park, inviting residents to discuss city matters. She also remembered former Mayor John Stromberg, highlighting his kindness, dedication to Ashland, and legacy in watershed protection. The council observed a moment of silence in his honor.

V. APPROVAL OF MINUTES

- a. Minutes of the May 19, 2025 – Study Session Meeting
b. Minutes of the May 20, 2025 – Business Meeting

Bloom moved to approve the May 19, 2025, Study Session Meeting minutes and the May 20, 2025, Business Meeting minutes. Hansen seconded the motion.

Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

VI. CONSENT AGENDA

Dahle requested to pull item D and DuQuenne requested to pull item C for clarification.

- a. Approval of Liquor License for Little Tokyo, Live at the Armory, and Tacos Libertad
b. Resolution No. 2025-14 – A Resolution Relating to Solid Waste Management Service Rate and Repealing Resolution 2024-11.

- c. Contingency Draw for Fire Department
- d. Water Rate Resolution–Approval of 2025–2027 Biennium Water Rates
- e. Approval of Goods & Services Contract – Water Quality Temperature Trading Program Partnership (2025–2031); Phase 3A Stewardship & Monitoring
- f. A Resolution Allocating BN23–25 Transient Lodging Tax Funds to the Oregon Shakespeare Festival
- g. Approval of Personal Services Contract – Ashland Chamber of Commerce (DBA Travel Ashland) Destination Marketing Activities

Bloom moved to approve consent agenda items A, B, E, F, and G. Dahle seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

VII. SPECIAL PRESENTATIONS

a. ODFW Special Presentation

Dan Van Dyke, District Fish Biologist for ODFW (Oregon Department of Fish and Wildlife), detailed Ashland's vital role in stewarding Bear Creek's salmon and steelhead populations (see attached presentation). The City's need to enhance ordinances, maintain riparian vegetation, and adapt to climate change was emphasized. Van Dyke advised supporting a multi-story canopy of native trees, boosting enforcement, and coexisting with beavers. Challenges such as climate change, non-native species, and urbanization's impact were also discussed. Council questions were addressed on water quality and treatment, noting that improvements like the updated water treatment plant have positive impacts on fish habitats and water conditions over time. The collaborative work with DEQ to manage impact on water quality in the watershed was acknowledged.

Three community members spoke in support of Van Dyke's recommendations to enhance riparian and salmon habitat protection.

VIII. PUBLIC FORUM –

Citizen Eric Navickas apologized to the council for a prior response to the police chief and shared how personal experiences influenced his views on social justice. He expressed concern over city exclusion laws and spoke against injustices towards the impoverished and marginalized.

IX. PUBLIC HEARING

a. Biennium Budget Adoption and Approval of Other Related Budget Resolutions

Rooklyn presented the biennium 2025–2027 budget and accompanying resolutions for adoption. Changes from the Citizens Budget Committee recommendations were highlighted, including the source of childcare grant funds supported by council motion. Berry spoke of the discrepancy in budget numbers between the resolution and what the Citizens Budget Committee had approved. The total budget amount is \$374,021,893 for the biennium 2025–2027, reflecting a decrease of \$135,000 from the previously approved balance due to adjustments in funding sources for childcare grants. Berry also explained the purpose of the additional resolutions accompanying the budget, including qualifying state revenues, marijuana and liquor state taxes, and setting the property tax levy.

Public Hearing Open

Citizen Paul Mozina expressed concerns about the public safety fee increase and questioned the financial performance of the single-roll ambulance program.

Public Hearing Closed

Decision:

Dahle moved to approve Resolution 2025-17 adopting the biennium 2025-2027 budget and appropriations. Bloom seconded the motion. Roll Call Vote: DuQuenne – No; Dahle, Bloom, Hansen, and Kaplan – Yes. The motion passed.

Hansen moved to approve Resolution 2025-18, certifying City of Ashland services. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

Bloom moved to approve Resolution 2025-19, declaring the city's election to receive state revenues. DuQuenne seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

Kaplan moved to approve Resolution 2025-20 to levy taxes for fiscal year 2026. Bloom seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

Kaplan moved to direct staff to report next spring the third quarter financial report, seeking council direction on whether a supplemental appropriation is warranted for homelessness services for the second year of the biennium. Bloom seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

- b. Public Hearing and First Reading of Ordinance 3264 Creating Section 13.40 of the Ashland Municipal Code Establishing Recreational Immunity Protections

Pietila presented the first reading of Ordinance 3264, which would create a new section in the Ashland Municipal Code to establish recreational immunity protections. This ordinance would allow the city to opt into certain protections specified in Senate Bills 1576 and 179, which extended recreational immunity to public entities for activities such as walking, running, and bicycling on trails or unimproved rights of way. Most public entities in Oregon have already opted into these protections. There is no direct cost or budget impact to the city, and it could potentially reduce future expenditure based on risk.

Public Hearing open

No comments

Public Hearing closed

Decision:

Hansen moved to approve Ordinance 3264 as presented. DuQuenne seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

- c. Public Hearing and First Reading of Ordinance 3265, adopting the 2025 Economic Opportunities Analysis as a technical support document to the Economic Element of the City of Ashland Comprehensive Plan

Goldman and Elliot Weiss from Community Attributes Inc. (CAI) presented the 2025 Economic Opportunities Analysis (EOA) (see attached presentation). They explained that the EOA provides a data-informed picture of Ashland's local economy and land availability to support economic development and employment growth over the next 20 years. Weiss reported on critical outcomes from the analysis, highlighting trends in population and demographics, forecasts for employment, and data on the real estate market. Importantly, it was observed that, per the buildable lands inventory, Ashland possesses a surplus of land designated for employment purposes.

Discussion focused on how remote work factors into the EOA affecting Ashland's jobs-to-housing balance. Weiss detailed the various data sources used to measure employment by residence and workplace, highlighting the necessity of accounting for remote work trends in economic planning. It was clarified that the EOA's regional forecast does not anticipate ongoing growth in construction. Additionally, there was a discussion on integrating the EOA with strategic planning to enhance Ashland's economic development.

Public Hearing open

No comments

Public Hearing Closed

Decision:

Kaplan moved to approve the first reading of Ordinance 3265 adopting the 2025 Economic Opportunities Analysis as a technical support document to the Comprehensive Plan Economy Element and scheduled second reading for June 17, 2025. Dahle seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

Recess taken 7:46-7:52

X. ORDINANCES, RESOLUTIONS AND CONTRACTS

- a. Second Reading of Ordinances 3249, 3250, 3251, and 3263 to implement the Climate Friendly Area Overlay & Written Findings Adoption

Goldman presented the second reading of four ordinances related to implementing the Climate Friendly Area (CFA) overlay (see attached). Amendments made between the first and second readings allowed for additional building height up to 60 feet for multifamily and mixed-use developments within the CFA overlays and downtown zone when at least 25% of dwelling units qualify as affordable housing. These ordinances align with several of Ashland's adopted council goals, including fostering environmental resilience, promoting housing and livability, and supporting a diverse and resilient economy.

Decision:

Kaplan moved to approve Second Reading of the following ordinances:

Ordinance #3249 as amended, an ordinance amending the Ashland Land Use Ordinance to repeal Chapter 18.3.14 Transit Triangle Overlay and replacing it with a new Chapter 18.3.14 Climate Friendly

Overlay;

Ordinance #3250, an ordinance amending the adopted Zoning Map to add the Climate Friendly (CF) Overlay;

Ordinance #3251, an ordinance amending the adopted Site Design Zones Map to align the extent of the Detailed Site Design Review Overlay Zone to include the full extent of the Climate Friendly Area Overlay Zones;

Ordinance #3263 as amended, an ordinance amending chapters 18.2.1, 18.2.2, 18.2.3.130, 18.2.6, 18.3.12, 18.3.13 & 18.4.2.040.c of the Ashland Land Use Ordinance to align with the new climate friendly area regulations and ensure implementation of applicable development standards;

And adopt the written findings as presented. Bloom seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

XI. UNFINISHED BUSINESS

a. Assistance Program – Adoption

Berry introduced changes to the utility assistance program targeting higher eligibility, year-round availability, and lower administrative tasks. The updated program replaces the current setup and eliminates the senior citizen and disabled discount resolution. Essential updates include using SNAP or OHP as qualifiers and offering a 30% discount on water, electric, and sewer with a \$400 cap annually. Mid-year budget reconciliation will be conducted to consider necessary adjustments during the biennium.

Kaplan moved to adopt Resolution 2025–21 that establishes the utility discount based on income threshold qualifiers and cap in the staff report for the utility assistance program effective July 1, 2025, and repeal Resolution 1992–22 on the senior citizens utility discount. Bloom seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

Consent Agenda items

c. Contingency Draw for Fire Department

Berry clarified the request for a contingency draw of \$550,000, mainly for overtime costs due to Oregon paid leave and mandatory staffing. An additional \$150,000 was needed for the replacement of the fire station alerting system. Rasor noted that maintaining current staffing levels helps prevent vacancies, which would otherwise lead to overtime costs. Questions arose regarding the impact of the single-roll ambulance service on expenses and whether new hires contributed to the situation. Rasor confirmed that filling positions is crucial to mitigate overtime. The importance of mandatory staffing levels for safety was also emphasized during the discussion.

Bloom moved to approve Resolution 2025–16 that will transfer \$700,000 from the general fund's contingency line to the fire department's budget. Hansen seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dahle voted yes. The motion passed.

d. Water Rate Resolution–Approval of 2025–2027 Biennium Water Rates

Fleury presented the proposed water rate changes for the 2025–2027 biennium, which aimed to keep lower commodity charge tiers as low as possible while raising upper tiers, especially in the summer season, to capture more revenue. Key changes included raising the first tier from 300 cubic feet to 500

cubic feet, with a 1.8% increase for fiscal year 2026. The customer charge was increased to reflect rising administrative costs since 2019.

Councilors discussed equitable water pricing, where tier adjustments aim to reduce costs for minimal consumption and increase rates for high usage to curb excess. They appreciated the balance in service costs, maintaining quality standards, and minimal first-year meter charge increases to ease resident financial burdens. While staff efforts were acknowledged, some opposed raised consumption caps, asserting they don't align with conservation and equity goals, resulting in differing views on the rate changes.

Dahle moved to approve Resolution 2025-12, a resolution revising rates for water service pursuant to Ashland Municipal Code section 14.04.030 and repeal Resolution 2019-10. Bloom seconded the motion. Roll Call Vote: Dahle, Bloom, and Hansen voted yes. Kaplan and DuQuenne voted no. The motion passed.

XII. NEW BUSINESS

a. Voting and Appointment of Council Member

The council conducted a vote to fill the vacant council seat using the Exhaustive Ballot Method. In the first round of voting, Derek Sherrell received three votes from Councilors Hansen, Dahle, and Bloom, securing the appointment. Councilor Kaplan voted for Meg Wade, and Councilor DuQuenne voted for George Kramer.

Kaplan moved to appoint Derek Sherrell to the Ashland City Council. DuQuenne seconded the motion. Roll Call Vote: Hansen, DuQuenne, Kaplan, Bloom, and Dale voted yes. The motion passed.

XIII. CITY MANAGER REPORT

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

DuQuenne announced the upcoming Juneteenth celebrations in Jackson County and Ashland, including events at SOU on June 10, Pear Blossom Park on June 21, and Railroad Park on June 22. Dahle reminded everyone about the upcoming airport event featuring kids' science activities and emergency services demonstrations, scheduled for this Saturday. Graham reported on her recent tour of the Jackson County jail with Senator Wyden, noting ongoing discussions about social services and community issues related to the facility.

XV. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham



A Proclamation in Honor of Flag Day 2025

Whereas, the first official flag of the United States was adopted on June 14, 1777, by an act of Congress; and

Whereas, on Aug. 3, 1949, Congress designated National Flag Day, which was to be celebrated on June 14th of each year; and

Whereas, the annual event is an opportunity to learn more about the history of the American flag and to honor and show respect for our veterans who have served our country with courage under this flag; and

Whereas, the American flag has always stood for the aspirational goal that our nation will be a place where people of all backgrounds, creeds, and philosophies support and defend the Constitution as the bedrock of our Democracy, and all people are guaranteed due process in a system dedicated to the rule of law; and

Whereas, our nation is currently engaged in a vigorous society-wide debate about whether those values remain the values of our nation.

Now therefore, I, Tonya Graham, Mayor of the City of Ashland, Oregon, do hereby proclaim June 14, 2025, as Flag Day in the City of Ashland and urge all residents to contemplate what they can do to ensure that our flag symbolizes our devotion to freedom, equal rights for all, and the rule of law here and abroad – and then to act peacefully on those contemplations.

Dated this 3rd day of June 2025

Tonya Graham, Mayor

Alissa Kolodzinski, City Recorder





Ashland Headwaters of Bear Creek

Bear Creek snapshot



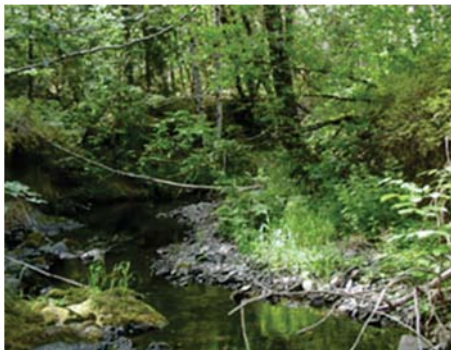
- Impacted watershed
- Native fish still present
- Salmon, steelhead in Ashland
 - Fall Chinook up since 1970s
 - Coho persisting
 - Steelhead broadly distributed

Steelhead and stewardship



- Most abundant fish in Ashland
- Live in streams up to 3 years
- Coldwater species 55F-64F
- Stressor spiral
 - Warm water
 - Climate projections
 - Exotic fish

Riparian vegetation



- Native trees, native shrubs along streams
- Multiple benefits/climate resilience
 - Shade
 - Reduces erosion
 - Riparian process—snags, LWD
 - Wildlife
 - Food for beavers
- Multistory canopy
- Protected by land use law

Riparian protection

50 feet

Oregon's land use law

- Development setback
 - Some impact allowed if planting to improve habitat
- Vegetation protected

Problems



- Lower Kitchen Creek
- Rogue Valley Audubon, Southern Oregon Land Conservancy, Riverkeeper
- Ordinance review
- Met with Community Development

Recommendations

1. Foster a multistory canopy of native trees and native shrubs
 - Requires enforcement of city riparian ordinance.
2. Strengthen the ordinance
 - Add language from county—no permits until code violation resolved
 - Simple mitigation/landscape plans
3. As a city, learn to live with beavers
4. Lead the valley in stewardship
 - Pass along Bear Creek salmon and steelhead to future generations

CITY OF ASHLAND

ECONOMIC OPPORTUNITY ANALYSIS

CITY COUNCIL



June 3, 2025



CONTENTS



Introduction
And Purpose



National, Regional,
and Local Trends



Employment
Land Sufficiency



Community Economic
Development Priorities



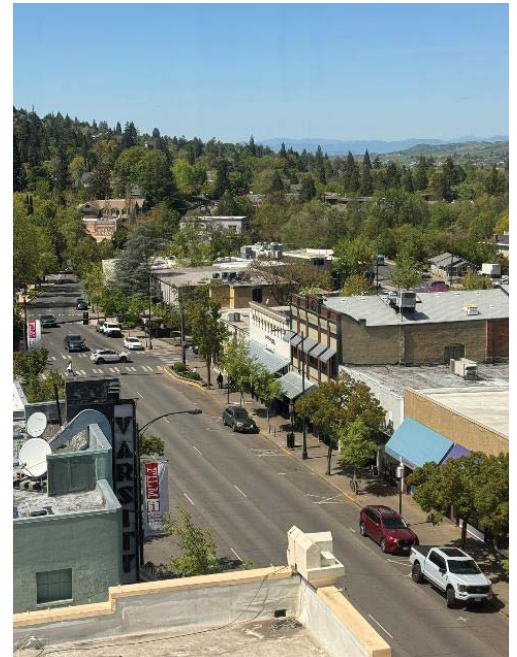
Strategic
Considerations

INTRODUCTION AND PURPOSE

PROJECT INTRODUCTION

What is an Economic Opportunity Analysis (EOA)?

- A **State-required analysis** under **OAR 660-009-0015** that evaluates future land availability for employment uses.
- **Compares projected demand** for employment land (industrial, commercial, etc.) with the **existing land supply**.
- Typically **adopted as a technical appendix** to the comprehensive plan, to provide the foundation for updated economic policies.



PROJECT INTRODUCTION



June 2025

Elements of an EOA:

1. Review of national, state, regional, county and local economic and market trends
2. Identification of required site types (sites to accommodate employment growth)
3. Inventory of industrial and other employment lands
4. Assessment of community economic development potential

City of Ashland EOA

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NATIONAL, REGIONAL, AND LOCAL TRENDS

RECAP OF FINDINGS PRESENTED 4/22

LOCAL TRENDS



Growth Rate

- Ashland's population grew at a CAGR of 0.5% from 2010 to 2024
- Jackson County grew at a CAGR of 0.6%, and Medford grew at 1.2% in the same period.



Demographics

Compared to the region, Ashland's population is

- Older
- More educated
- Whiter



Household Size

- 78% of households in Ashland have one or two people (2023).



Tenure (2023)

- 45% of households are homeowners (61% county)
- 44% are renters (33% county)
- 11% of units are vacant or partially vacant (6% county)
(includes short-term rentals and second homes)



Housing Inventory

- Ashland had 11,500 housing units in 2023
- 59% are single-family homes

June 2025

City of Ashland EOA

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RECAP OF FINDINGS PRESENTED 4/22

LOCAL TRENDS



Jobs-to-Housing Balance

- Declined from 0.78 (2013) to 0.74 (2023)
- Lower than the regional average (0.85 for the Rogue Valley and 1.08 for Oregon); likely defined by a higher share of retirees



Regional Labor Flows

- 37% of Ashland's working residents work in Ashland; others commute to Medford and other areas
- 31% of jobs in Ashland are filled by local residents; the remainder come in from elsewhere in the region



Top Inflow Industries (2022)

- Accommodation & Food Services (+638)
- Educational Services (+596)
- Retail Trade (+354)



Land Use

About 17% of Ashland's land is zoned for employment-uses

- Employment-zoned land makes up 8%
- Commercial land is an additional 4%
- Industrial land is 1%
- The remaining 4% is made up of special districts like the Croman Mill District and the Health Care Services District.



Climate

Hazards rated as high-probability, high-vulnerability in Ashland per the 2024 hazard mitigation plan include

- Wild fire, Drought, Air quality, Extreme heat, Earthquakes

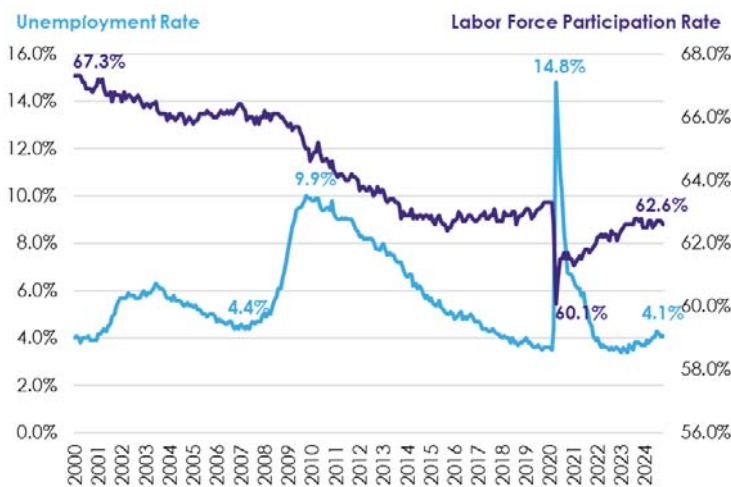
June 2025

City of Ashland EOA

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NATIONAL TRENDS

Exhibit 1. U.S. Unemployment Rate and Labor Force Participation, 2000-2024



Sources: U.S. Bureau of Labor Statistics, 2024; CAI, 2024.

Unemployment

- National unemployment fell to 4.1% in 2024, returning to pre-pandemic lows.
- Labor force participation rebounded to 62.6%, though still below early 2000s levels.

Inflation

- Consumer Price Index (CPI) inflation is at 2.4%, up from 1.6% in 2019.
- Inflation has been generally steady for 9 months.

Interest Rates

- Federal fund borrowing rate is at 4.3%
- Interest rates have been fairly steady since Dec 2024

June 2025

City of Ashland EOA

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SOUTHERN OREGON TRENDS

Population Growth

- From 2010 to 2023, Oregon's population grew by 0.9% per year (12% total), with Jackson County growing by 0.7% (10% total) and Josephine County by 0.5% (7% total).
- Both counties ranked mid-range among Oregon counties.

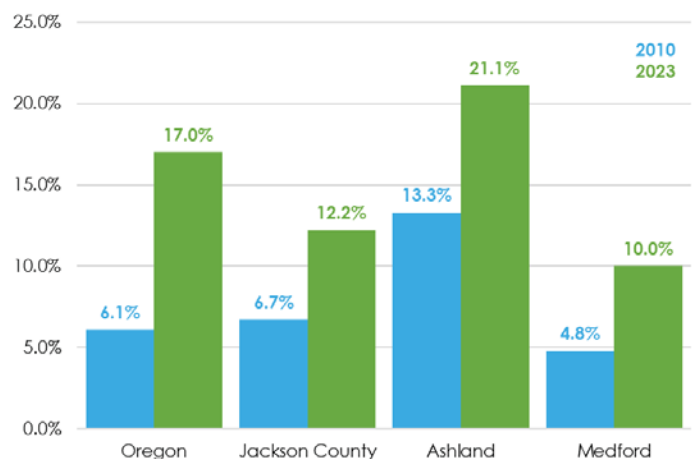
Economic Composition

- The regional economy is largely service-oriented, with Services, Retail Trade, and Education & Health each composing 21-24% of private sector jobs in the Jackson and Josephine 2-County Region as of 2022. (Note: Private employment excludes public sector, including some government and public school jobs.)

Remote Work

- Regional trends toward more workers reporting working from home are more pronounced in Ashland.
- In 2023, 17% of Oregon's workers report working from home, compared to 12% in Jackson County and 21% in Ashland.

Exhibit 2. Proportion of Workers 16+ Who Work from Home, Oregon, Jackson County, Ashland & Medford, 2010 & 2023



Sources: ACS 5-year Estimates, 2023; CAI, 2025.

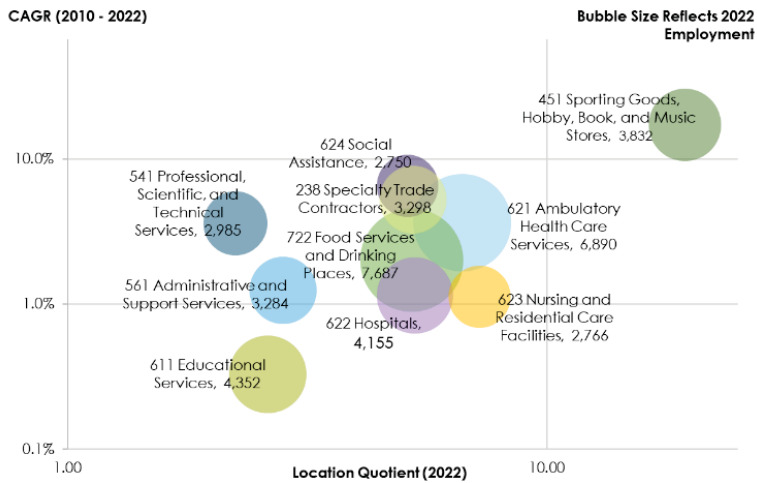
June 2025

City of Ashland EOA

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SOUTHERN OREGON TRENDS

Exhibit 3. Top 10 Industries (at 3-digit NAICS) by Employment, Location Quotient, and Growth, Jackson County



Sources: Oregon Employment Department 2010 & 2022; U.S. Bureau of Labor Statistics, 2022; CAI 2024.

Jackson County added 14,000+ private jobs from 2010 to 2022 (CAGR of 1.5%).

These sectors show both strong local employment and growth in Jackson County from 2010 – 2022.

- Sporting Goods Manufacturing (NAICS 451)
- Healthcare Services (NAICS 621, 622, 623 & 624)
- Food & Beverage Establishments (NAICS 722)

June 2025

City of Ashland EOA

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ASHLAND'S ECONOMY

Exhibit 4. Total Employment by Industry, Ashland, 2010 & 2022

Industry	Ashland Jobs (2010)	Ashland Jobs (2022)	Share of Jobs (2022)	CAGR (2010-2021)
Accommodation and Food Services	1,387	1,620	18%	1%
Retail Trade	1,163	1,379	15%	1%
Educational Services	115	1,362	15%	23%
Health Care and Social Assistance	1,187	1,129	12%	0%
Arts, Entertainment, and Recreation	691	674	7%	0%
Manufacturing	410	589	6%	3%
Professional, Scientific, and Technical Services	287	480	5%	4%
Other Services (excluding Public Administration)	233	377	4%	4%
Administration & Support, Waste Management	152	320	4%	6%
Information	179	244	3%	3%
Public Administration	-	188	2%	55%
Construction	104	179	2%	5%
Wholesale Trade	128	143	2%	1%
Finance and Insurance	207	140	2%	-3%
Real Estate and Rental and Leasing	98	118	1%	2%
Transportation and Warehousing	28	64	1%	7%
Management of Companies and Enterprises	68	51	1%	-2%
Agriculture, Forestry, Fishing and Hunting	11	40	0%	11%
Mining, Quarrying, and Oil and Gas Extraction	-	7	0%	18%
Utilities	-	-	0%	0%
	6,448	9,104		2.9%

Sources: U.S. Census Bureau Longitudinal Employer-Household Dynamics (LEHD), 2022; CAI, 2025.

Total Employment (2022)

9,104 total jobs, with strengths in

- Leisure & Hospitality
- Retail
- Education
- Health Care

Private Sector Growth Trends (2013–2023)

- Private employment growth of 516 jobs over this time (CAGR of 0.6%)
- Fastest growth in Construction (+9.9%) (Private employment excludes public sector jobs)

Forecast (2025–2045)

Private employment is projected to grow from 8,644 to 10,045.

- +654 in Leisure & Hospitality
- +422 in Health Care
- +165 in FIRE

June 2025

City of Ashland EOA

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ASHLAND REAL ESTATE

Retail

- Citywide: lease rates dropped from \$29.73/sf (2018) to \$20.99 (2024); Vacancy as of 2024 is 2.0%
- Downtown: Lease rates at \$17.00/sf (2024) & vacancy down to 1.6% from 11.3% (2021)

Office

- Most recent delivery was 8,000 sf in 2021.
- Lease rates declined from \$22.68 in 2021 to \$18.96
- Vacancy rates at 2.5% as of 2024.

Exhibit 5. Downtown Retail Lease and Vacancy Rate, Ashland, 2012-2024



Sources: Costar, 2024; CAI, 2025.

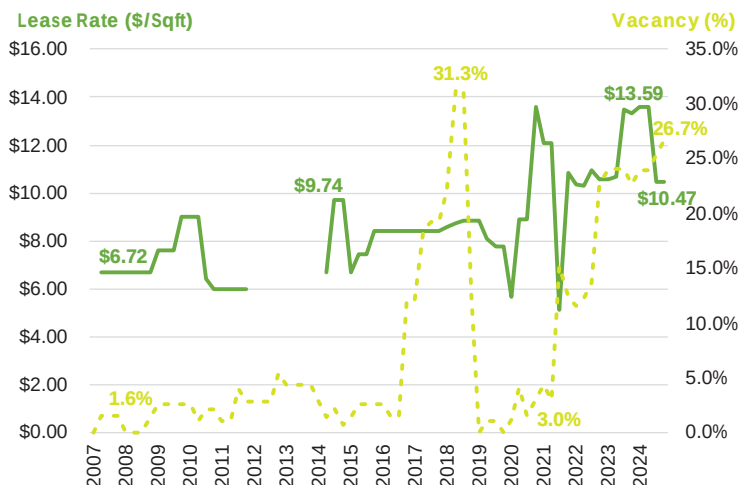
June 2025

City of Ashland EOA

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ASHLAND REAL ESTATE

Exhibit 6. Industrial Lease and Vacancy, Ashland, 2007-2024



Sources: Costar, 2024; CAI, 2025.

Industrial Trends

- Vacancy reached 26.7% in 2024; likely affected by new supply (delivery of 28,000 sf in 2023), business disruption, and/or regional competition
- Lease rates fell to \$10.47/sf, down from \$13.59 (2023)

Hospitality Sector

- Lost some inventory post-covid (-123 rooms)
- Occupancy rates have since recovered to pre-pandemic levels (62.0% in 2024)

June 2025

City of Ashland EOA

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ASHLAND REAL ESTATE

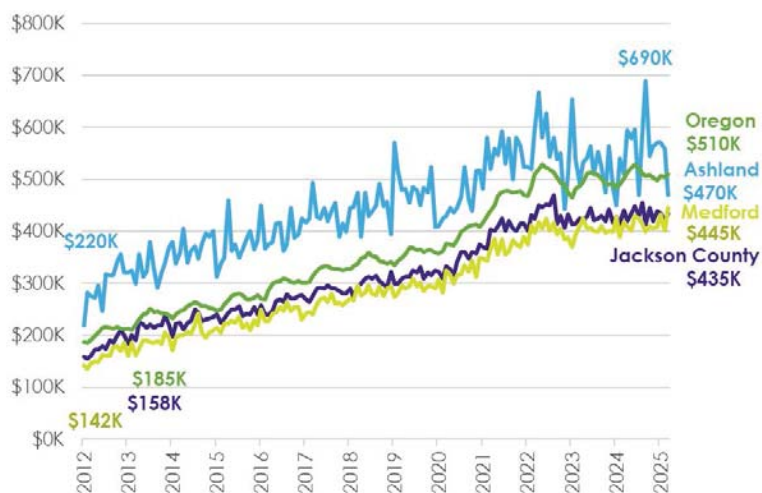
Housing

- Median home sale price peaked at \$690,000 (Sept 2024)
- 43% of listings in Ashland sell within two weeks (March 2025).

Income & Cost Burden

- Household income in Ashland grew at 4% CAGR (2010–2022)
- Cost-burdened households declined at -2% CAGR (2010–2023)
- 26% of households in 2021 earned less than 50% AMI (which was \$73,100); only 12% of housing units were affordable at that income level

Exhibit 7. Median Home Sale Price, Ashland, Medford, Jackson County and Oregon, Jan 2012 – March 2025



Sources: Redfin, 2025; CAI, 2025.

EMPLOYMENT LANDS SUFFICIENCY

M E T H O D O L O G Y

1. SUPPLY

CAI isolates and extract the supply of buildable employment (commercial + industrial) land from the 2024 BLI.

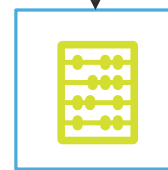


2. DEMAND

Using a detailed employment forecast, demand in total and by category is modeled for employment land.

3. RECONCILE

Supply of employment land is reconciled with demand in aggregate and by category.

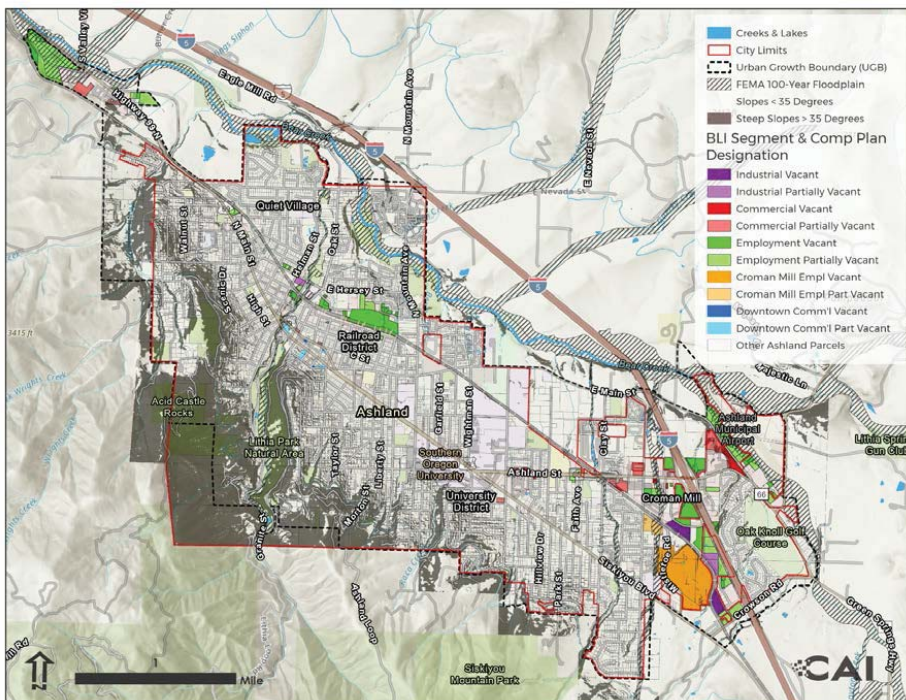


4. SITE TYPES

Site types that may be needed by Ashland's target industries is characterized.

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EMPLOYMENT LAND SUMMARY FINDINGS



Ashland's Employment Land Supply

- According to Ashland's Buildable Lands Inventory (2024), Ashland has **181 acres** of net buildable employment land, compared to **76 acres** of forecasted demand
- This is an estimated surplus of more than 100 acres within the city and UGB.

EMPLOYMENT LAND SUMMARY FINDINGS

Accommodating Future Growth & Sector Opportunities

- CAI forecast suggest **growth of 1,400 jobs by 2045** (0.7% cagr) that will require commercially or industrially zoned lands.
- Ashland has capacity to accommodate stronger-than-forecast employment growth over the next 20 years.
- Despite the overall surplus, there may be a shortage of small, centrally located commercial sites—particularly in or near Downtown.
- Some demand could be met through underutilized Employment-zoned (E-1) lands, but businesses tied to foot traffic (e.g., OSF-oriented retail) may continue to prefer downtown locations.

Comp Plan Category	Number of Vacant Tax Lots					Total
	Less than	.5 to 1	1-5 ac	5-20 ac	More than	
	.5 ac	ac				
Commercial	13	5	5	1	0	24
Downtown (Commercial)	5	3	0	0	0	8
Employment	37	13	35	3	1	89
Croman Mill (Employment, Ind. & MU)	1	2	5	4	1	13
Industrial	0	0	6	0	0	6
Total	56	23	51	8	2	140

June 2025

City of Ashland EOA

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EMPLOYMENT LAND SUMMARY FINDINGS



Key Development Considerations

- Croman Mill and the Railroad District offer the largest contiguous development opportunities—this land is largely controlled by two landowners
- Publicly Owned Land Offers Additional Development Potential – While not included in the formal buildable lands inventory, city- and SOU-owned properties present valuable opportunities for strategic development, partnerships, and community-serving projects.
- Opportunity: Enhance visibility and access between E-1 areas and Downtown through pedestrian connections, wayfinding signage, and brand alignment.
- Opportunity to target development on value-aligned industries, such as outdoor recreation equipment manufacturing, craft food and beverage production

City of Ashland EOA

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RECENT ADJUSTMENTS

DLCD Guidance

- Reference OAR chapter 660-009-0015.
- Clarify that our analysis is based on the 2024 Buildable Lands Inventory published by the city.
- Detail the constraints the City deducted as part of the 2024 BLI (in accordance with DLCD guidance) including;
- Publicly owned land was generally not considered available for commercial or industrial use;
- Land with slopes of 35-percent or greater and land within the 100-year flood plain was not considered buildable;
- Portions of otherwise buildable parcels intersecting with such constraints have had acreage deducted from the gross total, resulting in a net buildable acreage figure

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COMMUNITY ECONOMIC DEVELOPMENT PRIORITIES



ENGAGEMENT ACTIVITIES



Interviews and Focus Groups (9)

Businesses, Stakeholders, and
Technical Experts



Regional Survey

Of Residents and Businesses

- 472 survey responses across Jackson County
- 174 live in Ashland
- 125 work in Ashland
- 79 own/manage a business in Ashland



Student Forum

Southern Oregon University

May 2025

City of Ashland EOA

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COMMUNITY ECONOMIC DEVELOPMENT PRIORITIES



- Tourism anchors exist and residents wish to diversify Ashland's tourism economy. Leverage assets like recreation and plan proactively for challenges like wildfire smoke and rising cost of living.
- Businesses are challenged by inflation, finding qualified employees, labor costs, and high cost of living locally for workers.
- Barriers to accessing Ashland's many amenities exist, especially for younger and economically disadvantaged families and individuals; cost of living is the primary barrier.

June 2025

City of Ashland EOA

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COMMUNITY ECONOMIC DEVELOPMENT PRIORITIES

- **Student retention.** Students seek more integration into the community and want more inclusive, affordable entertainment—especially for those under 21 or without a car. Lack of high-wage jobs and limited career opportunities deter long-term retention.
- **Development hurdles.** While there is support for growth which honors Ashland’s identity, perceived difficulty developing may act as a barrier.
- **Downtown.** There is support for further investment in downtown and Bend, OR, was most often described as a city Ashland can emulate.



June 2025

City of Ashland EOA

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STRATEGIC THEMES



THEME 1. Strengthen Economic Resilience through Diversification



THEME 2. Foster an Inclusive, Forward-looking Community



THEME 3. Unlock the Potential of Local Talent and Institutions



THEME 4. Make Space for Business Growth



THEME 5. Build Regional Partnerships to Scale Impact



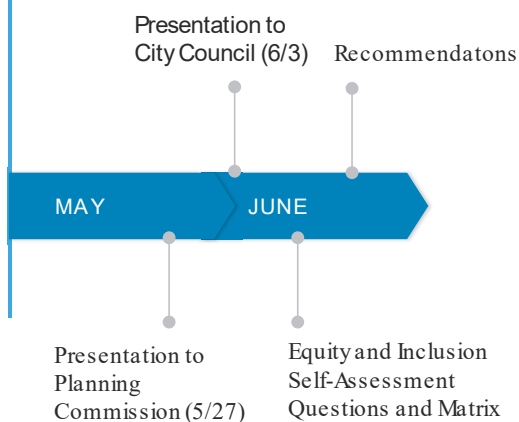
THEME 6. Activate Ashland's Lifestyle Advantage

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NEXT STEPS

- Present to City Council on June 3
- Equity and Inclusion Self-Assessment
- Recommendations for the updated Economic Element
- All materials must be complete, via DLCD grant, by June 30

Upcoming Milestones



THANK YOU!



THEME 1. STRENGTHEN ECONOMIC RESILIENCE THROUGH DIVERSIFICATION

Ashland's economy is heavily reliant on tourism and service sectors, leaving it vulnerable to seasonal fluctuations, wild fires, cost of living challenges, and broader economic disruptions.

There is interest expanding Ashland's tourism economy to attract more visitors at different times of the year.

There is also interest to expand other sectors; This could include light manufacturing, tech, food production, wellness, and specialty industries—particularly those aligned with Ashland's lifestyle values and small-town character.



THEME 2. FOSTER AN INCLUSIVE, FORWARD-LOOKING COMMUNITY

Ashland's strong sense of place and cultural identity are major assets, but there is a tension between preserving what exists and adapting to future needs.

Residents recognize the need to welcome new residents, businesses, and ideas to avoid economic and social stagnation.

Embracing thoughtful growth—especially that which supports families, younger residents, and diverse voices—is seen as essential to keeping Ashland vibrant and relevant for future generations



THEME 3. UNLOCK THE POTENTIAL OF LOCAL TALENT AND INSTITUTIONS

There is untapped opportunity to better connect local educational institutions—particularly SOU and Ashland High School—to economic development goals.

Strategies could include efforts to build career pipelines, host internships, develop networking programs, and support entrepreneurship, especially in partnership with regional organizations.



THEME 4. MAKE SPACE FOR BUSINESS GROWTH

Ashland's built environment and development patterns could act as barriers to expansion.

It is important to have flexible, ready-to-develop commercial and industrial space, as well as reasonable permitting costs and consistent regulations, to support economic growth.

Sites such as the Croman Mill and the railroad properties are of strategic priority.



THEME 5. BUILD REGIONAL PARTNERSHIPS TO SCALE IMPACT

Ashland's economic future is closely tied to the broader Southern Oregon region, and stakeholders highlighted the need for deeper collaboration with neighboring cities, SOREDI, the SBDC, and workforce partners.

Stronger alignment is needed on land use planning, workforce development, business support, and infrastructure investment—particularly to access larger labor pools, grow entrepreneurship, and compete for state and federal funding.



THEME 6. ACTIVATE ASHLAND'S LIFESTYLE ADVANTAGE

Ashland's greatest strengths—its natural beauty, safety, walkability, cultural amenities, and robust fiber infrastructure—are clear economic assets that position the city to attract remote workers, lifestyle-driven entrepreneurs, and talent seeking high quality of life.

By strategically leveraging these assets, Ashland can better align its economic development efforts to attract the types of businesses, visitors, residents, and workers that reflect its long-term vision and values.



Economic Opportunity Analysis

City Council
June 3, 2025

Before the Council tonight

**Public Hearing and First Reading of Ordinance 3265,
adopting the 2025 Economic Opportunity Analysis**



EOA





Economic Opportunity Analysis

- **State Mandate:** Oregon cities must comply with Statewide Planning Goal 9 and OAR 660-009-0015 by planning for enough employment land to meet 20-year job growth projections.
- **Purpose of the EOA:** The Economic Opportunities Analysis (EOA) identifies economic trends, evaluates employment land supply and demand, and informs future land use and economic development policy.
- The EOA provides a factual, technical foundation but does not itself enact new policies or regulations.



Economic Opportunity Analysis

- **Meets State Requirements:** Replaces Ashland's outdated 2007 EOA and ensures compliance with Goal 9 and OAR 660-009-0015.
- **Land Supply Assessment:** Analyzes current employment land inventory and identifies gaps by size, location, and readiness.
- **Foundation for Strategic Planning:** By providing up-to-date data and projections on regional and local economic trends, the EOA establishes a strong foundation for future decision-making and development of economic development strategies aligned with Ashland's long-term goals.



Recommendations:

The Planning Commission, at their 5/27 public hearing, recommend Council adopt the 2025 EOA and implementing Ordinance. Staff concurs with this recommendation.

Suggested Council Motion:

I move to approve First Reading of Ordinance 3265, adopting the 2025 Economic Opportunities Analysis as a technical support document to the Comprehensive Plan Economy Element, and schedule Second Reading for June 17, 2025.



Community Attributes Inc. Presentation



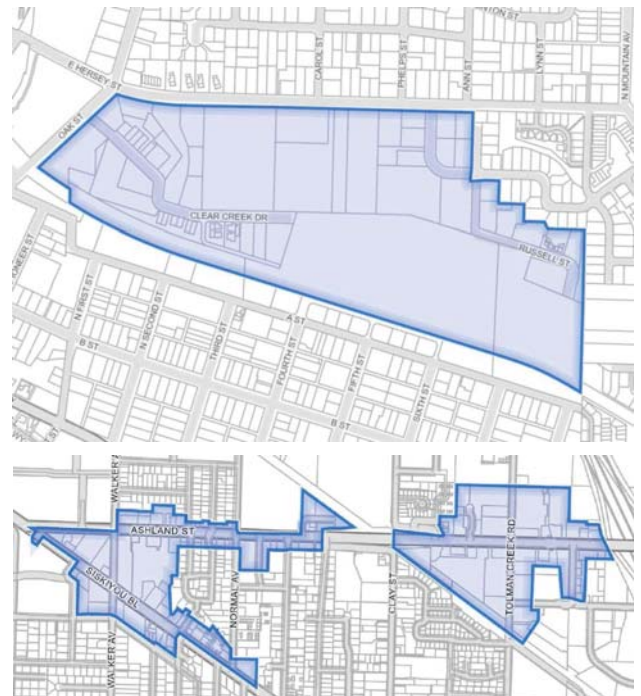
Climate Friendly Areas

Second Reading Ords. 3249, 3250, 3251, & 3263

City Council
June 3, 2025

Before the Council tonight

Second Reading of Ordinances 3249, 3250, 3251 and 3263, adopting amendments to the Land Use Ordinance, Zoning Map, and Site Design Zones map to align with the new Climate Friendly Area regulations, and adoption of Written Findings.



CFA





Climate Friendly Area: Amendments at First Reading

Ordinance 3249 AN ORDINANCE AMENDING THE ASHLAND LAND USE ORDINANCE TO REPEAL CHAPTER 18.3.14 TRANSIT TRIANGLE OVERLAY AND REPLACING IT WITH A NEW CHAPTER 18.3.14 CLIMATE FRIENDLY OVERLAY.

Exhibit A, Section 18.3.14.050 Dimensional Standards, Table 18.3.14.050 Climate Friendly Overlay Dimensional Standards, Maximum Height With Bonus [footnote #6] is amended to read:

Multifamily and mixed use dwellings meeting the standards for 25% affordable housing in section 18.2.5.050 are eligible for bonus height. Applicants may alternatively pursue height bonuses per ORS 197A.445.



Climate Friendly Area: Amendments at First Reading

Ordinance 3263 AN ORDINANCE AMENDING CHAPTERS 18.2.1, 18.2.2, 18.2.3.130, 18.2.6, 18.3.12, 18.3.13 & 18.4.2.040.C OF THE ASHLAND LAND USE ORDINANCE TO ALIGN WITH THE NEW CLIMATE FRIENDLY AREA REGULATIONS AND ENSURE IMPLEMENTATION OF APPLICABLE DEVELOPMENT STANDARDS.

Section 18.2.6.030 Unified Standards for Non-Residential Zones; Table 18.2.6.030 Standards for Non-Residential Zones , Building Height Maximum (feet) is amended to read:

Buildings greater than 50 ft and less than 60 ft are permitted if they contain at least 25% of the dwelling units as affordable housing meeting the affordability standards in 18.2.5.050 or with approval of a Conditional Use Permit.



Suggested Council Motions to adopt the ordinances and Written Findings and Conclusions of Law:

I move to approve Second Reading of the following ordinances:

- **Ordinance #3249 as amended**, an ordinance amending the Ashland Land Use Ordinance to repeal Chapter 18.3.14 Transit Triangle Overlay and replacing it with a new Chapter 18.3.14 Climate Friendly Overlay;
- **Ordinance #3250**, an ordinance amending the adopted Zoning Map to add the Climate Friendly (CF) Overlay.
- **Ordinance #3251**, an ordinance amending the adopted Site Design Zones Map to align the extent of the Detailed Site Design Review Overlay Zone to include the full extent of the Climate Friendly Area Overlay Zones.
- **Ordinance #3263 as amended**, an ordinance amending chapters 18.2.1, 18.2.2, 18.2.3.130, 18.2.6, 18.3.12, 18.3.13 & 18.4.2.040.c of the Ashland Land Use Ordinance to align with the new climate friendly area regulations and ensure implementation of applicable development standards.

I move to approve the written findings as presented.

Councilor Appointment

6/3/25



Councilor DuQuenne

Vote for one:

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Mark Brouillard						
Stephen Gagne						
George Kramer		✓				
Mark Morrison						
Linda Peterson Adams						
Russell Phillips						
Derek Sherrell						
Meg Wade						

Councilor Appointment

6/3/25



Councilor Hansen

Vote for one:

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Mark Brouillard						
Stephen Gagne						
George Kramer						
Mark Morrison						
Linda Peterson Adams						
Russell Phillips						
Derek Sherrell		X				
Meg Wade						

Councilor Appointment

6/3/25



Councilor Dahle

Vote for one:

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Mark Brouillard						
Stephen Gagne						
George Kramer						
Mark Morrison						
Linda Peterson Adams						
Russell Phillips						
Derek Sherrell	X					
Meg Wade						

Councilor Appointment

6/3/25



Councilor Kaplan

Vote for one:

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Mark Brouillard						
Stephen Gagne						
George Kramer						
Mark Morrison						
Linda Peterson Adams						
Russell Phillips						
Derek Sherrell						
Meg Wade	✓					

Councilor Appointment
6/3/25



Councilor Bloom

Vote for one:

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Mark Brouillard						
Stephen Gagne						
George Kramer						
Mark Morrison						
Linda Peterson Adams						
Russell Phillips						
Derek Sherrell	yes					
Meg Wade						

Round 1

	Brouillard	Gagne	Kramer	Morrison	Peterson Adams	Phillips	Sherrell	Wade
Bloom						x		
Dahle						x		
DuQuenne		x						
Hansen						x		
Kaplan							x	
	0	0	1	0	0	0	3	1

Round 2

	Brouillard	Gagne	Kramer	Morrison	Peterson Adams	Phillips	Sherrell	Wade
Bloom								
Dahle								
DuQuenne								
Hansen								
Kaplan								
	0	0	0	0	0	0	0	0

Round 3



Council Business Meeting

Date: June 17, 2025

Agenda Item	APD Contract for Records Management System
Department	Police
From	Tighe O'Meara, Police Chief

TIME ESTIMATE

Consent Agenda or 10 minutes

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

Staff is coming before Council to seek authorization to enter into a contract with Axon for the build out of a mutual Records Management System (RMS).

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

The Ashland Police Department (APD) has, for at least 30 years, participated in mutually accessed Records Management Systems (RMS). It is crucial that the City continue its partnership with this shared records management system. There is no viable in-house option that would come close to giving the same cross-agency access to information.

The various RMS have been used by most, if not all, law enforcement agencies in Jackson County (save the Oregon State Police). Each iteration of RMS over time has allowed each agency and officer to write reports, enter information, and access information entered by other officers and agencies. This shared information, shared RMS approach, fosters the great partnerships and mutual support that Jackson County law enforcement agencies enjoy.

The current RMS (called TriTech) is maintained by the City of Medford. APD currently pays the City of Medford \$17,750 annually to access and use this system. The current RMS is not sustainable and the City of Medford is stepping away from it in the coming years. If another agency were to try to take over the current system, it is estimated the cost to keep it running would be over \$700,000, and it would require a dedicated IT support person.

Medford is moving toward a more inclusive RMS provided by Axon Enterprises, Inc. The new Axon RMS will not be operational until mid-2027. In the intervening time, Axon will be building the new system and working to migrate all existing data to the new system.

All law enforcement agencies in Jackson County are joining in this effort, and each agency is responsible for its portion of the data migration and the system build out.

Upon launch, all agencies should enjoy a more capable, reliable and sustainable RMS for years to come.

APD's share of this cost is \$490,141.60, payable over five years, with the first payment not due until July of 2027, as noted in the attached contract, with payments due as follows:

July 2027 \$117,805.92
July 2028 \$102,055.92
July 2029 \$102,055.92
July 2030 \$84,111.92





Council Business Meeting

July 2031 \$84,111.92

There are some factors that will mitigate this financial obligation. Currently, APD pays for several annual services that will, upon implementation in 2027, be assumed by the new Axon RMS. The programs are:

Geoshield (public-facing crime analysis platform) \$3,598

SPIDR Tech (customer feedback platform) \$4,300

Guardian Tracking (in-house complaint, use of force, praise, discipline, early warning system) \$2,123

Each of the above platforms would be supplanted by the new Axon RMS, resulting in a savings of \$27,801.49 per year (when the current RMS fee of \$17,779.94 is included).

Additionally, the city's contract with Axon that covers conducted energy weapons and body cameras will expire in two years. Staff anticipates that the new contract to cover these devices will include licenses to access the RMS, which are, under the proposed contract, lined out at \$20,816.52 per each of the five years for 41 licenses. That will mitigate the net cost of this contract by approximately \$47,000 per each year.

The cost for this new RMS lies in the build out. The ongoing maintenance and access costs are seen in the 41 licenses, which, as noted above, come to \$20,816 per year, and are anticipated to be covered by the new contract that should be in place by the time the first payment is due.

FISCAL IMPACTS

As noted above, the overall cost of this contract is \$490,141.60, payable over five years with the first payment not due until July of 2027. It is anticipated that that cost will be mitigated by approximately \$138,855 over the course of the contract (as the city will not be paying for GeoShield, SPIDR Tech and Guardian Tracking or paying the current access fee for the current RMS), and that the actual payments will be for \$20,816 less per annum as the licensing will be absorbed in the new contract for conducted energy weapons and body cameras.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move Council approve a contract with Axon Enterprises, Incorporated for the City's portion of a shared records management system.

REFERENCES & ATTACHMENTS

1. Ashland - RMS Contract & SoW - Revised
2. MPD CC to Medford City Council



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-686656-45812JC

Issued: 06/04/2025

Quote Expiration: 08/31/2025

Estimated Contract Start Date: 07/01/2027

Account Number: 112578

Payment Terms: N30

Mode of Delivery: UPS-GND

Credit/Debit Amount: \$0.00

SHIP TO	BILL TO
Ashland Police Dept. - OR 1155 E Main St Ashland, OR 97520-2271 USA	Ashland Police Dept. - OR 1155 E Main St Ashland OR 97520-2271 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Alex Aguilar Phone: (253) 389-2615 Email: alaguilar@axon.com Fax:	Dan Moulin Phone: 541-552-2178 Email: dan.moulin@ashland.or.us Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$490,141.60
ESTIMATED TOTAL W/ TAX	\$490,141.60

Discount Summary

Average Savings Per Year	\$59,784.35
TOTAL SAVINGS	\$298,921.76

Payment Summary

Date	Subtotal	Tax	Total
Jul 2027	\$117,805.92	\$0.00	\$117,805.92
Jul 2028	\$102,055.92	\$0.00	\$102,055.92
Jul 2029	\$102,055.92	\$0.00	\$102,055.92
Jul 2030	\$84,111.92	\$0.00	\$84,111.92
Jul 2031	\$84,111.92	\$0.00	\$84,111.92
Total	\$490,141.60	\$0.00	\$490,141.60

Quote Unbundled Price:	\$789,063.36
Quote List Price:	\$789,063.36
Quote Subtotal:	\$490,141.60

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Software									
73638	AXON STANDARDS - LICENSE	8	60		\$10.85	\$10.85	\$5,208.00	\$0.00	\$5,208.00
73681	AXON RECORDS	41	60		\$42.31	\$42.31	\$104,082.60	\$0.00	\$104,082.60
A la Carte Services									
73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1			\$30,000.00	\$15,750.00	\$15,750.00	\$0.00	\$15,750.00
100946	AXON - MULTI-YEAR SWS TECHNICAL ACCOUNT MANAGER	1	36		\$18,040.91	\$1,495.33	\$53,832.00	\$0.00	\$53,832.00
85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1			\$300.00	\$311,269.00	\$311,269.00	\$0.00	\$311,269.00
Total							\$490,141.60	\$0.00	\$490,141.60

Delivery Schedule

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
A la Carte	73638	AXON STANDARDS - LICENSE	8	07/01/2027	06/30/2032
A la Carte	73681	AXON RECORDS	41	07/01/2027	06/30/2032

Services

Bundle	Item	Description	QTY
A la Carte	100946	AXON - MULTI-YEAR SWS TECHNICAL ACCOUNT MANAGER	1
A la Carte	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1
A la Carte	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1

Shipping Locations

Location Number	Street	City	State	Zip	Country
1	1155 E Main St	Ashland	OR	97520-2271	USA

Payment Details

Jul 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	100946	AXON - MULTI-YEAR SWS TECHNICAL ACCOUNT MANAGER	1	\$17,944.00	\$0.00	\$17,944.00
Year 1	73638	AXON STANDARDS - LICENSE	8	\$1,041.60	\$0.00	\$1,041.60
Year 1	73681	AXON RECORDS	41	\$20,816.52	\$0.00	\$20,816.52
Year 1	73896	AXON STANDARDS - IMPLEMENTATION SERVICE	1	\$15,750.00	\$0.00	\$15,750.00
Year 1	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1	\$62,253.80	\$0.00	\$62,253.80
Total				\$117,805.92	\$0.00	\$117,805.92

Jul 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	100946	AXON - MULTI-YEAR SWS TECHNICAL ACCOUNT MANAGER	1	\$17,944.00	\$0.00	\$17,944.00
Year 2	73638	AXON STANDARDS - LICENSE	8	\$1,041.60	\$0.00	\$1,041.60
Year 2	73681	AXON RECORDS	41	\$20,816.52	\$0.00	\$20,816.52
Year 2	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1	\$62,253.80	\$0.00	\$62,253.80
Total				\$102,055.92	\$0.00	\$102,055.92

Jul 2029

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100946	AXON - MULTI-YEAR SWS TECHNICAL ACCOUNT MANAGER	1	\$17,944.00	\$0.00	\$17,944.00
Year 3	73638	AXON STANDARDS - LICENSE	8	\$1,041.60	\$0.00	\$1,041.60
Year 3	73681	AXON RECORDS	41	\$20,816.52	\$0.00	\$20,816.52
Year 3	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1	\$62,253.80	\$0.00	\$62,253.80
Total				\$102,055.92	\$0.00	\$102,055.92

Jul 2030

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73638	AXON STANDARDS - LICENSE	8	\$1,041.60	\$0.00	\$1,041.60
Year 4	73681	AXON RECORDS	41	\$20,816.52	\$0.00	\$20,816.52
Year 4	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1	\$62,253.80	\$0.00	\$62,253.80
Total				\$84,111.92	\$0.00	\$84,111.92

Jul 2031

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	73638	AXON STANDARDS - LICENSE	8	\$1,041.60	\$0.00	\$1,041.60
Year 5	73681	AXON RECORDS	41	\$20,816.52	\$0.00	\$20,816.52
Year 5	85157	AXON RECORDS - PROFESSIONAL SERVICES MILESTONE PAYMENT	1	\$62,253.80	\$0.00	\$62,253.80
Total				\$84,111.92	\$0.00	\$84,111.92

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at <https://www.axon.com/sales-terms-and-conditions>), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

6/4/2025





STATEMENT OF WORK
FOR THE
IMPLEMENTATION OF
AXON RECORDS AND
STANDARDS FOR
JACKSON COUNTY
CONSORTIUM ("SOW")

Submitted By:

Axon Enterprise, Inc. (Axon)

17800 North 85th Street

Scottsdale, AZ 85255



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1. PROJECT OVERVIEW

This document serves as an overview of the Axon Records project. Axon Records and Axon Standards are cloud-native software solutions provided as a SaaS subscription.

1. SOFTWARE

The software detailed in this SOW includes, but is not limited to, the listed functionality:

AXON RECORDS	▶ Attachments ▶ Audit Trail ▶ Axon DataStore ▶ Case Management ▶ Configurable Forms and Fields ▶ Crimes, Productivity, and Cases Analytics ▶ Distribution Management ▶ Employee Management ▶ Expungement ▶ Field Interviews ▶ Incident Reporting ▶ Master Index Alerts ▶ Master Location Index ▶ Master Name Index	▶ Master Vehicle Index ▶ Oregon NIBRS State Reporting ▶ Physical Property & Evidence Entry ▶ Print Auditing ▶ Records Requests ▶ Redaction ▶ Restrictions ▶ Sealing ▶ Search ▶ Supplements ▶ User permission Management ▶ Warrants ▶ Bookings ▶ Permits
AXON STANDARDS	▶ Attachments ▶ Citizen Compliant ▶ Configurable Forms and Fields ▶ Early Intervention (EIS) ▶ Early Intervention (EIS) and Use of Force Analytics ▶ Internal Affairs Investigative Case Management	▶ Internal Complaint ▶ Redaction ▶ Restrictions ▶ Use of Force ▶ Vehicle Collision ▶ Vehicle Pursuit



2. DEFINITIONS

TERM		DEFINITION
PARTIES		
Agency		Agencies identified within this SOW
End-Users		Specific agency groups using the system
Professional Services		The services that Axon provides within the scope of this SOW
SYSTEMS		
Axon Systems		Software solutions and agency-specific interfaces developed by Axon
CJIS		The Federal Bureau of Investigation's criminal justice information system
MDC		Mobile data computer – a device associated within a vehicle or other mobile unit
NIBRS		National Incident-Based Reporting System
DataStore		The database Axon provides allowing the agency to query data
Product		The software solution being implemented as part of this SOW
Production Environment		The operational environment where the product is accessed
Training Environment		The pre-production environment where all Axon-specific development, configuration, functional acceptance testing, user acceptance testing, and training take place
Service Portal		An online portal provided by Axon where issues identified are entered and triaged
PROJECT & MILESTONES		
Project		Scope of this SOW as defined by the work to be completed described herein
Project Change Order (PCO)		Change order form outlined in Attachment B to be executed between Axon and the agency if a material change in scope is required for this SOW
Milestone		Event that constitutes completion of work as listed in Attachment A
Milestone Completion Report		The report outlined in Attachment A to be executed at key milestones between agency and Axon to approve completion of project phases
Discovery Phase		Requirements gathering and confirmation occurs during this phase. Confirmed requirements feed the sprint phase, and sprints are designed around what can and cannot be accomplished given time and resource constraints on both Axon and the agency's sides.
Design Build Phase		Project phase encompassing iterative development through sprints. Integrations and workflows are developed and deployed during this phase. The agency forms are also configured during this phase.



Sprint	A period during the configuration phase of the project (typically 2-3 weeks) where specific pieces of functionality are built, configured, and delivered.
Sprint Review	Signifies the end of the sprint where Axon showcases what was built, configured, and delivered. These items are then deemed ready for functional acceptance testing and user acceptance testing.
Go-Live	End-users are activated, and the agency is actively using the product
Cutover	Successful implementation of interfaces, data conversion, and NIBRS state and federal certification
Third-Party Products and Services	Software, hardware, and services that are not owned by Axon but are being provided by Axon for this project as listed in the Third-Party Products and Services section
ACCEPTANCE	
Blocker	Issue impacting 50% or more users
Functional Acceptance Testing (FAT)	Testing the functionality of the system as configured for the agency
Integration Acceptance Testing	Scheduled events for testing of each integration point and associated functionality in collaboration with the agency and the agency's vendors
User Acceptance Testing (UAT)	Testing the functionality of the system as configured for the agency from an end-user's perspective

3. OUT OF PROJECT SCOPE

Axon is only responsible for performing the professional services described within this SOW. Any additional professional services that are not defined explicitly by this SOW shall be done so through a Project Change Order. The following are considered outside the scope of this project:

- ▶ Administration, management, or support of any internal city, county, state, federal, or agency IT network or infrastructure
- ▶ Changes made by the agency or the agency's vendors after the Interface Requirements Documentation has been accepted
- ▶ Third-party products and services costs related to the vendors or agency's side of the integration
- ▶ Changes made by the agency after configuration is complete



2. PROFESSIONAL SERVICES

2.1 GENERAL

The agency provides a master charge table that Axon loads. Axon provides the appropriate structure to the agency.

2.2 REPORTING AND DATASTORE

- ▶ The access to the DataStore includes read-only access to prescribed views of data which are made available from the entry of data using the Axon Records User Interface.
- ▶ Axon provides the agency with a data dictionary and/or other appropriate documentation.
- ▶ Axon provides the following analytics reports as part of the Records system: Crimes, Productivity, and Cases
- ▶ Axon provides the following analytics reports as part of the Standards system: Use of Force, Early Intervention (EIS)
- ▶ If Axon provides reports for specific purposes as indicated, it is the responsibility of the agency to maintain them after Go-Live.

2.3 AXON CONFIGURATIONS

- ▶ As part of consortium deployment, agencies will be able to set up data sharing relationships with partner agencies to allow searching and viewing each other's data. This data will be searchable natively from with Axon Records UI.
 - ▶ The data available to configure for multi-agency search will include:
 - Master Name Index Records
 - Master Vehicle Index Records
 - Incident information
 - Warrant information
- ▶ To utilize certain systems, no integration is necessary; however, access to the Axon Records DataStore is required. This access may necessitate action by the customer, their third-party vendor, or Axon. Axon will furnish credentials/access to the Axon Records DataStore. It is understood that any work or changes associated with creating queries to access the data are the responsibility of the customer or their vendor, and Axon



bears no liability in this regard. The Axon Records DataStore is provided on an as-is basis, and any requests for custom views, queries, or connections will be subject to review within the standard change order process.

- ▶ Below is a partial list of additional forms that Medford PD may request to add to the Axon system. These forms are used by officers and investigators to supplement their Incident Reports/Case in the RMS:

2.4 READINESS

- ▶ Axon works in partnership with the agency to determine readiness by conducting functional testing and an end-to-end system review. The Axon program manager and the agency project manager work closely together to plan and execute readiness scenarios.
- ▶ Axon conducts user acceptance testing via use cases approved by Axon and the agency.
- ▶ All issues discovered during and after training are entered into the service portal for triage and follow-up.

2.5 TRAINING

Axon works with the agency to identify the agency trainers receiving instruction on the Axon Records, Standards, and/or Dispatch products. Axon provides a training guide that outlines the covered topics, intended audience, facility needs, and duration of the training.

FORMAT

Axon provides the agency with all the necessary training materials and digital assets to facilitate any of the training formats listed below. Training sessions are conducted in an environment containing necessary configurations, forms, and workflows. Any additional training beyond the selected method is subject to adjustments in pricing. Contact your sales representative for more information.

It is the responsibility of the agency to deliver and update the training materials to include agency policies and procedures.



TRAIN THE TRAINER

Axon trains the agency's recommended users (no more than 15 users per session depending on the size of the agency) in full system functionality. This is typically the agency's trainers, or training academy/FTO staff. The agency's trainers are responsible for training all agency end users. Axon provides all training materials for successful training and assists the agency's trainers in creating the course and training schedule.

SCHEDULE :

The training plan contains an agreed-upon schedule that makes efficient use of time and resources to avoid undue staffing impacts on the agency. Training sessions occur after the User Acceptance Testing has been successfully completed and documented.

- ▶ Training sessions provided by Axon are conducted on consecutive weekdays (Tuesday-Friday) during normal business hours (9am-6pm with an hour break in between sessions).
- ▶ Training sessions required past the agreed-upon schedule in the training plan, regardless of delivery method, are the responsibility of the agency, unless agreed upon previously by the project team and training team management.

2.6 GO-LIVE

Axon works in partnership with the agency to build, coordinate, and execute a Go-Live plan to ensure successful system acceptance. Axon coordinates the Go-Live event.



3 INTERFACES

The agency tasks related to interface setup start immediately after project kick-off. It is critical for the agency interface subject-matter experts (SME) and Axon project interface resources to work closely together to scope, set-up, and test all interfaces.

The agency must provide any relevant technical documentation per interface to Axon.

The agency facilitates any necessary meetings with all third-party system vendors where integration is required.

Axon provides any relevant Axon API documentation to the agency.

Axon conducts integration acceptance testing demonstrating the functionality of each integration to the agency.

The agency must notify Axon of any changes to the agency's side of the integration that are beyond Axon's control and may impact the integration.

3.1 MEDFORD PD INTERFACES

- 3.1.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.1.2 **Records | CommSys | NCIC Inquiry:** Axon will leverage CommSys (vendor relationship) to enable State CJIS, NLETS, NCIC, connectivity. As an example, the service allows for inquiries to be conducted (ConnectCIC) for Wants and Warrants to State/NCIC, Automated Property checks to State/NCIC, Orders of Protection, DMV inquiries of Person and Vehicle information, along with many other Inquiries and checks. This solution requires additional software activated within the Axon Ecosystem, along with specific



hardware, software and OS provided by the agency Information Technology team. State and Regional approval and documentation is also required as part of the testing/configuration/delivery of Axon NCIC.

- 3.1.3 **Records | Central Square | Jail Management Import:** Axon will import booking data to include Full Name, PII, and charges, from Central Square, eliminating the need for duplicate entry in multiple systems. During ingestion, data will be matched or ingested as new into the master name index for easy search and later use on other Incident reports. The ingestion may also include (depending on the JMS Vendor system) attachments associated with each record. These may include a booking photo (mugshot), or digital images of biometrics. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.1.4 **Records | Central Square | Bookings:** Axon will export booking data to Central Square, to include Full Name, PII, and charges, eliminating the need for duplicate entry in multiple systems. The data export may also include (depending on the JMS Vendor system) attachments associated with each record. These may include a booking photo (mugshot), or digital images of biometrics. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.1.5 **Records | Omnigo | Property and Evidence:** Axon will export Property and Evidence data to Omnigo Property and Evidence management platform, eliminating the need for duplicate entry into two systems. The data exported may include: property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of collection/recovery, photos, and related offenses/charges. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.1.6 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.



- 3.1.7 **Records | Karpel | Prosecutor:** Axon will export case documents and digital evidence to Karpel. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.2 JACKSON COUNTY SHERIFF'S OFFICE INTERFACES

- 3.2.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.2.2 **Records | CommSys | NCIC Inquiry:** Axon will leverage CommSys (vendor relationship) to enable State CJIS, NLETS, NCIC, connectivity. As an example, the service allows for inquiries to be conducted (ConnectCIC) for Wants and Warrants to State/NCIC, Automated Property checks to State/NCIC, Orders of Protection, DMV inquiries of Person and Vehicle information, along with many other Inquiries and checks. This solution requires additional software activated within the Axon Ecosystem, along with specific hardware, software and OS provided by the agency Information Technology team. State and Regional approval and documentation is also required as part of the testing/configuration/delivery of Axon NCIC.
- 3.2.3 **Records | Central Square | Jail Management Import:** Axon will import booking data to include Full Name, PII, and charges, from Central Square, eliminating the need for duplicate entry in multiple systems. During ingestion, data will be matched or ingested as new into the master name index for easy search and later use on other Incident reports. The ingestion may also include (depending on the JMS Vendor system) attachments associated with each



record. These may include a booking photo (mugshot), or digital images of biometrics. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

- 3.2.4 **Records | Central Square | Bookings:** Axon will export booking data to Central Square, to include Full Name, PII, and charges, eliminating the need for duplicate entry in multiple systems. The data export may also include (depending on the JMS Vendor system) attachments associated with each record. These may include a booking photo (mugshot), or digital images of biometrics. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.2.5 **Records | CopLogic DORS | Online Reporting:** Axon will build an interface with LexisNexis' CopLogic also known as Desk Officer Reporting System (DORS) solution where Axon will import citizen-authored reports from CopLogic into an Axon Incident Report in Axon Records. These reports may be assigned to a specific workflow/inbox monitored by an identified person/team for final review/acceptance. The report types, associated offenses/charges, person data, vehicles, property, and related attachments, are documented and aligned during the build and configuration of both the Coplogic DORS and Axon Records Incident Reports.
- 3.2.6 **Records | Omnigo | Property and Evidence:** Axon will export Property and Evidence data to Omnigo Property and Evidence management platform, eliminating the need for duplicate entry into two systems. The data exported may include: property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of collection/recovery, photos, and related offenses/charges. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.2.7 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.



- 3.2.8 **Records | Karpel | Prosecutor:** Axon will export case documents and digital evidence to Karpel. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.3 ASHLAND PD INTERFACES

- 3.3.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.3.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.4 CENTRAL POINT PD INTERFACES

- 3.4.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers,



along with method of transfer, will be determined during the Requirements Phase of the project.

- 3.4.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.5 PHOENIX PD INTERFACES

- 3.5.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.5.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.6 TALENT PD INTERFACES

- 3.6.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on



CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

- 3.6.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.7 JACKSONVILLE PD INTERFACES

- 3.7.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.7.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.



3.8 EAGLE POINT PD INTERFACES

- 3.8.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.8.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color, make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.

3.9 ROUGE RIVER PD INTERFACES

- 3.9.1 **Records | Central Square | Call For Service:** Axon will import Call For Service (CFS) information from the Central Square CAD system. Ingested CFS data will be used to automatically create a shell Incident Report (TASK) in Axon Records, assigned to the responding/primary officer from the CAD CFS Event. This integration may (depending on CAD Vendor technologies) pull in related NCIC inquiry returns if attached/incorporated within the CFS Event Data, into the CFS Side Panel within the Axon Records Incident Report. Additional customization and workflows may be added to ingest CFS Data and will be specified in Interface Requirement Documentation after Agency Discovery sessions. Specific data points, cadence and import triggers, along with method of transfer, will be determined during the Requirements Phase of the project.
- 3.9.2 **Records | Leads Online | Pawn:** Axon will export stolen property data which may include, property item details (type, brand, manufacturer, serial #, qty, value, color,



make, model, barrel, etc), associated persons, locations of loss, and related offenses/charges, to a shared database. Specific data points, cadence and export triggers, along with method of transfer, will be determined during the Requirements Phase of the project.



4 DATA CONVERSION

Axon implements a structured methodology for converting data from the agency's legacy system to the product. The agency is responsible for providing Axon with extracted data in a format that can be used by Axon for import. The preferred method for delivering legacy data to Axon is by using the Microsoft Data Migration Assistant. The next best method is for the agency to send the data in .bacpac file format to Axon. If neither method is available, a direct query through the Microsoft Self Hosted Integration Runtime (SHIRt) can be used.

Axon queries the data to identify completeness, missing values, and other measures of data integrity across records and provides the agency with detailed findings. The agency may or may not elect to process the data further to address completeness or may have Axon move forward with the conversion process.

The data and operational expertise of the agency's staff are necessary for questions that arise. Thus, it is critical that a member of the agency's team be available to support the data conversion portion of the project.

This process is considered complete once the last set of data has been converted and available within the product and the agency has confirmed validation of the converted data. Axon does not provide ongoing maintenance of the converted data.

4.1 DESCRIPTION OF ROLES AND RESPONSIBILITIES BETWEEN THE AGENCY AND AXON:

The agency should be prepared to:



- ▶ Provide a subject-matter expert (SME) and provide availability for consultation throughout the project.
- ▶ Facilitate meetings with all third-party system vendors where data conversion is necessary, as required by Axon.
- ▶ Extract and provide the data to Axon in an agreed-upon format.
- ▶ Address data quality by the agency prior to provisioning to Axon.
- ▶ Minimize the amount of business logic and file processing prior to conversion where possible.
- ▶ Provide a data dictionary to define all elements of the legacy data.
- ▶ Provide an entity relationship diagram of the legacy database, if available.
- ▶ Collaborate with Axon to map the data from the legacy data structures and formats into the product.
- ▶ Data conversion and data conversion reviews are critical to success. Throughout the data conversion, requirements planning, and review process, the agency project team and Axon data conversion project resource work closely together to ensure success.

4.2 AGENCY DATA CONVERSIONS

- 4.2.1 **Central Square | Records Data Conversion:** Axon will convert all Incidents, Cases, Supplements, and Physical Property & Evidence from **Central Square** to Axon Records.
- 4.2.2 **Gurdian Tracking | Standards Data Conversion:** Axon will convert legacy Use of Force, Collision, Pursuit, Complaint, and Internal Affairs Investigation reports from **Guardian Tracking** into Axon Standards.

The conversion process imports master index records as part of the incidents, supplements, or use of force reports that are being converted into the Axon system.

4.3 LEGACY SOFTWARE UPDATES

During the data conversion process, Axon builds rules to govern the mapping of data from your legacy database into the Axon Records and Axon Standards databases. If your legacy vendor changes your legacy database structure during the data conversion project, the accuracy of the data conversion could be compromised.



5 THIRD-PARTY PRODUCTS AND SERVICES

To deliver a complete solution to the agency, Axon employs third-party products and services providers.

Axon is responsible for the management of third parties identified below for the purposes of this project. All communications between those third parties, the agency, and Axon is managed by Axon including any supporting requirements, integration acceptance testing, functional acceptance testing, or the processing of PCO or MCR documentation.

The following third-party products and services are included within the scope of this SOW:

5.1 COMMSYS – MEDFORD PD & JACKSON CSO ONLY

- ▶ Included within this project are products and services from CommSys for the purposes of connecting to and conducting transactions with state and/or regional information providers.
- ▶ The agency agrees to provide a CJIS-compliant server and operating environment for hosting of the CommSys software and make remote connectivity available to Axon as required to install, configure, and test the software and its integration with Axon products. The minimum technical requirements are:
 - ▶ 1.5 GHz 32 or 64-bit dual core processor, 4GB RAM, 120GB Hard Drive, Video Adapter and Monitor with a 1280x1024 resolution and 256 colors, TCP/IP LAN Network connectivity to any client and software components on same or separate hardware, Established connectivity to a CJIS Interface
 - ▶ Microsoft Operating System (32 or 64-bit), Microsoft Windows Server 2012 R2 with Microsoft SQL Server 2014 and higher

5.2 MICROSOFT SELF HOSTED INTEGRATION RUNTIME (“SHIRT”)

- ▶ Included within this project is software that allows integrations within the agency’s local environment to communicate with Axon’s cloud hosted environment.
- ▶ The agency agrees to provide a CJIS server and operating environment for hosting the Self Hosted Integration Runtime. The minimum technical requirements are:
 - ▶ Windows 8.1, 10, 11 or Server 2012, 2012 R2, 2016, 2019, 2022



- ▶ 64-bit Operating System with .NET Framework 4.7.2 or above
- ▶ 2 GHz, 4 core CPU, 8 GB Memory and 80 GB disk
- ▶ A virtual machine installed on a CJIS server will also suffice. It does not need to be a standalone, dedicated CJIS server.

5.3 GIS

Axon incorporates a multi-tenant, Axon-hosted ArcGIS Enterprise instance for certain GIS functions along with our existing ArcGIS Online solution. This new infrastructure meets our customers' stringent requirements for high availability GIS data in mission-critical uses.

5.3.1 GIS TERMINOLOGY

Feature Layer: A single map layer that can be created from a [Map Service](#) or [Feature Service](#), ArcGIS Online or ArcGIS Enterprise portal items, or from an array of client-side features. The layer can be either a spatial (has geographic features) or non-spatial (table).

GIS FUNCTIONS	ARCHITECTURE	RATIONALE
VECTOR TILE MAPS	ArcGIS Online (Uses Axon-hosted as backup)	ArcGIS Online's AWS CloudFront architecture is fast and reliable
SATELLITE IMAGERY	ArcGIS Online	ArcGIS Online's AWS CloudFront architecture is fast and reliable
ROUTING SERVICE	Axon ArcGIS Enterprise	Axon routing service has higher availability and offers an SLA
ADDRESS SUGGESTION SERVICE	Axon ArcGIS Enterprise	Axon routing service has lower latency, higher availability, and offers an SLA
GEOLOCATION SERVICES	Axon ArcGIS Enterprise	Axon routing service has lower latency, higher availability, and offers an SLA
CUSTOMER FEATURE LAYERS	Axon's ArcGIS Online account	For customers without ArcGIS Online account, customer provides layer files to Axon, and Axon hosts in Axon's ArcGIS Online account, and owns and manages layer URL
	Customer ArcGIS Online account	Customer hosts (and controls) layer content in their own ArcGIS Online account, and provides layer URL and an Access Key to Axon



	Axon ArcGIS Enterprise (not supported yet)	Customers provides layer files to Axon, and Axon hosts layers in Axon's ArcGIS Enterprise deployment, and owns and manages layer URLs. Axon validates that the feature layer is safe to publish and optimized. See the guide on this feature for more details.
	Customer web server (not supported yet)	Customer hosts (and controls) layer content on their own web server, provides layer URL to Axon. Axon monitors customer web server to assess availability and make recommendation to customer about its suitability for hosting layers in mission critical applications like CAD and RMS.

Geocoding: Also called address geocoding, this is the process of taking a text-based description of a location, such as an address or the name of a place, and returning geographic coordinates, frequently latitude/longitude pair, to identify a location on the Earth's surface.

Reverse Geocoding: A process that converts geographic coordinates to a description of a location, usually the name of a place or an addressable location. Geocoding relies on a computer representation of address points, the street / road network, together with postal and administrative boundaries.

Routing: Routing services allow you to perform several types of spatial analysis on transportation networks, such as finding the best route across a city, finding the closest emergency vehicle or facility, identifying a service area around a location, or servicing a set of orders with a fleet of vehicles.

Basemaps: Serves as a reference map on which you overlay data from layers and visualize geographic information. An individual basemap can be made of multiple feature, raster, or web layers.

Geocoder: A web service which provides geocoding information. Customers can define their own and expose them as APIs.



5.3.2 AXON GIS COMPONENTS AND ARCHITECTURE

The ArcGIS Online service does not offer an SLA for many of their components. Because ArcGIS Online does not offer an SLA, Axon cannot ensure consistent performance if an agency opts to use ArcGIS Online for any of its GIS services.

The exception to this is the ArcGIS Online Map Tiles and Satellite Imagery, which are static assets hosted on reliable modern Content Delivery Networks (CDN) by ESRI. By leveraging their CDN-hosted assets, map render time and performance are dramatically improved. However, in the unlikely event that ArcGIS Online map tiles become unavailable, Axon has the ability to switch to a backup copy running on Axon's servers. Due to the massive size of satellite imagery, Axon currently does not offer a backup copy of the satellite imagery at this time but may consider this for future requests.

When accessing Map Tiles and Satellite Imagery, no customer data (such as addresses or GPS coordinates) are sent to 3rd party services.

5.3.3 GIS REQUEST FLOW

For Axon to host your feature layers in our ArcGIS Online account, we require two key items:

A complete set of layer configuration files for each layer as enumerated below, with all files for all layers bundled into a single .zip file

The numbered list describing the stacking order in which the layers should be applied when selected by end users file requirements for Layer Configuration

Agencies requiring Axon to host their feature layers must send layer files to their Axon representative in a single .zip file with optional internal folder structure. For each layer, agencies should include files as follows:

5.3.4 GIS REQUIRED LAYERS

Shapefile (.shp extension) to represent spatial vector data, including points, lines, and polygons in a map

Index File (.shx extension) to represent shape index position

dBASE File (.dbf extension) to store attribute data and object IDs

5.3.5 GIS OPTIONAL LAYERS

Projection File (.prj extension) to specify the metadata associated with the shapefiles coordinate and projection system



XML Metadata File (.xml extension) to represent the metadata associated with the shapefile

Spatial Index File (.sbn extension) to optimize and speed up spatial queries, used with .sbx files

Spatial Index File (.sbx extension) to optimize and speed up spatial queries, used with .sbn files

Code Page File (.cpg extension) to describe the encoding applied to create the shapefile

5.3.6 GIS LAYER EXAMPLES

	HighwayExits.cpg	5 bytes	TextEdit
	HighwayExits.dbf	77 KB	TextEdit
	HighwayExits.prj	567 bytes	Document
	HighwayExits.sbn	2 KB	Document
	HighwayExits.sbx	204 bytes	Document
	HighwayExits.shp	5 KB	ESRI S...cument
	HighwayExits.shp.xml	12 KB	XML
	HighwayExits.shx	2 KB	Document



6 NIBRS CERTIFICATION

Axon works in partnership with the agency to complete the NIBRS certification process with the state. Axon trains appropriate personnel within the agency to perform corrective action to Incident Reports, and ensure representative data is captured in alignment with NIBRS reporting standards.

The NIBRS certification process includes:

- ▶ Training agency personnel on the processing and critical review stages of all generated incident reports to ensure required NIBRS reporting compliance data is captured
- ▶ Training agency personnel to perform periodic checking and submission preparation audit of the incidents which contain NIBRS reporting data
- ▶ Training agency personnel to conduct a monthly NIBRS export report of the incidents to the state in the manner determined by the state
- ▶ Working with the agency to update codes, statutes, entity relationships, and any unmatched data the state rejects as part of the NIBRS test submission process through certification

6.1 CUTOVER

Axon works in partnership with the agency to build, coordinate, and execute a cutover plan to ensure successful implementation of interfaces, data conversion, and NIBRS state and federal certification. Some of these cutover events happen in parallel with the system implementation process, and Axon coordinates with the agency to determine the timing requirements for each cutover.



7 GO-LIVE CONTINGENCY

At the agency's discretion, they may elect to go-live before all project deliverables are complete. Upon completion of all project deliverables, exclusive of the deliverables identified below, the Final Acceptance MCR will be submitted to the agency for review and signature. Upon acceptance of the Final MCR, the agency will be invoiced for full payment as quoted. This does not relieve Axon from completing the applicable deliverables, and Axon will continue supporting the agency with the completion of these deliverables as the availability of functionality allows.

1. Integrations
2. Data Conversions
3. NIBRS Certification
4. Multi-Jurisdiction Functionality



8 PROJECT MANAGEMENT

8.1 MANAGEMENT RESOURCES

8.1.1 Axon Team

- ▶ **Executive Sponsor:** An Axon executive overseeing the implementation process and communicating progress to Axon Leadership.
- ▶ **Program Manager:** The dedicated point of contact and person responsible for successful deployment.
- ▶ **Business Analyst:** One of the main executors of the agency's and PM's deployment plan. Holds responsibility for ensuring the project accounts for all specific data elements, and that internal systems are set up and maintained throughout deployment.
- ▶ **Solution Architect:** the technical lead on the project. Holds responsibility for the development and execution of technical initiatives affecting other teams.
- ▶ **Customer Success Manager:** Holds responsibility for post-implementation and ongoing support.
- ▶ **Training Specialist:** Provides training to the agency on the applications being deployed.

8.1.2 Agency Team

- ▶ **Executive Sponsor:** This role is a career police department leadership role with deep understanding of the agency. Business sponsor responsible for the success of the project.
- ▶ **Project Manager:** This role requires experience managing enterprise cloud-based software project delivery experience and strong foundational technical experience.
- ▶ **Integrations Manager:** This role requires strong foundational experience in technology solutions and application integration. This role also requires fluency in all agency project-relevant data sources, application integrations, and existing custom-developed applications, queries, and reports.
- ▶ **IT Administrator:** This role requires strong foundational experience in systems administration and network management, fluency in all agency network-related processes, sequence and timing of recurring process jobs, reconciliation, etc. This role also requires fluency in the overlap, vulnerabilities, and disaster recovery protocols associated with agency IT infrastructure.



- ▶ **Records Supervisor:** This role provides strong foundational experience in records management, agency policies, compliance activity, and standard operating procedures. This role also provides fluency in all processes associated with close activity, special processes, and queries to manage bulk actions, as well as a detailed understanding of data elements that support special compliance obligations.
- ▶ **Patrol Lead:** This role requires strong foundational experience in field policies related to data collection, records initiation, and categorization of the numerous forms of citizen interaction. This role also requires fluency in the policies associated with records creation, supplements, amendments, checkpoints, routing, case management, and determination of records outcomes.
- ▶ **Reporting Analyst/Lead:** This role requires strong foundational experience in ad-hoc, daily, weekly, and monthly reporting policies and compliance across local, state, and federal entities. This role also requires fluency in all agency reporting processes, including queries, scripts, and custom applications utilized for all bulk processing to support reporting requirements.

8.2 REQUIREMENTS PLANNING

All project requirements are documented during the kick-off and discovery phases of the project.

Once the agency and Axon agree on all requirements, Axon's project manager works with the agency's project manager to develop a project plan for Axon's implementation.

8.3 CHANGE CONTROL

If any changes in the project cause a material increase or decrease in fees, as determined by Axon, an adjustment in the fees will be agreed upon between the agency and Axon. All PCO forms must be approved and signed by the agency authority ([Attachment B](#)).

The agency acknowledges a proposed change request might have an impact on both scheduling and cost for the project that will be outlined in the PCO form.



8.4 PROJECT METHODOLOGY

Axon utilizes a hybrid approach to project management, utilizing aspects of both Agile and Waterfall methodologies. We use Waterfall for the overall project, with respect to major milestones. We utilize Agile during the configuration and build phases of the project.

8.4.1 Consortium Project Methodology

To achieve the intended efficiencies and functional alignment of a multi-agency Records Management System implementation, this project shall be executed under a unified methodology that treats the consortium of participating agencies as a single operating entity.

While certain deliverables and activities will remain agency-specific due to operational or technical distinctions, the project will be managed through a shared framework, encompassing a consolidated project toolkit, a unified governance structure, and a centralized project schedule. This shared approach is critical to maintaining consistent implementation practices, preserving efficiencies, and aligning the configuration, testing, and go-live efforts across all member agencies.

The selected project methodology acknowledges a continuum of collaboration, and the level of shared versus agency-specific execution will be determined jointly by Axon and the consortium, based on value drivers and organizational constraints.

In the framework below, where project activities or deliverables are marked as “Consortium,” participating agencies are expected to engage jointly and make decisions collectively, with minimal deviation allowed. Likewise, project activities or deliverables marked as “Agency-Specific” items will be addressed independently per agency.

To derive the maximum benefit from the consortium model, agencies must agree to operate under a common implementation approach for the majority of the project lifecycle, balancing agency autonomy where essential with shared execution where advantageous.

The below tables identifies the Activities, Artifacts, and Deliverables that are common to the consortium, in addition to those that are agency-specific:



PHASE	CONSORTIUM ACTIVITIES	AGENCY-SPECIFIC ACTIVITIES	CONSORTIUM DELIVERABLES	AGENCY-SPECIFIC DELIVERABLES
Project Initiation Kickoff	▶ Project Team Meet and Greet ▶ Setup Agency Sandbox environment ▶ Setup Agency PMIS (project toolkit) ▶ Project Kick- Off Meeting	▶ Inventory available agency artifacts	▶ Project Kick- Off Presentation ▶ Project Toolkit ▶ NIBRS-compliant agency Sandbox environment	
Discovery (Requirements Planning)	▶ Develop understanding of consortium operations ▶ Identify reporting requirements, including state-specific NIBRS submissions ▶ Identify key product features and functionality required to accommodate operations	▶ Develop understanding of agency operations ▶ Identify required agency Integrations, including directionality and content ▶ Data Migration discovery – Source systems of record	▶ Scope Baseline and Gap Analysis ▶ Detailed project schedule (updated) ▶ Build Status ▶ Detailed build sprint plan ▶ IRD Part A for integrations and conversions	▶ Form Inventory
Design Build (Multiple, iterative cycles)	▶ Agency Configurations ▶ Form Design & Development (~80%)	▶ Form Design & Development (~20%) ▶ Agency Integrations	▶ Configuration Management Plan ▶ Configurations complete in Sandbox	▶ Integration Plan ▶ DataStore is active and accessible to Agency for Sandbox



PHASE	CONSORTIUM ACTIVITIES	AGENCY-SPECIFIC ACTIVITIES	CONSORTIUM DELIVERABLES	AGENCY-SPECIFIC DELIVERABLES
	▶ Functional Test Plan ▶ Iterative Functional Testing: ▶ Develop Functional Test Plan (Build Review) ▶ Schedule Functional Testing ▶ Execute Functional Testing ▶ Review Results ▶ Schedule Contingency Functional Testing on Remaining Items	▶ Set Up DataStore ▶ Build Data Migrations	environment ▶ Data Dictionary	environment ▶ IRD Part B for integrations and conversions
Validate	▶ User Acceptance Testing: ▶ Develop User Acceptance Test Plan ▶ Schedule User Acceptance Testing ▶ Execute User Acceptance Testing ▶ Review Results ▶ Confirm Training and Go- Live Readiness	▶ Integration Testing: • Schedule Integration Testing • Execute Integration Testing • Review Integration Testing Results • Schedule Contingency Integration Testing Open Items ▶ Conversion Testing: • Schedule Conversion	▶ User Acceptance Test Plan	▶ Integration Test plan ▶ Conversion Test plan



PHASE	CONSORTIUM ACTIVITIES	AGENCY-SPECIFIC ACTIVITIES	CONSORTIUM DELIVERABLES	AGENCY-SPECIFIC DELIVERABLES
		Testing • Load sample payloads from source system into agency Sandbox • Review Conversion Testing Results • Resolve identified discrepancies and execute additional validations		
Training	▶ Planning: ▶ Define list of Trainees/ Roles ▶ Review Training Curriculum with Agency ▶ Schedule Training ▶ Execute Training: ▶ Confirm Go- Live Readiness	▶ Update Agency SOPs (as needed)	▶ Training Plan ▶ Training Curriculum	



PHASE	CONSORTIUM ACTIVITIES	AGENCY-SPECIFIC ACTIVITIES	CONSORTIUM DELIVERABLES	AGENCY-SPECIFIC DELIVERABLES
Go-Live	▶ Agency Support Planning: ▶ Define Support Plan ▶ Assign Axon Support Resources ▶ Review Hypercare Support Model ▶ Review Sustained Support Model ▶ Go-Live and Cutover Plan Review ▶ Production Go-Live & Conversion: ▶ Execute cutover and conversion plan ▶ Confirm Successful Login and Performance ▶ Deliver Data Warehouse Connection ▶ Agency Go-Live		▶ Support Plan ▶ Go-Live and Cutover Plan ▶ Cutover Task List	
Hypercare	▶ Hypercare (60 days) ▶ Sustained Support			▶ Service Management Portal



8.5 MILESTONE COMPLETION REPORT (MCR)

Axon will submit an MCR to the agency for approval upon completion of a milestone. Milestone Completion Report included ([Attachment A](#)).

Upon receiving an MCR, the agency has 7 calendar days to approve the milestone completion. If the agency reasonably believes Axon did not complete the milestone in substantial conformance with this SoW, the agency must notify Axon in writing of the specific reasons for rejection within seven (7) calendar days from delivery of the MCR. Axon will address the issues and re-present the MCR for signature. If Axon does not receive the signed MCR or written notification of reasons for rejection within seven (7) calendar days of delivery of the MCR, Axon will deem the agency to have accepted the milestone.



9 AGENCY COMMITMENTS

- ▶ Ensure the reasonable availability for meetings, phone or email of knowledgeable staff and personnel to provide timely and accurate documentation and information to Axon.
- ▶ Identify holidays, non-workdays, or major events that may impact the project.
- ▶ Ensure agency desktop, mobile systems, and devices can access the product.
- ▶ Make available relevant systems if needed for assessment by Axon (including making these systems available to Axon via remote access, if possible).
- ▶ Provide Axon with remote access to the agency's Axon Evidence account when required.
- ▶ Provide Axon with all CJIS background check requirements at project initiation.
- ▶ The agency agrees to pay for licenses upon completion of Go-Live.



10 SUPPORT

- ▶ Axon provides on-site Go-Live support the week the agency begins using the software.
- ▶ Axon provides ongoing support for active interfaces and NIBRS troubleshooting.
- ▶ Axon provides updates and enhancements to the product, which the agency automatically receives. Some features require the agency to notify support, so please review our monthly release notes.
- ▶ Axon provides 1 Onsite Technical Account Manager(s) to provide onsite technical support to the agency for 3 year(s). See [Attachment C](#) for more information.
- ▶ Axon provides the agency's end users with access to the help.axon.com support portal for self-service support.
- ▶ Following final acceptance, the agency utilizes Axon support via my.axon.com and the support portal for any further modifications to the product.
- ▶ For urgent technical support assistance, the agency may contact a technical support representative at 800-978-2737. Phone support is available 24/7.



11 TERMS AND CONDITIONS

This SOW is governed by the master services and purchasing agreement executed by the parties:

AXON ENTERPRISE, INC.	AGENCY
Signature: _____	Signature: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____
	Agency Name: _____



ATTACHMENT A – MILESTONE COMPLETION REPORT (MCR)

By signing for the items in this Milestone Completion Report, I agree that Axon's Professional Services Organization has reached the following milestone(s) for the project agreed upon in the SOW between Axon and Medford PD:

- ☐ Project kick-off
- ☐ Requirements completion
- ☐ Functional review and completion of configuration
- ☐ User acceptance testing
- ☐ Integrations completion
- ☐ Data conversions completion
- ☐ Completion of agency training
- ☐ Go-Live
- ☐ Final acceptance

Date services were completed on: _____ day of _____, 20____

Signature: _____

Signature Date: _____

Printed name: _____

Title: _____

Email: _____

Agency Name: _____



ATTACHMENT B – PROJECT CHANGE ORDER

Date: _____	
Description of change to Axon product or service: 	
Justification for change: 	
Effects on schedule: _____	
Effect on project pricing (attach quote for reduction or increase in costs): 	
AXON ENTERPRISE, INC. Signature: _____ Name: _____ Title: _____ Date: _____	AGENCY Signature: _____ Name: _____ Title: _____ Date: _____ Agency Name: _____



ATTACHMENT C – AXON TECHNICAL ACCOUNT MANAGER

AXON TAM ONSITE RESPONSIBILITIES

- ▶ **Axon Technical Account Manager (TAM) Payment:** Axon invoices for Axon TAM services as outlined in the quote when the TAM commences work onsite at the agency.
- ▶ **Full-Time TAM Scope of Services:**
 - ▶ The fulltime TAM works onsite four (4) days per week from 0900 – 1700.
 - ▶ The TAM is employed by Axon and adheres to all Axon policies and procedures.
 - ▶ In the event there is a need to replace the TAM, Axon coordinates with the agency to outline timing and interim coverage.
 - ▶ Agency is responsible for ensuring the TAM has a dedicated office space to work. The office space needs to be secure, allowing for storage of electronic devices.
 - ▶ Agency needs to set-up appropriate access control procedures for the TAM. The onsite TAM requires building and parking access to ensure effective utilization. The TAM completes CJIS background clearance process to facilitate access controls.
 - ▶ The agency's Axon support team works with the agency to define its support needs and ensures the full-time TAM has the skills to align with those needs. There may be up to a three (3) month waiting period before the full-time TAM can work onsite, depending upon the agency's needs and availability.

The full-time TAM professional services can include, but is not limited to the following:

ONGOING SYSTEM UPDATES AND CONFIGURATIONS	▶ Manage software releases. ▶ Reviews release note with appropriate users/administrators to provide insight on new features and functionality (particularly capabilities that relate to known organization pain points). ▶ Coordinate agency testing of new features and functionalities.
--	--



	▶ Manage release communications (begin/end/rollback/cancellations/postponements) with administrators. ▶ Coordinate in the event of an outage. ▶ Facilitate or train on configuration changes. ▶ Coordinate with DRS training team on larger feature/system upgrades
ACCOUNT MAINTENANCE	▶ Outage communications and follow-up ▶ After action report (ARR) reviews ▶ Conduct monthly executive reviews with agency and Axon regarding Axon DRS products
DIRECT SUPPORT	▶ Onsite Troubleshooting ▶ Troubleshoot agency issues in real-time. ▶ Gather product questions and feedback from users. ▶ Triaging and overseeing MyAxon Support cases. ▶ Conduct MyAxon Support case review meetings. ▶ Directly engage with software support engineers, data analyst, and NIBRS specialists/NIBRS support engineer ▶ Prioritize feature requests/enhancements. ▶ Coordinate with software support engineers ▶ Actively participate in and successfully execute internal support processes and protocols for day-to-day functions. ▶ Follow internal flowcharts to assist and streamline agency support needs. ▶ Assist with agency trainings. ▶ Customized support analytics ▶ Collaborative onsite troubleshooting for complex issues that may require direct involvement from the Axon software engineering team.



AGENCY ADVOCACY	▶ Liaison between the agency and Axon ▶ Helps drive pre-Go-Live deliverables to completion. ▶ Representative for the agency when participating in internal customer triage meetings/planning sessions
SUBJECT MATTER EXPERTISE	▶ Serves as an agency subject matter expert on DRS products for the following: ▶ Troubleshoot and assist with reported issues. ▶ Bridge knowledge gaps for agency personnel on new functions ▶ Work with the agency to understand product adoption and workflow change needs. ▶ Help agency personnel to become subject matter experts in their respective areas (records, investigations, patrol, crime analysis, property & evidence, etc.) ▶ Work with agency on any post-Go-Live needs for DataStore or form builder



AGENDA ITEM COMMENTARY

DEPARTMENT: Police
PHONE: (541) 774-2272
STAFF CONTACT: Trevor Arnold, Deputy Chief

AGENDA SECTION: Consent Calendar
MEETING DATE: June 4, 2025

COUNCIL BILL 2025-41

AN ORDINANCE approving and authorizing execution of a ten-year contract with Axon Enterprise, Inc. in the amount of \$2,098,884.71 for a records management system (RMS).

SUMMARY AND BACKGROUND

Council is requested to consider approving the contract for a new records management system (RMS) with Axon Enterprise, Inc. in the amount of \$2,098,884.71 for ten years.

PREVIOUS COUNCIL ACTIONS

On August 16, 2018, Council Bill 2018-104 was approved, adopting an ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$465,808.71 to TriTech Software Systems Company for Law Enforcement Records Management System software.

ANALYSIS

All Jackson County law enforcement agencies, and specifically the Medford Police Department, are facing significant challenges with our current RMS which necessitates the implementation of a new system. The existing RMS, hosted on site by the City of Medford IT Department, proves to be time-consuming and cumbersome for officers to navigate, impacting their efficiency and ability to perform essential duties promptly. It is a substantial drain on both Police Records and IT staff time, as they are frequently occupied with resolving persistent issues.

Our existing RMS routinely requires updates to fix errors that result in the generation of inaccurate statistics. This persistent need for maintenance and corrections not only affects operational efficiency but also requires additional staff resources to ensure that our reporting is accurate, which is critical for strategic decision-making and resource allocation. There is consensus among all Jackson County law enforcement agencies who have evaluated numerous RMS products that Axon Records is a more reliable system that will enhance productivity, help ensure accurate reporting, and allow our personnel to focus better on their primary responsibilities in serving the community.

This is being proposed as a consortium cloud-based RMS that will include all nine law enforcement agencies throughout Jackson County. The City of Medford's share of the implementation cost is based on the number of current City of Medford users with the first installment payment due in July of 2027 when the new system goes live.

The implementation cost will be effectively offset by discontinuing several currently budgeted programs which will become obsolete with the implementation of Axon Records, which includes all-encompassing built-in modules that perform the same functions. Eliminating these redundant



AGENDA ITEM COMMENTARY

programs will not only help mitigate the initial implementation cost of the new system but will also lead to a long-term cost savings for the department.

The adoption of Axon Records will dramatically enhance our departmental efficiencies, specifically enabling our officers to return to patrol duties more quickly. This advanced system streamlines administrative processes, reducing the time officers spend on documentation and system navigation. Consequently, more officers will be actively serving the community in a timely manner, bolstering our law enforcement presence and responsiveness. By implementing Axon Records, we will prioritize measures that not only resolve current operational challenges but also empower our officers to focus more on public safety, ultimately improving our service to the citizens of Medford.

COUNCIL GOALS

Council Goal and Objective: Health and Safety

Strategy: Provide adequate resources to increased calls for service to maintain full-service.

Deliverable: None

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total value of the contract is \$2,098,884.71 for ten years. However, the first payment is not due until the software is fully configured in July of 2027, so there are no budgetary requirements for the upcoming 2025-27 biennium. Future budgetary requirements will be budgeted in Fund 100, General Fund.

TIMING ISSUES

The build-out of the new Jackson County-wide Axon Records will take an estimated twenty-four (24) months to complete. A projected go live date for the new system with full data migration is projected to occur in July of 2027. The approval of the proposed contract is needed for Axon to begin the build-out process.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance as presented.

EXHIBITS

Ordinance

Contact in on file in the City Recorder's Office



Council Business Meeting

Date: June 17, 2025

Agenda Item	Surplus three vehicles for the Public Works Fleet Division
Department	Public Works Operations
From	Michael Morrison, Deputy Director Operations

TIME ESTIMATE

Consent

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

The Public Works Department's Fleet Division acquires and disposes of vehicles and equipment for all departments in the city. Fleet Maintenance has three vehicles each with an individual residual value that requires council approval for disposal. If approved, these vehicles would be sold on a government auction website, to the highest bidder. The funds from these sales would then go into the equipment replacement fund of the department that purchased and operated the vehicles, to offset the cost of the new vehicles.

POLICIES, PLANS & GOALS SUPPORTED

2.54.010

Disposal of Surplus and Abandoned Property

The City of Ashland Finance Department may transfer, trade, auction or sell surplus or abandoned property to other City departments, political subdivisions, state agencies, or nonprofit organizations. However, the disposal of surplus property having residual value of more than \$10,000 shall be subject to authorization by the Local Contract Review Board. (Ord. 3018, amended, 06/01/2010)

2.54.040

Surplus Property Offered for Public Sale

A. The Purchasing Agent must conduct public sales for the disposal of Surplus Property.

BACKGROUND AND ADDITIONAL INFORMATION

FISCAL IMPACTS

Revenue generated from the sale of these vehicles will be returned to the equipment fund, with the proceeds credited to the department that originally purchased the vehicle. These funds help offset the cost of acquiring the new replacement vehicles.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the disposal of these three vehicles through an online government auction website.

REFERENCES & ATTACHMENTS

1. Bucket Truck 6122025
2. Line Truck 6122025
3. Vac Truck 6122025



Council Business Meeting



**A request for authorization
SURPLUS PROPERTY DISPOSAL**

DATE:5-27-25

TO: City Council

PREPARED BY: Michael Morrison

1. Description of Surplus Property

Purchased by: Dept and Year	Description	Quantity	Identification Number	Current Value
Electric 2011	2011 Bucket Truck	1	1HTMMAAR8BJ38769 7	\$30,000

2. Disposal Method

Public Agency or School District Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Public Sale Type: Online Auction – Government Auction Site Trade-in Details: _____
Non-profit Corporation Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Destruction Method: _____ Other Method: _____

Comments: This bucket truck has been replaced by a new bucket truck. Due to its age and the high number of service hours, the existing truck has reached the end of its reliable service life. Approval to dispose of this surplus vehicle is being requested. This vehicle will be sold on a government auction website.

APPROVED BY:

Date: _____

Revenue fund to be credited with proceeds from the disposal of surplus property: **0730.480310**



Vehicle #827 – Electric Department Bucket Truck Surplus Disposal Overview

Overview:

Vehicle #600 is a Altec bucket truck operated by the Electric Department. In addition to the day-to-day operations of the Electric Department, this vehicle is used for emergency response to electric infrastructure problems caused by weather or other unforeseen issues. This vehicle has a critical safety role as it lifts Electric Department personnel up to the power lines to make necessary repairs. This vehicle has been removed from operational service.

Operational History:

- Estimated Service Life: 12 years
- Actual Service Life: 14 years

Replacement Status:

- A replacement vehicle was approved in the 2023–2025 biennial budget and that vehicle has been delivered and is now in service. This vehicle has been removed from service.

Justification for Replacement:

- Maintenance Costs: Annual repair expenses are now expected to exceed the annual funding allocated for replacement. Reliability and safety are critically important in this vehicle as it is used around high voltage power lines with personnel relying on the vehicle to keep them safe.

Recommendation for Replacement:

- Fleet Maintenance Division: Recommends replacement due to maintenance costs surpassing the cost of a new vehicle.
- Electric Department: Supports replacement because the vehicle's operational readiness, safety and reliability are critical.
- Asset Management: Endorses replacement based on total cost of ownership and performance metrics, including downtime and repair trends.

Operational Importance:

This vehicle is one of only two of its kind operated by the city. It is essential for:

- Maintaining a safe operating environment for staff working on city electrical infrastructure.
- Emergency response to electric infrastructure damage due to weather, vehicle impacts, etc.
- This vehicle is used nearly daily to maintain and upgrade the city's electrical infrastructure.

Due to its critical role and the need to ensure minimal service disruption, this truck has been replaced and removed from service.

Screenshot of the Asset Management software used to track costs and help with replacement recommendations.

Equipment 0827



Equipment Classification: Heavy Equipment

Manufacturer: International

Model: Durostar 4300 SBA 4X2

Purchase Date:

Cost Per Mile: \$1.59

Equipment Usage Cost: \$17,819

Eq Replacement

Risk Score

-/25

1

25

Unknown Risk

Vendor Cost

\$71,920

Parts Cost

\$12,109

Labor Cost

\$19,231

Parts Cost

\$7,967

Total Cost

\$111,227

Details

Risk

Rates

Tasks

Usage Log

Fuel Log

Inspections

History

Replacement Parts

Attached Files

Details

Equipment Information

ID: 0827

Eq Replacement Prog:

Department: ELECTRIC DEPARTMENT

Point of Contact:

Manufacturer: International

Model: Durostar 4300 SBA 4X2

Year: 2011

Equipment Classification: Heavy Equipment

Equipment FEMA Cost Code:

Motor Type: Miles

Description: Truck

VIN: 1H1TMAA089J387567

Serial Number:

License Number: E344309

Fuel Type: Diesel

Current Usage: ~~46000~~ 10027 miles

Average Daily Usage: -82.48

Baseline Meter: 20220

Winter Tires:

Vendor:

Purchase Cost: \$194,295.00

Manufactured Date: 1/1/2011

Purchase Date:

In Service Date:

Retire Date: 1/31/2025

Inactive:

Sold Date:

Warranty Begin Date:

Warranty End Date:

VEU:

Notes:

Risk

Risk Score

Risk Score: -/25

Risk Rating:

Redundancy Value:

Probability of Failure

Probability of Failure Score: 5

**A request for authorization
SURPLUS PROPERTY DISPOSAL**

DATE: 5-27-25

TO: City Council

PREPARED BY: Michael Morrison

1. Description of Surplus Property

Purchased by: Dept and Year	Description	Quantity	Identification Number	Current Value
Electric Dept. 2008	2008 Line Truck #600	1	1HTWNAZT38J575779	\$25,000

2. Disposal Method

Public Agency or School District Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Public Sale Type: Online Auction – Government Auction Site Trade-in Details: _____
Non-profit Corporation Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Destruction Method: _____ Other Method: _____

Comments: This line truck has been replaced by a new line truck. Due to its age and the high number of service hours, the existing truck has reached the end of its reliable service life. We are requesting approval to dispose of this truck by selling it on a government auction website.

APPROVED BY:

Date: _____

Revenue fund to be credited with proceeds from the disposal of surplus property: **0730.480310**



Vehicle #600 – Electric Department Line Truck Replacement Overview

Overview:

Vehicle #600 is a Altec line truck operated by the Electric Department. In addition to the day-to-day operations of the Electric Department, this vehicle is used for emergency response to electric infrastructure problems caused by weather or other unforeseen issues.

Operational History:

- Estimated Service Life: 12 years
- Actual Service Life: 14 years

Replacement Status:

- A replacement vehicle was approved in the 2021–2023 biennial budget. (Extended build times due to supply chain issues delayed the delivery of the replacement vehicle) The replacement vehicle has now been delivered and is in service. This truck has now been removed from service.

Justification for Replacement:

- Maintenance Costs: Annual repair expenses are now expected to exceed the annual funding allocated for replacement.

Recommendation for Replacement:

- Fleet Maintenance Division: Recommends replacement due to maintenance costs surpassing the cost of a new vehicle.
- Electric Department: Supports replacement because the vehicle's operational readiness, safety and reliability are critical.
- Asset Management: Endorses replacement based on total cost of ownership and performance metrics, including downtime and repair trends.

Operational Importance:

This vehicle is one of only two of its kind operated by the city. It is essential for:

- Emergency response to electric infrastructure damage due to weather, vehicle impacts, etc.
- This vehicle is used nearly daily to maintain and upgrade the city's electrical infrastructure.

Due to its critical role and the need to ensure minimal service disruption, this truck was replaced and removed from service.

Screenshot of the Asset Management software used to track costs and help with replacement recommendations.

Equipment D600	
	Equipment Classification: Heavy Equipment Manufacturer: International Model: 7000 Series 7500 Purchase Date: Cost Per Miles: \$0.82 Equipment Usage Cost: \$12,636 Eq Replacement Risk Score -/25 Vendor Cost \$52,113 Parts Cost \$6,254 Labour Cost \$13,585 Parts Cost \$4,217 Total Cost \$76,169
	1 25 Unknown Risk
Details	Details
Risk	
Rates	
Tasks	
Usage Log	
Field Log	
Inspections	
History	
Replacement Parts	
Attached Files	
	Equipment Information ID: 0600 Eq Replacement Proj: Department: ELECTRIC DEPARTMENT Point of Contact: Manufacturer: International Model: 7000 Series 7500 Year: 2006 Equipment Classification: Heavy Equipment Equipment FEMA Cost Code: Meter Type: Miles Description: Line Truck VIN: 1HTWNAZ88J575779 Serial Number: License Number: E343008 Fuel Type: Diesel Current Usage: 460000 Average Daily Usage: -14.95 Baseline Meter: 3769 Winter Tires: Vendor: Purchase Cost: \$315,272.00 Manufactured Date: 1/1/2008 Purchase Date: In Service Date: Retire Date: Inactive: Sold Date: Warranty Begin Date: Warranty End Date: VEU: Notes: #12 25 723 miles
	Risk Risk Score Risk Score: -/25 Risk Rating: Redundancy Value: Probability of Failure Probability of Failure Score: 5

**A request for authorization
SURPLUS PROPERTY DISPOSAL**

DATE: 5-27-25

TO: City Council

PREPARED BY: Michael Morrison

1. Description of Surplus Property

Purchased by: Dept and Year	Description	Quantity	Identification Number	Current Value
Wastewater Collections	2008 Vacuum Truck #612	1	1HTWNAZT18J686752	\$30,000

2. Disposal Method

Public Agency or School District Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Public Sale Type: Online Auction – Government Auction Site Trade-in Details: _____
Non-profit Corporation Name: _____ ☐ Direct Sale - Price/Offer \$ _____ ☐ Direct Transfer	Destruction Method: _____ Other Method: _____

Comments: This vehicle has been replaced by a new vacuum truck. Due to its age and the high number of service hours, the existing truck has reached the end of its reliable service life. We are now requesting approval to surplus this truck and sell it on a government auction website. _____

APPROVED BY:

Date: _____

Revenue fund to be credited with proceeds from the disposal of surplus property: **0730.480310**



Vehicle #612 – Vactor Vac/Jet Truck Replacement Overview

Overview:

Vehicle #612 is a Vactor Vac/Jet Truck operated by the Public Works Wastewater Collections Division. In addition to day-to-day operations, this specialized vehicle plays a critical role in emergency response efforts related to the city's wastewater infrastructure and other divisions and departments underground utility systems. This vehicle has now been removed from service.

Operational History:

- Estimated Service Life: 12 years
- Actual Service Life: 17 years

Replacement Status:

- A replacement vehicle was approved in the 2023–2025 biennial budget. That replacement vehicle has now been delivered and is service. This vehicle has been removed from service.

Justification for Replacement:

- Maintenance Costs: Annual repair expenses are now expected to exceed the annual funding allocated for replacement.
- Operational Downtime: The vehicle has experienced prolonged and frequent downtime.

Recommendation for Replacement:

- Fleet Maintenance Division: Recommends replacement due to maintenance costs surpassing the cost of a new vehicle.
- Wastewater Collections Division: Supports replacement because the vehicle's operational readiness no longer meets acceptable standards.
- Asset Management: Endorses replacement based on total cost of ownership and performance metrics, including downtime and repair trends.

Operational Importance:

This vehicle is one of only two of its kind operated by the city. It is essential for:

- Emergency response to wastewater system failures
- Excavation and utility access during emergencies involving underground infrastructure

Due to its critical role and the need to ensure minimal service disruption, this truck was replaced and removed from service.

Screenshot of the Asset Management software used to track costs and help with replacement recommendations.

Equipment 0612



Equipment Classification: Heavy Equipment

Manufacturer: International

Model: 2100 Vector

Purchase Date:

Cost Per Miles: 60.29

Equipment Usage Cost: \$87,715

Eq Replacement

Risk Score

-125

1Unknown Risk25

Vendor Cost

\$56,542

Part Cost

\$15,420

Labor Cost

\$34,050

Parts Cost

\$16,892

Total Cost

\$122,864

Details

Risk

Rates

Tasks

Usage Log

Fuel Log

Inspections

History

Replacement Parts

Attached Files

Details

Equipment Information

ID: 0612

Eq Replacement Prog:

Department: PIR - WWTREATMENT

Point of Contact:

Manufacturer: International

Model: 2100 Vector

Year: 2008

Equipment Classification: Heavy Equipment

Equipment FEMA Cost Code:

Meter Type: Miles

Description: Vacuum Truck

VIN: 1HTWNAZT18J889752

Serial Number:

License Number: E244350

Fuel Type: Diesel

Current Usage: ~~40000~~ 40467 miles

Average Daily Usage: 3.22

Baseline Meter: 30121

Winter Time:

Vendor:

Purchase Cost: \$450,000.00

Manufactured Date: 1/1/2008

Purchase Date:

In Service Date:

Retire Date:

Inactive:

Sold Date:

Warranty Begin Date:

Warranty End Date:

VEU:

Notes:

Risk

Risk Score

Risk Score: -125

Risk Rating:

Redundancy Value:

Probability of Failure

Probability of Failure Score: 5

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Council Business Meeting

Date: June 17, 2025

Agenda Item	Surplus 2023 Van Ambulance
Department	Fire and Safety
From	Marshall Rasor, Deputy Chief- Operations

TIME ESTIMATE

10 minutes

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

Requesting approval to surplus one (1) 2024 Van Ambulance that was purchased under the direction of the former Fire Chief.

Upon delivery and during the setup phase for operational use, it was discovered that the ambulance is not compatible with the department's existing patient transport equipment. Specifically, our department utilizes the Stryker Power Pro gurney system, which exceeds the available space within the patient compartment of this ambulance model. This incompatibility presents a significant safety risk for the attending provider during patient transport.

POLICIES, PLANS & GOALS SUPPORTED

Per AMC Code 2.54.010, the disposal of surplus property having a residual value of more than \$10,000 shall be subject to authorization by the Local Contract Review Board.

BACKGROUND AND ADDITIONAL INFORMATION

On November 21st, the former Fire Chief submitted a packet (documents enclosed) to the Council requesting authorization to purchase a 2024 Van Ambulance. Upon delivery and inspection of the unit, it was discovered that the existing gurney system used by the Fire Department is incompatible with the new ambulance. Specifically, the gurney cannot be housed adequately within the ambulance's interior configuration.

In response, several corrective actions were taken in an effort to find a viable solution:

1. **Manufacturer Consultation:** The vehicle manufacturer was contacted to explore potential modifications or a return. However, a refund was not offered, and no modifications could be made to resolve the issue.
2. **Gurney Manufacturer Inquiry:** We reached out to the manufacturer of our current gurneys to determine if a shorter or compatible model was available. Unfortunately, no such model exists that would meet our operational and safety standards.
3. **Vehicle Repurposing:** In coordination with the City's Fleet Manager, we evaluated internal options to repurpose the ambulance to another department, potentially. Unfortunately, the cost to reconfigure such a unit was not financially feasible.
4. **Auction Attempts:** As a last resort, we listed the ambulance for public auction on GovDeals. It was posted twice for a total of 40 days but did not result in a sale.

FISCAL IMPACTS





Council Business Meeting

The Fire Department will recognize a loss on the vehicle.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to authorize the Fire Department to sell one 2023 Van Ambulance and direct that the funds received from the sale go back into the Fire Department's vehicle replacement fund, specifically allocated to the replacement of ambulance shop number 963.

REFERENCES & ATTACHMENTS

1. CC_Fire Ambulance Purchase_Braun Northwest
2. 3605-2 Ford Transit Demo Distribution Specifications_10-30-2023
3. 3605-2 TRANSIT_DEMO_VIEWS
4. Ashland FR_Demo Prop_11-1-23
5. Form #6 - Sole Source - Goods Services - Greater than \$100000



Council Business Meeting

November 21, 2023

	Contract for Fire and Rescue Ambulance	
From	Ralph Sartain	Fire Chief
Contact	Ralph.sartain@ashland.or.us	
Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☐	

SUMMARY

In the adopted budget we were authorized to purchase two ambulances. As you are aware the single role has gone into service and the ambulance, we had hoped would be able to work while we were waiting for full processing had suffered from mechanical issues including breaking down while responding to a call. Council had authorized an Emergency Procurement for that ambulance, and we are happy to report we will be picking this ambulance up on December 18th.

For this purchase Braun Northwest paid a fee to allow the authorization and use of the Ford Transit Van as an Ambulance in the State of Oregon. This is the only company to offer the Ford Transit Ambulance in the State. For this they are a single source purchase, and all due diligence has been used to determine if additional vendors could be located.

As Council is aware from the business proposal, we are switching the single-role EMS providers into a smaller and more economical vehicle for the amount of driving they are doing while maintaining a fleet of three heavier ambulance chassis for our dual role-FF/EMT/EMT-P's. As part of the build out we had located the Ambulance Chassis for \$125-128,000. Because of supply chain issues and inflation those same vehicles are now \$158,215. This ambulance will be used by our teams of single roles as we build out our fleet and our program. Any overage in the account for the two ambulances will be offset in a decrease in the cost of the Heavy Brush which was also appropriated in this budget process.

We have secured the ambulance and now need to have approval from the Council to spend the money already appropriated in the 2023-2025 BN Budget.

POLICIES, PLANS & GOALS SUPPORTED

Implementation of single role ambulance service.

Prior Council Communications

Citizen Budget Committee presentation

Council Adoption of recommended budget

Line-Item transfer for fleet purchases

FISCAL IMPACTS

Budgeted \$158,215 for single-role ambulance purchase.

DISCUSSION QUESTIONS

None

SUGGESTED NEXT STEPS

I move to sign the contract for the procurement of the budgeted ambulance from Braun NW Inc, Chehalis WA..

REFERENCES & ATTACHMENTS

Form 6

Braun Demonstrator Proposal

BRAUN NORTHWEST, INC.
DETAILED SPECIFICATIONS
FOR
FORD TRANSIT
DEMO AMBULANCE
3605-2

1 **CHASSIS**

1.01 **OEM CHASSIS**

- 2023 Ford Transit 350 W2C Medium Roof Cargo Van, meeting all the specifications of Section 1.01
 - 3 year/36,000-mile Basic Warranty
 - Ambulance Prep Package **(47B)**
 - Provided by Braun Northwest
 - Single Rear Wheel

1.01.01 **SPECIFIC RATINGS**

- Drive –AWD
- G.V.W.R. – 9,500 lb.
- Wheelbase – 148"
- Rear Differential – 3.73 ratio, limited slip rear axle

1.01.02 **POWER TRAIN**

- Engine – Gasoline
 - 3.5L EcoBoost V6 gas engine
 - 50 State Emissions **(425)**
 - Engine block heater
- Transmission
 - Ten speed automatic overdrive transmission with SelectShift
 - Auxiliary transmission oil cooler

1.01.03 **STEERING**

- Power Assisted steering
- Telescoping, tilt steering wheel
- AdvanceTrac w/Roll Stability Control (RSC)
- Side Wind Stabilization

1.01.04 **SHOCK ABSORBERS/STABILIZER BARS**

- OEM front stabilizer bar
- Heavy-duty shock absorbers rear

1.01.05 **BRAKES**

- Anti-lock 4-wheel disc HD brakes
- Parking brake

1.01.06 TIRES AND WHEELS

- Five OEM 235/65R16C all-season tires
- Five OEM 16" x 6.5 steel wheels
- Spare tire and steel wheel shipped loose (Section 8.01 related)
- Tire Pressure Monitoring System

1.01.07X ELECTRICAL

- Alternator – OEM Dual 250 amp, total 500 amp **(63C)**
- Batteries – OEM Dual AGM **(63E)**
- Hill Start Assist
- OEM modified vehicle wiring system **(53K)**
- Auxiliary fuse panel **(87E)**

1.01.08X INSTRUMENT PANEL AND CONTROLS

- Gauges
 - Speedometer
 - Tachometer
 - Fuel Level
 - Coolant Temperature
- Cruise Control **(60C)**
- Ford Pass® Connect 4G Wi-Fi Modem
- Audio – Sync 4 with AM/FM stereo, 12" display, Blue Tooth, Dual USB Port **(58B)**

1.01.09X CAB EXTERIOR

- Bumper - Front
- Bumper – Rear, black
- Grille – Front, Honeycomb Mesh with Carbon Black Surround
- Tow Hooks, rear
- Front License Plate Bracket
- Extended Length Running Boards **(68J)**
- Horn – OEM electric, dual note **(85D)**
- Windows
 - Privacy Glass **(92E)**
 - Fixed Rear Cargo Door Glass and Fixed Passenger-side Glass **(17B)**
- Windshield wipers – Automatic, rain sensing
- Doors
 - Dual rear hinged with deep tinted fixed glass; 253° opening rear hinged doors
 - Curbside sliding door with fixed deep tinted glass
- Stepwell pads, black
- Mirrors
 - Two power adjustment, manual folding, short arm **(545)**
 - Rear view day/night mirror
- Lighting
 - Halogen headlamps
 - Wiper Activated Headlamps **(91B)**
 - Fog Lamps **(55D)**
 - Daytime running headlamps **(942)**
 - Roof Marker lamps
- Fuel tank – OEM 31 Gallons, Extended Fuel Tank **(655)**

- Auxiliary fuel port
- High Resolution Digital Back Up Camera **(61E)**
- Reverse Sensor System **(43R)**

1.01.10X

CAB INTERIOR

- Trim Level – XL
- Upfit Package **(67C)**
 - Large Center Console **(67E)**
- Cab Seats – OEM
 - Vinyl, 2-way manual driver and passenger
 - Combination lap and shoulder harness
- Flooring – Vinyl, front only
- Scuff Plate Kit for rear cargo doors and side cargo door **(85A)**
- Climate Control – OEM
 - Rear heater/AC prep package
 - Dehumidifying air conditioning system
 - Rear Window Defroster, included in privacy glass **(92E)**
- Airbags
 - Driver and right-front passenger front
 - Passenger side cut-off switch
 - Safety canopy system with roll-fold side curtain airbags
- Other
 - Locking glove box
 - Cloth headliner, front only
 - Vinyl sun visors with illuminated vanity mirrors **(85C)**
 - Dome light, with dual map lights
 - A-Pillar assist handle, driver and passenger
 - Power door locks & windows
 - Remote keyless entry with 2 key fobs
 - AntiTheft **(59D)**
- One 12V PowerPoint outlet
- 400W power outlet **(90D)**

1.01.11

COLORS

- Exterior – Oxford White **(YZ)**
- Interior – Palazzo Gray

1.02

CHASSIS MODIFICATIONS

The following modifications will be made to the chassis by Braun Northwest

1.02.43

FLOOR REINFORCEMENT

A 15" square x 0.375" aluminum plate above a 15" square, 10-ga steel plate with 1.5" forward flange down shall be attached to the bottom of the van floor for reinforcement of the airway seat attachment. Two pieces of 6"W x 0.375" aluminum flat bar shall be attached to the bottom of the van floor for reinforcement of the curbside attendant seat attachment.

2 PATIENT COMPARTMENT CONSTRUCTION

2.01

MATERIAL

FORMED SHEETING

Interior Cabinets

Stainless Steel

SIZE

0.090

16 ga., 20 ga.

ALLOY

Aluminum

304 # 4B

2.02

DIMENSIONS

Overall Vehicle Dimensions (Specifications are listed as minimums.)

Length	19 '	8 "	235.50 "
Width (excluding mirrors)	6 '	9.3 "	81.30 "
Height (Approximate)	8 '	6.13 "	102.13 "

Note: Overall height includes rear light housing (Section 6.30.02 related).

Interior Dimensions (Specifications are listed as minimums.)

Length	Forward Wall to Rear Wall	126.00 "
Height	Floor to Ceiling	69.75 "

2.08

MODULE EXTERIOR COMPARTMENTS

All compartments shall be constructed from formed 0.125" aluminum, securely welded to the subfloor and structural framing. A baffled drain hole shall be provided in all exterior compartment bottoms that extend below the floor line. All exterior adjustable shelves shall be mounted on heavy-duty aluminum track, which is securely welded to compartment interiors. Each shelf shall support at least 300 lb of equipment.

COMPARTMENT #R1

Dimensions – 5.5"W x 20.25"H x 80.5"D

Location – Streetside, lower (aft-facing)

Shelving – None

Door(s) – None, open to the rear (backboards held in place by streetside rear OEM door).

Lighting – None

Additional Instructions –

1. Compartment shall provide storage for two *customer-supplied-and-installed* items: one backboard and one scoop stretcher.

COMPARTMENT #R2

Dimensions – 5.5"W x 10.25"H x 19.25"D (6"W x 8.5"H opening)

Location – Streetside, aft, lower(aft-facing)

Shelving – None

Door(s) – None

Additional Instructions –

1. This compartment is intended to allow the use of the dead space aft of the wheel well for storage of *customer-supplied-and-installed* equipment.
2. Compartment opening shall have a 2" lip.

COMPARTMENT #R3

Dimensions – 18.75"W x 56"H x 13.5"D

Location – Rear, streetside (aft-facing)

Shelving – Three adjustable, each with a 2.5"D wire access hole

Door(s) – None

Lighting – None

Additional Instructions –

1. One 120VAC GFCI duplex receptacle shall be installed on the streetside wall, lower (Section 6.21X related).
2. One 48"L vertical grab bar with rubber inserts shall be installed on the aft side of the Compartment, toward the streetside (Section 5.05X related). Grab bar shall not interfere with closing of rear curbside passage door.
3. A flange in the vehicle's vertical/longitudinal plane will be added to the aft face of this compartment, curbside of the grab bar, to close the gap between the compartment and the rear door.

COMPARTMENT #C1 – Stair Chair

Dimensions – 11"W x 22"H x 42"D

Location – Forward of head of cot attendant seat

Additional Instructions –

1. This compartment shall have a one fixed painted aluminum roll-out tray with two 42" slides, with 300 lb combined capacity with the left slide being of a locking type. A 1" restraint strap with quick release buckle shall be installed on the tray for a *customer-supplied-and-installed* Stryker stair chair (Section 4.27 related).

COMPARTMENT #C2 – Oxygen Storage

Dimensions – 11"W x 10.5"H x 60"D

Location – Below Compartment #C2

Additional Instructions –

1. A custom cylinder bracket with UHMW slides and one retaining pin shall be installed by BNW in this compartment for a *customer-supplied-and-installed* M-size oxygen cylinder (Section 4.10X related).

COMPARTMENT #C3 – Pediatric Board Storage

Dimensions – 7.5"W x 17"H x 60"D

Location – Forward of Compartments #C1 and C2

Door – None

Additional Instructions –

1. This compartment recess shall provide horizontal transverse storage for one *customer-supplied-and-installed* pediatric board.

2.10

PATIENT COMPARTMENT INTERIOR CABINETS

Shall be formed of 0.090" aluminum and shall be securely mounted to the structural framing. All interior shelves shall be mounted on 1" wide aluminum track.

CABINET #1

Dimensions – 43.25"W x 11.5"H x 9"D

Location – Streetside, above Action Area

Shelving – One adjustable

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – Under-cabinet LED strip light (Section 6.14 related)

Additional Instructions – None

CABINET #2

Dimensions – 30.5"W x 11.5"H x 9"D

Location – Streetside, upper center

Shelving – One adjustable

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – None

Additional Instructions – None

CABINET #3

Dimensions – 30.5"W x 11.5"H x 9"D

Location – Streetside, upper rear

Shelving – One adjustable

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – None

Additional Instructions – None

CABINET #4

Dimensions – 30.5"W x 20.5"H x 5"D at top (8"D at bottom)

Location – Streetside, aft, upper

Shelving – One fixed shelf

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – None

Additional Instructions –

1. A 120VAC GFCI duplex receptacle shall be installed in this cabinet (Section 6.21X related).

CABINET #5

Dimensions – 30.5"W x 20.5"H x 5"D at top (8"D at bottom)

Location – Streetside, middle upper

Shelving – One fixed shelf

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – None

Additional Instructions – None

ACTION AREA (#6)

Dimensions – 32.25"W x 21.75"H x 12"D

Location – Streetside

Additional Instructions –

1. The following items shall be installed on the back wall:
 - a. An oxygen outlet (Section 5.11X related)
 - b. Electric oxygen panel with digital pressure display and solenoid/bypass valve (Section 5.11X related)
 - c. Attendant control panel (Section 6.13B related)
 - d. One 120VAC GFCI duplex receptacle (Section 6.21X related)
 - e. One 12VDC receptacle (Section 6.25 related).
 - f. A Samlex EVO-RC inverter remote control panel (Section 6.31 related).
2. A Wilsonart "Northern Melange" 9195MLA speckled gray acrylic full depth solid surface countertop with a 0.5" retaining lip and a 2"H backsplash shall be installed.
3. The suction collector and regulator shall be installed in a 10.25"W x 20.5"H x 4"D recess aft of the action area (Section 5.13A related).

CABINET #7 – Electrical

Dimensions – 27"W x 12"H x 12"D

Location – Streetside, below Action Area

Shelving – None

Door(s) – Removable painted aluminum panel with punched ventilation and two black quarter-turn latches.

Additional Instructions –

1. This cabinet shall house the electrical module (Section 6 related). Door shall have two precision punched panels to aid in ventilation.

CABINET #8

Dimensions – 27"W x 12"H x 12"D

Location – Streetside, forward lower

Shelving – None

Door(s) – Removable painted aluminum panel with punched ventilation and two black quarter-turn latches.

Lighting – None

Additional Instructions –

1. A Samlex 1200-watt inverter with a 12VDC muffin fan with temperature switch shall be installed in this cabinet (Sections 6.31 related).
2. A two-position load center shall be installed with circuit breakers (Section 6.21X related).

CABINET #9

Dimensions – 11.5"W x 10.5"H x 21.25"D

Location – Curbside, upper aft

Shelving – None

Door(s) – None

Lighting – None

Additional Instructions –

1. One 120VAC GFCI duplex receptacle shall be installed on the back wall (Section 6.21X related).
2. A cord access hole shall be provided through the bottom of the cabinet.

CABINET #10

Dimensions – 24"W x 7"H x 7.1875"D

Location – Curbside, upper middle

Shelving – None

Door(s) – Sliding clear 0.25" polycarbonate with felt-lined anodized aluminum track, interlocking aluminum trim, and full extruded aluminum door pulls with integral door latch.

Lighting – None

Additional Instructions –

1. A 12VDC fluid warmer with 4" surround shall be hardwired in this cabinet (Section 6.35 related).

CABINET #11 – Glove Storage

Dimensions – 29.75"W x 7"H x 7.1875"D

Location – Curbside, upper center

Shelving – None

Door(s) – Bottom-hinged painted aluminum with a black quarter-turn latch with three cut-outs

Lighting – None

Additional Instructions –

1. This cabinet shall provide storage for three glove boxes in horizontal orientation (Section 5.32 related).

CURBSIDE ATTENDANT AREA (#12)

Location – Curbside

Additional Instructions –

1. The following shall be installed on the back wall:
 - a. An oxygen outlet (Section 5.11X related)
 - b. Digital thermostat (Section 5.17X related)
 - c. Attendant control panel (Section 6.13B related)
 - d. 120VAC GFCI duplex receptacle (Section 6.21X related)
 - e. 12VDC receptacle (Section 6.25 related)
 - f. One combination USB-A/C port (Section 6.25 related)
 - g. A momentary rocker switch to activate the dome timer shall be installed just aft of the side passage doorway (Section 6.16 related).
2. A Wilsonart "Northern Melange" 9195MLA speckled gray acrylic full depth solid surface countertop without lip or backsplash shall be installed.
3. An EVS 1760 vac-form attendant seat with 3-point black seatbelt and SB186-8C swivel base shall be installed in this area (Section 5.10X related).
4. A full-height painted aluminum access panel shall be installed on the front of the drawer stack.

CABINET #13 – HVAC

Location – Front, upper center

Additional Instructions –

1. This cabinet shall house the combo AC/Heater unit and the suction pump (Section 5.17X and 5.12 related).
2. A fixed head pad shall be installed on the curbside upper corner (Section 5.03X related), with an atomic clock underneath (Section 5.24 related).
3. Conditioned air shall be distributed through a ceiling-mounted horizontal plenum with seven individually-adjustable louvered vents (Section 5.17X related).
4. An exhaust vent shall be installed towards the streetside, with an adjustable louver (Section 5.20 related).
5. An air return shall be provided on the curbside face of the HVAC cabinet (Section 5.19 related).
6. A 60"L yellow powder-coated horizontal grab bar shall be installed on the curbside of the plenum (Section 5.05X related).

CABINET #14 – FORWARD COUNTERTOP

Dimensions – 60"W x 14.5"D

Location – Front, behind head-of-cot attendant seat

Shelving – None

Door(s) – None

Additional Instructions –

1. A Wilsonart "Northern Melange" 9195MLA speckled gray acrylic full depth solid surface countertop with a 0.5" retaining lip shall be installed.
2. One EVS 2169 vac-formed, dove gray, seamless attendant seat with flip-up bottom, folding back, and black backpack belting system shall be pedestal mounted against the forward wall, facing aft, at the head of the cot position. The seat shall include a two-point black seatbelt to be used in conjunction with the backpack belting (Sections 3.08X and 5.10X related).
3. One 18" vertical grab bar shall be installed near the curbside door, on the aft wall of the cabinet (Section 5.06 related).

CABINET #15 – Drug Cabinet

Dimensions – 6.5"W x 4"H x 9"D

Location – Streetside, under Cabinet #11, facing aft

Shelving – None

Door(s) – Bottom-hinged painted aluminum with a Simplex lock

Lighting – None

Additional Instructions –

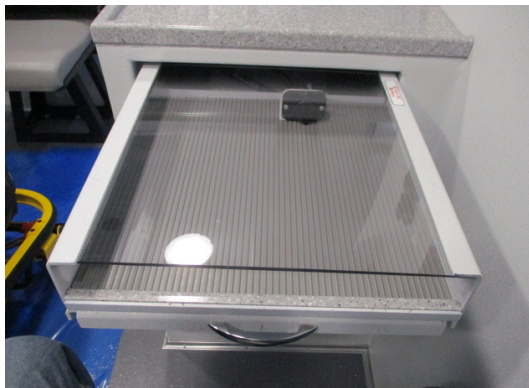
1. This cabinet is intended for storage of drugs (Section 5.36X related).

CABINET #16 – Pull-out writing surface

Location – Curbside half-stack, forward of attendant seat

Additional Instructions –

1. One 14.25"W x 2.5"H x 15"D aft-facing inverted pan-style pull out tray with concealed slides and clear polycarbonate sliding lid shall be installed. The tray shall operate on 14" slides and 300-lb capacity slides and have a gas shock hold open/closed device to ensure the tray does not accidentally open or close during operation of the vehicle. The tray shall have 2.5"H side flanges and 0.625" front and back flanges with a chrome handle on the aft flange. A 0.5" x 0.5" strip of acrylic countertop material shall be placed inboard of the front flange to serve as a wrist rest. A pre-wire shall be capped and coiled (Section 6.18A related).

**CABINET #17 – Custom Drawers**

Location – Curbside half-stack, forward of attendant seat

Additional Instructions

1. Three 13"W x 5"H x 14"D aluminum drawers with paddle slam latches shall be installed, facing aft. Each drawer shall operate on 12" slides rated at 300 lbs. per set and have a gas shock hold open/closed device to ensure drawers do not accidentally open or close during operation of the vehicle. Drawers shall be of formed 0.125" aluminum, painted to match the interior. Drawers shall each have machine-stamped divider supports along the front and back sides with two removable ABS dividers provided per drawer.
2. A full-height painted aluminum closeout shall be installed on the forward-facing side of the drawer stack, for service access.

2.13X**CAB TO PATIENT COMPARTMENT PASSAGE**

A painted aluminum partition with a 16"W x 12"H pass-thru shall be provided. The side facing the cab shall be carpeted with gray automotive carpeting.

2.15

ELECTROLYSIS PREVENTION

All external materials and fasteners shall be selected to prevent electrolysis and corrosion due to dissimilar materials and exposure to the elements. Exterior fasteners used for direct connection to painted aluminum surfaces shall be coated with a corrosion inhibitor.

3

COATINGS AND FINISHES

3.03X PAINT TYPE

Shall be Sherwin Williams acrylic urethane on interior patient compartment surfaces, and OEM paint on exterior body.

3.04.01 CHASSIS COLOR

Base color: Chassis shall be OEM Oxford White (YZ)

3.05 LETTERING/DECALS

Streetside

Item #S1	Logo:	North Star oval logo
	Color:	Blue
	Size:	4"H Lettering
	Material:	Vinyl
	Location:	Side of vehicle, aft

Item #S2

Decal:	"EMERGENCY VEHICLES"
Color:	Blue
Size:	2.7"
Material:	Vinyl
Location:	Side of vehicle below item S1

Curbside

Item #C1	Logo:	North Star oval logo
	Color:	Blue
	Size:	4"H Lettering
	Material:	Vinyl
	Location:	Side of vehicle, aft

Item #C2

Decal:	"EMERGENCY VEHICLES"
Color:	Blue
Size:	2.7"
Material:	Vinyl
Location:	Side of vehicle below item C1

3.06 COMPARTMENT FINISH

All interior cabinetry shall be sanded, etched, washed, primed, coated with textured polyurea thermoplastic elastomer, and painted white with light gray splatter paint (G2-33631 Alt 2 / GLV-51748).

All shelves and trays shall be sanded, etched, washed, primed, and painted white with light gray splatter paint (G2-33631 Alt 2 / GLV-51748).

3.07 INTERIOR CABINETRY FINISH

All interior cabinetry shall be sanded, etched, washed, primed, coated with textured polyurea thermoplastic elastomer, and painted white with light gray splatter paint (G2-33631 Alt 2 / GLV-51748).

All shelves and trays shall be sanded, etched, washed, primed, and painted white with light gray splatter paint (G2-33631 Alt 2 / GLV-51748).

3.08 PATIENT COMPARTMENT UPHOLSTERY

Patient compartment upholstery material shall be Dove Gray Spradling Perform 60 seamless vinyl.

3.09 PATIENT COMPARTMENT FLOORING MATERIAL

Shall be Genome (#TFM2702) Altro Transflor Meta Slip-Retardant Sheet flooring providing durability, ease of maintenance and stain resistance. It shall contain a high concentration of microscopic aluminum oxide particles and colored quartz crystals suspended throughout the thickness with silicon carbide grains in the entire wear surface for slip-retardant performance. It shall have an overall thickness of 0.11" nominal. Flooring shall be manufactured for Wear Resistance to meet ASTM C 501, indentation resistance in accordance with ASTM F 1303 and ASTM F 970, Grade 1 standards, shall meet ASTM D 2047 Slip Retardant, ASTM F 970 Static Load, ASTM E648, CMVSS, FMVSS 302, CAN ULC S102.2 Fire Data Tests over 0.50" solid core, industrial grade plywood capped with 0.125" aluminum. The flooring shall have an overall thickness of 0.080" nominal.

3.10 COMPARTMENT LINING

Compartment floors shall be lined with easy sweep mats which are removable for ease of cleaning.

3.11 CABINET LINING

Interior cabinet shall be lined with easy sweep mats which are removable for ease of cleaning.

3.12 SURFACES AND FINISHES

All Braun NW-installed surfaces and finishes shall be impervious to soap, disinfectants, and water, to permit washing and sanitizing.

4 MODULE EXTERIOR

4.10 EXTERIOR CYLINDER STORAGE

Storage for a *customer-supplied-and-installed* M-size oxygen cylinder shall be provided in Compartment #C2 with a custom cylinder bracket with 1.25" diameter steel retention pin (Section 2.10 related). Three 6-7/8" x 7-3/8" pieces of 12mm backer board shall be shipped loose to serve as shims for shorter cylinders (Section 8.01 related).

4.27 STAIR CHAIR STORAGE

Storage for a *customer-supplied-and-installed* Stryker stair chair shall be provided in Compartment #C1 with a painted aluminum slide-out tray with two 42" slides with 300-lb combined capacity, and a restraint strap. One slide shall be locking to hold the tray in the stowed and extended positions.

5 PATIENT COMPARTMENT INTERIOR

All interior hangers, supports, fasteners, latches, and hinges shall be of a near-flush-type design. The patient compartment shall be free of sharp projections. Exposed edges and corners shall be broken with a radius or protected with 1" high-density foam covered with heavy-duty vinyl color-matched upholstery.

5.01X UPPER WALL COVERING

Shall be painted aluminum, sprayed with textured polyurea thermoplastic elastomer and painted white with light gray splatter (G2-33631 Alt 2 / GLV-51748) (Section 3.07 related).

5.02 HEADLINER

The headliner shall be constructed of 0.090" aluminum which is sanded, etched, washed, primed, and coated with textured polyurea thermoplastic elastomer, and painted white with light gray splatter paint (G2-33631 Alt 2 / GLV-51748) to match the interior.

5.03X PATIENT COMPARTMENT HEAD PADS/CUSHIONS

Head pads located over all rear access openings, under Cabinet #1, above the Action Area (#6), on the partition wall, and on the forward and lower edges of the upper curbside cabinets shall be 0.5" or 1" foam covered with heavy-duty seamless vinyl matching upholstery.

5.04 LOWER WALL COVERING

The lower portion of the streetside wall shall be painted aluminum, sprayed with textured polyurea and painted white with gray splatter.

5.05X GRAB RAIL

One 60"L x 1.250" diameter stainless-steel grab rail with three support brackets shall be securely mounted to on the curbside of the horizontal HVAC plenum (Section 5.17X related).

Grab rail shall be powder-coated yellow.

5.06 ACCESS DOOR GRAB RAILS

One 48"L vertical grab bar with slip-resistant inserts shall be installed on the aft side of Compartment #R3 (Section 2.10 related).

One 18"L vertical grab bar shall be installed near the curbside door, located on the aft wall of Compartment #C1.

Grab rail shall be powder-coated yellow.

5.07 IV HANGERS

Two retractable dual IV hangers with stabilizers shall be surface-mounted over the cot, one towards streetside forward and one toward the curbside forward.

5.08C**COT MOUNT**

A Stryker #6390-700-001 floor plate shall be installed by BNW, to position the aft end of the cot 11" forward of the rear doors (Section 8.02 related).

A 20-amp breaker and 10 ga. 12 VDC power and ground prewire shall be installed, running from the electrical cabinet to the frame rail, terminating in a 36" capped and coiled pigtail forward of the rear axle.

No rear rail clamp shall be installed.

5.10X**ATTENDANT SEATS**

One EVS 1760 vac-formed, dove gray, seamless attendant seat with flip-up bottom, a black 3-point belt and a SB186-8SC base shall be installed on the curbside. The seat shall be moved as far aft as possible and still be able to turn 90 degrees.

One EVS 2169 vac-formed, dove gray, seamless attendant seat with flip-up bottom, folding back, and black backpack belting system shall be pedestal mounted against the forward wall, facing aft, at the head of the cot position. The seat shall include a two-point black seatbelt to be used in conjunction with the backpack belting. The EVS CBPED1760/1860 pedestal seat base shall be rotated flat against the partition, and be secured to the floor using all six holes in the seat base.

Reinforcement shall be added beneath the van floor at each attendant seat attachment point (Section 1.02.43 related). A fabricated, painted aluminum booster bracket shall be installed beneath the curbside attendant seat to raise the seat as much as possible while maintaining 43" vertical clearance between the attendant seat base cushion and the upper cabinets. The seat base mounting bolts shall pass through the seat base, booster bracket, van floor, and below-floor reinforcement plates.

5.11X**OXYGEN SYSTEM**

The entire oxygen system to be assembled with certified oxygen hose (1000 PSI burst strength) with brass fittings, pressure tested, and certified. The electric oxygen system shall be controlled through an electric solenoid with manual bypass, have an LED content display, and audible low-pressure alarm. The display shall be installed on the streetside action area wall (#6).

A momentary contact switch labeled "ELECT. 02" shall be installed in each attendant panel to control the on/off function of the electric oxygen system via an InPower module (Section 6.13B related). Pressing the top of the switch shall turn on the electrical oxygen system display and open the solenoid valve. Pressing the bottom of the switch shall turn off the electrical oxygen display and close the solenoid valve.

Three Ohio-type outlets shall be installed:

- One in Action Area #6
- One on the Curbside Attendant Area #12 wall
- One in ceiling over cot

One oxygen tank wrench shall be provided and shipped loose (Section 8.01 related).

5.12**SUCTION PUMP**

The unit shall have an electric pump as the source of suction, installed in cabinet #8 and be vented to the outside of the vehicle under the vehicle body. The pump shall be controlled by an on/off switch labeled "SUCTION" on the attendant panel in Action Area #6.

5.13A**SUCTION COLLECTOR**

A Rico #RS4X-1001B suction regulator and wall-mount bracket with a 1200cc Rico disposable canister shall be installed on the wall of Action Area #6.

5.14**SEATBELTS**

Black DOT-compliant seatbelts shall be installed at each seating position. The forward-facing curbside seat shall have a black three-point emergency locking retractor seatbelt and the streetside head of cot attendant seat shall have a black 2-point emergency locking retractor lap belt and black backpack-style upper automatic locking seatbelts.

5.16X**INSULATION**

The patient compartment sides, ends, roof, and doors shall be insulated to enhance the interior environment and to prevent heat, cold, and external noise from entering the Patient compartment. The insulation shall be a non-settling foam plank material of 0.5", 0.75", or 1.5", thickness depending upon location and available space. Plank insulation shall be polyisocyanurate. Reflectix double reflective insulation shall be applied to the inside of all exterior surfaces where hose or cable access prevents use of plank insulation.

5.17X**PATIENT COMPARTMENT CLIMATE CONTROL SYSTEM**

The patient compartment HVAC system shall incorporate a combination heating/air conditioning unit with 43,300 BTU/hr. heating and 32,000 BTU/hr. cooling capacity. The unit shall have a 580 CFM fan and controls independent of the cab system. A 12VDC booster pump shall be installed to optimize the heating capacity in the patient compartment. A return air path with open area equal to at least twice the blower outlet area shall be incorporated into the evaporator closeout. The patient compartment climate control system shall be controllable by a digital thermostat located on the curbside wall. A formed aluminum horizontal plenum, painted to match the interior with seven adjustable louvers, shall be installed on the ceiling. A Beam #015715 wall port shall be installed in the horizontal plenum, forward to provide direct heat to a patient. A hose shall be shipped loose (Section 8.01 related).

5.18B**EXTERNAL AIR INTAKE**

To supplement heated or cooled air with fresh air, an external air intake shall be provided on the side of the vehicle. The intake shall consist of an opening protected by a chrome Perko vent cover. An upward-directed vent hose shall be connected to the inside of the Perko vent to prevent the collection of moisture. A bug screen shall be installed inside the Perko vent.

5.19**AIR RETURN**

A return air path with an open area equal to at least twice the blower outlet area shall be incorporated into the evaporator closeout.

5.20**EXHAUST VENT**

A motor-powered exhaust vent with a chrome Perko cover shall be installed on the streetside wall, forward. Momentary contact switches labeled "VENT" shall be installed in the streetside and curbside attendant panels to control the on/off function of the exhaust vent. Pressing the top of either switch shall turn on the exhaust vent. Pressing the bottom of either switch shall turn off the exhaust vent (Section 6.13B related).

5.24**CLOCK**

An atomic-controlled clock shall be installed on the aft side of the partition, towards curbside. The clock shall be LCD display and show hours (12/24 selectable), minutes, seconds, date, day, and temperature. Clock shall be powered by two AA alkaline batteries.

- 5.26X SHARPS/WASTE CONTAINER**
One 7 qt. waste container and one Sage #85131 5 qt. sharps container with a mailbox lid, both with stainless-steel brackets, shall be installed at customer inspection (Section 8.04 related).
- 5.31 INTERIOR FIRE SUPPRESSION**
One ABC 5 lb fire extinguisher with an Amerex #861H SAE-J3043 compliant bracket shall be installed at customer inspection (Section 8.04 related).
- 5.32 GLOVE STORAGE**
Storage for three glove boxes shall be provided in Cabinet #11.
- 5.36X MEDICATIONS SAFE**
Cabinet #15 shall provide locking drug storage, with a Simplex lock.
- 5.40 MEDICATIONS SAFE**
A carbon monoxide detector shall be installed at customer inspection (Section 5.40 related).

6X ELECTRICAL

All added body and chassis electrical equipment shall be served by circuits separate and distinct from the vehicle chassis circuits. All vehicle wiring shall be copper and conform to all SAE J1128 requirements. The wiring shall be colored, numbered, or function coded every 3" for permanent identification and correspond with the vehicle schematics. Solderless, insulated connectors shall be used. Slotted Panduit-style wiring duct shall be used in power component module to ensure air circulation throughout power component wiring. The wiring shall be routed in conduit or looms and wiring shall be secured to the underbody or frame with insulated metal cable straps. All power distribution cabling shall be covered with a protective split loom. Where wiring passes over the exhaust, a heat shield shall be installed. The power component module shall be equipped with positive locking plugs. All wiring devices, switches, outlets, etc., except circuit breakers, shall be rated to carry 125% of the maximum ampere load for which the circuit is protected.

The vehicle electrical system shall be tested and certified to AMD 005 requirements.

6.01 ELECTRICAL LOAD DEVICES

Body electrical wiring shall utilize overload protective devices of the automotive-type circuit breaker. In addition, one single pole, 20-amp circuit breaker shall be provided for future use. The circuit breakers, relays, and other electrical items shall be located in included as part of the enclosed electrical component module located in Cabinet #18.

6.02 VOLTMETER/AMMETER

A single display voltmeter/ammeter shall be installed on the side of the console, driver's side, which simultaneously displays voltage and alternator current when the ignition is on (Section 6.09X related). Display flashes to indicate low voltage.

A buzzer shall indicate low voltage.

6.04C IGNITION CONTROL

Chassis electrical circuits shall be controlled by the ignition switch as provided by the OEM chassis manufacturer. The auxiliary chassis-related functions shall be powered by one InPower #SSC20-100 solid state contactor, triggered by the chassis ignition.

6.05A PATIENT COMPARTMENT POWER

Patient compartment shall be controlled by a driver's console-mounted switch labeled "MODULE DISC." which activates an InPower #SSC42-275 solid state contactor (Section 6.09 related). An ignition interlock shall disconnect module power 15 minutes after the vehicle's ignition is turned off. The interlock shall also allow module power to be reactivated independently for 15-20 minutes by cycling the ignition switch.

6.06 WIRING ACCESS

All cabinets and compartments shall have removable panels as needed to access wiring harnesses and hoses.

6.07 BACK-UP ALARM

An SAE J994-compliant self-adjusting back-up alarm shall be installed.

6.08 SERVICE LOOP

A 6" service loop of wire or harness shall be provided at all electrical components, terminals, and connection points.

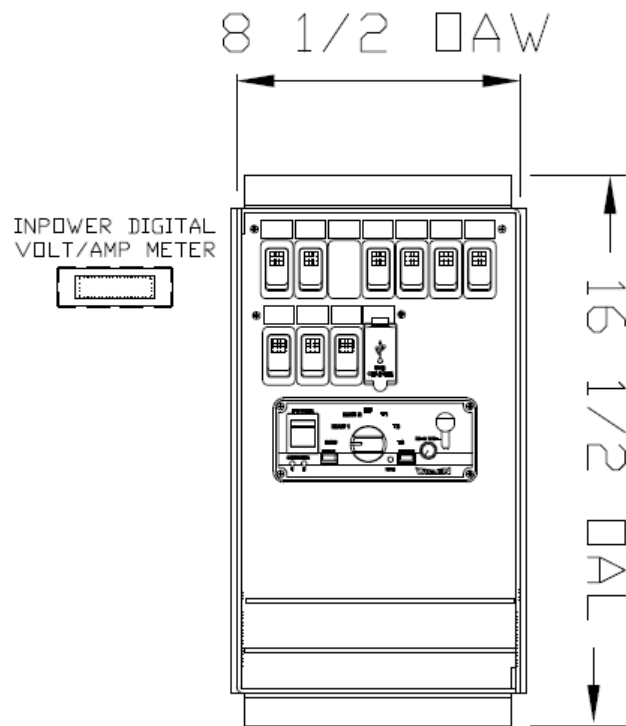
6.09X**CUSTOM DRIVER'S CONSOLE/MAP BOX**

A custom driver's console made of black-powder-coated formed aluminum shall be installed between the seats. It shall have a custom switch panel with the following layout, and a map holder with one mill-finished aluminum divider.

1.	2.	3.	4.	5.	6.	7.
Module Disc.	Emerg. Master	Spare	Left Scene	Right Scene	Rear Scene	Dome (Hi/Lo/Off)

8.	9.	10.	11.
Spare	Spare	Spare	USB A/C

Siren (Section 6.30.09 related)



**CONSOLE
PROPOSAL
DRAWING**

Additional Items:

A prewire shall be installed for future *customer-supplied-and-installed* radio equipment (Section 6.18A related).

6.10**SWITCHES**

Switches installed in the driver's console and attendant panels shall be rocker-type and permanently marked by function.

6.13B**ATTENDANT CONTROL PANELS**

A six-switch attendant control panel shall be located on the streetside Action Area #6 wall with the following switch layout:

1.	2	3.	4.	5.	6.
Dome (Hi/Lo/Off)	Vent	Elect. O ₂	Attendant Light	Suction	USB A/C

A six-switch attendant control panel shall be located on the curbside wall in the Curbside Attendant Area (#12) with the following switch layout:

1.	2	3.	4.	5.	6.
Dome (Hi/Lo/Off)	Vent	Elect. O ₂	Attendant Light	Blank	Spare

A digital thermostat shall be located adjacent to the attendant control panel (Section 5.17X related).

6.14**CABINET LIGHTING**

The wall area below Cabinets #1, #10, and 11 shall be lighted utilizing under-cabinet LED strip lighting. The streetside and curbside under-cabinet lighting shall be controlled by two momentary-contact on/off switches labeled "ATTENDANT LIGHT", one in each attendant panel, which control all attendant lights (Section 6.13B related). Pressing the top of either switch shall turn on the lights, pressing the bottom of either switch shall turn off the lights.

6.16**PATIENT COMPARTMENT INTERIOR LIGHTING**

Shall be designed to keep vehicle height to a minimum without interfering with the structural integrity of the roof. Patient interior compartment lighting shall consist of six dual intensity Whelen #80C0EHCR LED recessed lights - one bank of three lights shall be positioned toward streetside and three lights toward curbside.

Dome light switches shall be momentary contact HI-LO-OFF switches labeled "DOME". Pressing the top of either switch shall increase intensity. Pressing the bottom of either switch shall decrease intensity. A single switch labeled "DOME" shall be provided on the driver's console to control both banks of dome lights (Section 6.09X related).

The curbside bank of lights shall be automatically activated when the rear or side doors are opened or by a momentary rocker switch labeled "DOME TIMER" mounted on the wall near the curbside passage door, which shall activate a battery hot timer. Pressing the switch once shall initiate 15-minute timed operation of the lights. Pressing the switch again shall cancel the timed operation.

6.18A

COMMUNICATIONS EQUIPMENT

The customer shall be responsible for powering up and tuning of any radio equipment.

Item #1

Description: Prewire, including 10 ga. power and 10 ga. ground, for future *customer-supplied-and-installed* equipment.

Location: From electrical panel to driver's console (Section 6.09X related).

Additional Instructions: Prewiring to be capped and labeled at both locations. Wiring shall be installed at the power component module behind the Panduit cover.

Item #2

Description: Prewire, including 12 ga. power and 12 ga. ground, for future *customer-supplied-and-installed* equipment.

Location: From electrical panel to closeout on forward side of Cabinet #16.

Additional Instructions: Prewiring to be capped and labeled at both locations. Wiring shall be installed at the power component module behind the Panduit cover.

6.19

ANTENNA MOUNTS AND CABLES

Two NMO universal antenna mount with KHFUD cable and Larsen HyPer master universal connector and mini-UHF adapter shall be installed on the vehicle. Antenna base access shall be through a dome light opening, and the cables shall terminate, one in Cabinet #8 and one in the driver's console (Section 6.09X related).

6.21X

120VAC/SHORELINE CIRCUIT BOX

Utility power shall be furnished from 120VAC shorepower via a Kussmaul 20-amp Super Auto-Eject amp plug with a white cover on a stainless-steel plate with a green indicator light and **contoured gasket** located on the driver's side of vehicle.

Circuit breakers shall be installed in Cabinet #8 for overcurrent protection and circuit isolation. The cord end for the shoreline shall be shipped loose (Section 8.01 related).

All exposed receptacles shall be ground fault circuit interrupting (GFCI) and shall have a power on indicating light.

Five interior 120VAC GFCI duplex receptacle shall be mounted:

- One in Cabinet #4
- One in Action Area #6
- One in Cabinet #9
- One in Curbside Attendant Area #12
- One in Compartment #R3

6.23

BATTERY CHARGER

A 60-amp battery charger shall be provided as part of the Samlex 1200 inverter system (Section 6.31 related).

6.25

12VDC POWER SUPPLY

Two 12VDC, 15-amp lighter-style power point receptacles shall be provided;

- One in Action Area #6
- One in Curbside Attendant Area (#12)

A Kussmaul combination USB-A/USB-C switch-insert-style charging ports shall be installed:

- One in Action Area #6
- One in the driver's console (Section 6.09X related)
- One in Curbside Attendant Area (#12), forward of the 120VAC receptacle.

All 12 VDC power point receptacles, USB charge ports, 12 VDC charging circuits, electric air compressors, powered cots, and cool cabinets, if present, shall be powered from a 12 VDC auxiliary bus. An InPower LVD20-100-SPC540 low voltage disconnect switch shall deliver power to the auxiliary bus only when the supply voltage to the vehicle batteries is at or above 13.0 VDC.

6.30X EMERGENCY WARNING SYSTEMS

All emergency lighting shall be controlled by the "EMERG. MASTER" switch on the driver's console (Section 6.09 related). When the switch is on, module power is on, and the vehicle is not in park, all emergency lighting shall be activated, and the hands-free function of the siren shall be enabled. The white lights shall be disabled when the vehicle is shifted into park.

6.30.01X FRONT LIGHTBAR

Shall be a white Whelen #M6PTM5F lightbar housing, with eight Whelen M6 flashers with chrome flanges, pattern curbside to streetside as follows:

Location	Lens Color	Model	Light Color	Type	Light	Flash Pattern	Additional
Curbside	Clear	M6RC	Red	LED	Flasher	A/F 150	
	Clear	M6C	Clear	LED	Flasher	A/F 150	
	Clear	M6RC	Red	LED	Flasher	A/F 150	
	Clear	M6C	Clear	LED	Flasher	A/F 150	
Center							
	Clear	M6RC	Red	LED	Flasher	A/F 150	
Streetside	Clear	M6C	Clear	LED	Flasher	A/F 150	
	Clear	M6RC	Red	LED	Flasher	A/F 150	
	Clear	M6C	Clear	LED	Flasher	A/F 150	

The flashers shall be controlled by the "EMERG. MASTER" switch the driver's console (Section 6.09X related). The forward-facing white lights shall be disabled when the vehicle is shifted into park.

6.30.02X REAR FLASHERS

Shall be installed in a white Whelen 700 Series Bar #7PT8R; light, pattern curbside to streetside as follows:

Curbside	Whelen 700 Series #70C02FRR Clear lens red flasher with chrome housing Whelen 700 Series #7SC0ENZRL LED Scenelight (Section 6.30.04 related) Whelen 700 Series #70C02FAR Clear lens amber flasher with chrome housing
Center	OEM Brake Light Whelen 700 Series #70C02FAR Clear lens amber flasher with chrome housing Whelen #7SC0ENZRL LED Scenelight (Section 6.30.04 related)
Streetside	Whelen 700 Series #70C02FRR Clear lens red flasher with chrome housing

The flashers shall be controlled by the "EMERG. MASTER" switch the driver's console (Section 6.09X related). The upper red flashers shall be disabled when the vehicle is shifted into park.

6.30.03X FLASHERS

Four Whelen #M9V2RC Clear Lens Red Split Flasher/Scene Super-LED lights with chrome flanges shall be mounted, two each on the curbside and streetside of the vehicle in upper corners. The forward lights shall be installed on a Whelen #M9HTM5FC bezel and the rear lights shall be installed on a Whelen M9HTM5RC position the light correctly. Lights shall be controlled by the "EMERG. MASTER" switch on the driver's console (Section 6.09 related). The upper flashers shall be disabled when the vehicle is shifted into park.

Two Whelen ION T-Series #TLIA Clear Lens Amber flashers with #TIONFC chrome flanges shall be installed vertically on the rear of the vehicle, one on each side of the rear passage doors. The flashers shall be controlled by "EMERG. MASTER" switch on the driver's console (Section 6.09X related).

6.30.04X SCENELIGHTS

The scene lights are part of the M9V2RC lights as noted in 6.30.03X.

Two Whelen 700 Series #7SC0ENZR scenelights with chrome flanges shall be installed above the rear passage doors.

The curbside passage door shall activate the curbside scenelights; the rear scenelights shall be activated by the rear passage doors or when the vehicle is placed in reverse. The scenelights shall also be controlled by the respective switches on the driver's console (Section 6.09X related).

6.30.06X INTERSECTION LIGHTS

Four Whelen ION T-Series #TLIR Clear Lens Red flashers with #TIONFC chrome flanges shall be installed, one on each cab fender and one above each vehicle wheel well. Lights shall be controlled by the "EMERG. MASTER" switch on the driver's console (Section 6.09X related).

6.30.08X GRILLE LIGHTS

Two Whelen ION-T Series LED flashers with #TIONFC chrome housings and two Whelen TIONBKT1 brackets shall be installed on the OEM grille, brackets to aim the flashers directly forward:

Curbside	Streetside
#TLIR Clear Lens Red	#TLIC Clear Lens Clear

Lights shall be controlled by the "EMERG. MASTER" switch on the driver's console (Section 6.09X related).

A pre-wire shall be provided from the electrical panel to the grille area for future use of White Lights as wig wags.

A pre-wire shall be provided from the electrical panel to the grille area for future use of a grille light as steady red.

6.30.09 SIREN

A Whelen 295SLSA1, 200-watt siren shall be installed in the driver's console (Section 6.09X related). Standard features shall include Radio Rebroadcast, Public Address, Manual, Wail, Yelp, Air horn, and Piercer tones. The siren's hands-free function shall operate through the OEM horn ring circuit when the sirens rotary selector is in the HF position and the "EMERG. MASTER" switch is on.

6.30.10 SIREN SPEAKERS

Two Whelen #SAE315P 100-watt speakers with mounting brackets shall be installed in the OEM bumper cutout.

6.31**INVERTER**

A Samlex 1200-watt pure sine wave inverter with a 60-amp battery charger shall be installed in Cabinet #8, with a 12VDC muffin fan and temperature switch (Section 6.21X related). An EVO-RC inverter remote control panel shall be installed in Action Area #6. The inverter shall be configured to turn on and off with ignition.

6.35X**FLUID WARMER**

An Ultra Heat, Inc. IVW-718AX 12VDC 7" x 18" 12VDC IV warmer shall be hardwired in Cabinet #10 and connected to the 12VDC aux bus. The warmer shall be thermostatically controlled at 95 to 105 degrees F. Space for 10 one-liter bags of fluids shall be provided with a 4" surround to contain the fluid bags.

7 SUPPORTING DOCUMENTATION

7.01A OWNERS MANUAL

Shall be provided with the vehicle and shall include the following items:

1. Braun Northwest Contact Information
1. Warranties
2. Service and Operations Manual
3. Electrical Drawings
4. Parts list
5. Specifications and Drawings
6. Certifications
 - a. NFPA Statement of Exceptions
 - b. Weight Analysis Document
 - c. AMD 005 Low Voltage Electrical System Test
 - d. AMD 010 Water Leak Test
 - e. AMD 015 Ambulance Main Medical Gas System Test
 - f. AMD 021 Aspirator System Test
 - g. AMD 025 Occupant Head Clearance Zones Test
 - h. AMD 027 Line Voltage Electrical Systems Test
 - i. Optical warning system certification of compliance
 - j. Siren manufacturer's certification of compliance
7. Product Manuals
8. Second OEM chassis key

7.03 LABELS

The following labels shall be provided:

Label Description	Location
Braun Northwest Paint Label	Inside of the electrical cabinet door
FMVSS Certification Label	Adjacent to the chassis OEM stickers, typically on the B pillar (or inside of the electrical cabinet door if there is not room on the B pillar)
Tire and Loading Information Label (for under 10k GVWR only)	
Overall Height and GVWR	Visible to the driver while seated
Medical Gas Test Certification	Near the medical gas cylinder
Shorepower Inlet Rating	Near the shorepower inlet
Line Voltage Receptacle Rating	At each receptacle

8 MISCELLANEOUS MEDICAL/RESCUE EQUIPMENT

8.01 LOOSE EQUIPMENT

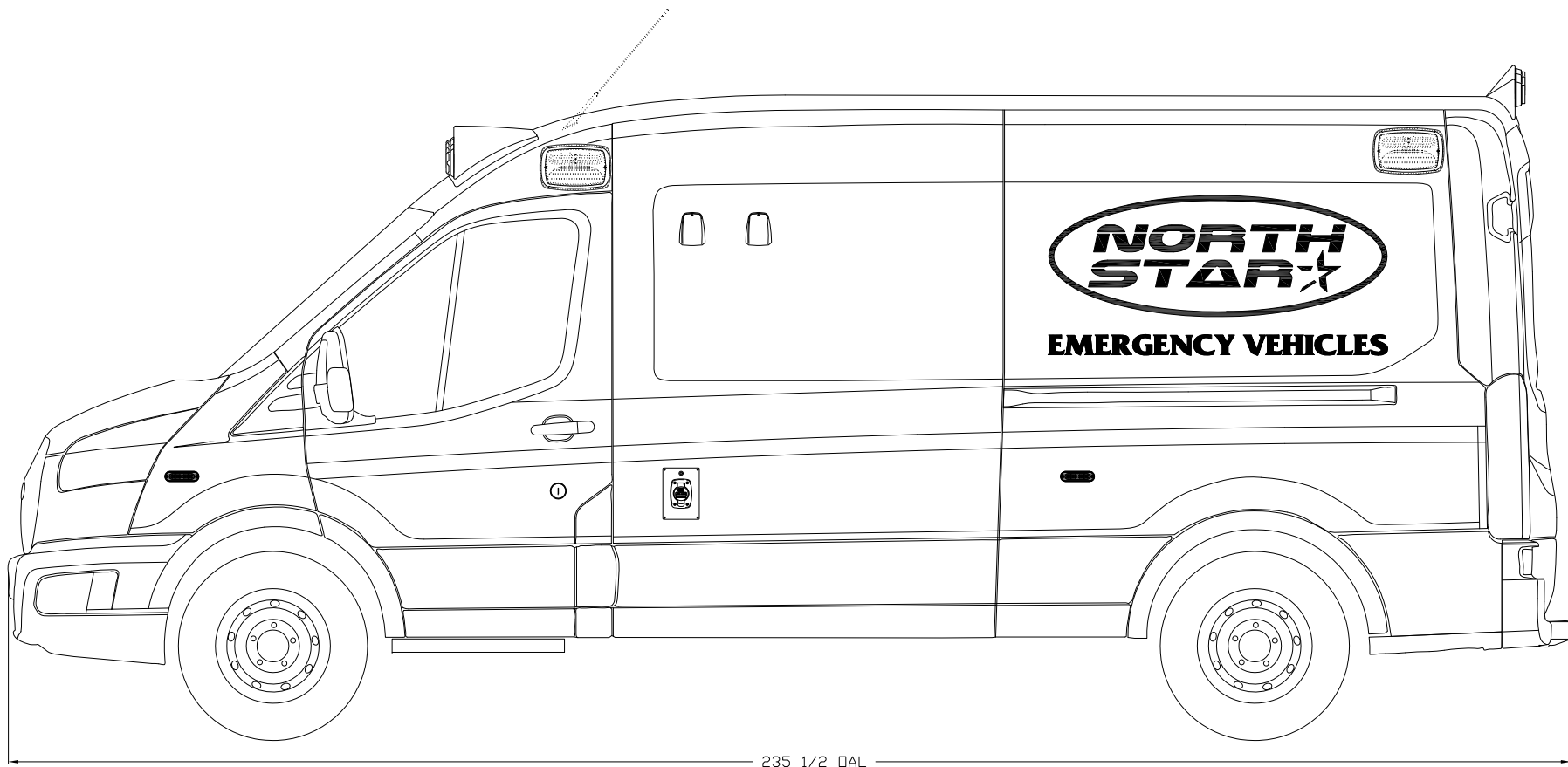
The following equipment shall be shipped loose with the vehicle:

1. Touch Up Paint, one bottle each:
 - A. White #G2-33631 Alt 2 (interior)
 - B. Light Gray (#GLV-51748).
2. One 20-amp plug cord end for shoreline
3. Oxygen tank wrench
4. 12.5 ft hypothermic hose
5. Three 6-7/8" x 7-3/8" pieces of 12mm backer board to serve as shims for short M-size oxygen cylinders

8.04 EQUIPMENT INSTALLED AT CUSTOMER INSPECTION

1. One 7 qt. waste container
2. One 2 qt sharps container
3. Two stainless-steel brackets sharps/waste brackets
4. One carbon monoxide detector
5. One 5 lb ABC fire extinguisher with SAE J3043 compliant bracket

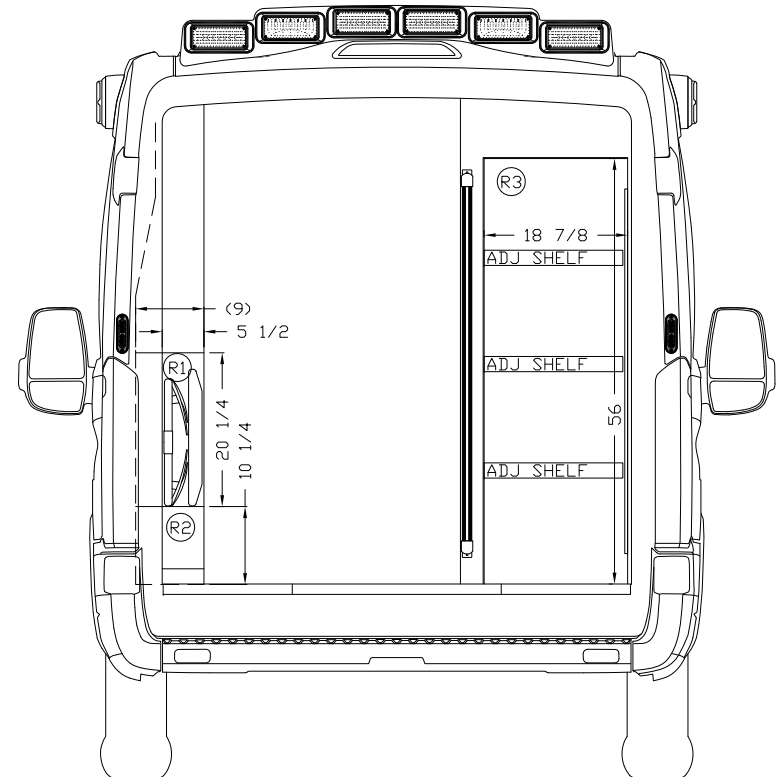
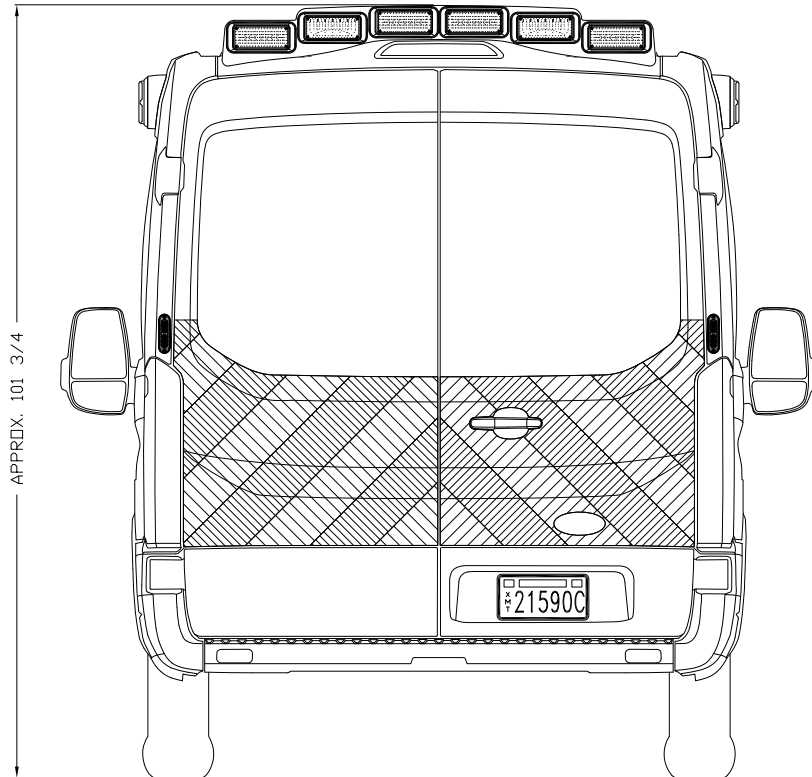
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235 1/2 DAL

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Date	09/19/2023	Drawing By	T.A.S.

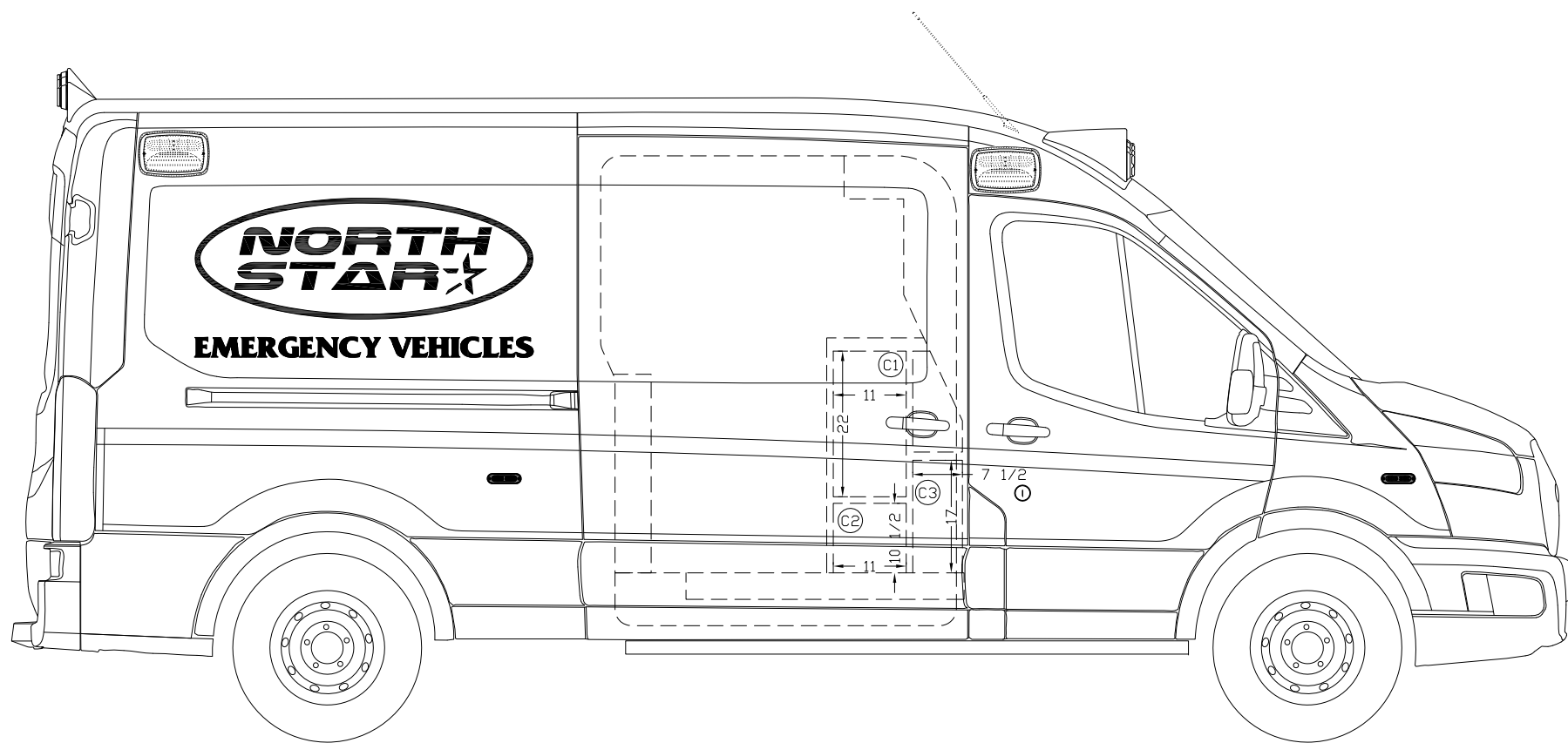
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Braun Northwest, Inc.

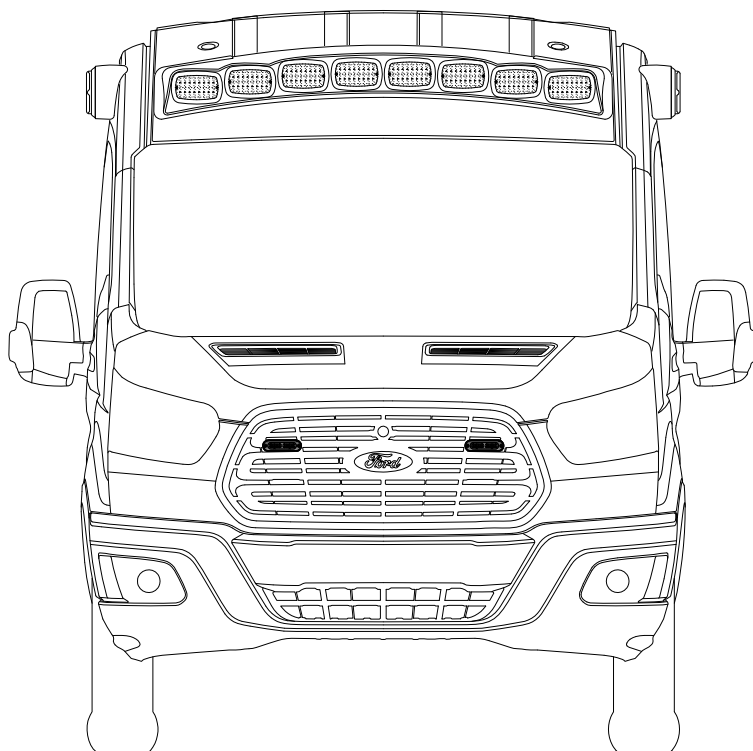
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Date	09/19/2023	Drawing By	T.A.S.	

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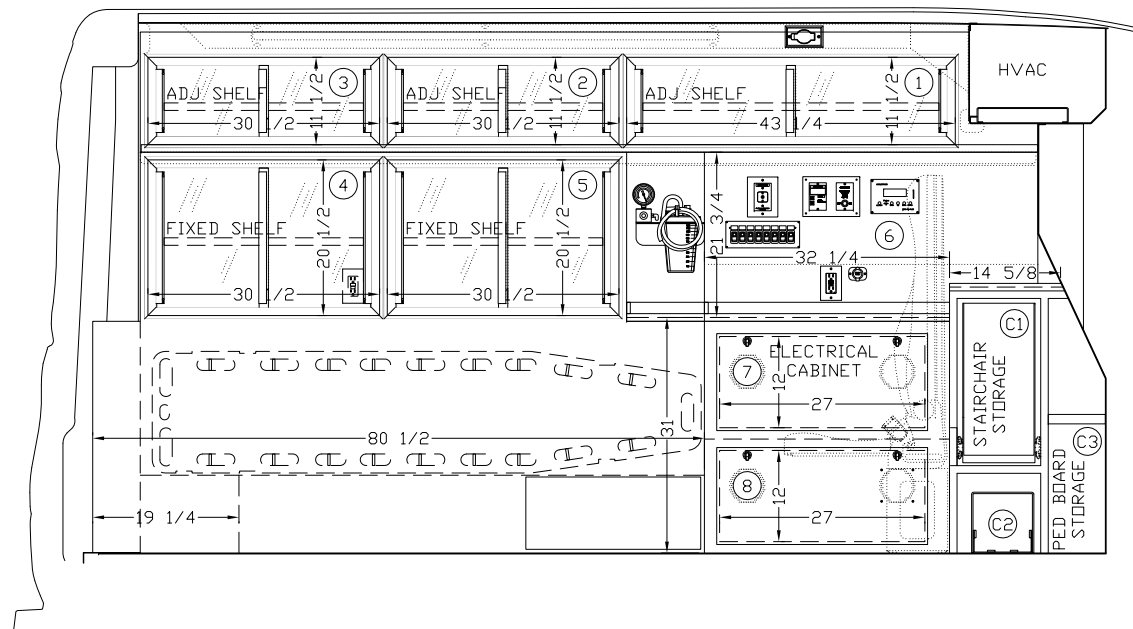
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Date	09/19/2023	Drawing By	T.A.S.

TITLE: EXTERIOR C/S VIEW



Braun Northwest, Inc.			
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Client	202X MEDIUM ROOF TRANSIT DEMO		
Date	09/19/2023	Drawing By	T.A.S.

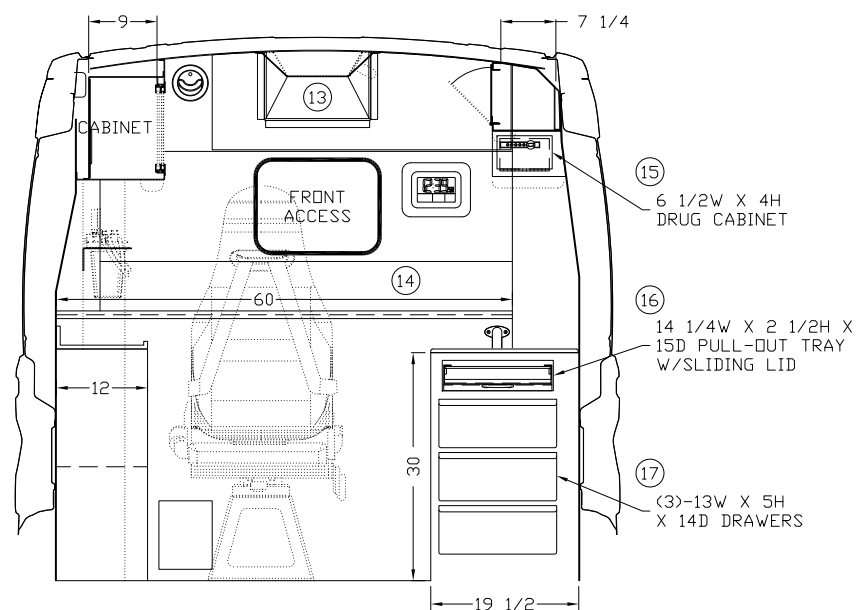
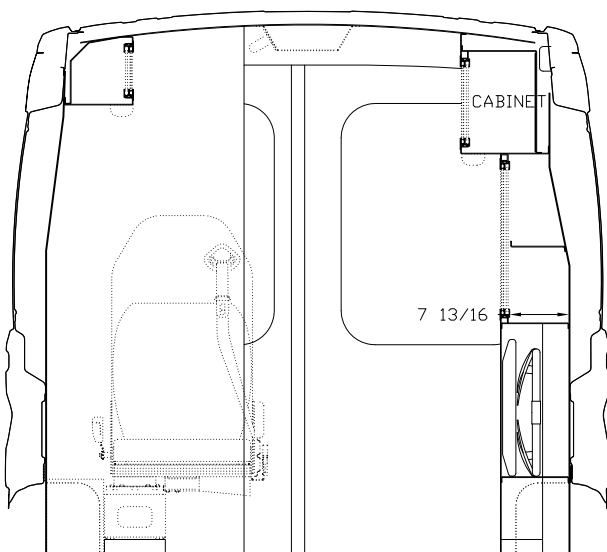
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Braun Northwest, Inc.

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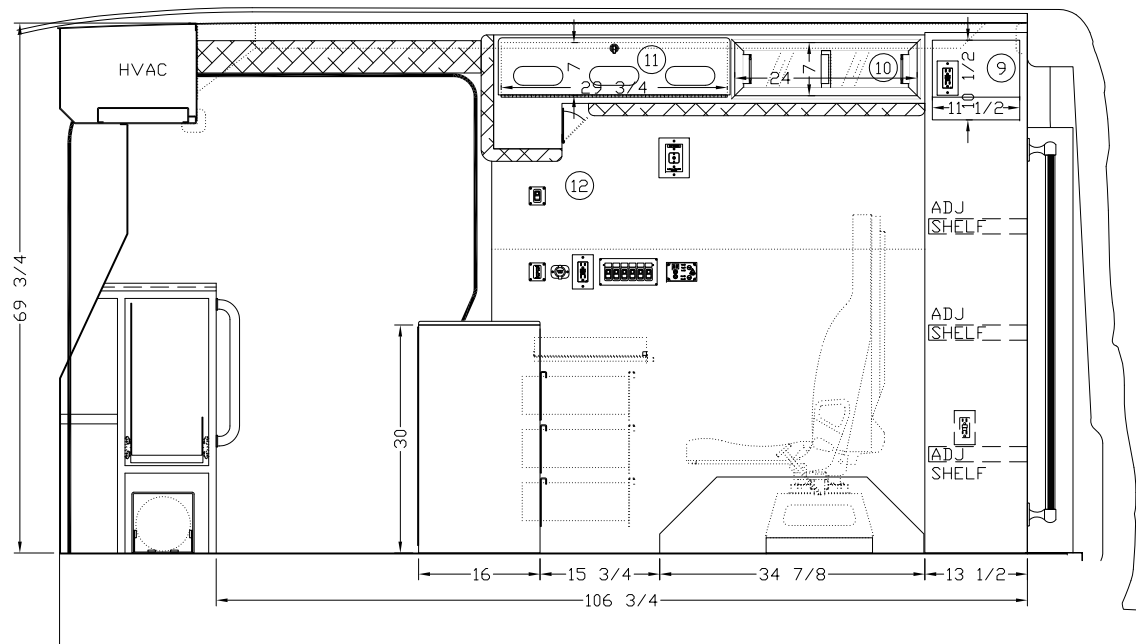
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Braun Northwest, Inc.

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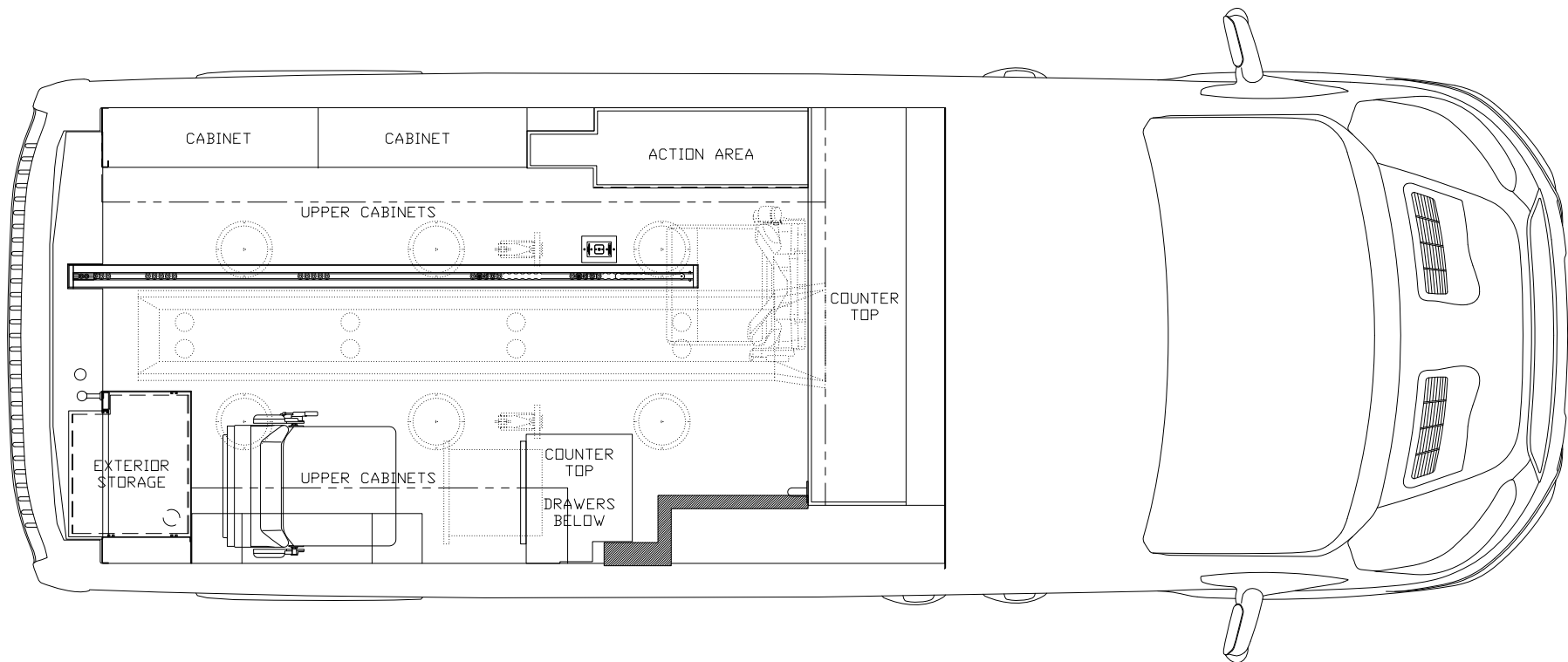
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Braun Northwest, Inc.

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Date	09/19/2023	Drawing By	T.A.S.	

TITLE: INTERIOR C/S VIEW



Braun Northwest, Inc.			
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Dwg. Name	202X_TRANSIT_DEMO9		
Client	202X MEDIUM ROOF TRANSIT DEMO		
Date	09/19/2023	Drawing By	T.A.S.

TITLE: PLAN VIEW



150 North Star Drive / PO Box 1204 / Chehalis, WA 98532 / 360.748.0195 / 800.245.6303 / fax 360.748.0256

DEMONSTRATOR PROPOSAL

November 1, 2023

Ashland Fire & Rescue
Attn: Ralph Sartain
455 Siskiyou Blvd.
Ashland, OR 97520
ralph.sartain@ashland.or.us
541-552-2229

RE: One (1) 2024 North Star Type II Ambulance Demonstrator #3605-2

Braun Northwest is pleased to offer the following proposal:

One (1) 2024 North Star Type II Ambulance Demonstrator #3605-2 on a 2023 Ford Transit AWD Medium Roof Cargo Van gas chassis per enclosed specifications dated 10/30/23 and drawings dated 09/19/23.

Total F.O.B. Chehalis, WA **\$158,215.00***
Sales tax not included

F.O.B.: Chehalis, Washington

Delivery: *April/May 2024, based upon current manufacturing plan. Please note this date can change based upon changes to production and chassis arrival.

Terms: Ninety percent (90%) payment due upon receipt of vehicle. Balance due in thirty (30) days.

**Note: Vehicle offered on first come first served basis and is being offered to other agencies. Pricing above and option page is based upon signed proposal and option page being returned prior to unit entering production. Should unit be in production when signed proposal is returned, pricing will be adjusted accordingly and some options might not be able to be offered any longer.*

***The above pricing is valid until December 31st, 2023. Any proposal, signed and returned after this date will have a price increase associated with it, to be completed via change order.*

(Note: This bid is contingent on use of customer's Government Ford Fleet Identification Number.) Failure to secure a FIN will increase the price by the amount of the GPC chassis discount.

Braun Northwest, Inc. is an Oregon dealer (#8475873) with insurance information available upon request.

Braun Northwest, Inc. is a Washington dealer (0991-A) with insurance information available upon request.

Respectfully Submitted by:
Braun Northwest, Inc.

We agree to accept the above proposal:
Ashland Fire & Rescue

Tami McCallum, V.P. Sales

Signature

Date

Printed Name

Title



TM
cc DW
Enclosures: specifications, drawings.

EMERGENCY VEHICLES

www.braunnw.com

SOLE-SOURCE DETERMINATION AND WRITTEN FINDINGS**GOODS AND SERVICES****Greater than \$100,000**

To: *Sabrina Cotta, Interim City Manager*

From: *Ralph Sartain, Fire Chief*

Date: *Nov 21, 2023*

Re: **Sole Source Determination and Written Findings for Goods and Services**

In accordance with AMC 2.50.090(F), the Department Head shall determine in writing that there is only one provider of a product or service of the quality and type required available.

Estimated total value of contract: *\$158,215*

Project name: *Single-Role Ambulance Purchase*

Description of goods and services: *2024 North Star Type II Ambulance Demonstrator #3605-2 on a 2023 Ford Transit AWD Medium Roof Cargo Van*

Background:

A business plan was presented to council for the creation of a Single-Role Emergency Services Provider (SREMS) . Part of the build out of the model is to provide more economical ground ambulances to the SREMS. We attempted to purchase the Ford Transit vans shortly after approval of the SREMS program. We found that the Ford Transit Ambulance was used in multiple other states, however, Oregon had not yet authorized the licensing as a EMS test had not been completed. Braun NW paid for the test and now can license the Ford Transit Ambulances.

We chose this style of Ambulance for many reasons including product availability, cost, the engine and transmission specifications, comfort of staff and patients in this Type II Ambulance. We also looked at service records of similar van style ambulances and found that Ford was a more reliable product. As Braun NW is the only provider of the Ford Transit Ambulance in the State of Oregon they are a sole source provider and a competitive bid process is not necessary.

Findings:

[The findings below must include factual information supporting the determination].

Market Research Overall finding: *We have called 4 ambulance service providers and Braun is the only one who is now able to carry and build the Ford Transit Ambulance Van Chassis.*

[In accordance with ORS 279B.075, these are the examples of findings that should be addressed. **Select at least one of the findings and prepare the determination** as it specifically relates to the goods or services being procured. More than one finding can be addressed. The findings are as follows.]

Pursuant to ORS 279B.075 (2)(a): Provide findings supporting your determination that the efficient utilization of existing goods requires the acquisition of compatible goods or services from only one source.

The Ford Chassis ambulance can be serviced at our service center and any major repair can go to the local Ford dealership. The other style van ambulances cannot be serviced at our shop and need to be sent out of the area for major repairs. Braun NW is the only ambulance service provider who has paid for the test needed to license the Ambulance in the State of Oregon.

Pursuant to ORS 279B.075 (2)(b): Provide findings supporting your determination that the goods or services required for the exchange of software or data with other public or private agencies are available from only one source. *N/A*

Pursuant to ORS 279B.075 (2)(c): Provide findings supporting your determination that the goods or services are for use in a pilot or an experimental project. *N/A*

Pursuant to ORS 279B.075 (2)(d): Any other findings that support the conclusion that the goods or services are available from only one source. *N/A*

PUBLIC NOTICE:

Pursuant to OAR 137-047-0275 (2), a Contracting Agency shall give public notice of the Contract Review Authority's determination that the Goods and Services or class of Goods and Services are available from only one source in a manner similar to the public notice of Competitive Sealed Bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice shall describe the Goods or Services to be acquired by a Sole Source Procurement. The Contracting Agency shall give such public notice at least seven days before Award of the Contract.

After the Sole Source Procurement has been approved by the City Council, the following public notice will be posted on the City's website to allow for the seven (7) day protest period.

Date Public Notice first appeared on www.ashland.or.us - *[Enter date]*

PUBLIC NOTICE

Approval of a Sole Source Procurement

First date of publication: *[Enter date]*

A request for approval of a Sole Source procurement was presented to and approved by the City Council, acting as the Local Contract Review Board, on *[Enter date]*.

It has been determined based on written findings that the following Goods and Services are available from only one source.

Enter description of goods and services, name of vendor/contractor, cost, terms of contract, etc.

The contract terms, conditions and specifications may be reviewed upon request by contacting *[Enter City contact name, department, and telephone number]*

An affected person may protest the determination that the goods and services are available from only one source in accordance with OAR 137-047-0710. A written protest shall be delivered to the following address: City of Ashland, *[Enter department name, contact name, and complete address]*. The seven (7) day protest period will expire at 5:00pm on *[Enter date-seven calendar days from first date of publication]*

This public notice is being published on the City's Internet World Wide Web site at least seven days prior to the award of a public contract resulting from this request for approval of a Sole Source procurement.



Council Business Meeting

Date: June 17, 2025

Agenda Item	Advisory Committee Member Appointments
Department	Mayor and Council
From	Alissa Kolodzinski, City Recorder

TIME ESTIMATE

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

Approval of Mayor Graham's recommendation for the following appointments;

- Housing and Human Services Advisory Committee - John Maher to position #3 with a term ending 12/31/26
- Public Arts Advisory Committee - Sue Sears to position #1 with a term ending 12/31/28
- Social Equity & Racial Justice Advisory Committee - Sean Smith to position #5 with a term ending 12/31/28

POLICIES, PLANS & GOALS SUPPORTED

Per the Ashland Municipal Code 2.04.090, all regular advisory committees and boards shall be appointed by the Mayor with the consent of the Council.

BACKGROUND AND ADDITIONAL INFORMATION

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the appointment of the committee members as presented.

REFERENCES & ATTACHMENTS

1. Applications



From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Saturday, December 21, 2024 12:40:13 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	John
Committee or Commission You Wish to Serve On	Housing and Human Services Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Community Development Banker
Educational Background	I have a Bachelor of Arts (BA) from the University of Connecticut in Economic Development, where I graduated with honors. My senior thesis was on the Role of Cooperative Enterprise in Rural Economic Development. I served as a resident assistant and peer counselor for undergraduates with addiction. I have Master's in Business Administration (MBA) from the The University of California, Berkeley, Haas School Of Business with a concentration in Real Estate and Public Finance and an Interdisciplinary Graduate Certificate in Real Estate (IGCRE) from the Fisher Center for Real Estate and Urban Economics. Through the IGCRE program - I studied Land Law and Entitlements at Berkeley School of Law, and Affordable Housing Finance and Development with Ben Metcalf from the Turner Center for Housing Innovation at the Berkeley Graduate School of Environmental Design. In graduate school, I won the 2022 Bank of America Low Income Challenge (an affordable housing design competition (based on a transit-oriented mixed use project proposal for the City of Hayward, CA) and the Turner Center James R. Boyce Affordable Housing Project Competition (based on PSH project proposal for the City of Santa Cruz, CA).
Related Experience	I have 20+ years of experience in financial services, including 12 years as a Vice President at Wells Fargo Bank in San Francisco, CA. Most recently I served as a Senior Relationship Manager for Community Lending and Investment where I originated over \$200 million in affordable housing development and preservation loans in conjunction with LIHTC, NMTCs and HUD grants

working closely with non-profit organizations and government agencies in WA, OR, ID, MT, UT, and NV. I am also an active member of the Urban Land Institute, the nations oldest and largest global network of real estate and land use experts.

Interests	I am interested in reducing homelessness and the housing cost burden in the Rogue Valley, while improving the quality of life for existing home owners and residents.
Availability	I am available to attend meetings. I have also applied to serve on the City of Ashland Planning Commission and the Historic Preservation Advisory Committee, but I feel that I may have the most to offer this Committee, given my education and work experience.
Additional Information	My wife and I have lived in Ashland since 2013. Through my work, I am familiar with several CDFI's and non-profit organizations in the state working to develop and preserve affordable housing and address the needs of vulnerable populations in teh state. I have been a member and group leader in The Mankind Project for 10+ years where I have taken extensive leadership training and workshops in non-violent conflict resolution and coaching men in crisis.
Upload Your File	<i>Field not completed.</i>
Signature	

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

From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Thursday, May 08, 2025 7:33:18 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Sue Sears
Committee or Commission You Wish to Serve On	Public arts commiter
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Teacher assistant
Educational Background	I have a BFA in fine arts and a MAED in special education.
Related Experience	I went to art school for five years where I studied the value and important of art and history and our current culture. As well, I've worked with many artists and galleries throughout my life and have experience the impact and a positive way that arts can have on a community..
Interests	I am very interested in preserving the value of arts and Ashland and helping at thrive and our community so that all can experience the abundance that all the different varieties art can provide to community.
Availability	I can be pretty flexible, depending on notification of meetings
Additional Information	I've lived in Ashland for 10 years. I have coached kids throughout the community, I do lots of volunteer work, I also work within the schools. I am a stroke advocate for preserving and growing positive aspects in our community that are accessible by all.
Upload Your File	<i>Field not completed.</i>
Signature	Sue sears

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Monday, April 07, 2025 11:53:13 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Sean Smith
Committee or Commission You Wish to Serve On	SERJAC
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Marketer
Educational Background	Masters Practical Philosophy and Applied Ethics from the University of North Florida in 2008. Bachelor in Philosophy from the University of North Florida in 1994.
Related Experience	As a lifelong protester and champion of Civil Rights, I care deeply about values like equity and justice and fairness. And now with a multicultural family and mixed-race child, it's important that I ensure those values are upheld and they have a safe community and world in which to thrive. I also support all people in their fight for equality, no matter their gender, skin color, or philosophy. Except those philosophies that hurt others. Karl Popper identified the Paradox of Tolerance, and I will not support anyone speaking out against tolerance and equality. We must never give ground to hate.
Interests	I want to continue to fight for the rights of all and keep this precious community safe from intolerance and hate. I want to leave a better world we all know is possible for my child and all children. I want to use my interest in ethics to improve the world.
Availability	I can attend meetings with enough warning time. I do not have any preference, as I run my own business and set my own hours.
Additional Information	Lived in Ashland since 2007 and don't ever want to leave. The more I can give back to this marvelous place and people, the better. Ashland should set an example for all cities and our

values should embody a clear and welcoming vision.

Upload Your File

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Signature



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Council Business Meeting

Date: June 17, 2025

Agenda Item	Award of Construction Contract - Water Treatment Plant Offsite Improvements
Department	Public Works
From	Scott Fleury, Director, Jason Strait

TIME ESTIMATE

Consent

CATEGORY

Contract Approval - as the contract board, confirm proper procedure with a motion to approve.

SUMMARY

As established in Ashland Municipal Code (AMC) (2.50), the City Council acts as the local contract review board ensuring proper procurement procedures are utilized by staff in procuring services for the City of Ashland.

Before the Council is a request to approve a public improvement contract with Knife River Materials LLC. to perform offsite work associated with Ashland's new water treatment plant. This contract will cover work scopes which are not within the proposed physical boundary of the new water treatment plant and includes piping (raw water, potable water, sewer, storm drain), electrical conduit, fiber optic conduit and a new culvert over Ashland Creek.

POLICIES, PLANS & GOALS SUPPORTED

City Council Priorities, Visions and Values:

- Public Safety, including emergency preparedness for climate change risk
- Quality infrastructure and facilities through timely maintenance and community investment
- Wildfire risk reduction and CEAP

Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life cycle costs.
- Deliver timely life cycle capital improvement projects.
- Maintain and improve infrastructure that enhances the economic vitality of the community.

BACKGROUND AND ADDITIONAL INFORMATION

PREVIOUS COUNCIL ACTION

The City Council has taken numerous actions related to the development of the water treatment plant project since it was formally adopted in the 2012 Water Master Plan. Primary actions directly related to project development include approval of engineering design/analysis contracts, approval of required funding resolutions and approval of budget appropriations to support the project.

BACKGROUND AND ADDITIONAL INFORMATION

The contract before the Council is the first phase of constructing Ashland's new 7 million gallon a day water treatment plant. The work under this first phase involves construction of all offsite facilities. These offsite facilities include piping, electrical conduit and gear, fiber optic conduit, sanitary sewer and construction of a new culvert to replace the existing one for Ashland Creek (100 year flood design).

The project was broken into two phases with the goal of reducing contractor risk to improve bid performance and



Council Business Meeting

also provide staff time to continue with the FEMA Flood Mitigation Assistance (FMA) grant process. The FMA grant process does not allow for any construction activities to occur prior to a grant agreement being approved. The two-phase process allows for construction activities to begin for the project while the FMA grant process moves forward through 2025. Staff expects to learn more later this year on whether or not the project will be favored and move forward in the selection process. If the project does not move forward then staff will look to bid the site facility construction phase in early 2026.

Invitation to Bid and Bid Process

As required by AMC and State Codes based on the estimated construction cost for the project a formal competitive solicitation was required for the bidding process.

An invitation to bid for the Ashland Water Treatment Plant – Offsite Facilities was posted on OregonBuys, Oregon's procurement network on May 8th, 2025. Notice was given in the Daily Journal of Commerce on May 9th, 2025 and placed on the City's website. A mandatory pre-bid meeting was held on May 15, 2025 with only one contractor attending. The sole bid was received on June 12th, 2025, from Knife River Materials LLC.. The bid was deemed responsive and contained the required bonds, documentation and

FISCAL IMPACTS

The project has been identified in 2012 and 2020 Water Master Plans and approved by the City Council in the Capital Improvement Plan and associated biennial budgets. The project in total is backed by a loan with the Environmental Protection Agency (EPA) through their Water Infrastructure Financing and Innovation Act (WIFIA). The WIFIA debt incurred for the project will be paid back by water system revenues and system development charges. The Council recently approved water rate increases developed in the cost of service study that account for forecasted operational and capital expenses over the next five year period.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to award a public improvement contract to Knife River Materials LLC. in the amount of \$3,961,500 for the Ashland Water Treatment Plant – Offsite Facilities

REFERENCES & ATTACHMENTS

1. Attachment #1 Bid Summary Form Ashland Water Treatment Plant - Offsite Facilities
2. Attachment #2 Knife River Bid

CITY OF ASHLAND - ENGINEERING DIVISION
SUMMARY OF PROPOSALS

Project: Ashland Water Treatment Plant – Offsite Facilities
Project No.: 2018 - 20
Date of Bid Opening: June 12, 2025 at 2:00 pm

Corrected Engineer’s Estimate: NA
No of Addenda: 3

	1	2	3	4	5
Name of Bidder & Address	LTM Inc dba Knife River Materials PO Box 1145 Medford OR 97501				
All Items Bid Yes/No	Y				
Total Bid	\$3,961,500				
Name of Bonding Co.	Liberty Mutual				
Amount of Bid Bond.	10%				
Nos. of Addenda Acknowledged (5.03) (should be 3)	3				
Completed & Signed Bid Form (including First Tier disclosure)	Yes				
Responsive Bid?	Yes				

BID FORM

FOR CONSTRUCTION CONTRACT

The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 1—OWNER AND BIDDER

1.01 This Bid is submitted to:

City of Ashland

Public Works

20 East Main Street (Mailing)

51 Winburn Way (delivery)

Ashland, OR 97520

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

1.03 The undersigned Bidder agrees to furnish all labor, tools, machinery, materials, transportations, equipment and services of all kinds required for, necessary for, or reasonably incidental to, construction of this Project with all appurtenant work as required by the plans and specifications for the unit or lump sum prices stated in the "BID FORM".

ARTICLE 2—ATTACHMENTS TO THIS BID

2.01 The following documents are submitted with and made a condition of this Bid:

- A. Required Bid security;
- B. List of Proposed Subcontractors;
- C. First-Tier Subcontractor Disclosure Form;
- D. List of Proposed Suppliers;
- E. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such authority within the time for acceptance of Bids;
- F. Contractor's license number as evidence of Bidder's State Contractor's License or a covenant by Bidder to obtain said license within the time for acceptance of Bids;
- G. Required Bidder Qualification Statement with supporting data.

ARTICLE 3—BASIS OF BID—LUMP SUM BID AND UNIT PRICES

3.01 *Unit Price Bids*

- A. Bidder will perform the following Work at the indicated unit prices:

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Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Amount
Unit Price Bid Items					
1	Mobilization/Demobilization	1	LS	\$ 370,000.00 370,000.00	\$ 370,000.00
2	Site Work, Grading and Road Construction	1	LS	\$ 270,000.00	\$ 270,000.00
3	Erosion and Sediment Control	1	LS	\$ 55,000.00	\$ 55,000.00
4	Landscaping	1	LS	\$ 135,000.00	\$ 135,000.00
5	Bridge, Culvert and Streambed Improvements at Creek Crossing	1	LS	\$ 1,385,000.00	\$ 1,385,000.00
6	24-inch Storm Drain Pipe, Manholes and Appurtenances	1	LS	\$ 115,000.00	\$ 115,000.00
7	8-inch PVC, 16-inch DI, and 24-inch DI Pipe, Fittings, Valves and Appurtenances	1	LS	\$ 970,000.00	\$ 970,000.00
8	8-inch Sewer Pipe, Manholes and Appurtenances	1	LS	\$ 135,000.00	\$ 135,000.00
9	Direct Buried Electrical Ductbank, Fittings and Appurtenances	1	LS	\$ 65,000.00	\$ 65,000.00
10	Fiber Optic Conduit, Fittings and Appurtenances	1	LS	\$ 200,000.00	\$ 200,000.00
11	Rock Excavation	300	CY	\$ 205.00	\$ 61,500.00
Total of All Unit Price Bid Items					\$ 3,761,500.00
Allowances - Changed per Addendum 3				\$200,000	\$200,000
A1	Contingency Allowance	1	LS	\$100,000	\$100,000
Total of All Unit Price Bid Items + Allowances					\$ 3,961,500.00

Section 00 52 13: Agreement

Replace 3.3.A as follows:

a. Milestone 1 – Completion of Culvert and In-Water Work: September 30, 2025

Add attached Section 01 21 00: Allowances in its entirety.

Section 01 22 10: Measurement and Payment

Delete 1.5.1

Renumber 1.5.B as 1.5.A.

Renumber 1.5.A through 1.5.I as 1.5.B through 1.5.J.

Add item 1.5.K as follows:

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Amount
1	Mobilization/Demobilization	1	LS	\$	\$
2	Site Work, Grading and Road Construction	1	LS	\$	\$
3	Erosion and Sediment Control	1	LS	\$	\$
4	Landscaping	1	LS	\$	\$
5	Bridge, Culvert and Streambed Improvements at Creek Crossing	1	LS	\$	\$
6	24-inch Storm Drain Pipe, Manholes and Appurtenances	1	LS	\$	\$
7	8-inch PVC, 16-inch DI, and 24-inch DI Pipe, Fittings, Valves and Appurtenances	1	LS	\$	\$
8	8-inch Sewer Pipe, Manholes and Appurtenances	1	LS	\$	\$
9	Direct Buried Electrical Ductbank, Fittings and Appurtenances	1	LS	\$	\$
10	Fiber Optic Conduit, Fittings and Appurtenances	1	LS	\$	\$
Total of All Unit Price Bid Items					\$

B. Bidder acknowledges that:

1. each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and
2. the estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents, and
3. the prices include all materials and work required to complete the project in accordance with the Contract Documents, the plans and the specifications. If any material, item, or service required by the plans and specifications has not been mentioned specifically in the "BID FORM," the same shall be furnished and placed with the understanding that the full cost to the Owner has been merged with the prices stated in the "BID FORM."

3.02 *Total Bid Price (Lump Sum and Unit Prices)*

Total Bid Price (Total of all Lump Sum and Unit Price Bids)	\$3,961,500.00
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ARTICLE 4—TIME OF COMPLETION

- 4.01 Bidder agrees that the Work will be substantially complete and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before the dates or within the number of days indicated in the Agreement.
- 4.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 5—BIDDER'S ACKNOWLEDGEMENTS: ACCEPTANCE PERIOD, INSTRUCTIONS, AND RECEIPT OF ADDENDA**5.01 *Bid Acceptance Period***

- A. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

5.02 *Instructions to Bidders*

- A. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security.

5.03 *Receipt of Addenda*

- A. Bidder hereby acknowledges receipt of the following Addenda:

Addendum Number	Addendum Date
1	5/23/2025
2	6/2/2025
3	6/6/2025

ARTICLE 6—BIDDER'S REPRESENTATIONS AND CERTIFICATIONS**6.01 *Bidder's Representations***

- A. In submitting this Bid, Bidder represents the following:
1. Bidder has examined and carefully studied the Bidding Documents, including Addenda.
 2. Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 3. Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.
 4. Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.
 5. Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in

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the Supplementary Conditions, with respect to Technical Data in such reports and drawings.

6. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, if selected as Contractor; and (c) Bidder's (Contractor's) safety precautions and programs.
7. Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
8. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
9. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
10. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
11. The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.
12. No Councilor, Commissioner, officer, agency or employee of the City of Ashland is personally interested directly or indirectly in this Contract or the compensation to be paid hereunder and that no representation, statement or statements, oral or in writing, of the City, its Councilors, Commissioners, officers, agents or employees had induced him/her to enter into this Contract, and the papers made a part of its terms.
13. Bidder represents him/her self in this bid to be either a Resident or a Non-resident bidder by completing the appropriate blank below.

The Bidder is X or is not a Resident Bidder as defined in ORS 279A.120.

6.02 *Bidder's Certifications*

A. The Bidder certifies the following:

1. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.
2. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid.
3. Bidder has not solicited or induced any individual or entity to refrain from bidding.

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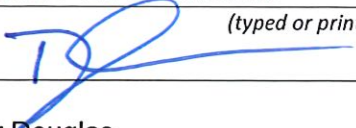
4. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 6.02.A:
 - a. Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process.
 - b. Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition.
 - c. Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels.
 - d. Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.
5. Bidder agrees to comply with the provisions of ORS 279C.800 to 279C.870, the Oregon Prevailing Wage law. Bidder, acknowledges that provisions of ORS 279C.800 to 279C.870 relating to workers on public works to be paid not less than prevailing rate of wage shall be included in the contract, or in the alternative, if the project is to be funded with federal funds and is subject to the Davis-Bacon Act (40 U.S.C. §276a), bidder agrees to comply with the Davis-Bacon Act requirements. Bidder agrees to be bound by and will comply with the provisions of ORS 279C.838, 279C.840 or 40 U.S.C. 3141 to 3148. [OAR 137-049-0200(1)(a)(J)].
6. Bidder is not ineligible to receive a contract for a public work pursuant to ORS 279C.860 as well as the disqualification provisions of ORS 279C.440 and OAR 137-049-0370. Bidder further agrees, if awarded a contract, that every subcontractor will be eligible to receive a contract for a public work pursuant to ORS 279C.860.
7. Bidder has not discriminated against minority, women or emerging small businesses enterprises in obtaining any required subcontracts. Bidder understands and acknowledges that it may be disqualified from bidding on this public improvement project as set forth in OAR 137-049-0370, including but not limited to Owner discovery a misrepresentation or sham regarding a subcontract or that the Bidder has violated any requirement of ORS 279A.110 or the administrative rules implementing the Statute.
8. Bidder is registered with the Oregon Construction Contractors Board (CCB), the registration is current and valid, and the bidder's registration number is stated below. [OAR 137-049-0230(1)] Bidder understands that failure to have a current CCB license shall result in rejection of this bid.
9. Bidder is aware that no person may engage in any business within the City of Ashland without first obtaining a City Business License and paying the fee prescribed pursuant to City of Ashland ordinance. Bidder and their subcontractors shall obtain a City of Ashland Business License prior to beginning any work within the City of Ashland.
10. Bidder confirms that this firm has a Qualified Drug Testing Program for employees in place and will demonstrate this prior to award of contract. [OAR 137-049-0200(1)(c)(B)].

11. Bidder confirms that if this contract involves asbestos abatement or removal, Bidder is licensed under ORS 468A.710 for asbestos removal.
12. Bidder is licensed by the State Landscape Contractors Board, if applicable, the license is current and valid, and the bidder's registration number is stated below. [OAR 137-049-0200(1)(a)(K)] Bidder understands that failure to have a current LCB license shall result in rejection of this bid.

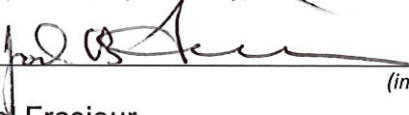
BIDDER hereby submits this Bid as set forth above:

Bidder:

LTM Inc. dba Knife River Materials

By:  (typed or printed name of organization)
 Name: Tyler Douglas (individual's signature)
 Title: Construction General Manager (typed or printed)
 Date: 5/29/2025 (typed or printed)

If Bidder is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.

Attest:  (individual's signature)
 Name: Joel Frasier (typed or printed)
 Title: Vice President (typed or printed)
 Date: 5/29/2025 (typed or printed)

Bidder's Address for giving notices:

3959 Hamrick Rd
 Central Point, OR 97502

Bidder's Contact Person:

Name: Gabrielle Contento (typed or printed)
 Title: Estimator/Project Manager (typed or printed)
 Phone: 541-770-2960
 Email: Gabrielle.Contento@kniferiver.com
 Address: 3959 Hamrick Rd
 Central Point, OR 97502

Bidder's Contractor License No.: (if applicable) 56603

CERTIFICATE

I, Karl A. Liepitz, hereby certify that I am the duly elected and qualified Secretary of LTM, Incorporated, an Oregon corporation; and I further certify that, pursuant to a resolution adopted by Written Consent of the Board of Directors dated May 21, 2025, the persons named below have been duly elected, have qualified and are officers of the Company holding the offices set forth opposite their respective names:

Greg E. Bastian	Assistant Secretary
Brandon D. Bond	President – Oregon
Stratos J. Flanders	West Region President
Joel B. Frasier	Vice President and Assistant Secretary
Brian R. Gray	Chair of the Board and Chief Executive Officer
Sean D. Haggerty	Vice President of Support Services – West Region
Timothy D. Huntley	Assistant Secretary
Karl A. Liepitz	Chief Legal Officer and Secretary
Darek L. Nieuwsma	West Region Controller
Nathan W. Ring	Vice President and Chief Financial Officer
Dustin J. Senger	Treasurer

I further certify that the following is a true and correct copy of Section 5.13 of the Bylaws of LTM, Incorporated which sets forth the powers of the officers to execute documents; and that said Bylaw Section is presently in full force and effect:

5.13 Execution of Instruments. All deeds, bonds, mortgages, notes, contracts and other instruments shall be executed on behalf of the Corporation by the Chairman of the Board, the Chief Executive Officer, the President, any Vice President or Assistant Vice President, the General Counsel, any other officer who performs a policy-making function (such as administration, operations, accounting, or finance) or such other officer or agent of the Corporation as shall be duly authorized by the Board of Directors. Any officer or agent executing any such documents on behalf of the Corporation may do so (except as otherwise required by applicable law) either under or without the seal of the Corporation and either individually or with an attestation, according to the requirements of the form of the instrument. If an attestation is required, the document shall be attested by the Secretary or an Assistant Secretary or by the Treasurer or an Assistant Treasurer or any other officer or agent authorized by the Board of Directors. When authorized by the Board of Directors, the signature of any officer or agent of the Corporation may be a facsimile.

IN WITNESS WHEREOF, I have hereunto set my hand on June 11, 2025.



Karl A. Liepitz, Secretary



OR CCB #56603 - CA CSLB #567735

January 21, 2025

To Whom It May Concern:

Pursuant to a Board Resolution adopted by the Board of Directors for LTM, Incorporated dba Knife River Materials, as Region President, I am authorized to designate certain individuals as agents of LTM who shall be authorized to execute agreements, construction contracts, documents, and other instruments with governmental agencies and private parties.

1. I hereby authorize and empower the following individuals to be designated an Agent of LTM to execute and deliver agreements, construction contracts, documents, competitive bids, lien releases and other instruments with governmental agencies and private parties, in the name and on behalf of LTM:

- Darek Nieuwsma, Assistant Secretary
- Peter M. Carhart, Operations Manager
- Chris Peach, General Manager
- Tim Huntley, Construction Operations Manager
- Tyler Douglas, Construction General Manager

This authorization letter is effective and in full force and effect, until modified.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stratos Flanders', written over a horizontal line.

Stratos Flanders
Region President

Coast Operations
P.O. Box 1720
Coos Bay, OR 97420
(541) 269-1915

Medford Operations
P.O. Box 1145
Medford, OR 97501
(541) 770-2960

Roseburg Operations
P.O. Box 1427
Roseburg, OR 97470
(541) 679-6744

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FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM INSTRUCTIONS

Instructions for Submitting Form

Submit the First-Tier Subcontractor Disclosure form in any of the following manners:

- Not later than two working hours after the time set for opening Bids. (For example, before 4:00 PM after a 2:00 PM Bid Opening.) Submit according to one of the following methods:
- Print the form from the Bid Booklet, fill it in, and:
 - Deliver to the following address where it can be time and date stamped:

City of Ashland
Community Development and Engineering Services Building
51 Winburn Way
Ashland, OR 97520, or

Instructions for First-Tier Subcontractor Disclosure

If the bid for this Project exceeds \$100,000 bidders are required to disclose information about first-tier subcontractors that will furnish labor or labor and materials (See ORS 279C.370) if the contract amount of a first-tier subcontractor is greater than or equal to: 1) 5% of the total bid or \$15,000, whichever is greater; or, 2) \$350,000, regardless of the percentage of the total project Bid.

Include:

- The name of the subcontractor
- The category of work that the subcontractor will be performing
- The dollar amount of the subcontract

If the Bidder will not be using any first-tier subcontractors as defined above, the Bidder is still required to submit the form, with the appropriate box checked or enter "NONE" on the first line.

THE AGENCY MUST REJECT BIDS if the Bidder fails to submit the disclosure form with this information by the stated deadline.

FIRST-TIER SUBCONTRACTOR DISCLOSURE FORM

Project Name Ashland Creek WTP - Offsite FacilitiesProject Number 10193663Bid Opening Date 5/29/2025Name of Bidding Contractor LTM Inc. dba Knife River Materials

☐ CHECK THIS BOX IF YOU WILL NOT BE USING ANY FIRST-TIER SUBCONTRACTORS OR IF YOU ARE NOT SUBJECT TO THE DISCLOSURE REQUIREMENTS (SEE INSTRUCTIONS)

Firm Name	<u>C&C Constructors</u>	Dollar Amount
Category of Work	<u>Concrete</u>	\$3,997 <u>\$397,100.00</u>

Firm Name	<u>T3 Electrical</u>	Dollar Amount
Category of Work	<u>Electrical</u>	\$32 <u>\$275,000.00</u>

Firm Name		Dollar Amount
Category of Work		

Firm Name		Dollar Amount
Category of Work		

Firm Name		Dollar Amount
Category of Work		

Firm Name		Dollar Amount
Category of Work		

Firm Name		Dollar Amount
Category of Work		

(Attach additional sheets as necessary)

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BID BOND (PENAL SUM FORM)

Bidder Name: LTM, Incorporated dba Knife River Materials Address (principal place of business): PO Box 1145 Medford, OR 97501	Surety Name: Liberty Mutual Insurance Company Address (principal place of business): 175 Berkeley Street Boston, MA 02116
Owner Name: City of Ashland Address (principal place of business): 20 East Main Street Ashland, OR 97520	Bid Project (name and location): Water Treatment Plant – Offsite Facilities Bid Due Date: June 12, 2025
Bond Penal Sum: Ten Percent of Amount Bid (10%) Date of Bond: June 9, 2025	
Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.	
Bidder LTM, Incorporated dba Knife River Materials (Full formal name of Bidder)	Surety Liberty Mutual Insurance Company (Full formal name of Surety) (Corporate seal)
By: _____ (Signature)	By: _____ (Signature) (Attach Power of Attorney)
Name: <u>Tyler Douglas</u> (Printed or typed)	Name: <u>Haley Pflug</u> (Printed or typed)
Title: <u>Construction General Manager</u>	Title: <u>Attorney-in-Fact</u>
Attest: _____ (Signature)	Attest: _____ (Signature)
Name: <u>Joel Frasier</u> (Printed or typed)	Name: <u>Blake S. Bohlig</u> (Printed or typed)
Title: <u>Vice President</u>	Title: <u>Witness</u>
Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.	



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1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
 - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2. All Bids are rejected by Owner, or
 - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

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Surety Acknowledgment

State of Minnesota }
County of Hennepin } ss.

On this 9th day of June, 2025, before me personally came Haley Pflug, to me known, who being by me duly sworn, did depose and say that she is the Attorney-in-Fact of Liberty Mutual Insurance Company described in and which executed the above instrument; that she knows the seal of said corporation; that the seal affixed to said instruments is such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that she signed her name to it by like order.



Notary Public





LTM Inc, dba Knife River Materials
POWER OF ATTORNEY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8213854 - 190003**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Blake S. Bohlig, Brian D. Carpenter, Charles Draper, Kelly Nicole Enghauser, Heather R. Goedtel, Erik T. Gunkel, Michelle Halter, Jessica Hecker, Kathryn E. Kade, Nicole Langer, Craig Olmstead, Haley Pflug, Laurie Pflug, Michelle Ward, Sara Whitfield

all of the city of Bloomington state of MN each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 17th day of April, 2025.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: Nathan J. Zangerle
Nathan J. Zangerle, Assistant Secretary

State of PENNSYLVANIA ss
County of MONTGOMERY

On this 17th day of April, 2025 before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2029
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Nathan J. Zangerle, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 9th day of June, 2025.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

QUALIFICATIONS STATEMENT

ARTICLE 1—GENERAL INFORMATION

1.01 Provide contact information for the Business:

Legal Name of Business:	LTM Inc. dba Knife River Materials		
Corporate Office			
Name:	Tyler Douglas	Phone number:	541-770-2960
Title:	Construction General Manager	Email address:	Tyler.Douglas@kniferiver.com
Business address of corporate office:		3959 Hamrick Rd	
		Central Point, OR 97502	
Local Office - same as corporate office			
Name:		Phone number:	
Title:		Email address:	
Business address of local office:			

1.02 Provide information on the Business's organizational structure:

Form of Business:	☐ Sole Proprietorship ☐ Partnership ☒ Corporation		
☐ Limited Liability Company ☐ Joint Venture comprised of the following companies:			
1.			
2.			
3.			
Provide a separate Qualification Statement for each Joint Venturer.			
Date Business was formed:	5/16/1988	State in which Business was formed:	Oregon
Is this Business authorized to operate in the Project location?		☒ Yes ☐ No ☐ Pending	

1.03 Identify all businesses that own Business in whole or in part (25% or greater), or that are wholly or partly (25% or greater) owned by Business:

Name of business:		Affiliation:	
Address:			
Name of business:		Affiliation:	
Address:			

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Name of business:		Affiliation:	
Address:			

1.04 Provide information regarding the Business's officers, partners, and limits of authority.

Name:		Title:	
Authorized to sign contracts:	☐ Yes ☐ No	Limit of Authority:	\$
Name:		Title:	
Authorized to sign contracts:	☐ Yes ☐ No	Limit of Authority:	\$
Name:		Title:	
Authorized to sign contracts:	☐ Yes ☐ No	Limit of Authority:	\$
Name:		Title:	

ARTICLE 2—LICENSING

2.01 Provide information regarding licensure for Business:

Name of License:	Construction Contractors Board		
Licensing Agency:	State of Oregon		
License No:	56603	Expiration Date:	4/21/2026
Name of License:	City of Ashland Business License		
Licensing Agency:	City of Ashland		
License No:	14001456	Expiration Date:	6/30/2026

ARTICLE 3—DIVERSE BUSINESS CERTIFICATIONS

3.01 Provide information regarding Business's Diverse Business Certification, if any. Provide evidence of current certification.

Certification	Certifying Agency	Certification Date
☐ Disadvantaged Business Enterprise		
☐ Minority Business Enterprise		
☐ Woman-Owned Business Enterprise		
☐ Small Business Enterprise		
☐ Disabled Business Enterprise		
☐ Veteran-Owned Business Enterprise		
☐ Service-Disabled Veteran-Owned Business		
☐ HUBZone Business (Historically Underutilized) Business		

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☐ Other			
☒ None			

ARTICLE 4—SAFETY

4.01 Provide information regarding Business's safety organization and safety performance.

Name of Business's Safety Officer:	Kirk Melahn	
Safety Certifications		
Certification Name	Issuing Agency	Expiration
OSHA10	Internal	N/A
OSHA30	Online	N/A

4.02 Provide Worker's Compensation Insurance Experience Modification Rate (EMR), Total Recordable Frequency Rate (TRFR) for incidents, and Total Number of Recorded Manhours (MH) for the last 3 years and the EMR, TRFR, and MH history for the last 3 years of any proposed Subcontractor(s) that will provide Work valued at 10% or more of the Contract Price. Provide documentation of the EMR history for Business and Subcontractor(s).

Year									
Company	EMR	TRFR	MH	EMR	TRFR	MH	EMR	TRFR	MH

ARTICLE 5—FINANCIAL

5.01 Provide information regarding the Business's financial stability. Provide the most recent audited financial statement, and if such audited financial statement is not current, also provide the most current financial statement.

Financial Institution:		
Business address:		
Date of Business's most recent financial statement:		☐ Attached
Date of Business's most recent audited financial statement:		☐ Attached
Financial indicators from the most recent financial statement		
Contractor's Current Ratio (Current Assets ÷ Current Liabilities)		
Contractor's Quick Ratio ((Cash and Cash Equivalents + Accounts Receivable + Short Term Investments) ÷ Current Liabilities)		

ARTICLE 6—SURETY INFORMATION

- 6.01 Provide information regarding the surety company that will issue required bonds on behalf of the Business, including but not limited to performance and payment bonds.

Surety Name:	Willis Towers Watson		
Surety is a corporation organized and existing under the laws of the state of:	Minnesota		
Is surety authorized to provide surety bonds in the Project location?	☒ Yes ☐ No		
Is surety listed in "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" published in Department Circular 570 (as amended) by the Bureau of the Fiscal Service, U.S. Department of the Treasury?			
☐ Yes ☒ No			
Mailing Address (principal place of business):			
Physical Address (principal place of business):	1600 Utica Avenue S, Suite 600		
	Minneapolis, MN 55416		
Phone (main):	763-302-7159	Phone (claims):	

ARTICLE 7—INSURANCE

- 7.01 Provide information regarding Business's insurance company(s), including but not limited to its Commercial General Liability carrier. Provide information for each provider.

Name of insurance provider, and type of policy (CLE, auto, etc.):	
Insurance Provider	Type of Policy (Coverage Provided)
Liberty Mutual Insurance Company	Workers Compensation
Marsh USA, Inc	General Liability, Automotive & Workers Compensation
Are providers licensed or authorized to issue policies in the Project location?	
☒ Yes ☐ No	
Does provider have an A.M. Best Rating of A-VII or better?	
☐ Yes ☒ No	
Mailing Address (principal place of business):	
Physical Address (principal place of business):	333 South 7th St, Suite 1600
	Minneapolis, MN 55402-2400

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Phone (main):	1-866-966-4664	Phone (claims):	
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ARTICLE 8—CONSTRUCTION EXPERIENCE

8.01 Provide information that will identify the overall size and capacity of the Business.

Average number of current full-time employees:	350
Estimate of revenue for the current year:	110 Million
Estimate of revenue for the previous year:	115 Million

8.02 Provide information regarding the Business's previous contracting experience.

Years of experience with projects like the proposed project:			
As a general contractor:	37	As a joint venturer:	
Has Business, or a predecessor in interest, or an affiliate identified in Paragraph 1.03:			
Been disqualified as a bidder by any local, state, or federal agency within the last 5 years? ☐ Yes ☒ No			
Been barred from contracting by any local, state, or federal agency within the last 5 years? ☐ Yes ☒ No			
Been released from a bid in the past 5 years? ☐ Yes ☒ No			
Defaulted on a project or failed to complete any contract awarded to it? ☐ Yes ☒ No			
Refused to construct or refused to provide materials defined in the contract documents or in a change order? ☐ Yes ☒ No			
Been a party to any currently pending litigation or arbitration? ☐ Yes ☒ No			
Provide full details in a separate attachment if the response to any of these questions is Yes.			

8.03 List all projects currently under contract in Schedule A and provide indicated information.

8.04 List a minimum of three and a maximum of six projects completed in the last 5 years in Schedule B and provide indicated information to demonstrate the Business's experience with projects similar in type and cost of construction.

8.05 In Schedule C, provide information on key individuals whom Business intends to assign to the Project. Provide resumes for those individuals included in Schedule C. Key individuals include the Project Manager, Project Superintendent, Quality Manager, and Safety Manager. Resumes may be provided for Business's key leaders as well.

ARTICLE 9—REQUIRED ATTACHMENTS

9.01 Provide the following information with the Statement of Qualifications:

- A. If Business is a Joint Venture, separate Qualifications Statements for each Joint Venturer, as required in Paragraph 1.02.
- B. Diverse Business Certifications if required by Paragraph 3.01.
- C. Certification of Business's safety performance if required by Paragraph 4.02.

EJCDC C-451, Qualifications Statement.

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- D. Financial statements as required by Paragraph 5.01.
- E. Attachments providing additional information as required by Paragraph 8.02.
- F. Schedule A (Current Projects) as required by Paragraph 8.03.
- G. Schedule B (Previous Experience with Similar Projects) as required by Paragraph 8.04.
- H. Schedule C (Key Individuals) and resumes for the key individuals listed, as required by Paragraph 8.05.
- I. Additional items as pertinent.

This Statement of Qualifications is offered by:

Business: LTM Inc, DBA Knife River Materials
(typed or printed name of organization)

By: 
(individual's signature)

Name: Tyler Douglas
(typed or printed)

Title: Construction General Manager
(typed or printed)

Date: 6/12/2025
(date signed)

(If Business is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: 
(individual's signature)

Name: Joel Frasier
(typed or printed)

Title: Vice President
(typed or printed)

Address for giving notices:
3959 Hamrick Rd
Central Point, OR 97502

Designated Representative:

Name: Gabrielle Contento
(typed or printed)

Title: Estimator/Project Manager
(typed or printed)

Address: 3959 Hamrick Rd
Central Point, OR 97502

Phone: 541-770-2960

Email: Gabrielle.Contento@KnifeRiver.com

Schedule A—Current Projects

Name of Organization	LTM Inc. dba Knife River Materials		
Project Owner	ODOT	Project Name	Foothill Rd Corridor
General Description of Project	Grading, Drainage, Structures, Paving, Signing, Illumination, Roadside Development & Aggregate Base		
Project Cost	\$56,432,118.75	Date Project Completed	08/2026
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager
Name	Gabrielle Contento	Sean McClaflerty	Kirk Melahn
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
	Name	Title/Position	Organization
Owner	Ricky Zeedyk	Resident Engineer	ODOT
Designer			
Construction Manager	Trevor Davis	Construction Coordinator	ODOT
Project Owner	Jackson County		
General Description of Project	Grading, Drainage, Structures, Paving, Signing & Illumination		
Project Cost	\$4,929,152.00	Date Project Completed	10/2025
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager
Name	Philipp Graff	Rich Berg	Kirk Melahn
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
	Name	Title/Position	Organization
Owner	Amber Judd	Airport Director	Jackson County Airport Authority
Designer			
Construction Manager	Josh Lekkerkerker	Project Manager	Precision Approach
Project Owner	ODOT		
General Description of Project	Exavaction, Drainage, Structures, Paving, Signing, Illumination & Aggregate Base		
Project Cost	\$10,611,703.40	Date Project Completed	06/2026
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager
Name	Luke Anderson	Brian Weitman	Kirk Melahn
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)			
	Name	Title/Position	Organization
Owner	Ricky Zeedyk	Resident Engineer	ODOT
Designer			
Construction Manager	Todd Snyder	Project Coordinator	ODOT

ECDC® C-451, Qualifications Statement—Schedule A—Current Projects.

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Schedule B—Previous Experience with Similar Projects

Name of Organization		LTM Inc. dba Knife River Materials			
Project Owner	ODOT	Project Name	OR140: Exit 35 Blackwell Rd		
General Description of Project		Grading, Drainage, Structures, Paving, Signing, Illumination, Signals & Roadside Development			
Project Cost	\$6,168,159.56		Date Project Completed	2/3/22	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tyler Douglas	Sean McClafferty	Kirk Melahn	Tom Gruszczenski	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
Owner	Name	Title/Position	Organization	Telephone	Email
Owner	Tim Fletcher	Resident Engineer	ODOT	541-774-6359	Timothy.W.Fletcher@odot.state.or.us
Designer					
Construction Manager	Todd Snyder	Project Coordinator	ODOT	541-890-7026	Todd.W.Snyder@odot.oregon.gov
Project Owner	ODOT		Project Name	OR62: Corridor Solutions Unit 2 Phase 1	
General Description of Project		Grading, Drainage, Structures, Paving, Signing, Illumination, Signals & Roadside Development			
Project Cost	\$30,245,293.75		Date Project Completed	1/16/20	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tyler Douglas	Sean McClafferty	Kirk Melahn	Tom Gruszczenski	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
Owner	Name	Title/Position	Organization	Telephone	Email
Owner	Tim Fletcher	Resident Engineer	ODOT	541-774-6359	Timothy.W.Fletcher@odot.state.or.us
Designer					
Construction Manager	Ricky Zeedyk	Resident Engineer	ODOT	541-774-6356	Ricky.Zeedyk@odot.oregon.gov
Project Owner	ODOT		Project Name	OR62: Corridor Solutions Unit 2 Phase 2	
General Description of Project		Grading, Drainage, Structures, Paving, Signing, Illumination, Signals & Roadside Development			
Project Cost	\$19,613,620.40		Date Project Completed	1/16/20	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tyler Douglas	Sean McClafferty	Kirk Melahn	Tom Gruszczenski	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	Tim Fletcher	Resident Engineer	ODOT	541-774-6359	Timothy.W.Fletcher@odot.state.or.us
Designer					
Construction Manager	Ricky Zeedyk	Resident Engineer	ODOT	541-774-6356	Ricky.Zeedyk@odot.oregon.gov

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Schedule B—Previous Experience with Similar Projects

Name of Organization		LTM Inc, dba Knife River Materials			
Project Owner	ODOT	Project Name		Foothill Rd: Delta Waters to Dry Creek Section	
General Description of Project		Grading, Drainage, Structures, Paving & Roadside Development			
Project Cost	\$4,823,340.06	Date Project Completed		1/23/23	
Key Project Personnel	Project Manager	Project Superintendent		Safety Manager	
Name	Gabrielle Contento	Sean McClaerty		Kirk Melahn	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)		Quality Control Manager			
Name		Title/Position		Telephone	
Owner	Justin Shoemaker	Project Manager		ODOT	
Designer				Justin.D.Shoemaker@odot.oregon.gov	
Construction Manager	Mike Hawkins	Project Manager		DOWL	
				541-683-6090	
				MHawkins@dowl.com	
Project Owner	Jackson County	Project Name		Foothill Rd Culvert Extension	
General Description of Project		Grading, Drainage, Aggregate Base, Paving & Roadside Development			
Project Cost	\$731,206.47	Date Project Completed		10/31/24	
Key Project Personnel	Project Manager	Project Superintendent		Safety Manager	
Name	Philip Graff	Sean McClaerty		Kirk Melahn	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)		Quality Control Manager			
Name		Title/Position		Telephone	
Owner	Colton Milton	Project Engineer		Jackson County	
Designer				541-774-6201	
				MintonCD@JacksonCounty.org	
Construction Manager					
Project Owner	City of Central Point	Project Name		Mingus Creek Culvert Replacement & Fish Passage	
General Description of Project		Grading, Drainage & Aggregate Base			
Project Cost	\$149,999.98	Date Project Completed		7/23/20	
Key Project Personnel	Project Manager	Project Superintendent		Safety Manager	
Name	Gabrielle Contento	Rich Berg		Kirk Melahn	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)		Quality Control Manager			
Name		Title/Position		Telephone	
Owner	Greg Graves	Project Manager		City of Central Point	
Designer				541-842-1022	
				Greg.Graves@CentralPointOregon.gov	
Construction Manager					

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Schedule C—Key Individuals

Project Manager			
Name of individual		Gabrielle Contento	
Years of experience as project manager		4	
Years of experience with this organization		6	
Number of similar projects as project manager		4	
Number of similar projects in other positions		7	
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Foothill Corridor		80%	08/2026
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	Ricky Zeedyk	Name	Mike Hawkins
Title/Position	Resident Engineer	Title/Position	Project Manager
Organization	ODOT	Organization	DOWL
Telephone	541-774-6356	Telephone	541-683-6090
Email	Ricky.Zeedyk@odot.oregon.gov	Email	MHawkins@dowl.com
Project	Foothill Corridor	Project	Foothill Rd Delta Waters
Candidate's role on project	Resident Engineer	Candidate's role on project	Project Manager
Project Superintendent			
Name of individual		Sean McClafferty	
Years of experience as project superintendent		15	
Years of experience with this organization		28	
Number of similar projects as project superintendent		12	
Number of similar projects in other positions		24	
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Foothill Rd Corridor		80%	08/2026
All KRM Medford Projects		20%	N/A
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	Todd Snyder	Name	Karl Johnson
Title/Position	Project Coordinator	Title/Position	Associate Engineer
Organization	ODOT	Organization	City of Ashland
Telephone	541-890-7026	Telephone	541-488-5587
Email	Todd.W.Snyder@odot.oregon.gov	Email	Karl.Johnson@Ashland.or.us
Project	Multiple	Project	Multiple
Candidate's role on project	Project Coordinator	Candidate's role on project	Associate Engineer

EJCDC® C-451, Qualifications Statement—Schedule C—Key Individuals.

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Safety Manager			
Name of individual		Kirk Melahn	
Years of experience as project manager		38	
Years of experience with this organization		6	
Number of similar projects as project manager		100+	
Number of similar projects in other positions		100+	
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
All KRM Medford Projects		100%	N/A
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	John Carter	Name	Arthur Hill
Title/Position	Safety Manager	Title/Position	Safety Manager
Organization	National RailRoad Safety	Organization	Layton Construction
Telephone	907-980-4376	Telephone	702-721-6532
Email	N/A	Email	ABHill@LaytonConstruction.com
Project	CoA Hersey St	Project	Porject Murphy
Candidate's role on project	Safety Manager	Candidate's role on project	Safety Manager
Quality Control Manager			
Name of individual		Wilfredo Rios	
Years of experience as project superintendent		3	
Years of experience with this organization		13	
Number of similar projects as project superintendent		10	
Number of similar projects in other positions		40	
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
All KRM Medford Projects		100%	N/A
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	Tim Owings	Name	Gene Thomey
Title/Position	QC Compliance Specialist	Title/Position	Region Assurance Specialist
Organization	DOWL	Organization	ODOT
Telephone	541-774-5590	Telephone	503-428-3218
Email	TOWings@DOWL.com	Email	Farrell.Thomey@odot.oregon.gov
Project	Foothill Rd Corridor	Project	Foothill Rd Corridor
Candidate's role on project	QC Specialist	Candidate's role on project	Assurance Specialist

Addendum 1
**City of Ashland, Water Treatment Plant – Offsite
Facilities**
Project 2018-20

Due to ongoing development of addendum language and scope the bid due date for the City of Ashland, Water Treatment Plant – Offsite Facilities is changed from May 29th to June 12th. The location of bid opening, the time of day of bid opening and the methods of delivery all remain the same.

Bidders should continue to check the OregonBuys website as Addendum 2 containing additional project details, clarifications and scope additions is expected in the coming weeks.

TO: ALL HOLDERS OF CONTRACT DOCUMENTS FOR:

City of Ashland
Water Treatment Plant – Offsite Facilities

The following Addendum shall be incorporated into the Contract Documents for the above referenced project.

ADDENDUM NUMBER TWO (2)

GENERAL

No changes for this addendum.

DRAWINGS

No changes for this addendum.

SPECIFICATIONS

Section 00 41 13: Bid Form

Replace table in 3.01.A with the following table.

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Amount
Unit Price Bid Items					
1	Mobilization/Demobilization	1	LS	\$	\$
2	Site Work, Grading and Road Construction	1	LS	\$	\$
3	Erosion and Sediment Control	1	LS	\$	\$
4	Landscaping	1	LS	\$	\$
5	Bridge, Culvert and Streambed Improvements at Creek Crossing	1	LS	\$	\$
6	24-inch Storm Drain Pipe, Manholes and Appurtenances	1	LS	\$	\$
7	8-inch PVC, 16-inch DI, and 24-inch DI Pipe, Fittings, Valves and Appurtenances	1	LS	\$	\$
8	8-inch Sewer Pipe, Manholes and Appurtenances	1	LS	\$	\$
9	Direct Buried Electrical Ductbank, Fittings and Appurtenances	1	LS	\$	\$
10	Fiber Optic Conduit, Fittings and Appurtenances	1	LS	\$	\$
11	Rock Excavation	300	CY	\$	\$
Total of All Unit Price Bid Items					\$
Allowances					
A1	Contingency Allowance	1	LS	\$100,000	\$100,000
Total of All Unit Price Bid Items + Allowances					\$

Section 00 52 13: Agreement

Replace 3.3.A as follows:

a. Milestone 1 – Completion of Culvert and In-Water Work: September 30, 2025

Add attached Section 01 21 00: Allowances in its entirety.

Section 01 22 10: Measurement and Payment

Delete 1.5.1

Renumber 1.5.B as 1.5.A.

Renumber 1.5.A through 1.5.I as 1.5.B through 1.5.J.

Add item 1.5.K as follows:

K. Item 11 – Rock Excavation:

1. Measurement: Limits of rock removal eligible for payment are as follows:
 - a. Buildings and Structures: Payment limits for all buildings and structures are:
 - i. Pre-construction rock surface, as determined in accordance with Engineer.
 - ii. Bottom of footing. Where under-slab piping or trench drains extend below the horizontal plane indicated in this paragraph, rock removal for such piping or trench drains shall be in accordance with this provision's measurement limits for trenches.
 - iii. Vertical planes located 12 inches outside footing.
 - b. Trenches: Payment limits are:
 - i. Pre-construction rock surface, as determined in accordance with Engineer.
 - ii. Width of trenches shall be the outside diameter or outside edge (as applicable) of the Underground Facility plus 2 feet, exclusive of pipe bells, branches, hubs, spurs, and cradles. Sides of trench shall be considered vertical.
 - iii. Depth of trench shall be a minimum of six inches below outside bottom of Underground Facility in the trench (excluding bells, hubs, and the like), unless shown or indicated otherwise on the Drawings.
 - iv. Length shall be equal to installed length of the Underground Facility, measured horizontally.
 - c. Rock removal where pay limits are not otherwise shown or indicated but required for the Work will be measured to lines directed or approved by Engineer, from pre-construction rock surface, as determined in accordance with Engineer.
 - d. No payment will be made for additional quantity outside the limits described in this Section.
2. Item includes (all in accordance with the Contract Documents):
 - a. Obtaining necessary and required permits and approvals.
 - b. Pre-blast surveys, or equivalent when explosives are not used.
 - c. Establishing magazine, magazine management, and handling of explosives, when used.
 - d. Loosening and removing rock by Contractor's means and methods, in accordance with the Contract Documents.
 - e. Excavating, handling and proper disposal of excavated or removed material.

- f. Remedy of damage to property and facilities caused by rock removal operations.
 - g. Other work, services, and materials required and necessary for rock removal not expressly included under other bid/pay items.
- 3. Not included in this bid/pay item:
 - a. Work expressly included under other bid/pay items.
- 4. Payment: Unit price per cubic yard for this item will be full compensation for all rock removal complete as shown or indicated in the Contract Documents, or directed by Engineer for the rock removal pay limits indicated and not specifically included under other bid/pay items or contracts.

Add item 1.5.L as follows:

- L. Item A1 – Contingency Allowance:
 - 1. Measurement: As indicated in the Agreement and Section 01 21 00 - Allowances, the Contract includes in this item a stipulated amount available as reserve for sole use by Owner, for costs authorized by Owner during construction, for Work not included under other bid/pay items.
 - 2. Payment: Payment for Work authorized in accordance with Section 01 21 00 - Allowances, and performed under this item will be full compensation for providing all Work authorized under this allowance, complete as shown, indicated, or directed by Engineer in accordance with the associated allowance authorizations.

Section 40 05 51: Valves – Basic Requirements

Replace 3.3.A as follows:

A. There are no actuated valves. See Drawings for manual valves.

Delete table after 3.3.A.

CONTRACTOR QUESTIONS AND STATEMENTS MADE PRIOR TO BID

1. What are the coating requirements for the cable handrail shown on Sheets C104 and C105?

See Spec Section 05 52 02, Item 2.3.D.

D. Finish:

1. Architectural Class 1 coating per AA DAF 45:
 - a. AA-M12C22A41 clear anodized, throughout, except as noted. AA-M12C22A42 dark bronze anodized; at culvert crossing only.
2. Does Contractor need to supply an office trailer, maintain a website and use P6 for their CPM schedule?

Contractor's office trailer as specified in Specification Section 01 30 00 Item 1.5 is not required but can be furnished if desired by Contractor. The Project Website as specified in Specification Section 01 30 00 Item 1.4.B.8 will not be required as long as Contractor provides an alternative electronic platform such as Procore or other as approved by Engineer that can be used for electronic transmission, exchange and archiving of project documents. CPM schedule does not have to be in P6 format but may be developed using other commercially available scheduling software such as MS Project or similar as long as the software meets the requirements of Section 01 32 16. Use of spreadsheets, such as MS Excel or Google Sheets, is not acceptable.

3. Is there a profile or a minimum bury depth for the 16" waterline between STA 109+00 and Glenview Drive?

Minimum bury depth shall be 4'-0". Similar to Section F, Sheet 002C107 but for the 16-PWG only.

4. With in water work (June 15 – September 30) conflicting with fire season, please clarify when access to Horn Creek Road can be cut off to complete the work in the creek (remove existing culvert and install new structure).

Contractor shall maintain access to Horn Creek Road at all times during construction. Contractor shall develop a plan for providing temporary access to Horn Creek Road during construction and provide to Owner and Engineer for review and approval. A Contingency Allowance has been added to the

project that will be used to pay for all work associated with providing temporary access to Horn Creek Road during construction.

5. Are there any permits that the Contractor will be responsible for obtaining for this project?

Contractor to obtain applicable City of Ashland permits. Permits may include but not be limited to the following:

*Building: Commercial Electrical
Building: Commercial Grading/Excavation
Building: Structural Permit
Public Works: Misc. Concrete Permit
Public Works: Right-of-Way Permit
Public Works: Street/Alley Excavation Permit
Public Works: Dust Suppressant Permit
Public Works: Encroachment Permit*

Refer to City of Ashland website for additional information.

6. Is a geotechnical report available for review?

Yes. A geotechnical report is available and will be added to the Oregon Buys website where it can be downloaded.

7. Is a stamped water management plan from the Contractor required?

Yes, see Specifications Section 35 10 00 and refer to Items 1.3.C and 1.4.A.1.

8. Please confirm that the 24" RW pipe is the only water line to be connected to the existing, all others will be capped?

Correct. Tie-in of the 24" RW will be completed as part of the project. No other connections are required. Removal of the bypass and bypass valve as noted in Keyed Note 1 on Sheet 002C101 will not be required. Keyed Note 1 shall be revised as follows:

*TEMPORARY FINISHED WATER TO NEW WTP RW PIPELINE
BYPASS AND BYPASS VALVE REQUIRED TO PROVIDE WATER
TO NEW WTP FOR STARTUP AND COMMISSIONING.*

9. Would Ductile Iron Pipe be considered in place of RCP for the storm drain pipes?

Storm drain pipes shall be RCP and ductile iron pipe will not be allowed.

10. Will the 600A sectionalizer and all conductors be provided and installed by Ashland Power?

Correct. Ashland Electric will furnish and install the 600A sectionalizing cabinet. Conductors will be installed by Ashland Electric as part of the future WTP project.

11. Provide additional clarification for electrical tie-ins.

- a. Primary by City of Ashland? *Contractor to install conduits, pullboxes and pad for sectionalizer cabinet per Ashland Electric requirements.*
- b. Secondary (e.g., chases, conduit, setting up transformers) by Contractor? *No secondary on this project, only primary. Secondary from transformer to be installed in future as part of WTP project, by Contractor.*
- c. Fiber? *Conduits to be installed up to pullbox as shown on the drawings. Fiber to be installed at a later time by Ashland Fiber (the City).*

12. Has a Staging Area been identified?

City may allow the future WTP site location and parking lot next to the Granite Street Reservoir as area for Contractor staging. Contractor to coordinate with City to confirm.

Potential laydown areas. If utilized, Contractor to manage erosion control as necessary to adhere to Oregon DEQ Standards and not block vehicular or pedestrian access to roadway



13. Will turbidity monitoring be required?

Yes, see Specification Section 35 10 00 and State of Oregon Standard Specification 00290.30(a)(8)

14. The specifications and the description of the pay items mention geotextile fabric but none is shown on the typical section or elsewhere in the plans. Is geotextile fabric required on the road?

Geotextile fabric is not required for the road however it is mentioned elsewhere in the plans and part of state referenced details.

15. Please clarify if the contractor is not required to provide any material testing, quality control, or inspections for the project?

Contractor shall provide services of a third party to complete all material testing, quality assurance/quality control and special inspections required for the project. This work shall be considered incidental to the various bid items to which it pertains.

16. Are there any temporary work zone fencing requirements to keep the public out of the work zone?

Yes. Fencing will be required to isolate Granite Street from the work zone. This will be considered incidental to the project.

17. Are there any requirements to maintain access to trail heads on the west side of the creek while the culvert is being replaced or during utility installations? Any signage or notifications required for closures?

City of Ashland will coordinate access to trail heads during completion of the project.

18. In regard to the handrail, how are the cables to be installed, drilled through or attached to the face? What does hand tight for the cable mean, typically a turn buckle is used to put tension on the cable?

Cable infill is attached to end posts using tension fittings that are to be hand tensioned. Line posts are drilled through.

19. Is hard rock excavation to be incidental to excavation and pipe installations?

A new bid item for rock excavation has been added. See revised bid form included in this addendum.

20. Please confirm there is no Asphalt Paving included in this project, aside from any trench resurfacing of existing asphalt?

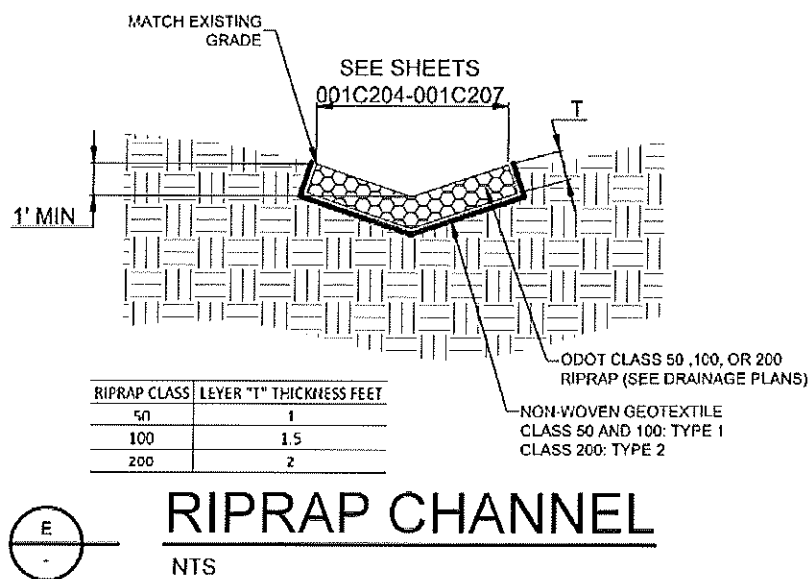
Correct. Asphalt will only be required for trench repair and no other asphalt paving is included in the project.

21. Does the contractor need to provide any project signage or photographic documentations as detailed in section 01 30 00?

Yes. Project signs shall be provided as specified in Specification Section 01 30 00 Item 1.4. Photographic documentation shall be provided as specified in Specification Section 01 30 00 Item 1.6

22. Plan sheet 001C205 note 15 references detail E (001C100) for details regarding a Rip Rap channel, however that detail is not on that sheet or elsewhere in the project plans. Can you please provide that detail?

See Detail E below.



23. For the electrical and fiber conduit, would directional drilling be an acceptable method of installation in some or all areas?

Installation of electrical and fiber conduit shall be per the requirements included in Spec Section 31 23 33. See Item 3.2.D for reference.

24. For the handrail, is 2" pipe for the railing or 1.5" required?

The minimum nominal diameter is 1.5", the maximum nominal diameter is 2". Size, spacing, etc. within these limits is determined according to the loading and geometric requirements of the building code as illustrated in the calculations to be submitted per the specifications.

25. For the handrail, the posts are called out to be sch. 80 of the same size as above. The OD will be slightly larger than the top rail and mid rail. Does that matter?

Outside diameter would remain constant between Sch. 40 and Sch. 80 of the same nominal pipe size. If different nominal pipe sizes are used for handrail and posts, connection details and design should be considered in the shop drawings and calculations submittals per the specifications.

26. For the handrail, can you confirm that the railing drawings on C104 and C105 are drawn to scale of 1" = 10'? When scaled roughly 68' total for both sides. But the drawings show a post spacing of 3' and when added up with the post spacing it's more like 90 feet total.

The contract plans are drawn to scale but are not intended to reflect the final configuration of the handrail. The minimum length of handrail is determined by the locations along the walls where the exposed wall height is a maximum of 4ft. The 3ft post spacing shown on Sheet 000C105 is a maximum and post placement should consider exposed wall height, clearance to wall joints, and angles in the wall alignment. These considerations should be reflected in the shop drawings per the specifications.

27. For the base plate thickness, would 1/4" be acceptable?

Specifications require a minimum of 3/8"x6"x6" plate for mounting to concrete but must be designed to resist building code design loads and accommodate the designed anchorage system.

SECTION 01 21 00 ALLOWANCES

PART 1 - GENERAL

1.1 SUMMARY

- A. Section Includes:
 - 1. Administrative and procedural requirements for:
 - a. Contingency allowances.
- B. Related Requirements:
 - 1. Include but are not necessarily limited to the following:
 - a. Section 01 26 00 - Contract Modification Procedures.
 - b. Section 01 29 73 - Schedule of Values.
 - c. Section 01 32 16 - Construction Progress Schedule.

1.2 REFERENCES

- A. Terminology:
 - 1. Terminology indicated below are not defined terms and are not indicated with initial capital letters, but when used in this section have the following meanings:
 - a. "Allowance authorization" or "authorization", whether singular or plural, are Owner's written and signed approval for using a specific allowance item, in a specific authorized amount, for a specific construction task or activity. Allowance authorizations include all associated attachments at the time of Owner's signature and as delivered to Contractor.
 - b. "Contingency allowance" is a stipulated amount included in the Contract Price, controlled by Owner, for Owner's sole use to cover unanticipated costs and costs for Work authorized by Owner that is not part of any other bid/pay item in the Contract.

1.3 ALLOWANCES – GENERAL

- A. This Article applies to all allowance types and all authorized allowance Work performed in accordance with the Contract Documents.
- B. All allowances in the Contract are Owner-controlled and for Owner's sole use. Contractor has no right or entitlement to any allowance or part thereof without express, written authorization from Owner.
- C. Authorization of Allowances:
 - 1. Only Owner can authorize use of an allowance. No other entity, including Engineer, Resident Project Representative (RPR, if any), Owner's Site Representative (OSR, if any), or others may authorize use of allowances in place of Owner.
 - 2. Allowance Authorization Mechanism:
 - a. To be binding and enforceable, allowance authorizations must be in writing, signed by one of the Owner's employees indicated immediately above.
 - b. Allowance authorization form is attached to this Section.
 - c. Allowance authorizations issued in accordance with the procedures set forth in this Section, are binding and enforceable under the Contract, unless promptly contested in writing by Contractor in accordance with this Section.
 - d. Oral authorizations, authorizations without an appropriate signature, and authorizations not on the proper form, will not be binding or enforceable.
 - 3. Allowance authorizations duly signed by Owner's authorized person may be delivered to Contractor by Engineer, RPR, OSR, or other Owner-authorized representative, and shall be binding and enforceable when so delivered (unless properly contested).

4. Do not perform Work presumed for compensation under an allowance without first obtaining Owner's allowance authorization.
 5. Work presumed by Contractor to be under an allowance and performed without: (a) written authorization duly signed by Owner, or (b) Change Order, or (c) Work Change Directive, is not be eligible for payment.
- D. Contract Times:
1. Allowance authorizations do not have any effect on, and do not change, the Contract Times. The Contract Times can be changed only via a duly authorized Change Order.
 2. Should the Work included in an allowance authorization adversely affect Contractor's ability to comply with the Contract Times, promptly submit Change Proposal (including appropriate supporting documentation), in accordance with the Contract Documents, indicating the associated, specific, proposed effect on each of the Contract Times.
- E. Payment for Work Under an Allowance Authorization:
1. Work duly authorized by Owner under an allowance is eligible for payment upon performance of the associated Work, in accordance with the Contract Documents and the associated allowance authorization.
 2. When applying for payment for Work under an allowance authorization, the Application for Payment shall include a copy of the associated allowance authorization(s) signed by Owner.
 3. When requested by Owner or Engineer, amend the Schedule of Values to indicate Work authorized under contingency allowances or cash allowances.
- F. Compensation for Bonds and Insurance:
1. Contractor is not eligible for compensation under an allowance, or for an increase in the Contract Price, for costs associated with insurance, performance bond, payment bond, or warranty bond (when such bond is required by the Contract). Compensation for such costs is included elsewhere in the Contract Price, under other (non-allowance) bid/pay items.
- G. Change Orders:
1. A Change Order is not required for authorization of an allowance that is already included in the Contract.
 2. Prior to final payment, all allowances with funds remaining (not yet authorized) shall be reduced to the total amount authorized by Owner for that allowance item, via a Change Order.

1.4 CONTINGENCY ALLOWANCES

- A. Provisions on contingency allowance(s) are set forth in the General Conditions, as may be modified by the Supplementary Conditions, and in this Section.
- B. Owner may authorize use of all or part of a contingency allowance included in the Contract for Work not otherwise covered under one or more other bid/pay items already in the Contract.
- C. Procedure for Using Contingency Allowances:
1. Prior to Work being authorized under a contingency allowance, Contractor shall submit complete Change Proposal for the associated Work, in accordance with the Contract Documents.
 2. Compensation proposed via the Change Proposal for the contemplated allowance Work shall be complete and sufficient for the entire scope of the contemplated allowance Work, unless expressly indicated otherwise in the Change Proposal or an associated, Owner- or Engineer-issued Proposal Request.
 3. Compensation eligible under a contingency allowance includes:
 - a. Materials and equipment furnished to Owner or incorporated into the Work; labor; construction equipment and machinery; services, incidentals, and related costs, in accordance with the Contract Documents' provisions for Contract modifications.
 - b. Overhead and profit for the associated Work, for Contractor and Subcontractors.
 - c. Other costs and expense mutually agreeable to Owner and Contractor.

4. Excluded are costs not mutually agreeable to the parties and costs excluded in accordance with Article 1.3 of this Section.
5. Should Change Proposal indicate, and Owner accept that, change in the Contract Times is necessary, Owner (or Engineer, on Owner's behalf) will issue an appropriate Change Order for signature by the parties, upon mutual agreement to the changed Contract Times.
6. Upon receipt of contingency allowance authorization, when Contractor does not reject or disagree with the authorization, Contractor shall sign allowance authorization form indicating acceptance and return signed form to Owner and Engineer within two days of receipt.
7. Commence performing the allowance Work promptly upon receipt of allowance authorization.
8. Application for Payment for the associated Work may be made in accordance with Article 1.3 of this Section and the Contract's provisions governing progress payments.

PART 2 - PRODUCTS - (NOT USED)

PART 3 - EXECUTION

3.1 ATTACHMENTS

- A. The following, bound after this Specifications Section's "End of Section" designation, are part of this Specifications Section:
 1. Forms:
 - a. Allowance Authorization Form, (one page).

END OF SECTION

Project:	_____	Authorization Number:	_____
	_____	From:	_____
To:	_____	Date:	_____
	_____	Engineer Project No.:	_____
Re:	_____	Contract For:	_____

1. [Allowance Title] / [Title of Change]:

--

Original Allowance.....	\$
Allowance Expenditures prior to this Authorization	\$
Allowance Balance prior to this Authorization.....	\$
Allowance will be decreased by this Authorization.....	\$
New Allowance Balance.....	\$

OWNER APPROVAL

Engineer

Owner

By _____ Date _____

Contractor

By _____ Date _____

Copies: ☐ Owner ☐ Contractor ☐ Consultants ☐ ☐ ☐ ☐ File

TO: ALL HOLDERS OF CONTRACT DOCUMENTS FOR:

City of Ashland
Water Treatment Plant – Offsite Facilities

The following Addendum shall be incorporated into the Contract Documents for the above referenced project.

ADDENDUM NUMBER THREE (3)

GENERAL

No changes for this addendum.

DRAWINGS

No changes for this addendum.

SPECIFICATIONS

Section 00 41 13: Bid Form

Bid Form Item No. A1 "Contingency Allowance" shall be increased to \$200,000 from \$100,000.

CONTRACTOR QUESTIONS AND STATEMENTS MADE PRIOR TO BID

1. Regarding temporary access to Horn Creek Road, is the temporary access to include access for the public or is it for forestry/fire/emergency/city agencies only?

Forestry/fire/emergency/city agency only.

2. What is the minimum width required for temporary access?

A minimum width of 10-ft shall be provided or the minimum width and turning radius for a Type 3 fire engine, whichever is greater.

3. If a temporary bridge is to be installed, are more trees going to be allowed to be removed?

Planning and permitting actions will be required to fell any trees not already within the currently approved planning action. The City of Ashland will lead the effort to obtain permits or planning actions required to fell additional trees.

4. Is the temporary access required only during fire season?

Access will be required throughout the duration of construction.

5. Regarding the temporary work zone fencing to isolate Granite Street from the work zone, will this cut off access to the public from Horn Creek Road??

Yes.

6. The requirements for information contained within the Qualifications Statement Articles 1 through 8 and Schedule A through C seem excessive for this size project. Will all this information be required?

Complete except as noted below (numbering from Qualifications Statement 00 45 13)

1.03 – Not Required

1.04 – Not Required

4.02 – Not Required

5.01 – Not Required



Council Business Meeting

Date: June 17, 2025

Agenda Item	PA-Appeal-2025-00021 - An appeal on the record of the Planning Commission's approval of PA-T2-2024-00053, a Physical and Environmental (P&E) Constraints Review Permit to allow the construction of a new single-family dwelling on Hillside Lands/Severe Constraints Lands at 231 Granite Street, including an Exception to the Development Standards for Hillside Lands, a Tree Removal Permit to remove 74 trees, and a Variance to the flag drive standards.
Department	Community Development
From	Brandon Goldman, Director of Community Development, Derek Severson, Planning Manager

TIME ESTIMATE

45 minutes

CATEGORY

Action Needed - Motion to approve an action

SUMMARY

Request to consider an appeal and make a decision following a public hearing regarding an appeal of the Planning Commission's April 22, 2025, approval of Planning Action #PA-T2-2024-00053, for the property at 231 Granite Street.

POLICIES, PLANS & GOALS SUPPORTED

Ashland Municipal Code Land Use Ordinance

<https://ashland.municipal.codes/LandUse>

- AMC 18.2.4 General Regulations for Base Zones
- AMC 18.2.5 Standards for Residential Zones
- AMC 18.3.10 Development Standards for Hillside Lands
- AMC 18.4.3 Parking, Access, and Circulation
- AMC 18.4.5 Tree Preservation and Protection
- AMC 18.4.8 Solar Access
- AMC 18.5.1 General Review Procedures
- AMC 18.5.3 Additional Preliminary Flag Lot Partition Plat Criteria
- AMC 18.5.5 Variances
- AMC 18.5.7 Tree Removal Permits
- AMC 18.6.1 Definitions

BACKGROUND AND ADDITIONAL INFORMATION

The Planning Commission held a public hearing on March 12, 2025, and approved Planning Action #PA-T2-2024-00053 on April 22, 2025, with the adoption of written findings. The application includes a request for a Physical & Environmental (P&E) Constraints Review Permit to allow construction of a new single-family residence on hillside lands with severe constraints at 231 Granite Street. The approval also includes a Variance to the flag drive standards in AMC 18.5.3.060.F, a Tree Removal Permit to remove 74 trees including nine significant trees, and an Exception to the Development Standards for Hillside Lands. An appeal of the Planning Commission's decision was timely filed by Leonard Eisenberg and Kent and Pamela McLaughlin, represented by Attorney Zack P. Mittge of Hutchinson Cox.





Council Business Meeting

The appeal challenges the Commission's April 22, 2025, approval of Planning Action #PA-T2-2024-00053. As required by Ashland Municipal Code, the City Council is to consider the specific grounds of appeal as outlined in the appellants' submittal and make a decision following a public hearing. The Council's review is limited to determining whether there is substantial evidence in the record to support the Planning Commission's findings or whether the Commission committed procedural or legal error in its decision.

What is "An Appeal on the Record"?

Prior to 2008, City Council appeals were handled through a de novo hearing process and the City Council was able to consider new information during an appeal that was not previously included in the record upon which the Planning Commission based their decision. Since 2008, City Council appeals have been handled through an appeal on the record. An "Appeal on the Record" is an appeal of a land use decision where the City Council must consider the same facts and information (i.e. "the record") that the Planning Commission saw. The City Council may not consider new facts or information. The "Appeal on the Record" process charges the Council with deciding:

1. Whether there is substantial evidence in the record to support the decision of the Planning Commission, and
2. Whether the Planning Commission committed an error.

As provided under AMC 18.5.1.060.I, review of a decision of the Planning Commission by the City Council is to be confined to the record of the proceeding before the Planning Commission. The record consists of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open; recorded testimony, the executed decision of the Planning Commission, including the findings and conclusions. In addition, for purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.

Oral arguments on the appeal are permitted before the Council, but are limited to ten minutes for the applicant, ten minutes for the appellant and three minutes for any other qualified party who participated in the original hearing. A party shall not be permitted oral argument if written arguments have not been timely submitted at least ten days prior to the appeal hearing. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth above in the Notice of Appeal; similarly, oral argument shall be confined to the substance of the written argument. Statements of support or opposition are not arguments. The record on this matter remains closed and no new evidence may be submitted. Argument may be submitted only by parties to the original planning action.

Original Request

The original application was a request for a Physical & Environmental (P&E) Constraints Review Permit to allow the construction of a new single-family residence on hillside lands with severe constraints at 231 Granite Street, and included requests for an Exception to the Development Standards for Hillside Lands, a Variance to the flag drive standards in AMC 18.5.3.060.F, and a Tree Removal Permit to remove 74 trees including nine significant trees.

Physical & Environmental (P&E) Constraints Review Permits are required when development is proposed which would disturb lands within the Hillside Overlay zone with slopes greater than 25 percent. Additional standards apply to lands with severe constraints, where slopes greater than 35 percent are proposed to be disturbed. Proposals requiring a P&E Permit must demonstrate compliance with specific approval criteria and adhere to the development standards for hillside lands, or obtain the necessary exceptions or variances to applicable standards.

The applicant proposal includes one exception to these standards to allow a downhill wall height in excess of 20 feet in height without a requisite six-foot step back in the design. The application also includes a request for a Variance to the flag drive standards in AMC 18.5.3.060.F, which apply to driveways created through flag lot partitions and to any driveways in excess of 50 feet in length. The standard requires that, "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





Council Business Meeting

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.”

In this instance, the subject property is a pre-existing lot of record and would be landlocked but for access via an existing shared driveway out to Granite Street, and the Variance requested is to exceed both the grade and length limitations of the standard. A letter from a former Planning Director in 1992 noted, “... 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.” The required partition plat was recorded on April 12, 1996. Based on this historical information, the Planning Commission found that the driveway grade was recognized as an issue with the lot’s creation, that the lot creation predates the current hillside standards, and that the need for a Variance was not self-imposed by the current owners.

An issue raised in testimony from a number of parties was the presence of a segment of Talent Irrigation District (TID) Ditch Trail running through the subject property above the proposed home, and the concern that with development of the property as proposed public pedestrian access to the trail might be restricted. In response to these concerns, the applicants voluntarily proposed to provide a public pedestrian access easement across the property along the TID Ditch Trail. As a result, granting the proposed easement has been included as Condition of Approval #14, reflecting the applicant’s willingness to dedicate the easement and the Commission’s support for securing long-term public access along the trail corridor.

Planning Commission Decision

The Planning Commission approved the application subject to a number of conditions of approval. The Planning Commission full decision is provided in the attached document entitled “*PA-T2-2024-00053_Planning Commission Findings*”.

Appeal Request

Subsequent to the mailing of the Notice of Decision and the Planning Commission’s adopted findings, an appeal was timely filed by parties Len Eisenberg and Kent & Pamela McLaughlin. The appeal request included the required form, and a six-page letter prepared by the appellants’ attorney, Zack P. Mittge of Hutchinson Cox, listing 25 points of appeal. These 25 assignments of error for the appeal are detailed fully in the attached exhibit, followed by staff responses to each.

This appeal on the record is limited to these 25 grounds for appeal in the appeal request. As provided in AMC 18.5.1.060.I.5.b., in their review “the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal.”

Except when limited reopening of the record is allowed as provided in AMC 18.5.1.060.I.4.b., the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. The City Council review is limited to the issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council which was not raised before the Planning Commission with sufficient specificity to enable the Planning Commission and the parties to respond.

FISCAL IMPACTS

There are no direct fiscal impacts to the City related to the appeal of the planning action.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Recommendation

Staff recommends that the City Council reject the appeal, adopt the Planning Commission's Findings of Fact and Conclusions of Law as their own and affirm the approval of the application. The Planning Commission conducted a comprehensive review of the proposal and determined that it complies with the applicable approval criteria for hillside development, a variance and tree removal. The appeal process is limited to evaluating whether substantial evidence in the record supports the Commission's decision and whether any legal errors were made. In Staff's assessment, the application meets the applicable standards, and the Planning Commission evaluated each of the criteria cited in the appeal and made a decision based on evidence contained in the record.

Adopting the Planning Commission's findings provides a clear and consistent basis for upholding the original approval while maintaining the integrity of the land use process. Unless the Council chooses to approve the appeal and overturn the Planning Commission's decision, or to modify or supplement the Planning Commission's findings, no additional findings are required. However, if the Council decides to deny the application, thereby amending the Planning Commission's decision, new findings must be drafted to reflect the Council's determination, including the specific reasons and criteria supporting the denial.

Potential Motions

- *"I move to affirm the decision of the Planning Commission to approve PA-T2-2024-00053 and reject the appeal with a finding that there is substantial evidence in the record to support the Planning Commission's decision, that the Planning Commission did not commit any errors of law, and to adopt the Planning Commission's Findings of Fact as the City Council's own."*
- *"I move to overturn the decision of the Planning Commission, approve the appeal, and deny the application for PA-T2-2024-00053, finding that the Planning Commission's decision is not supported by substantial evidence and/or contains errors in the application of the approval criteria. I further direct staff to prepare written findings for adoption by the City Council, specifying the basis for this decision [Include specific assignments of error as discussed in deliberation], including the identified deficiencies in the Planning Commission's findings and conclusions."*

**Please note that as a quasi-judicial land use application, this project is subject to the '120-Day Rule' under Oregon land use law. While the applicant has granted an extension the timeline, a final decision of the City must be made and written findings adopted by July 15, 2025, and as such remanding the decision back to the Planning Commission is not an option.*

REFERENCES & ATTACHMENTS

1. Appeal Submittal_PA-APPEAL-2025-00021
2. Applicant Appeal Written Arguments PA-APPEAL-2025-00021
3. Staff_Memo_PA-APPEAL-2025-00021_06172025
4. PA-T2-2024-00053_Planning Commission Findings
5. PA-T2-2024-00053_PC_Public Hearing Staff Report
6. PA-T2-2024-00053_Applicant Submittal
7. PA-T2-2024-00053_Public Comments Part1
8. PA-T2-2024-00053_Public Comments Part2
9. PA-T2-2024-00053_General Written Rebuttals to comments
10. PA-T2-2024-00053_Applicant Written Rebuttal_04012025
11. PA-T2-2024-00053_Planning Commission Hearing Notice

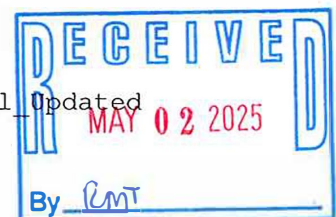


Council Business Meeting

- 12. 12. PA-APPEAL-2025-00021_City Council Appeal Hearing Notice
- 13. 13. PA-T2-2024-00053_Notice of Decision



Notice of Land Use Appeal (Ashland Municipal Code §18.5.1.060.I)		
A. Name(s) of Person Filing Appeal:		B. Address(es):
1. <u>Ken Eisenberg</u>		<u>223 Granite St Ashland</u>
2. <u>Kent & Pamela McLaughlin</u>		<u>strawberry lane, Ashland</u>
Attach additional pages of names and addresses if other persons are joining the appeal.		
C. Planning Commission Decision Being Appealed		
Date of Decision:	Planning Action #:	Title of planning action:
<u>April 22, 2025</u>	<u>PA-T2-2024-60053</u>	<u>PeE Constraints at Type 2 variance</u>
D. How Person(s) Filing Appeal Qualifies as a Party (For each person listed above in Box A, check the appropriate box below.)		
The person named in Box A.1. above qualifies as a party because:	☒ I am the applicant. ☒ I participated in the public hearing before the planning commission, either orally or in writing. ☒ I was entitled to receive notice of the action but did not receive notice due to error.	
The person named in Box A.2. above qualifies as a party because:	☒ I am the applicant. ☒ I participated in the public hearing before the planning commission, either orally or in writing. ☒ I was entitled to receive notice of the action but did not receive notice due to error.	
Attach additional pages if others have joined in the appeal and describe how each qualifies as a party.		
E. Specific Grounds for Appeal		
1. The first specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): <u>see attached</u> This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):		
2. The second specific ground for which the decision should be reversed or modified is (attach additional pages if necessary): <u>see attached</u> This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):		



3. The third specific ground for which the decision should be reversed or modified is (attach additional pages if necessary):

see attached

This is an error because the applicable criteria or procedure in the Ashland Municipal Code § _____ or other law in § _____ requires that (attach additional pages if necessary):

4. (On attached pages, list other grounds, in a manner similar to the above, that exist. For each ground list the applicable criteria or procedures in the Ashland Municipal Code or other law that were violated.)

Appeal Fee

With this notice of appeal I(we) submit the sum of **\$325.00** which is the appeal fee required by §18.5.1.060.1 of the Ashland Municipal Code.

Date: *May 2, 2025*

Signature(s) of person(s) filing appeal (attach additional pages if necessary):

Ken Gisenkey

Ken Gisenkey for Kent & Pamela McLaughlin

Note: This completed Notice of Land Use Appeal together with the appeal fee must be filed with the City Administrator, City Hall, 20 East Main Street, Ashland, OR 97520, telephone 541-488-6002, prior to the effective date of the decision sought to be reviewed. Effective dates of decisions are set forth in Ashland Municipal Code Section 18.5.1.060.



Hutchinson Cox

Zack P. Mittge • Attorney
zmittge@eugenelaw.com

Dawn A. Furtado • Senior Paralegal
dfurtado@eugenelaw.com

May 2, 2025

Ashland City Manager
20 E Main St.
Ashland, OR 97520

RE: Notice of Appeal of PA-T2-2024-00053/DeBoer/231 Granite Street
Our Clients: Leonard Eisenberg and Kent and Pamela McLaughlin

Dear City Administrator Cotta:

On behalf of Leonard (Len) Eisenberg, and Kent and Pamela McLaughlin, we provide the enclosed appeal of City File No. PA-T2-2024-00053, the DeBoer Physical & Environmental Constraints permit and Type 2 variance for 231 Granite Street. Please include this letter in the record of these proceedings and provide copies of all future notices associated with this appeal to our firm.

For ease of reference, we include a reference to the appeal criteria set out at 18.5.1.060.I in bold italics herein followed by a brief response demonstrating compliance with the Ashland Land Use Ordinance.

1 Appeal of Type II Decision. The City Council may call up a Type II decision pursuant to section 18.5.1.060.J. A Type II decision may also be appealed to the Council as follows:

1. ***Who May Appeal. Appeals may only be file by parties to the planning action. "Parties" shall be defined as the following.***

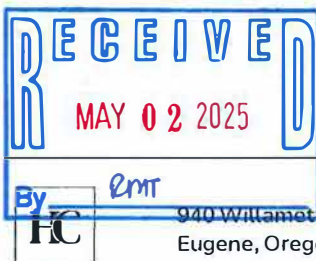
* * * *

- b. ***Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.***

Len Eisenberg and Kent and Pamela McLaughlin participated in the public hearing both orally and in writing and are the parties to the proceeding who can appeal the same to the City Council. This criterion is satisfied.

2. ***Appeal Filing Procedure.***

- a. ***Notice of Appeal. Any person with standing to appeal, as provided in subsection 18.15.1.060.I.1, above, may appeal a Type II decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection.***



eugenelaw.com

940 Willamette Street, Suite 400
Eugene, Oregon 97401

Mail: PO Box 10886
Eugene, Oregon 97440

Phone: (541) 686-9160
Fax: (541) 343-8693

This Notice of Appeal is filed by and on behalf of Len Eisenberg and Kent and Pamela McLaughlin, all persons with standing to appeal as set forth above and below. The Notice is accompanied by the payment of an appeal fee of \$325.00 in accordance with the procedures of this subsection. This criterion is satisfied.

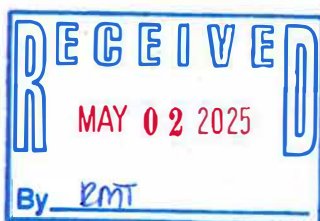
b. Time for Filing. The notice of appeal shall be filed with the City Manager within ten days of the date the notice of decision is mailed.

The notice of decision in this case was mailed on April 23, 2025. This appeal is being filed within ten days of that date. This criterion is satisfied.

c. Content of Notice of Appeal. The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.

The appellants' names are Len Eisenberg who resides at 223 Granite, Ashland, OR, 97520, and Kent and Pamela McLaughlin, who reside at 234 Strawberry Lane, Ashland, OR 97520. All are parties under 18.5.1.060.I.1 as they participated in the public hearing before the Planning Commission that gave rise to the decision, both orally and in writing. The decision being appealed is the Planning Commission approval of the Physical and Environmental Constraints Review and variance to the Flag Drive Standards and Tree Removal Permit and exception to Hillside Development Standards for 231 Granite Street (City Planning Action #PA-T2-2024-00053). The date of the decision being appealed is April 22, 2025. The decision should be reversed or modified because:

- a. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.A.
- b. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.B.
- c. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.C.



- d. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving development of unbuildable slopes greater than 35% in violation of 18.3.10.090.A.1 and 2.
- e. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in concluding that the parcel has inadequate buildable area less than or equal to 35% under 18.3.10.090.A.1.a when much of the property is comprised of 25% to 30% slopes.
- f. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving the proposed development within a partition without the geotechnical study required by 18.3.10.090.A.4.
- g. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing terracing for purposes other than developing a building pad and vehicular access including landscaping, a pool and spa, and an outdoor kitchen and lounge contrary to 18.3.10.090.B.8.a.
- h. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the applicant to develop a pad for a swimming pool and spa contrary to 18.3.10.090.A.8.c.
- i. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a building envelope which is not located and sized to preserve the maximum number of trees on site as required by 18.3.10.090.D.3.b.
- j. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving an exception to the wall height requirements at 18.3.10.090.E.2.c without addressing or demonstrating compliance with the requirements of 18.3.10.090.H.



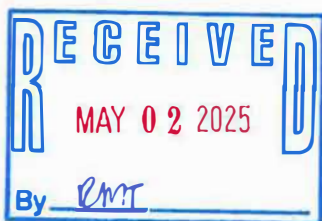
- k. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the driveway grade for the new driveway to exceed 20% contrary to 18.4.3.080.D.8.
- l. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance to allow an average flag drive grade over 20% when 18% is the maximum grade allowed for flag drive variances by 18.5.3.060.F.
- m. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance that allows the applicant to exceed the 15% maximum grade for a flag drive where the cumulative length of such variances exceeds 200 feet contrary to 18.5.3.060.F.
- n. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing an overlength flag drive without the turnaround required by 18.5.3.060.J.
- o. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a variance to 18.5.3.060.F without addressing or demonstrating compliance with the requirements of 18.5.5.050.
- p. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in determining that the lot configuration, site topography and existing natural features are unique circumstances warranting a variance under 18.5.5.050.A.1.
- q. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposed variance is the minimum necessary variance under 18.5.5.050.A.2.
- r. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by relying on determinations made by a former Ashland planning director in place of the required findings under the variance provisions in section 18.5.5.050.



- s. The Planning Commission improperly construes 18.5.5.050.A.3 and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposal's benefits are greater than the negative impacts and will further the purpose and intent of the Ashland Land Use Ordinance and the Comprehensive Plan of the City when in fact the opposite is true.
- t. The Planning Commission improperly construes the applicable law and make a decision that is not supported by adequate findings or substantial evidence by holding that the proposed variance under 18.5.5.050.A.4 was not the result of a self-imposed hardship.
- u. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a tree removal permit without addressing or demonstrating compliance with each of the criteria set forth in 18.5.7.040.
- v. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to analyze the impact of tree removal within 200 feet of the property as required by 18.5.7.040.B.2.c.
- w. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to consider required tree protection measures as set forth under 18.4.5.030.C.1 and 18.4.5.030.C.6.
- x. The Planning Commission errs by adopting conclusory findings that do not address the relevant criteria or explain how the facts found demonstrate compliance with those criteria, and which improperly incorporates by reference materials which do not support the decision of approval and are internally inconsistent.
- y. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by imposing a condition requiring future development to conform to the requirements of the Ashland Fire Department where the applicant has not demonstrated such a condition to be feasible.

This criterion is satisfied.

d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.



As the appeal requirements of this section are fully met, we hereby respectfully request that the Council hear and consider this appeal and reverse the Planning Commission's approval of the variance and physical constraints review.

Very truly yours,

HUTCHINSON COX


Zack P. Mittge

ZPM/df
Enclosure: Check
cc: Clients
Liam Sherlock



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SAM B. DAVIS (1923-2017)
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JUNE 6, 2025

Transmitted by Email

TO: Ashland City Council (planning@ashland.or.us)
c/o Michael Sullivan, City of Ashland Community Development
51 Winburn Way | Ashland, OR 97520

FROM: Chris Hearn (chearn@davishearn.com)

RE: **APPLICANTS' WRITTEN ARGUMENT FOR APPEAL**
Planning Action: PA-APPEAL-2025-00021
Applicants: Bryan & Stephanie DeBoer
Subject Property: 231 Granite Street (39-1E-08DA, Tax Lot 1800)

Dear Council:

I. INTRODUCTION

This written argument is respectfully submitted on behalf of Applicants Bryan and Stephanie DeBoer ("Applicants") in support of the Planning Commission's Findings, Conclusions & Orders approving their application to construct a single-family residence for their daughter's family on their pre-existing, legally created lot at 231 Granite Street (Council Appeal: PA-T2-2024-00053). The appeal, brought by adjacent property owners Len Eisenberg and Kent & Pamela McLaughlin ("Appellants"), challenges the Planning Commission's decision, which followed an extensive public hearing process, during which the Commission carefully reviewed, considered, and ultimately rejected Appellants' arguments.

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1. Council’s Standard of Review on Appeal of Planning Commission Decision:
Under City’s AMC 18.5.1.060(I)(5)(b), the Council's review is limited to deciding:

- (a) Whether the Planning Commission committed legal error; and
- (b) Whether there is substantial evidence in the record to support the Commission’s findings.
- (c) The Council is further limited to the specific grounds clearly and distinctly stated in the Appellants’ Notice of Appeal, and cannot consider issues that were not raised before the Planning Commission with sufficient specificity.

2. Incorporation by Reference of Applicants’ Arguments to the Planning Commission. This memo is not intended to abandon any arguments made by Applicants to the Planning Commission in the record now before the Council on appeal. Applicants’ written arguments, proposed findings, and extensive evidence previously submitted to the Planning Commission in Planning Action PA-T2-2024-00053, are expressly incorporated by reference as if fully set forth here verbatim.

Since Council is limited to the specific grounds clearly and distinctly stated in the Appellants' Notice of Appeal, and cannot consider issues that were not previously raised before the Planning Commission with sufficient specificity, this memo addresses only those issues and demonstrates that:

- (a) The Planning Commission correctly applied the law, and
- (b) The Planning Commission’s record contains more than sufficient evidence to support the Commission’s approval decision, which followed an elongated public hearings process.

This memorandum summarizes the key issues to aid the Council in “determining whether there is substantial evidence to support the findings of the Planning Commission, or determining if errors in law were committed by the Commission.” AMC 18.5.1.060.I.4.

II. SUMMARY OF FACTS

1. Applicants’ Property at 231 Granite Street (Tax Lot 1800) is a 2.18-acre legal lot of record created in 1996, with the Planning Commission’s approval (Planning Action #PA-95-024).

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2. The property was approved for residential use and has always been in the City's Buildable Lands Inventory.
3. Applicants' Property is specifically identified as in Council's Parks, Trails and Open Space Map, adopted unanimously by Council in February, 2024 (identified on Council's Map as Property #11 - Ditch Trail Segment, and incorporated as part of City's Comprehensive Plan.¹ Applicants voluntarily offered the City of Ashland a perpetual public pedestrian easement across their property as a condition of approval, thereby guaranteeing permanent public access across the segment of the popular "Ditch Trail" which crosses Applicants' Property. This trail easement satisfies a one of the specific goals in City's Comprehensive Plan, and was the primary concern raised by the majority of community members who attended the Planning Commission's public hearing.
4. Applicants propose to construct a home for their daughter's family on Applicants' Property.
5. The Planning Commission granted a Physical & Environmental Constraints (P&E) Review Permit, a variance to the flag drive standards, and a Tree Removal Permit.
6. No exceptions to the Hillside Development Standards are required under the revised design presented to the Planning Commission.

III. RESPONSE TO APPELLANTS' GROUNDS FOR APPEAL

Appellants raise over 20 arguments, many of which are duplicative or premised on mischaracterizations of the record. The primary issues relate to: (1) compliance with the Physical & Environmental Constraints ("P&E") criteria (AMC 18.3.10.050); (2) the Hillside Lands Standards; (3) the variance to the flag-drive standards; and (4) tree removal. Below is a point-by-point response.

- 1. Physical & Environmental Constraints Criteria – AMC 18.3.10.050(A)-(C):**
Appellants claim the Commission failed to ensure compliance with AMC 18.3.10.050(A)-(C), which require minimizing impacts, mitigating hazards, and reducing environmental harm. In fact, the Planning Commission made detailed

¹ Council Ordinance No. 3232

findings on each of these criteria.² Applicants' geotechnical engineer, arborist, civil engineer, and planning consultant all provided expert analysis confirming:

- (a) The proposed site disturbance is far less than the maximum allowed—just 18.7% disturbance where up to 48% is allowed.
- (b) The home is sited on the lower corner of the lot to minimize grading and preserve hillside vegetation, with little or no disturbance to 80% of the lot.
- (c) Retaining walls and drainage systems meet all City's standards and criteria and are designed to stabilize slopes and prevent erosion.
- (d) A full erosion control plan, wildfire safety plan, and tree protection measures were provided for the Planning Commission's review and approval.

Substantial evidence in the Planning Commission's record supports each of the Commission's finding. Appellants offered no qualified expert evidence to rebut the Commission's conclusions—only generalized objections to the construction of a home on a long-existing undeveloped residential lot included in City's buildable lands inventory, and adjacent to Appellants' own properties.

2. Development Standards for Hillside Lands – AMC 18.3.10.090.

Appellants argue the site is unbuildable due to slopes over 35%. But AMC 18.3.10.090.A.1.a expressly states that existing legal lots like this one are buildable for one single-family home regardless of slope percentage. The Planning Commission made this exact finding.³ The Planning Commission properly concluded that the application met all applicable hillside development standards, or could meet them with feasible conditions of approval.

No exceptions to downhill wall height or step-backs are needed under the revised plans. The home was redesigned to comply with City's 20-foot height limit (excluding roof elements), and the 6-foot step-back was provided. The Planning Commission record contains substantial un rebutted evidence showing compliance.

² Planning Commission Findings, Pages 2-5, 8-9.

³ Planning Commission Findings, Conclusions and Orders. Page 4.

2. Variance to Flag Drive Standards – AMC 18.5.3.060.F.

Appellants argue that a variance cannot be granted for the driveway grade because it exceeds 20%. However, the Planning Commission found that the driveway serves an existing legal lot created with this driveway in mind, and that no other access is feasible.⁴

3. AMC 18.5.5.050 Allows the Planning Commission to Grant a Variance.

AMC 18.5.5.050 (Approval Criteria for Variance) allows the Planning Commission to grant a variance where:

- (a) Special physical circumstances exist – here, the steep flag lot and historic access.
- (b) The variance is the minimum necessary – here, the only access to Applicants’ Property is the existing driveway. On January 21, 1994, the historic owners of Appellant Eisenberg’s Property (James & Sheila Straus) granted an access easement on the existing driveway to the historic owners of Applicants’ property (Adelaide Brown & Sandra Rapp).⁵

[Note: The 1994 Easement Agreement recites that, “there is an existing road which runs off of Granite Street to Tax Lot 1800 which was historically used as access to [Tax Lot 1800]”; and “there used to be a dwelling unit on Tax Lot 1800 which was accessed by said existing road.”⁶]

- (c) Public benefit outweighs any impacts – including the Public Trail Easement voluntarily offered by Applicants as a condition of approval of their application. Again, this segment of the Ditch Trail crossing Applicant’s Tax Lot 1800 is specifically identified in the Council’s Parks, Trails, and Open Space Plan adopted in February, 2024 – which became part of City’s Comprehensive Plan (#11 - Ditch Trail Segment). Obtaining a permanent public trail easement across this critical segment of the popular Ditch Trail was the key point of public concern at the Planning

⁴ Planning Commission Findings, Conclusions & Orders, Pages 6-7.

⁵ Easement Agreement recorded as 94-04302, submitted into Planning Commission Record.

⁶ *Id.*

Commission's public hearing.

- (d) The hardship is not self-imposed –Tax Lot 1800 and the historic driveway providing access to it were legally created decades ago, and the 1994 Easement Agreement providing legal driveway access between Lot 1800 and Granite Street recites that the driveway was historically the driveway access to Tax Lot 1800 for years prior to 1994.

Each of these variance criteria was specifically addressed in the record upon which the Planning Commission based its approval decision.

4. Tree Removal – AMC 18.5.7.040

Appellants argue that the tree removal permit lacked adequate findings and failed to assess impacts within 200 feet. However, the Planning Commission made detailed findings on the tree removal criteria.⁷ In response to neighbor concerns, the Applicants:

- (a) Revised their plan to preserve Trees #68 and #71 near the property line.
- (b) Clarified that no trees are being removed for the pool or patio.
- (c) Demonstrated that the only remaining shared tree being removed (a madrone) lies squarely within the access easement and can legally be removed under the easement terms.⁸
- (d) Submitted arborist reports showing that the proposed tree removals are minimal and will not affect canopy or species diversity in the vicinity. Further, over 80% of the property will remain undisturbed natural open space, far exceeding the minimum required.

The Planning Commission accepted the expert analysis provided by Appellants, and the Tree Commission did not object to Applicants' revised tree removal plan. Appellants never provided any competing expert evidence.

⁷ Planning Commission Findings, Conclusions, and Orders, Pages 7-8.

⁸ See, e.g., *DeMartino v. Alderin*, 339 Or App. 346 (2025) (Easement holder may remove trees or other obstructions within an access easement which are necessary in order to use the easement for its intended purposes).

IV. LEGAL STANDARD OF REVIEW

Under AMC 18.5.1.060(I)(5)(b), the Council must affirm the Planning Commission unless:

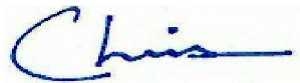
1. There is no substantial evidence in the record to support the Planning Commission's findings; or
2. The Council finds the Planning Commission made a legal error.

Appellants bear the burden of demonstrating that the Planning Commission committed reversible error. The Council may not reweigh the evidence or consider any new evidence. Appellants fail to meet this burden.

V. CONCLUSION

The Planning Commission's approval is based on substantial evidence in the 250-page record, sound legal reasoning, and careful analysis of the documentation and arguments submitted by those parties who participated in the Commission's public hearing process. The Planning Commission's decision complies with all applicable criteria in City's Land Use Ordinance (AMC Title 18). The appeal should be denied, and Council should affirm its Planning Commission's Findings, Conclusions & Orders.

Respectfully submitted,
DAVIS HEARN ANDERSON & SELVIG, PC



Christian E. Hearn | OSB #911829
chearn@davishearn.com
Of Attorneys for Applicants

Attachment: Applicants' Legal Argument submitted to Planning Commission.

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APRIL 1, 2025

Transmitted by Email

TO: Ashland Planning Commission (planning@ashland.or.us)
c/o Michael Sullivan, City of Ashland Community Development
51 Winburn Way | Ashland, OR 97520

FROM: Chris Hearn (chearn@davishearn.com)

RE: **APPLICANT FINAL WRITTEN ARGUMENT/REBUTTAL**
Planning Action: PA-T2-2024-00053
Applicants: Bryan & Stephanie DeBoer
Subject Property: 231 Granite Street (39-1E-08DA, Tax Lot 1800)

Dear Ashland Planning Commission:

Our firm represents applicants Bryan & Stephanie DeBoer (“Applicants”) in their pending planning action for 231 Granite Street. Please include this final written argument in the record for PA-T2-2024-00053. This memorandum summarizes the key issues to aid the Commission in its decision. Please note that this memo is not intended to abandon any arguments made by Applicants elsewhere in the record; those arguments are retained and incorporated here by reference.

Introduction

Applicants seek approval to construct a single-family residence for their daughter’s family at 231 Granite Street (Tax Lot 1800), a pre-existing undeveloped hillside lot that was created with City approval and recognized as buildable nearly 30 years ago. Due to the unique access and topography of Tax Lot 1800, Applicants’ proposal requires a Physical & Environmental Constraints Permit for development on Hillside Lands, including a Type II Variance to allow use of the historic nonconforming driveway access from Granite Street, and a Tree Removal Permit for removal of a limited number of trees necessary to safely develop the site.

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Planning staff have thoroughly evaluated the application and recommended approval with conditions, confirming that all applicable criteria are satisfied or can be satisfied with feasible conditions of approval.¹ Some neighbors raised concerns about driveway safety, hillside disturbance, home size, and tree removal. However, these concerns are either fully addressed by the proposal, reasonably handled via conditions of approval, appropriately deferred to final plan review, or simply not valid grounds for denial under the applicable approval criteria in the City's Land Use Ordinance (AMC's Title 18). As detailed below, the application meets each required approval criterion, and state law mandates a favorable, clear-and-objective review of this needed housing proposal. The Planning Commission should approve the application, allowing this long-planned homesite to be developed in a safe and environmentally responsible manner. (For the Commission's ease of reference, citations to the record and legal authorities are provided in bracketed footnotes.)

Home Size Context: Opponents have characterized the proposed home as too large. In fact, the home's habitable floor area is approximately 3,426 square feet (plus a garage and basement, as defined by building code) – a size that is proportional to the large lot and well within code limits. Moreover, as discussed below, over 80% of the property will remain undisturbed natural open space, far exceeding the minimum required. Subjective opinions that the home is “too big” are not approval criteria and cannot be the basis for denial.

Variance for Driveway Access – Not Self-Imposed and Justified by Unique Circumstances

Applicants request a Type II Variance from the strict limitations on flag-drive slope and length in order to use the only possible access to this landlocked hillside parcel. Under AMC 18.5.5.050, a variance may be granted if the Commission finds that four criteria are met. Here, each criterion is satisfied:

(1) Unique Physical Circumstances (18.5.5.050.A.1):

The historic nonconforming driveway access is a product of the property's unique history and topography, not a situation of the Applicants' making. Tax Lot 1800, in its current configuration, was approved by the Planning Commission in 1995 in connection with Planning Action #PA-95-024, as identified on the 1996 partition plat recorded as

¹ See: Staff Report for the Commission's March 11, 2025 public hearing; Email from Community Development Director Brandon Goldman (3/14/2025); and Director Goldman's Memo (3/18/2025) with attachments.

Partition Plat P-43-1996.²

In connection with approving the relevant “Land Partition Survey Partition Plat” in 1995, Tax Lot 1800 is clearly identified as “Parcel 3”, and thus a legal residential lot appropriate for the development of a single-family home, with access via the historic (“grandfathered”) nonconforming private easement extending uphill from Granite Street.³ In a 1992 letter, then-Planning Director John McLaughlin acknowledged that the grade of the access easement for Tax Lot 1800 exceeded then-current city standards, but concluded that, because the flag drive provided the landlocked Tax Lot 1800 with historic access to Granite Street, the existing nonconforming driveway’s use for a future residence on Tax Lot 1800 “would be allowable.”⁴ The 1992 letters from City’s Planning Director effectively recognize the special circumstances associated with Tax Lot 1800’s driveway access – which was and is the only feasible access for the landlocked Lot. Based on Planning Director’s 1993 letters, the historic owners of Tax Lot 1800 secured an access easement on the existing nonconforming driveway in 1994; then pursued Planning Action #PA-95-024 in 1995. The official Partition Plat was recorded in 1996, and includes the signature of the Planning Commission’s chair.⁵

The existing access from Granite Street, and the City’s acknowledgment of the nonconforming nature of the driveway easement serving Tax Lot 1800, were established more than 30 years ago by the historic owners and the City. The circumstances necessitating the driveway variance were not created by the Applicants, who reasonably relied on the buildable status of Tax Lot 1800 when they purchased the Lot in December of 2023. This is a textbook example of the type of “special or unique physical circumstance” foreseen by the Code as justification for a variance.

² Tax Lot 1800 is identified as “Parcel 3” in Partition Plat P-43-1996, signed by the Planning Commission’s chair on 08/10/1995 (PA# 95-024).

³ See: Applicant’s Easement Agreement recorded 02/02/1994, JCOR #94-04302.

⁴ See: Memo and attachments provided by Community Development Director Brandon Goldman’s Memo dated 03/18/2025.

⁵ See: Sheet 1 of Land Partition Survey Partition Plat PA-43-1996 (Survey No. 14932), signed by “Ashland Planning Commission” on 08/10/1995.

(2) Minimum Deviation Necessary & No Negative Impacts (18.5.5.050.A.2):

The variance requested is narrowly tailored to what is necessary to develop a home on Tax Lot 1800. The residence is sited at the closest feasible location to the end of the existing flag drive, minimizing any new driveway length or grading. Steep portions of the existing driveway (which currently reaches grades of ~23%) will be improved and paved to enhance safety and durability. Fire safety will be addressed with residential sprinklers and, if required, a new hydrant and pump, per Fire Department standards anticipated when the lot was created. In staff's assessment, the variance sought is the minimum necessary deviation from the 18% slope / 200-foot length standard to allow use of this pre-existing nonconforming access, and all variance criteria are met because the code's general limits simply do not account for the property's unique situation.

Importantly, allowing this driveway variance will not harm adjacent properties or the public since the driveway is private and will serve only this one home. In fact, improving the driveway will enhance emergency access to this area (as discussed further below in the Fire Safety section). Any minor impacts of allowing the steeper drive are outweighed by the benefits of providing safe access to a new residence on a legal lot.

(3) Public Benefits Exceed Any Negative Impacts (18.5.5.050.A.3):

Granting the requested driveway variance will provide significant and unique public benefits with minimal downsides. The primary benefit is allowing a new family home to be built within the City on an existing infill lot – furthering Ashland's infill housing goals, and adding to the City's tax base, and addressing the "needed housing" supply.

The third variance approval criterion is:

*"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.**"*
(emphasis supplied.)

Public Trail Easement. Applicants have voluntarily offered a condition of approval dedicating a permanent Public Trail Easement across their Tax Lot 1800 in the location of the popular TID "Ditch Trail". This represents a substantial public recreational benefit that more than compensates for the relatively minor impacts of the driveway variance. The City's Comprehensive Plan expressly identifies the trail across Tax Lot 1800 as a desired link in Ashland's trails network (listed as Project #11, "Talent

Irrigation Ditch Trail Segment,” in the 2024 Parks, Trails, and Open Space Plan).⁶ This easement will guarantee the community’s perpetual use of this critical trail segment crossing Tax Lot 1800. Applicants have submitted a draft Public Trail Easement document into the record as a voluntary condition of approval.⁷ Tax Lot 1800 appears in the Open Space & Trails Plan as “Project #11, Talent Irrigation Ditch Trail Segment,”. City’s Open Space Trails Plan was adopted by Council during 2024, and is a part of City’s Comprehensive Plan. By offering to formalize this trail connection as a voluntary condition of approval, Applicants are directly furthering a specific Comprehensive Plan goal. In sum, the “public benefit” criterion for a variance is easily met: “The proposal’s benefits will be greater than any negative impacts on development of adjacent uses and will further the purpose and intent of the ordinance and Comprehensive Plan of the City.”⁸

The public benefits of this proposal are substantial and clear, while any potential negative effects are minimal.

(4) Not a Self-Imposed Hardship (AMC 18.5.5.050.A.4):

The need for the variance “is not self-imposed by the applicant or property owner.” (AMC 18.5.5.050.A.4.) This requirement is unequivocally met. The physical constraints (steep terrain and the long-existing nonconforming access easement) were established by others long before the Applicants acquired the property in 2023. Applicants had no role in creating the lot’s access situation. Denying the variance would therefore deny any reasonable use of this residential lot – a result wholly contrary to the intent of the code and fairness (and potentially triggering regulatory takings issues).

Again, City’s former Planning Director effectively recognized in 1993 that insisting on full compliance with the driveway slope standards here would serve “no

⁶ See: Letter from APRC attached to Community Development Director Goldman’s Memo to the Planning Commission. dated 03/18/2025[5]

⁷ See: Recitals in Public Trail Easement offered by Applicants, submitted into the record on 03/25/2025.

⁸ Ashland Parks, Trails, and Open Space Plan (2024), adopted as part of the Ashland Comprehensive Plan. See Ashland Parks & Recreation Dept. Letter to Planning Division (Mar. 12, 2024) (noting Tax Lot 1800 as Project #11, "Talent Irrigation Ditch Trail Segment," targeted for trail acquisition).

practical purpose” given the lack of any alternative access.⁹

In short, allowing use of the steeper existing driveway harms no one, whereas denying the variance would deprive the owner of any use of Tax Lot 1800. Such a denial would not only conflict with the broader public interest in utilizing residential land, but it would also raise serious fairness and legal concerns (as discussed under Needed Housing law, below).

Conclusion (Variance):

Substantial evidence in the Commission’s record demonstrates that this variance is necessary to permit development of a home on a pre-existing legal lot, and that approving it is consistent with the purpose of the code (ensuring safe access and reasonable use of residential land). City staff, after careful review, concluded that all variance criteria (AMC 18.5.5.050.H) are met and that the unique physical characteristics of the site warrant approval. We urge the Commission to reach the same conclusion as Planning staff and approve the driveway variance, so that this infill lot can finally be put to its intended use as a homesite after 30 years in City’s inventory of buildable lands.

Hillside Development Standards – Design is Safe, Minimizes Impacts, and Exceeds Requirements

Apart from the driveway variance, the proposed development is designed to meet or exceed Ashland’s Hillside Development Standards (AMC 18.3.10.090) – which were adopted after Tax Lot 1800 was created.¹⁰ The application carefully minimizes disturbance on this steep, wooded site, complying with both the purpose and the specific requirements of the City’s Physical & Environmental Constraints chapter. Initially, Applicants requested a couple of exceptions to the Hillside Design Standards pursuant to AMC 18.3.10.090.H (for a slightly taller downhill building wall and a less-than-6-foot upper-story offset). Findings were provided showing those exception criteria would be met. However, Applicants have since modified the home’s design to eliminate these exceptions. The plans were revised (during the post-hearing information period) to increase the upper-floor step-backs to a full 6 feet on the downhill elevations, and to ensure the downhill wall height meets the 20-foot limit. These design changes reduced

⁹ 1993 Letters from Planning Director McLaughlin (acknowledging that a driveway variance would be necessary and appropriate for this parcel's development).

¹⁰ City of Ashland Ordinance No. 2808, adopted 12/02/1997, establishing the Hillside Development Standards.

the home's floor area by about 44 square feet, and brought the project into compliance with those two standards. As a result, no major exceptions to the Hillside Standards are needed at this time (the only relief now being sought is the driveway variance discussed above). Even if an exception had been required, the record shows the criteria could be met – but importantly, the project as revised fully complies with City's Hillside Design Standards for building wall height and step-backs.

Overall, the project will be safe and environmentally sound – as confirmed by the geotechnical reports and by staff. Any visual or aesthetic impacts will be negligible due to the home's location and extensive natural screening. The home will be tucked against the slope and not visible from Granite Street or other public vantage points. Applicants address a few key hillside development issues in turn:

- **Slope Stability & Hazard Mitigation:** Applicants have thoroughly evaluated potential geologic hazards (landslide, erosion, etc.) and incorporated all required measures to mitigate them, per AMC 18.3.10.090.A. The home and driveway will be engineered with appropriate retaining systems and drainage to stabilize the slope. A geotechnical engineering report and site-specific grading plans (in the record) include detailed recommendations to ensure the development will be safe on the steep terrain. City staff concluded that the proposal adequately “considered the potential hazards” and that conditions of approval (e.g. erosion control plans, construction management measures) will reduce risks to acceptable levels. No evidence in the record refutes the expert analysis provided by Applicants, which demonstrates that Tax Lot 1800 can be developed as proposed without jeopardizing neighboring properties or hillside stability. Furthermore, Applicants will post a bond and obtain a Physical & Environmental Constraints Verification Permit before construction, giving the City additional oversight to confirm all hazard-mitigation measures are in place (a standard condition of approval). In sum, Applicants’ proposed development complies with the City’s Hillside Standards intended to prevent unsafe construction on steep lands.
- **Limiting Disturbance / “Natural State” Preservation:** Ashland’s Hillside Development Standards require that a substantial portion of a hillside lot remain in its natural state (undisturbed). Applicants’ site plan far exceeds this requirement. Approximately 18.7% of the lot area will be disturbed by development, meaning over 81% of the property remains in its natural, untouched condition – well beyond the 52% minimum natural area required (i.e. a maximum of 48% disturbance allowed under AMC 18.3.10.090.B.3). Similarly, lot coverage by impervious surfaces is substantially less than the 20% coverage allowed in this zoning. In other words, the proposed development easily meets

the code's objective of minimizing grading and preserving the majority of the site in natural hillside vegetation. The disturbance that does occur (driveway, building footprint, small yard areas) is concentrated in one portion of the lot to avoid spreading impacts. All retained areas will remain densely vegetated. Thus, the project is in harmony with the natural terrain and will maintain the hillside's overall character.

- **Hillside Building Design (Height & Step-Backs):** The home design incorporates stepped massing and vertical articulation to break up bulk, and it is well under the City's normal height limit for this zone. In fact, the building's overall height will be roughly 15 feet above natural grade at its tallest point, which is less than half the 35-foot height limit permitted on hillside lands. The design also meets all building envelope requirements. As noted, Applicants revised the design to comply fully with the specific Hillside Design Standards for downhill wall height and upper-story step-backs. The final plans demonstrate that the vertical wall portion on the downhill side is under 20 feet high, and the additional height above that (the roof gable and eaves) does not count as "wall" for the step-back rule. By adding 6-foot offsets to the upper floor, the continuous building plane on each elevation now conforms to the 36-foot maximum length standard (no exception needed). Staff concluded that, due to the site's steep slope and the desire to cluster development, allowing a modest exception in these areas would be justified to better protect the hillside. But now that the plans have been adjusted, no exception is required. It is worth noting that the project's approach (a two-story design snug against the slope) actually protects hillside resources better than a sprawling single-story or further stepped design. By concentrating the house on a small portion of the lot near the driveway entrance, grading outside the driveway and footprint is minimized, also preserving the vast majority of the trees (over 70 out of 75 significant trees on site will remain). Applicants have adhered to the primary objective of the Hillside Ordinance: reduce hillside disturbance while allowing reasonable development consistent with Tax Lot 1800's residential zoning. The result will be a well-designed home that respects its environment.
- **Retaining Walls:** Some neighbors raised a concern about the height of a proposed retaining wall along the north side of the driveway cut. The plans do not actually show a 22-foot-tall unbroken wall, as the neighbors asserted. The notations "+14 TOW, +15 TOW, +22 TOW" on Applicants' Landscape Plan refer to elevations relative to a datum, not exposed wall height. In fact, those correspond to actual wall heights of approximately 1 foot, 2 feet, and 5 feet above adjacent grade, respectively, for segments of the wall. All retaining walls will be engineered and will comply with AMC 18.3.10.090.B.4.b at the building permit

stage (which requires terracing or other measures for cuts over 7 feet). If necessary, the final design will incorporate terraced wall segments or other structural solutions so that no single vertical cut exceeds code limits without mitigation. In any event, Applicants are not asking to simply cut a 22-foot vertical bank with no terracing or stabilization. If minor adjustments (such as an additional terrace or shifting the wall location slightly inward) are needed during final engineering, Applicants can and will accommodate them – there is ample room on site to modify slopes or wall design as needed. The Commission can impose a condition that *“final grading and retaining wall plans shall meet the terracing requirements of AMC 18.3.10.090.B.4.b to the satisfaction of the Staff Advisor,”* and Applicants will gladly comply. This specific technical detail can be resolved between the project engineers and staff during final plan review; it does not affect the fundamental approvability of the project. Moreover, the retaining wall will be entirely on the Applicants’ property and will be properly constructed so as not to undermine soils on the downslope neighbor’s side. To the extent the wall may end up closer to the property line than the guideline of “half the wall height,” that guideline applies to raw cut slopes without structural support – here a structural wall is proposed, which by intent of the code allows more flexibility. If a small exception or variance is ultimately deemed necessary for the wall placement, the same hardship (steep topography and narrow lot configuration) justifies it, and it can be handled as a condition of approval. In summary, the retaining wall issue is a normal part of detailed hillside engineering and will be addressed in the final plan. It is not grounds for denial of the project.

Conclusion (Hillside Standards): The proposed home complies with or exceeds the Hillside Development Standards intended to protect the environment and public safety on steep lands. Where minor relief was initially sought from certain design standards, Applicants proactively modified the design to meet those standards outright. The project’s design represents the minimum necessary disturbance to develop a single-family home on this lot, and in many respects it goes above and beyond the code’s requirements (for example, preserving far more natural area and trees than required). City staff found the hillside development criteria satisfied (with conditions), and no evidence to the contrary has been provided.

Tree Removal Permit – Consistent with Standards and Necessary to Allow Reasonable Use

The application includes a request to remove a total of 67 trees from the site, 63 of which are small diameter (< 6 inches DBH) saplings or scrub trees that serve as ladder fuels. Only four significant trees (6 inches DBH or greater) are planned for removal, which is the minimum necessary to accommodate the driveway and the

homesite in a safe manner. The Ashland Tree Commission reviewed the proposal and, as reflected in the Staff Report, did not oppose the removals subject to recommended conditions (all of which Applicants accept). Staff likewise concluded that, with conditions, the Tree Removal criteria are met and the permit should be granted.

Under AMC 18.5.7.040.B, a Tree Removal Permit for hillside lands must satisfy two key approval criteria (in addition to fire safety considerations):

- (1) **Removal is Necessary for Allowed Use:** The proposed removals are necessary to enable reasonable development of this residential lot. The trees slated for removal directly conflict with the planned driveway location or building footprint, or are within the mandatory wildfire defensible space around the new home. In particular, a few trees near the driveway must be cleared to widen and improve the drive to meet safety standards, and a cluster of trees in the immediate construction area must be removed for the house foundation and fire clearance. It is not feasible to construct the home and driveway on Tax Lot 1800 without removing these specific trees – they lie essentially within the only developable area of the Lot. The code asks whether the tree removal is the “minimum necessary” to allow the use of the property, and here it clearly is.¹¹ Applicants have already modified their plans during the review process to preserve certain trees that were initially proposed for removal. For example, two trees that straddle the property line with the neighbors (a 16-inch oak and a dual-stem madrone ~10”/12”) were originally marked for removal but, to address the neighbor’s concerns, Applicants adjusted the driveway design to avoid cutting those trees. Those shared trees will be retained if at all possible, with the driveway shifted slightly and construction under the supervision of the project arborist to protect their roots. The only tree located near the property line that still must be removed is a large madrone (approximately 34–36” DBH) situated entirely within the recorded driveway easement area. That tree lies in the direct path of the Applicant’s recorded legal access easement and must be taken out to achieve the necessary driveway improvements (and importantly, the terms of Applicant’s easement allow removal of any obstructions within the easement area to allow for access). No trees are being removed solely to create yard amenities – for instance, the proposed patio and pool are sited on the portion of the lot with the least slope and outside any significant tree canopy, so no additional tree removal is required for those features. In summary, the trees proposed for removal have been limited to those absolutely needed for the driveway, building

¹¹ AMC 18.5.7.040.B.2.c (tree removal criterion requiring that removal be the minimum necessary to allow the lawful development).

pad, or required wildfire safety clearances. Applicant's requested Tree Removal Permit must be granted to the extent necessary to allow a home to be built on this pre-existing residential lot (denying it would preclude development – effectively a regulatory taking of the property).

- (2) **No Significant Negative Environmental Impacts:** The trees removed will have no significant adverse impact on the environment (erosion, soil stability, runoff, or impacts to remaining trees). An erosion control plan and other construction-phase safeguards will be in place to prevent any soil runoff or instability resulting from the clearing. The majority of the site's tree cover will remain intact, providing continued slope stability and erosion control. In terms of the forest ecology, the removals have been evaluated by a certified arborist and a forester; both professionals concluded that removing this small subset of trees (mostly suppressed understory growth) will not appreciably diminish canopy cover or species diversity in the area. Even with the removal of up to five significant trees, there will be no notable reduction in overall tree canopy density within 200 feet of the site – the hillside will remain heavily treed. Numerous mature madrone, pine, fir, and oak trees on the property and adjacent properties will be retained. Any trees removed will be mitigated as required by planting of new trees on site. With the recommended mitigation, the project proposes no net loss of tree values over the long term – the scenic and environmental functions of the trees will be replenished by new growth. Additionally, many of the smallest trees being removed are actually fire-prone ladder fuels; eliminating these combustibles improves wildfire safety for the property and its neighbors (an ancillary environmental benefit). In short, the limited tree removals proposed will not cause undue environmental harm.

Fire Safety and Forest Health Considerations:

Although not an explicit approval criterion in the Tree Removal chapter, it bears noting that the removal of many of the smaller trees is beneficial for wildfire safety. The property is in a designated Wildfire Hazard area where creating defensible space around structures is critical. Applicants' fire fuel reduction plan (included in the application) was reviewed by Ashland Fire & Rescue. It entails clearing brush and closely spaced small trees around the home. Many of the "67 trees" counted for removal are actually slender understory saplings or scrub that pose fire risks. Eliminating this excess fuel will improve safety for the new home and the neighborhood, while healthy larger trees will remain to provide shade and soil stability. In sum, Applicants' Tree Removal Plan, aligns with recommended wildfire mitigation practices. All trees to be removed are concentrated on a limited area of one private lot; adjacent properties and the broader neighborhood will still enjoy substantial tree cover. To further offset the removal of four

significant trees, Applicants will contribute to off-site tree planting as needed (per city requirements) to ensure no overall loss of urban forest canopy. With these measures, the project advances both safety and environmental stewardship.

Conclusion (Tree Removal):

Applicant's Tree Removal Plan satisfies the criteria of AMC 18.5.7.040, supporting the requested for a Tree Removal Permit. The few significant trees to be removed are the minimum necessary to accommodate code-compliant development of this lot, and their removal will not cause significant environmental harm. The tree removed will be mitigated as required. The Ashland Tree Commission reviewed the plan and did not oppose the proposed tree removals given the mitigation and safety rationale. Staff likewise concluded that, with conditions, the tree removal criteria are met and the permit should be approved. Applicants respectfully request that the Commission concur with its staff and approve the needed tree removals to allow the project to proceed. This will allow the new home to be built while ensuring the long-term health and safety of the remaining urban forest on and around the site.

Applicants' Rebuttal to Opponent Comments (Submitted March 12–25, 2025)

Applicants will now briefly respond to specific issues raised by various neighbors during the open-record period (March 12–25). Many of the neighbors' concerns were already addressed in the Rebuttal Memorandum submitted by Applicant's consulting planner, Amy Gunter of Rogue Planning & Development Services, on March 25, 2025, which is incorporated here by reference. Below, we summarize each key issue raised and provide a concise rebuttal, often referring back to the more detailed discussions in the sections above:

1. Tree Ownership and Removal Near the Property Line

Summary of Opponents' Argument: Neighbors (including the Eisenbergs and McLaughlins) assert that certain trees near the driveway area – specifically a 16-inch Oregon White Oak and a two-stem madrone (~10" and 12" DBH, identified as tree #68 and #71 on the plans) – straddle the property line between the subject property (Tax Lot 1800) and the McLaughlins' property (Tax Lot 700). They argue these trees are co-owned by Applicant and the neighbor and thus "cannot be removed without the neighbor's consent." Opponents also point out a recently identified ~34" diameter madrone at the northeast corner of the flag lot (within the access easement) that straddles the boundary, suggesting Applicants failed to account for this shared tree in the initial submittals.

Applicants' Response: Applicants acknowledge the updated survey information confirming that these three trees lie on or very near the shared property line. However, none of these shared trees creates an insurmountable problem for the

project. In fact, Applicant's development plans have now been adjusted to address the neighbor's concerns and to preserve the two property-line trees (#68 the oak, and #71 the small madrone). As noted above, the driveway design was slightly shifted and construction methods will be employed (under the project arborist's guidance) to protect those two trees so they can remain in place. The only large tree on the border – the ~34" madrone at the northeast flag lot corner – falls within the driveway easement area and is slated for removal, but that tree is entirely within the recorded access easement and its removal is permitted as part of Applicants' legal rights under the terms of the Easement Agreement (i.e. the Applicants have the legal right to remove it as necessary to allow use their access for its intended purpose). In any event, any tree that technically lies on a property line will only be removed in compliance with legal requirements – meaning if neighbor consent is required, Applicants will obtain it, or if consent is not granted, the plans will be adjusted to retain the tree. Applicants have every intention of being good neighbors and will work with the McLaughlins regarding any co-owned trees. Notably, by revising the plan during the post-hearing period, the only shared tree now planned for removal is the large madrone lying directly within the easement, and that removal is necessary for access and allowed by the terms of Applicant's recorded easement. This is a manageable issue and not grounds for denial. In fact, Ms. Gunter's March 25 memo confirms that the minimum number of significant trees are being removed to accommodate development, and that all such removals are necessary for the driveway, the residence footprint, or the wildfire safety buffer – none are being taken out gratuitously. Even with these removals, there will be no significant reduction in overall tree canopy or diversity in the vicinity. The shared trees in question do not derail the project: Applicants will either secure the neighbors' consent or simply design around the shared trees if need be (as they have already done for two of them). The Tree Removal Permit criteria are met, as detailed above – the removal is the minimum necessary for the project and will not have significant adverse impact on the area. (For additional details on tree protection measures, please refer to the March 25 Gunter Rebuttal and the arborist's reports in the record.) Finally, to reiterate: the large madrone located within the driveway easement may be removed under the terms of that easement, so its straddling the property line does not prevent the driveway improvements from moving forward.

2. Driveway Slope and Length (Variance Validity)

Summary of Opponents' Argument: Some neighbors (e.g. Ms. Sarah Sameh and Dr. Jay Reeck) argue that the flag-lot driveway's grade and length violate city standards and that the required variance should be denied. They suggest that because the driveway doesn't meet the standard 18% slope/200-foot length, the project is unacceptable or that this "self-imposed" condition should not be relieved by a variance.

Applicants' Response: This issue was the central focus of the application and has been fully addressed in the application narrative, staff reports, and in Applicants' prior submittals in the Commission's record (including Ms. Gunter's planning analysis).

In summary, the need for the driveway slope/length variance is driven by the lot's unique circumstances and historic approvals – it is the only possible access to a legal hillside lot that was created decades ago with the City's approval and knowledge that the driveway would exceed the usual standards. Again, the City explicitly contemplated this situation when the parcel was created in the 1990s. As previously mentioned, during 1992, Planning Director John McLaughlin acknowledged in writing that the access grade of the pre-existing nonconforming driveway would exceed code limits, but concluded that a variance for the driveway would be necessary and allowable to develop the lot. In fact, City staff correspondence from 1992–1993 (now in the record) confirms that Tax Lot 1800 would be recognized as a legal lot once an access easement was provided, and noted that “the future development of the driveway would require a variance.” City later approved Planning Action #PA95-024, and signed the official Plat showing Tax Lot 1800 as “Parcel 3” on 09/10/1995. The need for a steep, lengthy driveway is not a self-created hardship – it is an inherent condition of the lot's location and history. City staff today have likewise concluded that the variance criteria are met for all the reasons discussed earlier in this memo. As explained in the Variance section above, denying the variance would essentially preclude any home from ever being built on this lot, which was never the City's intent, and creates regulatory takings issues. In short, this variance is justified by the unique physical circumstances and prior City actions. The opponents have not introduced any new facts to refute the comprehensive variance justification already in the record – they largely repeat general objections to any steep driveway – and the historic driveway in question has existed for decades as a nonconforming use. The evidence remains that the variance meets all criteria and will ensure safe, reasonable access. Applicants incorporate by reference the full analysis provided in Section (1) of this memo and in the staff report. There is no basis to withhold the driveway variance in this case.

3. **Emergency Vehicle Access and Fire Safety**

Summary of Opponents' Argument: Building on the driveway length issue, opponents contend that emergency vehicle access will be unsafe or non-compliant due to the long, steep driveway. They question whether fire trucks can adequately reach the new house and whether lack of a standard turnaround near the house will pose a safety risk.

Applicants' Response: Applicants agree that fire safety and emergency access are critical, and have taken multiple steps to ensure the project will comply with all Fire Code requirements. First and foremost, the new house will be equipped with a NFPA-compliant fire sprinkler suppression system throughout. Adding sprinklers

dramatically improves fire safety for the occupants and neighbors, and it is a key factor that allows flexibility in fire apparatus access distance. Under AMC 18.5.3.060.J (and the Oregon Fire Code), the Fire Marshal may allow a turnaround to be farther from a home (up to 250 feet away) when the building is sprinklered. In this case, because the driveway is longer than normal, Applicants worked closely with Ashland Fire & Rescue to craft an acceptable alternative to the typical on-site turnaround. Ashland's Fire Marshal has indicated (in email correspondence in the record) that providing a widened turnout along the driveway – designed to Jackson County standards – would be an acceptable solution instead of a full hammerhead or cul-de-sac turnaround near the house (which is not feasible on this steep site). In other words, rather than having a turnaround at the top, a strategically placed pull-out on the driveway will allow a fire engine to stop and reverse direction as needed. This approach has been deemed acceptable by the Fire Marshal and is within his discretion under the code. While a formal sign-off letter from the Fire Marshal was not yet in the March 18 evidence, Applicants anticipate providing final written confirmation before the Commission's decision. In any event, the Commission can impose a condition of approval that final fire department approval of the access plan (turnouts, etc.) be obtained – and Applicants are amenable to such a condition. Applicants will comply with any and all fire code provisions (turnouts, sprinklers, fuel reduction, etc.) required by the Fire Official to ensure emergency access is safe. It is also worth noting that the shared lower portion of the driveway already serves multiple existing homes and is generally of adequate width for fire apparatus in most places. Applicants will be improving the driveway surface and ensuring that the new upper driveway segment meets the Fire Code's width requirement (minimum 12 feet clear) and weight capacity for firefighting equipment. Defensible space and vegetation management will be implemented around the new home in accordance with the Wildfire Lands ordinance. In sum, although the total driveway length exceeds the norm, the combination of a fully sprinklered residence, a mid-drive turnout, and Fire Marshal oversight will meet the intent of the fire code – which is to provide reasonable and safe access for emergency responders. The opponents' fears about wildfire are understandable given the site's wooded nature, but the appropriate way to address those fears is exactly what Applicants are doing: complying with enhanced fire safety measures. Importantly, no evidence exists in the Planning Commission's record supporting the assertion that emergency access will be insufficient once these measures are in place. This issue has been addressed by Ms. Gunter's memo and in discussions with the Fire Department, and it will be finalized as a condition of approval rather than serving as any basis for denial.

4. Retaining Wall Height and Hillside Impacts

Summary of Opponents' Argument: Opponents (Ms. Sameh and Dr. Reeck) argue that the north-side retaining wall along the driveway cut will not meet the City's Hillside Development Standards – claiming it might be as tall as 22 feet and too close to

the property line.

Applicants' Response: The final engineered design of the driveway retaining walls will comply with applicable standards or approved exceptions. Applicants believe the opponents have misinterpreted the preliminary plan schematic. As explained earlier, the plan's callouts "+14," "+15," and "+22" for the wall do not represent exposed wall height in feet – they are elevation references. The actual heights of the wall segments, relative to adjacent grade (driveway or landscaped planters), are on the order of 1 foot, 2 feet, and 5 feet, respectively. In any case, even if a taller combined retaining structure is needed for the steep cut, the Hillside Standards provide methods to address it. AMC 18.3.10.090.B.4.b requires that cut slopes over 7 feet be terraced or structurally stabilized. Here, a structural retaining wall is proposed to retain the cut. If the wall needs to be tiered to meet the 7-foot terracing rule, it can be designed with two shorter tiers (for example, two ~11-foot walls with a planting terrace between). If, alternatively, the geotechnical engineer determines a single taller wall is more appropriate for stability, a minor exception can be sought – but that scenario is unlikely given Applicants can terrace if needed. Importantly, Applicants are not asking for permission to simply cut a 22-foot vertical bank with no mitigation. Applicants fully intend to meet the code's requirements through proper engineering. The Commission can comfortably condition approval on the requirement that "final grading and retaining wall plans shall meet the terracing requirements of AMC 18.3.10.090.B.4.b," as noted above. Applicants will comply with that. Notably, this retaining wall detail was not a focus of the March 11 hearing (likely because it is understood to be solvable at the staff/engineering level). It does not affect the basic approvability of the project – it is a typical item to be resolved during final plan review. All retaining walls will be designed by a licensed engineer to ensure stability and code compliance. If that means adding a terrace or shifting the wall further inward onto Applicants' property, that can be done – there is ample room to make such adjustments. As for the wall's proximity to the property line (adjacent to Mr. Eisenberg's lot at 223 Granite), Applicants will ensure no adverse impact to the neighbor's property. All construction will occur on Applicants' side of the line, with proper structural support to avoid soil encroachment. It is true the wall may be closer to the property line than the guideline of "half the wall's height," but again, that guideline is meant for earthen slopes; a structural wall provides more flexibility. If a formal variance or exception is technically required for the wall's setback or height, Applicants will request it and can demonstrate the same hardship (steep slope and narrow lot) justifies it. In summary, the retaining wall concern is addressable in final engineering and is not a reason to deny the application.

5. Construction Access via the Shared Easement

Summary of Opponents' Argument: Some neighbors have expressed concern about construction impacts to the shared driveway easement (the lower access from Granite Street). They worry that heavy construction vehicles on the narrow, steep driveway could cause damage, block access for existing residents, or otherwise create problems – especially since multiple families use this easement. They question how equipment will reach the site and whether the Applicants have the right to use the easement for large construction vehicles.

Applicants' Response: The easement serving Tax Lot 1800 is a legal access and utility easement benefitting Tax Lot 1800 – it was granted specifically to allow not only residential traffic but also whatever access is necessary to build and maintain a residence (which was the very purpose of securing the easement in the 1990s). Using the easement for construction ingress/egress is clearly within the rights of the easement holder (Applicants). That said, Applicants are committed to minimizing construction disturbances for the neighbors. Applicants will coordinate a construction management plan that addresses the scheduling of large deliveries, contractor parking, and roadway maintenance. For example, Applicants can ensure that concrete trucks or excavation equipment access the site during off-peak hours for the neighbors, and will provide advance notice to adjacent residents of any temporary disruptions. If any damage occurs to the shared driveway surface or its edges due to construction activities, Applicants will promptly repair and restore the driveway. Applicants' goal is to leave the easement in equal or better condition than it was before construction. It's important to note that temporary construction inconvenience is not a land use approval criterion under the code. The Planning Commission typically does not base a decision on construction-period impacts, as the City has separate procedures (and the building permit can include conditions) to manage those issues. The key point for the Commission's purposes is that the Applicants' recorded easement establishes their right to access their property – and that inherently includes access during construction. Applicants will be good neighbors in exercising that right, employing best practices to reduce construction impacts. In sum, this concern, to the extent it has been raised, does not relate to any applicable approval criterion and thus should not affect the Commission's decision on the land use application.

6. Open Space and Trail Easement Commitments

Summary of Opponents' Argument: Many public comments alluded to the property's role in the city's open space and trails network. Given the parcel's size and location, neighbors want to ensure that the existing TID Ditch trail is preserved. Some suggested that allowing development might jeopardize this community trail connection or the general open-space value of the land.

Applicants’ Response: Applicants have gone above and beyond to address open space and trail concerns. As noted at the hearing, Applicants have repeatedly stated their willingness to dedicate a perpetual public pedestrian easement along the TID Ditch Trail segment that crosses their property. In fact, as mentioned above, Applicant Bryan DeBoer met with Ashland Parks & Recreation Commission (APRC) members in early 2024 and offered to grant such a trail easement. Although APRC never followed-up with provided Applicants with any easement documents, Applicants did not withdraw the offer. Applicants now formalized their offer by submitting a draft Public Trail Easement into the record, which they propose as a voluntary Condition of Approval in this land use action. This means that the portion of the trail crossing Tax Lot 1800 will be permanently secured for public recreational use for generations to come, enhancing the City’s trail system. This voluntary easement directly advances a specific goal incorporated into the City’s Comprehensive Plan (connected open spaces and trails) and provides a public benefit that more than compensates for the single variance Applicants request. In terms of general open space, it is also important to highlight that over 80% of the lot will remain undeveloped natural hillside. The development footprint (home, driveway, small yard/patio areas) is confined to about 18–19% of the parcel, leaving more than four-fifths of the land in its natural state. This far exceeds the code’s requirements (which would allow up to 48% of the site to be disturbed). Thus, neighbor concerns about “losing” open space are largely unfounded – the vast majority of the property’s natural land will remain untouched and will continue to provide wildlife habitat and scenic value.

7. Home Design, Size, and Aesthetic Concerns

Summary of Opponents’ Argument: Opponents raise general objections to the size and scale of the proposed home, and to certain design features (e.g., that it doesn’t “blend in,” or that it includes a swimming pool, which the Hillside Guidelines discourage but do not prohibit). Some suggest the home is too large for the neighborhood or otherwise aesthetically inappropriate.

Applicants’ Response: Applicants have worked diligently to ensure the home design complies with all clear-and-objective standards in the code. Where feedback was received, Applicants have made design concessions to address concerns. For example, as noted above, the plans were modified after the March 11 hearing to eliminate the need for any exception on the east and south elevations by providing full 6-foot offsets in the upper story, thereby meeting the horizontal plane standard (this change slightly reduced the home’s floor area as well). At this point, the project meets all applicable building design standards, and the only relief being sought is the driveway variance. The comment about the downhill wall height exceeding 20 feet has been addressed – the revised plans show that the vertical wall portion is under 20 feet, with only the roof structure above that height (which does not count toward the 20-foot wall limit). In

short, the design now conforms to the letter of the hillside development standards. To the extent opponents argue the project doesn't meet the "spirit" of those standards, Applicants believe the opposite is true: The primary objective of the Hillside Ordinance is to reduce impacts to hillsides while allowing reasonable development. As described, the project concentrates development in a small area, minimizes grading and retains the vast majority of existing trees (70+ out of ~75 significant trees will remain). In doing so, the design actually achieves the goals of the ordinance – it results in a home that is both site-appropriate and environmentally sensitive. Applicants fully intend for 231 Granite to be another example of a well-designed Ashland home that respects its natural setting. Finally, it must be stressed that general opposition to development or subjective aesthetic preferences are not approval criteria on which the Commission can base a denial. This is a privately owned, buildable lot created with the Planning Commission's approval in 1995. The owners are entitled to develop it in accordance with the City's Land Use Ordinance. As confirmed by staff's findings, the application meets or exceeds all applicable standards (or seeks proper relief where needed, in the case of the driveway). Personal preferences of neighbors – for instance, a desire to keep this lot undeveloped as quasi "open space," or dislike of the home's modern appearance or the inclusion of a pool – cannot override the fact that the proposal is code-compliant. The Hillside Development Standards about blending structures into the natural setting have been applied by staff in a reasonable, objective manner consistent with state law. The Planning Commission's role is to apply the law and standards as adopted, not to impose subjective design critiques. In this case, those standards support approval. The opponents' post-hearing submittals did not reveal any new instance of non-compliance with the code; they mainly re-emphasized concerns that were already considered and addressed by staff and the Applicants during the initial hearing.

Oregon's Needed Housing Law – Clear and Objective Standards Must Govern the Decision

Finally, it is important to recognize that this application is for "needed housing" under Oregon law. ORS 197.303 broadly defines needed housing to include "all housing on residentially zoned land" that meets the community's housing needs – explicitly including detached single-family homes like the one proposed here. The opponents' suggestion that a single large home is not "needed" is misplaced; the statute expressly includes single-family homes in the definition of needed housing. Because this application is for needed housing, the City may only apply "clear and objective" standards, conditions, and procedures in its decision, per ORS 197.307(4) (the State's Needed Housing mandate). Oregon law prohibits local governments from applying discretionary approval criteria in a way that would discourage needed housing through unreasonable cost or delay. In practical terms, this means that if the evidence shows the application meets the literal requirements of an approval criterion (or can meet them

with reasonable conditions), the City cannot deny or downsize the housing project based on subjective policies or extra-stringent interpretations not stated in clear terms.

Oregon courts and the Land Use Board of Appeals (LUBA) have consistently enforced these needed housing provisions. In *Rogue Valley Association of Realtors v. City of Ashland* (involving Ashland’s original 1997 hillside standards), the Court of Appeals struck down the City’s attempt to apply subjective architectural design conditions to a housing development, holding that appearance or aesthetic standards must be clear and objective if they are to be applied to needed housing developments.¹² In other words, if a standard has no purpose other than aesthetics, it falls under ORS 197.307(4)’s mandate for clarity and objectivity. That precedent is directly relevant here because much of the opposition to this project centers on subjective aesthetic preferences (such as the home’s size or appearance, or the inclusion of a swimming pool which the code “discourages” but pointedly does not prohibit). Under the Needed Housing law, the City cannot deny – or require a redesign of – a housing project due to aesthetic concerns unless those concerns are codified in clear and objective standards. Ashland’s Hillside standards about blending with the natural setting are indeed important, but they have been applied in this case in the clear-and-objective manner intended: specifically, staff identified how the project meets all the quantifiable limits (coverage, height, open space, etc.) and reasonably exercised professional judgment on the discretionary aspects in favor of approval, consistent with the needed housing mandate. This approach is in line with the state law.

Because no entirely clear-and-objective approval path was available for developing a home on this particular Hillside lot (the process inherently required a discretionary Physical & Environmental Constraints Permit and variance), the City must apply the required criteria as objectively as possible in order to comply with ORS 197.307(4). Unlike some applicants who voluntarily choose a discretionary track, here the Applicants had no alternative “clear and objective” track to select – so they did not waive their rights under the Needed Housing statute. Therefore, the only available path (the discretionary review) must be applied with an eye toward fulfilling the needed housing mandate, not frustrating it. In practical terms, this means the Commission should not impose any subjective or extra-statutory hurdles on this application. If the evidence demonstrates that the proposal meets the literal requirements of the code criteria (or can do so with conditions), the City should approve it. The law does not allow Ashland to deny needed housing on the basis of rigid or subjective application of standards that the property cannot practically meet.

¹² *Rogue Valley Ass’n of Realtors v. City of Ashland*, 158 Or App 1 (1999).

Recent LUBA cases underscore that local governments cannot use discretionary variance or conditional use criteria to thwart needed housing when no clear-and-objective alternative is available. For example, in *Zirker v. City of Bend*, LUBA overturned a denial of a housing project where the city had applied a variance “hardship” test too strictly, noting that a property’s unique characteristics must be considered and that a variance should be granted if needed for development of the housing and no adverse impacts would result.¹³ Similarly, in *Nordlund v. Clackamas County*, LUBA emphasized that a “physical characteristic of the property” (in that case, topography) can justify variance relief for housing, and if a condition is common to many properties (i.e. not unique), that is a different situation – but where the hardship is unique, the variance should be allowed to enable the housing use.¹⁴ The point is that needed housing may not be denied on the basis of slavish application of standards that the property cannot meet, when those standards can be flexibly applied or varied without undermining their purpose. Here, the physical constraints are unique and were known to the City when the lot was approved and created; applying the variance criteria with reasonable flexibility to allow this house is in keeping with the spirit of the law. Put simply, the law does not allow Ashland to deny this application unless it fails to meet an applicable clear and objective standard – and as discussed, it does not so fail. A denial or onerous conditions based on open-ended criteria would risk violating ORS 197.307. Fortunately, in this case, we do not face that issue because the proposal, as conditioned by staff, satisfies all applicable standards.

Conclusion

Applicants appreciate the neighbors’ engagement in this process and understand their concerns. Applicants have strived to address each substantive point with factual corrections or mitigation measures. Many issues – such as tree removal, fire safety, and driveway design – were thoroughly examined in Applicants’ prior submittals and by their team of professionals (planner, engineer, surveyor, and arborist). The record before the Commission is replete with substantial evidence justifying approval of the application, subject to the reasonable conditions recommended by Staff (most of which Applicants had already proposed or do not object to). In conclusion, Applicants respectfully request approval of the Physical & Environmental Constraints Permit (with the driveway slope/length variance), the Tree Removal Permit, and associated conditions, so that this long-planned family home can finally be built. The application meets all applicable approval criteria or seeks proper relief where needed, and it advances the City’s housing and trails objectives in the process. We urge the Planning

¹³ *Zirker v. City of Bend*, 59 Or LUBA 1 (2009).

¹⁴ *Nordlund v. Clackamas County*, 64 Or LUBA 100 (2011).

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April 1, 2025

Commission to affirm staff's recommendation and approve the project. Thank you for your careful consideration.

Respectfully submitted,
DAVIS HEARN ANDERSON & SELVIG, PC

A handwritten signature in blue ink, appearing to read "Chris", is centered below the typed name.

Christian E. Hearn | OSB #911829
chearn@davishearn.com
Of Attorneys for Applicants

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Memo

DATE: June 17, 2025
TO: City Council
FROM: Derek Severson, *Planning Manager*
RE: 231 Granite Street
Considering the Grounds for Appeal

This appeal will be processed on the record according to [AMC 18.5.1.060.I](#). The 25 grounds for the appeal identified by the appellants, and staff responses to each, are detailed below. In considering these grounds for appeal, Councilors should be aware that the “Scope of Appeal Deliberations” in [AMC 18.5.1.060.I.5.b](#) provides that:

“... the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.”

To facilitate the Council’s review of each of the 25 grounds of appeal as delineated in the appellant’s submittal, this memo consolidates relevant materials into a structured format. For each assignment of error, the memo outlines the specific ground for appeal (Grounds A through Y), identifies the applicable Land Use Code standards, includes pertinent excerpts from the applicant’s submittals, and references the Planning Commission’s findings.

Given that several of the grounds for appeal address similar or interrelated issues, this memo presents each assignment of error independently to maintain clarity and organization. As a result, some referenced materials from the record—such as applicable code sections, excerpts from the applicant’s submittals, or findings from the Planning Commission—may appear more than once where they are relevant to multiple grounds. This organization is intended to streamline review and demonstrate that substantial evidence exists in the record to support the Commission’s decision.

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Grounds for Appeal

The appellants, Leonard Eisenberg and Kent and Pamela McLaughlin, submitted a Notice of Appeal dated May 2, 2024, through their legal counsel, Attorney Zack P. Mittge of Hutchinson Cox, regarding Planning Action PA-T2-2024-00053 (DeBoer/231 Granite Street). The appeal identifies twenty-five individual grounds for appeal, labeled Grounds 'a' through 'y'. Each ground, as outlined in the appellants' submittal, raises specific assignments of error related to the Planning Commission's decision. This memo responds to each of these grounds in turn to assist the City Council in its review.

Ground A: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.A.

- [AMC 18.3.10.050.A](#) is the first of three approval criteria for a Physical & Environmental (P&E) Constraints Review Permit, that *"Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized."*
- In response to the criteria in AMC 18.3.10.050.A, the application materials explain, beginning on page 5 of the applicant's written findings:

Through the application of the requirements of the Hillside Ordinance, the oversight of a geotechnical expert, a civil engineer and a structural engineer, implementation of the erosion control plan, and tree protection/preservation, wildfire fuels management, potential adverse impacts have been minimized.

The home is situated in a manner that minimizes hillside disturbance by limiting cuts and fill for construction. The area of site disturbance has been limited through the creation of a small area in comparison to the size of the property that is for development of the home, the yard area and pool and the driveway. Potential impacts to the property and the nearby area have been considered and through the considerate design and layout, adverse impacts have been minimized.

The proposed residence and minimal outdoor area substantially exceed all required setbacks in the zone which reduces potential impacts to the nearby area and reduces the visual impacts of the new construction. At the same time, the area of development of the 2.18-acre site is in the area nearest the location of the vehicular access and the area of development substantially retains the majority of the large area property in an undeveloped state. The construction of a single-

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story residence with a basement reduces the building height and visual impacts to adjacent properties. The structure and driveway are cut into the hillside with the lower levels utilized to support the upper story and provide for an outdoor living area without creating a large, flat pad. The positioning, roofline style, generally low profile considering the steepness of the property and reduces the visual impacts. The proposed residence utilizes low pitch roofs with walk-out decks onto the floor below. This reduces the building height and mass, limiting impacts to nearby areas. The residence is cut into the hillslope without the use of substantial amounts of fill.

The proposed development minimizes fire hazard through the implementation of a fire management plan, minimizes slope failure through the implementation of appropriate drainage and retaining wall construction, and feasible storm water management through proper drainage and conveyance through the property and utility easements to the City Storm water system.

The proposed development preserves and protects the rural residential characteristics of the property and the surrounding properties. The proposed development has stepped, structural retaining walls to lessen the impact of a structure on the lot through the use of terracing, and erosion control plant materials.

- In the Planning Commission's findings, Section 2.3 on pages 4-5, the Commission discusses the development standards of the chapter as follows:

The Planning Commission notes that AMC 18.3.10.090.A.1 generally provides that all development is to occur on lands defined as having a buildable area. Slopes greater than 35 percent are considered to be unbuildable except that existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex. In this instance, the subject parcel was created prior to the adoption of the hillside regulations, and the Commission finds that it does not have an adequate building area of less than or equal to 35 percent when considering the need to minimize broader disturbance by limiting development of the site to an area as near the driveway as possible while also providing for access and circulation.

The Planning Commission finds that the home has been located to minimize hillside disturbance by limiting cuts and fill for construction. The application notes that through the application of the requirements of the Hillside Ordinance; the

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oversight of a geotechnical expert, a civil engineer and a structural engineer; and the implementation of erosion control, tree protection/preservation, and wildfire fuels management plans, potential adverse impacts have been minimized.

The Commission recognizes that development of the 2.18-acre site is focused in the area nearest the location of the vehicular access, and this retains the majority of the large property in an undeveloped state. The construction of a single-story residence with a basement reduces the building height and limits visual impacts to adjacent properties. The residence is cut into the hill's slope without the use of substantial amounts of fill. The proposed development minimizes fire hazard through the implementation of a fire management plan, minimizes slope failure through the implementation of appropriate drainage and retaining wall construction. The proposed development has stepped structural retaining walls to lessen the impact of a structure on the lot through the use of terracing, and erosion control plant materials.

The application notes that the site is heavily treed, and the plan seeks to reduce fuel loads in the wildfire land overlay adjacent to the construction while protecting healthy, preservable trees to reduce adverse impacts. Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed an outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment. The application further notes the pool is a lap pool, and the majority of the area where the pool is placed has existing grade slopes of less than 25 percent and is within an area of excavation for the construction of the house that will provide a contractor staging area during the construction of the residence.

The Commission finds that the proposed site disturbance is substantially less than allowed. For this property, the required percentage of the site to remain undisturbed is 52 percent [27% average slope + 25% = 52% required to be retained in a natural state], ensuring that development is balanced with environmental preservation by limiting excessive grading and modification of the site. For the proposal, there is 18,738 square feet of disturbance proposed on the 94,960 square foot lot, which equates to 80 percent (75,969 square feet) of the lot being retained in a natural state. This is substantially greater than the minimum percentage required.

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The Planning Commission concludes that the proposal meets all applicable criteria and standards for a Physical & Environmental (P&E) Constraints Review Permit as provided at AMC 18.3.10. The least-steep portion of the lot is near the end of the flag drive and the application has made every effort to minimize the impacts to the site by locating the home as close to the driveway access as possible, in this area of least-steep slopes. The Planning Commission finds that the application includes erosion and sediment control plans as well as a geotechnical report and that by following the recommendations in both, that the potential hazards will have been mitigated. The Planning Commission finds that the landscaping plan and erosion control plan will minimize any adverse impacts, that irreversible actions have been considered more seriously than reversible actions and that the single-family home retains substantially more of the site in its natural state that required by ordinance.

Ground B: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.B.

- [AMC 18.3.10.050.B](#) is the second of three approval criteria for a Physical & Environmental (P&E) Constraints Review Permit, "That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development."
- In response to the criteria in AMC 18.3.10.050.B, the application materials explain beginning on page 5 of the applicant's written findings:

The project design team including the geotechnical expert, the landscape architect, the civil engineer, and contractor have constructed upon Ashland's hillside properties numerous times. All potential hazards, including erosion from the hillside, wildfire hazards, and reduced impacts to the developed residential area were all considered and anticipated in the development of the property.

Erosion control systems utilizing the installation of silt fencing and stormwater drainage consistent with the recommendations of the report from Rick Swanson, P.E., Marquess & Associates. The building plans, erosion control, retaining wall design, and proposed stormwater have been reviewed by Rick Swanson, P.E., Marquess, and Associates, who finds that the proposed site development will not create any hazards. There are no known hazards in the development area or immediately adjacent. There is no evidence of surface water or seepage, scarring or other evidence of landslides or slope failure on the subject property.

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The foundation will be structurally engineered, and the geotechnical expert will provide periodic inspections of the site to verify the development requirements are being complied with. Erosion control silt fencing is proposed along the east side of the development area and track-out prevention pad will be provided at the entrance of the driveway with the shared driveway to limit impacts to the shared driveway system accessing the property.

All erosion control measures will remain in place throughout the duration of the site work portions of construction. The tree protection fencing will remain in place throughout the duration of construction or until the exterior of the structure is completed and no additional site disturbance is occurring.

The trees proposed for removal are requested to be removed to allow for the development of the driveway, the residence and within the associated development area. The trees proposed for removal are also to implement a wildfire fuel reduction plan which increases safety to the adjacent properties.

The proposal incorporates a cut foundation, with structural retention of all areas of cut and fill. The structure is less than 35-feet above natural grade.

The general contractor is skilled at developing steep hillside lots. The driveway and home construction is proposed to follow the direction and guidance of the geotechnical expert. The structurally engineered single-family residence and the associated site development has taken all reasonable steps to reduce adverse impact to the environment.

- The application submittal materials include "Geotechnical Engineering Design Recommendations" prepared by Geotechnical Engineer Rick Swanson of Marquess & Associates. Swanson's report describes exploratory testing within the proposed building pad, noting, "No signs of unstable soils, hillside instability, or excessive soil erosion were observed.... No groundwater was observed in the test pits during excavation." Swanson's report provides detailed recommendations on erosion control during construction; excavation; on-going geotechnical inspections during sitework; drainage; cuts and fills; and design recommendations for construction of the home.
- In the Planning Commission's findings, Section 2.3 on Page 5, the Commission noted that:

"The Planning Commission finds that the application includes erosion and sediment control plans as well as a geotechnical report and that by following the recommendations in both, that the potential hazards will have been mitigated. The

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Planning Commission finds that the landscaping plan and erosion control plan will minimize any adverse impacts, that irreversible actions have been considered more seriously than reversible actions and that the single-family home retains substantially more of the site in its natural state that required by ordinance."

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Ground C: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.C.

- [AMC 18.3.10.050.C](#) is the third of three approval criteria for a Physical & Environmental (P&E) Constraints Review Permit, "That 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. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance."
- In response to the criteria in AMC 18.3.10.050.C, the application materials explain beginning on page 7 of the applicant's written findings:

The site is heavily treed reduction of fuel loads in the wildfire land overlay and the protection of healthy, preservable trees reducing adverse impacts.

Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby property private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed a small outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment.

The building pad area is the minimum area of the site to allow for the construction of a single story with basement home, driveway access and small outdoor space. There is not a large yard area or lawn area proposed on the hillside slopes. Flag lots require a 20-foot x 20-foot yard area free of vehicle parking area and buildings.

A small lap pool is proposed within the only outdoor area. Pools are not prohibited. More than 50 percent of the area (30 feet x 17 feet) where the total pool area (40 feet x 17 feet) is proposed is situated on existing grade slopes of less than 25 percent. The area of the pool is within the areas of least slope and the majority of the pool area is on slopes of less than 25 percent. The placement of the pool within an area of least slope reduces adverse impacts, potential hazards and limits the amount of hillside disturbance.

The pool area is within the area of excavation for the construction of the house and the most viable contractor staging area during the construction of the residence.

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Because the area will be disturbed to allow for construction and in the place of the removed topsoil, it is logical to be used as an outdoor area and a small pool area. The area of excavation and site disturbance will not be falsely reconstructed as hillside will fill that requires substantial retaining walls to build back the slope.

The pool walls are engineered limiting potential hazards to the property and nearby areas. The pool and outdoor area are proposed within the area of disturbance for the residence and provides the minimum outdoor area required for flag lots.

The proposed site disturbance is substantially less than allowed. There is only 18,738 square feet of disturbance proposed on the 94,960.8 square foot area lot which maintains 80 percent (75,969 square feet) in natural state which is substantially greater than the minimum percentage required.

The removal of the minimum amount of hillside soil to allow for the construction of the home, driveway, terrace and pool area is the minimum amount of disturbance and substantially less than the allowed areas of disturbance on the property.

The staff advisor or the commission can find that considering the existing development of the surrounding area and the maximum development permitted by this ordinance, the applicant has taken all reasonable steps to reduce adverse impacts to adjacent properties and more than 80 percent of the site will remain in a natural state.

- Pages 5 of the Planning Commission's findings explains that:
"The application notes that the site is heavily treed, and the plan seeks to reduce fuel loads in the wildfire land overlay adjacent to the construction while protecting healthy, preservable trees to reduce adverse impacts. Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed an outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment. The application further notes the pool is a lap pool, and the majority of the area where the pool is placed has existing grade slopes of less than 25 percent and is within an area of excavation for the construction of the house that will provide a contractor staging area during the construction of the residence."

The findings go on to note that, "The Commission finds that the proposed site disturbance is substantially less than allowed. For this property, the required

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percentage of the site to remain undisturbed is 52 percent [27% average slope + 25% = 52% required to be retained in a natural state], ensuring that development is balanced with environmental preservation by limiting excessive grading and modification of the site. For the proposal, there is 18,738 square feet of disturbance proposed on the 94,960 square foot lot, which equates to 80 percent (75,969 square feet) of the lot being retained in a natural state. This is substantially greater than the minimum percentage required."

Ground D: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving development of unbuildable slopes greater than 35% in violation of 18.3.10.090.A.1 and 2.

- [AMC 18.3.10.090.A.1](#) provides that,
 - "1. *Buildable Area.* All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).
 - a. *Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections [18.2.3.040](#) and [18.2.3.110](#).*
 - b. *Existing parcels without adequate buildable area less than or equal to 35 percent cannot be subdivided or partitioned."*
- [AMC 18.3.10.090.A.2](#) provides that, "*Building Envelope.* All newly created lots either by subdivision or partition shall contain a building envelope with a slope of 35 percent or less."
- Page 8 of the applicant's written findings note:
 - Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection 18.3.10.090.H. There are no slopes of greater than 35 percent within the areas of proposed development.*
 - Building Envelope. The building envelope has an average 27 percent slope and is located in the gentlest slopes on the property, and closest location to the flag portion of the lot to further minimize lot disturbance.*

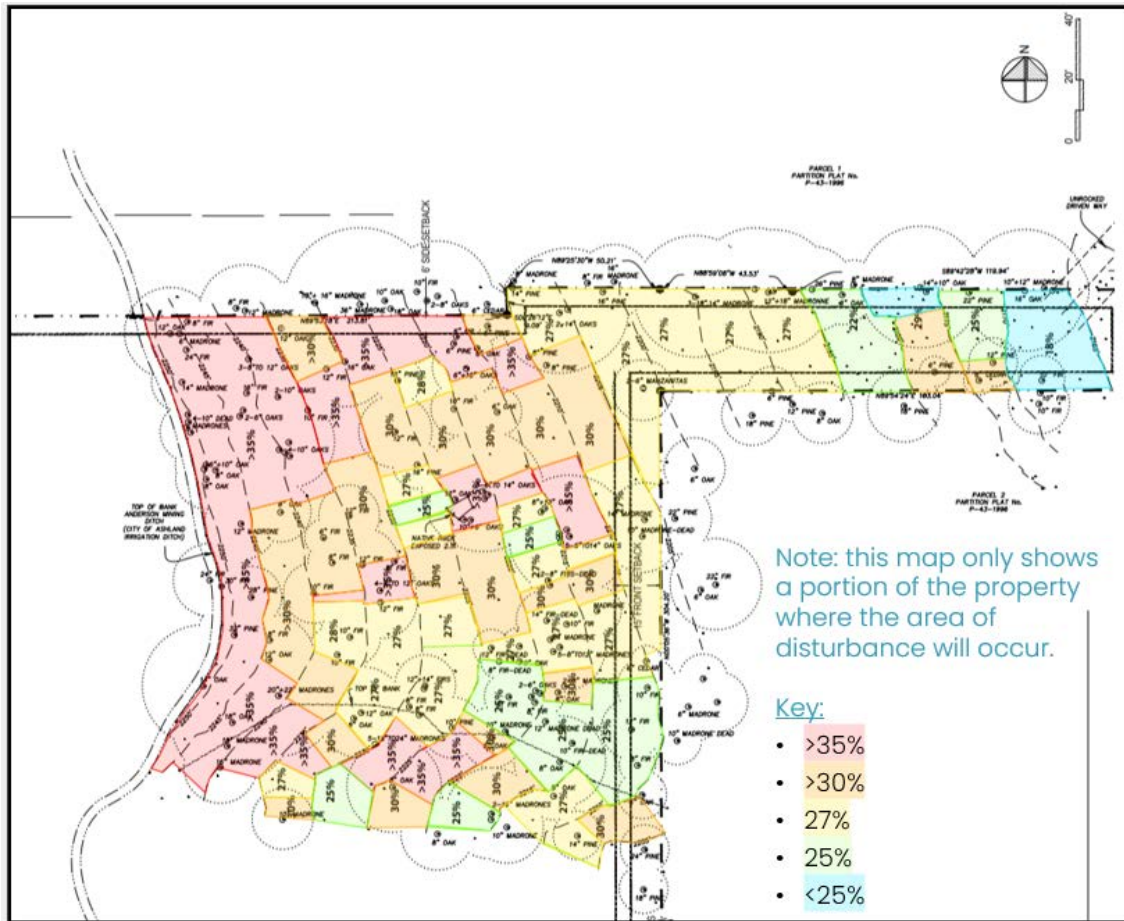
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- The applicant's submittal included the map below, which was also included in the staff presentation to the Planning Commission on March 11, 2025, illustrating the site's slopes in the areas of disturbance:



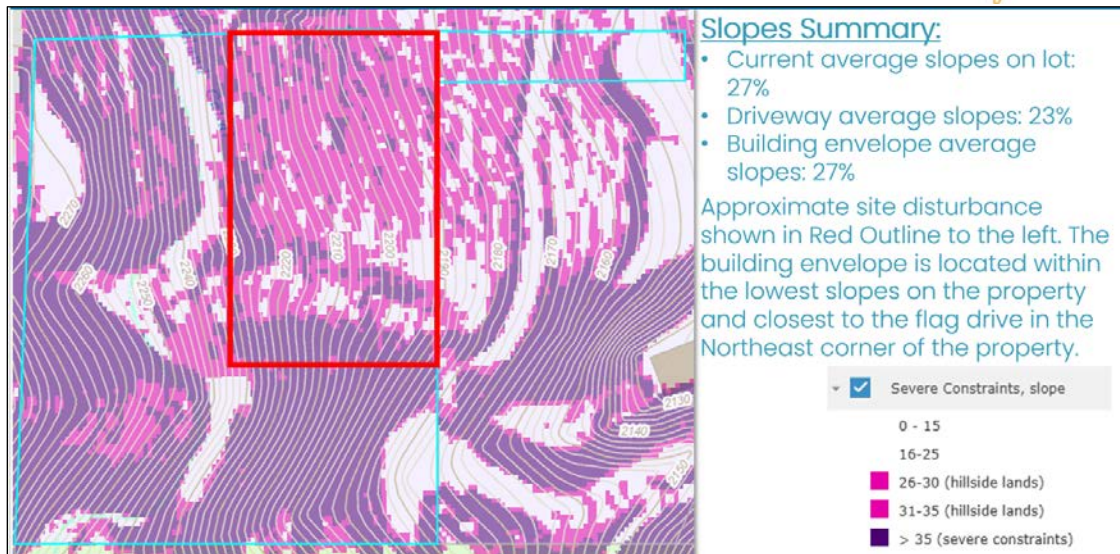
- At the initial public hearing, Planning staff also presented the slide below based on City Geographic Information System (GIS) topographic data to illustrate that the area of disturbance, outlined in red, was the least-sloped portion of the subject property and the area nearest to the proposed driveway access. Areas shown in dark purple have slopes in excess of 35 percent.

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- Page 4 of the Planning Commission's findings state that:
"Slopes greater than 35 percent are considered to be unbuildable except that existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex. In this instance, the subject parcel was created prior to the adoption of the hillside regulations, and the Commission finds that it does not have an adequate building area of less than or equal to 35 percent when considering the need to minimize broader disturbance by limiting development of the site to an area as near the driveway as possible while also providing for access and circulation."

While there are areas of the site with slopes of less than 35 percent, it was not possible to access the site from the existing driveway location and construct a home without disturbing some areas with slopes over 35 percent given they are concentrated near the driveway access point.

Ground E: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in concluding that the parcel has inadequate buildable area less than or equal to 35% under 18.3. 10.090.A. 1.a when much of the property is comprised of 25% to 30% slopes.

- [AMC 18.3.10.090.A.1.a](#) provides that, "Existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex in accordance with the standards in sections [18.2.3.040](#) and [18.2.3.110](#)."
- The recitals on Page 1 of the Planning Commission's findings note:

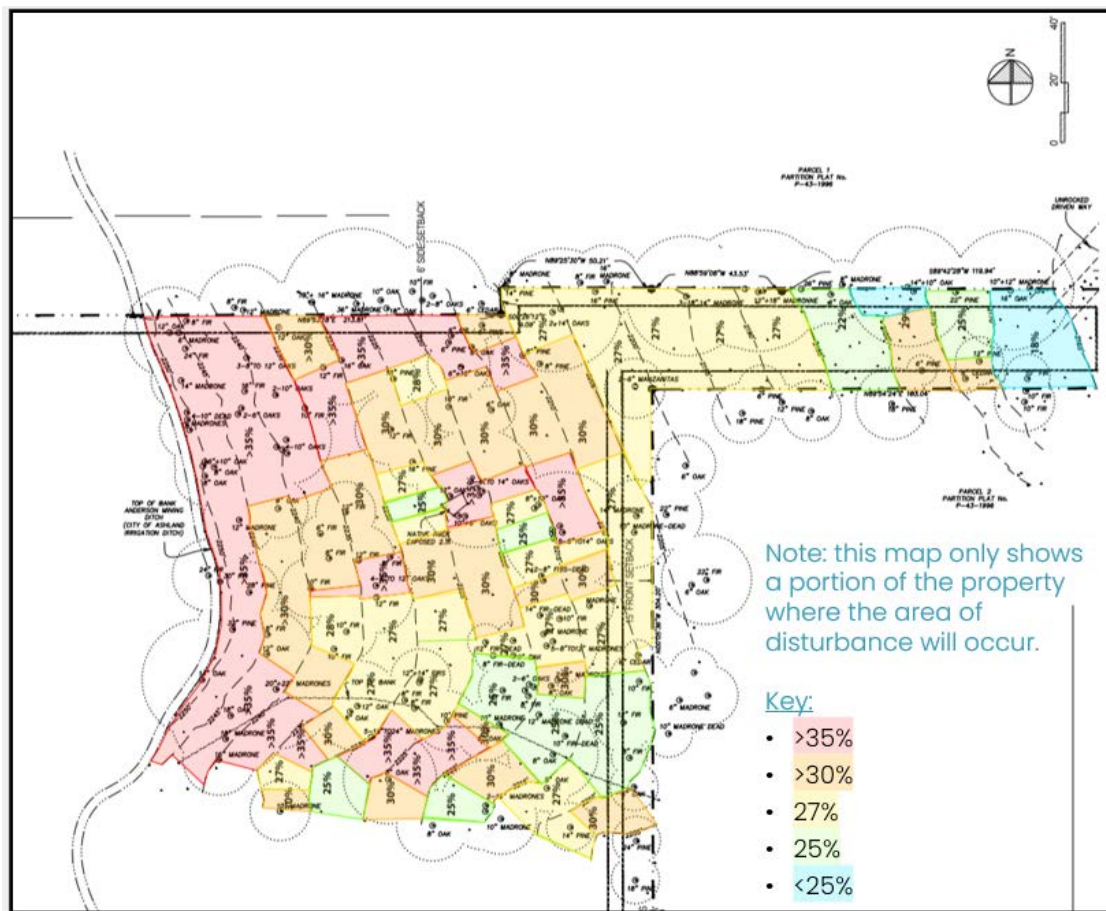
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"The subject property was created prior to the current Physical & Environmental Constraints Ordinance (AMC 18.3.10) and has an average slope of approximately 27 percent. As provided at AMC 18.3.10.090.A.1.a, "Existing parcels without adequate buildable area less than or equal to 35-percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex ..."

- The applicant's submittal included the map below, which was also included in the staff presentation on March 11, 2025, illustrating the site's slopes in the areas of disturbance:

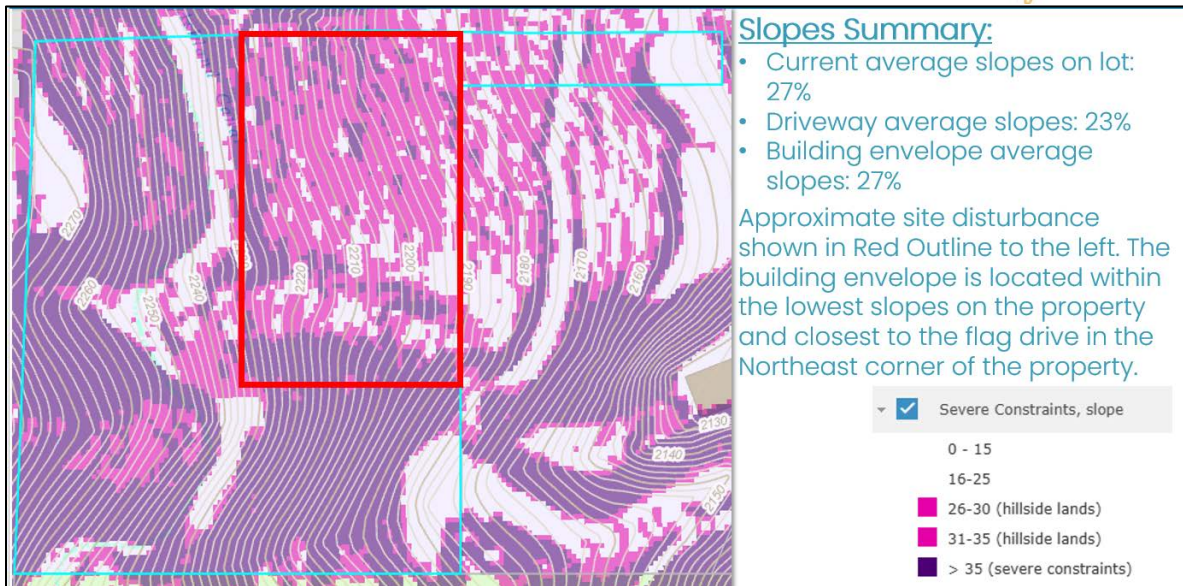


- At the initial public hearing, Planning staff also presented the slide below based on City Geographic Information System (GIS) topographic data to illustrate that the area of disturbance, outlined in red, was the least-sloped portion of the subject property and the area nearest to the proposed driveway access. Areas shown in dark purple have slopes in excess of 35 percent.

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- Page 4 of the Planning Commission's findings state that:
"Slopes greater than 35 percent are considered to be unbuildable except that existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex. In this instance, the subject parcel was created prior to the adoption of the hillside regulations, and the Commission finds that it does not have an adequate building area of less than or equal to 35 percent when considering the need to minimize broader disturbance by limiting development of the site to an area as near the driveway as possible while also providing for access and circulation."

While there are areas of the site with slopes of less than 35 percent, it was not possible to access the site from the existing driveway location and construct a home without disturbing some areas with slopes over 35 percent given they are concentrated near the driveway access point.

Ground F: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving the proposed development within a partition without the geotechnical study required by 18.3.10.090.A.4.

- [AMC 18.3.10.090.A.4](#) provides that, "
 "4. Geotechnical Studies. For all applications on Hillside Lands involving subdivisions or partitions (emphasis added), the following additional information is required: a geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information:

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- a. Index map.
 - b. Project description to include location, topography, drainage, vegetation, discussion of previous work and discussion of field exploration methods.
 - c. Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth, and soil structure.
 - d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 - e. Suitability of site for proposed development from a geologic standpoint.
 - f. Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards.
 - g. If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
 - h. Signature and registration number of the engineer and/or geologist.
 - i. Additional information or analyses as necessary to evaluate the site.
 - j. Inspection schedule for the project as required in subsection [18.3.10.090.B.9](#).
 - k. Location of all irrigation canals and major irrigation pipelines."
- The current application does not involve a subdivision or partition, it is limited to the development of an existing lot of record and as such a geotechnical study is not required under AMC 18.3.10.090.A.4.
 - The application submittal materials include "Geotechnical Engineering Design Recommendations" prepared by Geotechnical Engineer Rick Swanson of Marquess & Associates. Swanson's report describes exploratory testing within the proposed building pad, noting, "No signs of unstable soils, hillside instability, or excessive soil erosion were observed.... No groundwater was observed in the test pits during excavation." Swanson's report provides detailed recommendations on erosion control during construction; excavation; on-going geotechnical inspections during sitework; drainage; cuts and fills; and design recommendations for construction of the home.
 - Page 5 of the Planning Commission's findings note that:
"The Planning Commission finds that the application includes erosion and sediment control plans as well as a geotechnical report and that by following the recommendations in both, that the potential hazards will have been mitigated. The Planning Commission finds that the landscaping plan and erosion control plan will minimize any adverse impacts, that irreversible actions have been considered more

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seriously than reversible actions and that the single-family home retains substantially more of the site in its natural state than required by ordinance."

Ground G: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing terracing for purposes other than developing a building pad and vehicular access including landscaping, a pool and spa, and an outdoor kitchen and lounge contrary to 18.3.10.090.B.8.a.

- AMC 18.3.10.090.B.8.a provides that, *"No terracing shall be allowed except for the purposes of developing a level building pad and for providing vehicular access to the pad."*
- AMC 18.3.10.090.B.8.c further provides 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 applicants' submittal materials note on Page 8:

The building pad area is the minimum area of the site to allow for the construction of a single story with basement home, driveway access and small outdoor space. There is not a large yard area or lawn area proposed on the hillside slopes. Flag lots require a 20' x 20' yard area free of vehicle parking area and buildings.

A small lap pool is proposed within the only outdoor area. Pools are not prohibited. More than 50 percent of the area (30' x 17') where the total pool area (40' x 17') is proposed is situated on existing grade slopes of less than 25 percent. The area of the pool is within the areas of least slope and the majority of the pool area is on slopes of less than 25 percent. The placement of the pool within an area of least slope reduces adverse impacts, potential hazards and limits the amount of hillside disturbance.

The pool area is within the area of excavation for the construction of the house and the most viable contractor staging area during the construction of the residence. Because the area will be disturbed to allow for construction and in the place of the removed topsoil, it is logical to be used as an outdoor area and a small pool area. The area of excavation and site disturbance will not be falsely reconstructed as hillside will fill that requires substantial retaining walls to build back the slope.

The pool walls are engineered limiting potential hazards to the property and nearby areas. The pool and outdoor area are proposed within the area of disturbance for the residence and provides the minimum outdoor area required for flag lots.

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The proposed site disturbance is substantially less than allowed. There is only 18,738 SF of disturbance proposed on the 94,960.8 SF area lot which maintains 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

The removal of the minimum amount of hillside soil to allow for the construction of the home, driveway, terrace and pool area is the minimum amount of disturbance and substantially less than the allowed areas of disturbance on the property.

- Page 5 of the Planning Commission's findings notes that:
"The application further notes the pool is a lap pool, and the majority of the area where the pool is placed has existing grade slopes of less than 25 percent and is within an area of excavation for the construction of the house that will provide a contractor staging area during the construction of the residence."
- Page 5 of the Planning Commission's findings further note that:
"For the proposal, there is 18,738 square feet of disturbance proposed on the 94,960 square foot lot, which equates to 80 percent (75,969 square feet) of the lot being retained in a natural state. This is substantially greater than the minimum percentage required."

Ground H. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the applicant to develop a pad for a swimming pool and spa contrary to 18.3.10.090.A.8.c [sic.].

- [AMC 18.3.10.060.B](#) provides that, "*Hillside Lands are lands that are subject to damage from erosion and slope failure, and which include areas that are highly visible from other portions of the city. The following lands are classified as Hillside Lands: All areas defined as Hillside Lands on the Physical and Environmental Constraints Hillside Lands and Severe Constraints map and which have a slope of 25 percent or greater (emphasis added).*" The placement of a pool on lands with slopes less than 25 percent is not subject to hillside regulations. Here the large majority of the pool is noted as being on lands which are not regulated.
- AMC 18.3.10.090.B.8.c further provides 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 applicants' submittal materials note on Page 8:

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The building pad area is the minimum area of the site to allow for the construction of a single story with basement home, driveway access and small outdoor space. There is not a large yard area or lawn area proposed on the hillside slopes. Flag lots require a 20' x 20' yard area free of vehicle parking area and buildings.

A small lap pool is proposed within the only outdoor area. Pools are not prohibited. More than 50 percent of the area (30' x 17') where the total pool area (40' x 17') is proposed is situated on existing grade slopes of less than 25 percent. The area of the pool is within the areas of least slope and the majority of the pool area is on slopes of less than 25 percent. The placement of the pool within an area of least slope reduces adverse impacts, potential hazards and limits the amount of hillside disturbance.

The pool area is within the area of excavation for the construction of the house and the most viable contractor staging area during the construction of the residence. Because the area will be disturbed to allow for construction and in the place of the removed topsoil, it is logical to be used as an outdoor area and a small pool area. The area of excavation and site disturbance will not be falsely reconstructed as hillside will fill that requires substantial retaining walls to build back the slope.

The pool walls are engineered limiting potential hazards to the property and nearby areas. The pool and outdoor area are proposed within the area of disturbance for the residence and provides the minimum outdoor area required for flag lots.

The proposed site disturbance is substantially less than allowed. There is only 18,738 SF of disturbance proposed on the 94,960.8 SF area lot which maintains 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

The removal of the minimum amount of hillside soil to allow for the construction of the home, driveway, terrace and pool area is the minimum amount of disturbance and substantially less than the allowed areas of disturbance on the property.

- Page 5 of the Planning Commission's findings note that:
"The application further notes the pool is a lap pool, and the majority of the area where the pool is placed has existing grade slopes of less than 25 percent and is within an area of excavation for the construction of the house that will provide a contractor staging area during the construction of the residence."
Planning Commission's findings further note that:
"For the proposal, there is 18,738 square feet of disturbance proposed on the 94,960 square foot lot, which equates to 80 percent (75,969 square feet) of the lot being

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retained in a natural state. This is substantially greater than the minimum percentage required."

Ground I: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a building envelope which is not located and sized to preserve the maximum number of trees on site as required by 18.3.10.090.D.3.b.

- AMC 18.3.10.090.D.3.b provides 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."*

- The application materials note that:

An inventory of the site trees was conducted, there are hundreds of trees on the property. There are 75 trees six inches in diameter at breast height or larger in the area of construction disturbance. The predominate species are Douglas Fir, White Oak and Madrone. Eight (8) of the trees are dead.

The trees were evaluated for health, structure, species, variety and size. wildfire safety and hazards removal, and removal due to the proposed access, retaining walls, and the approved and proposed building envelope area.

The tree assessment retains most of the site slope stabilizing trees. The tree analysis identified the health of the trees and provided suggestions as to which trees should be removed.

The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition.

Tree protection zones are included on the tree protection plan including preservation plans for tree conservation during construction.

A six-foot chain-link fence is proposed to be installed according to the Tree Protection plan found on Sheet L 1.2. The fencing is proposed to be installed at grade and to remain in place throughout the duration of the project. The fenced tree protection zone will remain free of any construction disturbance. The project Landscape Architect or project Arborist will oversee any potential site disturbance within the tree protection zone.

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Please refer to provided graphic tree inventory, proposed removal and tree protection plan, sheets L0.1, L0.2 and L0.3.

Tree Removal.

Of the 75 trees in the vicinity of the area of disturbance, four (4) significant trees are proposed for removal, eight (8) dead trees and a total of 67 trees removed that are greater than six inches in diameter at breast height but less than 12 inches in diameter at breast height deciduous trees and less than 18 inches in diameter at breast height conifer trees. The other significant trees are incorporated into the project design.

The trees that are proposed for removal is because they are within the building envelope/footprint.

Many of the trees proposed for removal are within the proposed driveway or within the identified area of disturbance.

Of the 75 trees in the vicinity of the area of disturbance, there are 67 trees greater than 6" in diameter at breast height proposed for removal. Of the 67 trees proposed for removal, only four (4) significant trees are proposed for removal.

The other tree proposed for removal include eight (8) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height, fourteen (14) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height.

There is a five stem Madrone each stem is greater than 18 inches in diameter at breast height; two multi-stem oak trees with one stem each greater than 12 inches in diameter at breast height that are in good health proposed for removal.

As noted above, the trees proposed for removal are largely within the driveway area or within the area of disturbance for the home construction.

The trees proposed for removal will not have a significant impact on the erosion, soil stability or flow of waters.

There are four (4) significant trees proposed for removal. These include a five-stem Madrone, a five stem Oregon white Oak, a three stem Oregon white Oak and a 12 inch in diameter at breast height Oregon white oak. The proposed mitigation trees are deciduous and there are no replacement conifers proposed.

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- Page 5 of the Planning Commission's findings address note that:
"The Commission finds that as the proposed building envelope is situated immediately adjacent to the end of the flag pole along the east property line, it is evident 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."
- Pages 7-8 of the Planning Commission's findings indicate that:
"The Planning Commission notes that there are 74 tree removals proposed as part of the application, including nine significant trees. The application materials explain that there are hundreds of trees on the property and that the design of the project has sought to minimize required tree removals. The application states that those trees identified for removal are because they are ... within the building envelope/footprint ... within the proposed driveway or within the identified area of disturbance." The application asserts that "The tree assessment retains most of the site slope stabilizing trees ... The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition. Tree protection zones are included on the tree protection plan including preservation plans for tree conservation during construction." With that said, the application includes a request for a Tree Removal Permit to remove 74 trees including nine significant trees to develop the site and reduce wildfire fuels in the area of disturbance."
- Page 8 of the Planning Commission's findings further note that:
"The Tree Management Advisory Committee (TMAC) reviewed the initial application which identified the removal of 67 trees at their regular monthly meeting. While expressing that the number of trees proposed for removal was substantial, the TMAC recognized that all trees proposed for removal were either within the building envelope or very close to required excavation."

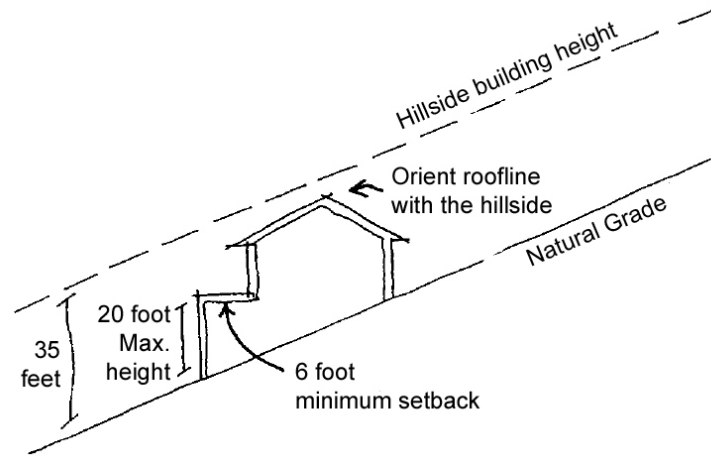
Ground J: The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving an exception to the wall height requirements at 18.3.10.090.E.2.c without addressing or demonstrating compliance with the requirements of 18.3.10.090.H.

- AMC 18.3.10.090.E.2.c provides that, "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](#)."

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- AMC 18.3.10.090.H provides that:

H. Exception to the Development Standards for Hillside Lands. An exception under this section is not subject to the variance requirements of chapter [18.5.5](#), Variances. An application for an exception is subject to the Type I procedure in section [18.5.1.050](#) and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria:

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- 2. The exception will result in equal or greater protection of the resources protected under this chapter.*
- 3. The exception is the minimum necessary to alleviate the difficulty.*
- 4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#), Physical and Environmental Constraints Overlay, and section [18.3.10.090](#), Development Standards for Hillside Lands.*

- The application materials provided assert that the application as submitted complies with the standard and was not subject to Exception, noting on Page 16 of the applicants' findings:

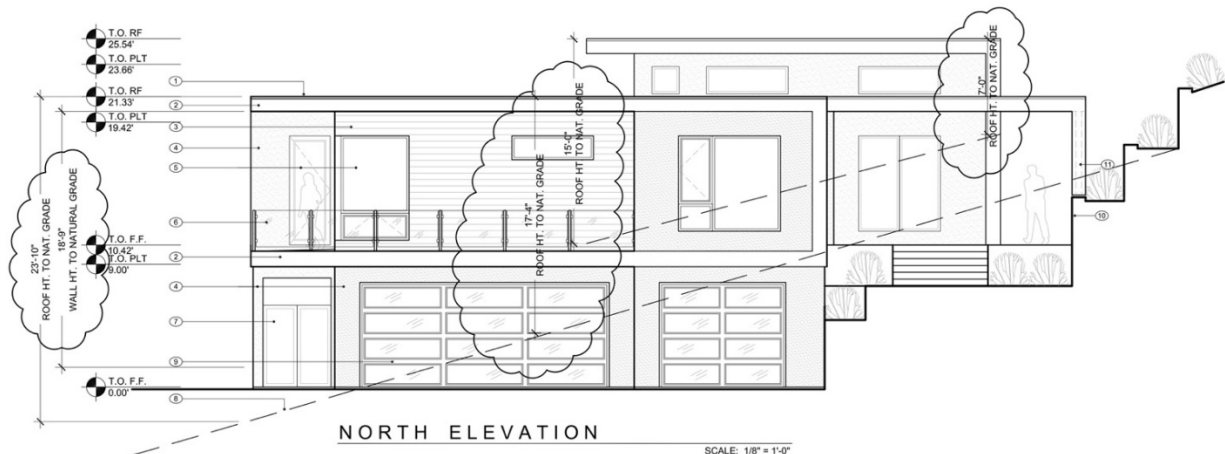
"Complies. The maximum wall height is 18'-9" on east (downhill) elevation – refer to Sheet A2.1 for height dimension of wall to existing natural grade. Spot elevations and other referenced dimensions above 20' in height refer to top of roof heights to finished grade."

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- Applicants' sheet A2.1 provides an illustration of the difference between roof height and wall height, suggesting that the standards regulate wall height rather than roof height and as such an Exception was not necessary:



- The Planning Commission ultimately determined that an Exception was required, and Section 2.4 on pages 5-6 of the Planning Commission's findings notes that:

"The Planning Commission notes that the application as originally submitted involved two Exceptions to the Development Standards for Hillside Lands. The first of these was to AMC 18.3.10.090.E.2.c which requires that downhill building wall heights greater than 20 feet require at least a six-foot step back. The applicant had asserted that this standard was limited to the wall face, and that the height measurement considered in the standard did not include the fascia and roofing above. As such, while they had proposed an 18-foot 9-inch wall face, with the inclusion of the fascia and roof above, the total height above natural grade was 23-feet 10-inches tall without the requisite setback. The Planning Commission, however, finds that excluding the fascia and roof measurements from the wall height would run counter to the intent of the standard which seeks to have the structure step back meaningfully with the hillside. The Commission therefore finds that the proposal as presented requires an Exception. In considering this Exception, the Commission notes that the application asserts that the building step backs are minimal to keep the building shorter and closer to parallel with the slope of the lot, without interfering with the ridgeline, explaining that the lot is one long, consistent linear hill with rock outcroppings, and the proposed structure has differentiated it's masses to mimic these smaller masses. The applicant further asserts that the design minimizes alteration of the area of natural slope retention and protects the topographic character and integrity of the hillside lands. The proposal reduces the amount of cutting and scarring, and when considering the difficulty of constructing in the neighborhood, the proposal is sensitive to the adjacent properties and the impacts

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of construction by locating the residence on the lesser slopes of the property. The Planning Commission finds that the applicant has demonstrated that the Exception allows for a reasonable use that complements the natural and visual character of the city on a challenging site. The Planning Commission concludes that in this instance, the Exception is merited subject to a condition that with final grading, the total height of the wall, fascia and foot above shall not exceed 25 feet."

Ground K: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the driveway grade for the new driveway to exceed 20% contrary to 18.4.3.080.D.8.

- AMC 18.4.3.080.D.8 provides that, *"Grades for new driveways in all zones shall not exceed 20 percent for any portion of the driveway. If required by the City, the developer or owner shall provide certification of driveway grade by a licensed land surveyor."*
- AMC 18.6.1.030.D defines a driveway as *"The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site."* AMC 18.6.1.030.D further defines a "Drive, Flag" as *"A driveway that serves a single lot or parcel and is greater than 50 feet in length or provides vehicular access to a flag lot(s). See also, section [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria."* A "Driveway, Shared" is defined as *"A driveway used to access two or more lots or parcels."* In this instance, because the drive was greater than 50 feet in length, it was considered in light of the standards for a flag drive in AMC 18.5.3.060.F.
- Page 20-22 of the applicants' submittal materials explains that:

A Variance to the driveway grade in excess of 15 percent and not more than 18 percent from the Flag Driveway Standards (18.5.3.060.F.) is necessary. The flag drive within the 33.04' x 163.04' "flag pole" access to the site is proposed to be 15 feet wide and currently unpaved and proposed to be paved within the existing 15' access easement. Where this access easement ends this flag portion of the lot has many trees and every effort will be made to avoid the trees. The average slope of the existing grade is 27 percent with no feasible area for mitigating the grade slope with turns or curves within the 33.04' width of property (within the "flagpole" access to the property).

 1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*

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The variance to maximum driveway grades is necessary. The existing driveway that the lot has historic, legal access to from Granite Street is in excess of 15 percent grade and is a legal, non-conforming situation. The proposed driveway upon the subject property where undeveloped is in excess of the maximum 15 percent grade and in excess of the allowed up to 18 percent grade for not more than 200-feet as allowed with a Type I Variance (AMC 18.5.3.060.F). Refer to sheet AS1.0 for the dimension of the driveway.

The grade of the existing driveway and proposed driveway grade are due to the topography of the properties between the subject property and Granite Street. The grade of the existing driveway determines the connection of the proposed driveway. The driveway upon the subject property where this variance applies is due to the site topography. The lot has a narrow strip of land within which the driveway will be located. The driveway cannot switchback outside of the property boundaries due to lack of easement and the existing retaining walls and other physical features that belong to adjacent property owners.

The shape of the lot and the topography of the lot and the surrounding natural features are unique physical constraints that create the difficulty in meeting the driveway grade standards.

When the lot was originally created in the early 1900, the code provisions at the time appeared to not address driveway grades. In 1990 (ORD 2604) language was added speaking to driveway grades, this language was amended in 1993 (ORD 2663) and reads the same today. Additionally, the language regulating driveway grades was not found in the pre-1990 ordinances. Though the lot was last partitioned in 1995, access was implied from the existing driveway and the grade of the driveway and number of lots taking access from the driveway do not appear to have been accounted for.

2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*

The proposed residence has legal access to the existing, non-conforming driveway. Allowing access and the variance to driveway grade is the minimum necessary to address the unique physical circumstances related to the subject property.

Access is not available from another driveway in the vicinity. The adjacent properties to the northwest are accessed via a private driveway that extends to Strawberry Lane.

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These lots were part of a property line adjustment between three lots, the maximum number allowed to be served via a private driveway (PA90-008).

Because of the legal access to the driveway accessing the property from Granite Street, it is not necessary or possible to create an alternative variance situation.

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.*

The proposal allows for the construction of a residence on a legal lot of record. The benefits allow for use of the property and the variance to the driveway is necessitated by the slope of the property and the grade of the existing driveway which this driveway connects too. There are no negative impacts from the proposed driveway grade upon the adjacent properties because the adjacent properties have driveway access from the shared driveway. The proposal has been reviewed by Mark Shay, Fire Marshal, Ashland Fire and Rescue and he is aware of the pre-existing, legal lot of record being accessed from an existing driveway system that does not comply with the standards. The proposed residence will have a fire suppression system which mitigates the negatives from the steep driveway.

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.*

The subject property is a portion of a parent tract that was owned by the Clary family. Through a series of partitions and property line adjustments prior to 1995, the resulting property was created in its current form. The Clary property through divisions and deed transfers created the property and those that take access from the shared driveway. Additionally, the subject property is more steep to the north and west creating further difficulties with achieving driveway grade.

The slope of the existing driveway is a pre-existing legal non-conforming grade. The proposed residence and the grade of the driveway that allows for access to a residential dwelling situated in the northeast corner of the property at a minimum distance to allow the development of a residential dwelling and the resulting driveway grade which is in excess of 15 percent grade is not a self-imposed situation. The property is a legal lot of record with legal access that were created prior to the standards that limit driveway grades. The property owner did not self impose this

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situation. The only way to access any home on the site is with a variance to driveway grade.

- Section 2.5 on pages 6–7 of the Planning Commission’s findings note that:

The Planning Commission further notes that the application requires a Variance to the flag drive standards in AMC 18.5.3.060.F which speaks to the maximum grade and length of flag driveways. AMC 18.5.3.060.F specifically provides that, “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. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances.”

The Planning Commission notes that the driveway is via an existing shared access easement to utilize an existing long, steep, partially paved private driveway. The proposed driveway improvement to serve the subject property is approximately 197 feet in total length and has an average slope of approximately 24 percent.

The Planning Commission finds that the lot configuration, site topography and existing natural features are unique circumstances which prevent meeting the standard. The existing driveway serving the lot exceeds 15 percent grade and is a legal, non-conforming situation. The average existing grade is 27 percent, and there is no feasible area to mitigate the driveway grade with switchbacks given the narrow 33.04-foot width of the flagpole access to the property and no alternative access available.

The Commission further finds that allowing access via the existing easement to this otherwise landlocked parcel is the minimum necessary to address the unique physical circumstances related to accessing the subject property. The Commission finds that allowing the driveway will provide access to serve a single-family residence on a legal, residentially-zoned lot of record. The Commission notes that with the proposal, one additional home serving a lot with a pre-existing easement, will be served from the shared driveway. The Commission further notes that the proposal has been reviewed by the Fire Marshal, and as proposed the residence will have a fire suppression system to mitigate fire risk, and that the driveway grade and the final driveway design will be reviewed by the Fire Marshal for compliance with all applicable fire codes. To ensure compliance with the requirements for a fire suppression system, driveway grade and turnout, adequate hydrant pressure, and fuels management, the Commission has included conditions of approval (#10, 11, & 12) addressing these criteria.

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The Commission notes that staff have provided a March 22, 1992 letter from Planning Director John McLaughlin to the record which discussed access to the subject property in the early 1990's. This letter stated that access from Granite Street would be the "most appropriate" means to access the subject property if an access easement were to be acquired. The alternative access considered at the time, via a driveway from Strawberry Lane, was noted as requiring a Variance to allow for more parcels to take access off a private easement than was allowed. A subsequent August 12, 1992 letter from McLaughlin stated, "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." The required partition plat was recorded as P-43-1996 on April 12, 1996. Based on this historical information, the Commission finds that the driveway grade was recognized as an issue with the lot's creation, that the lot creation predates the current hillside standards, and that the need for a Variance has not been self-imposed by the current property owners.

The Commission finds that the driveway's location is determined by the existing private drive and the lot's flagpole configuration, which extends to the established driveway access. The natural slope within the flagpole area averages 24%, making it impossible for the applicant to comply with the standard requirement for a driveway on slopes less than 15%. The Commission finds that as the proposed building envelope is situated immediately adjacent to the end of the flag pole along the east property line, it is evident 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. The Commission concludes that the requested flag drive Variance is the minimum necessary deviation to facilitate development of the site while ensuring compliance with safety and accessibility requirements. The Variance criteria are met, 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.

- Condition of Approval #9f requires: *"Applicant shall provide a surveyor's map that confirms the driveway grade does not exceed 24 percent and that the length of the portion of the driveway in excess of 35 percent slopes does not exceed 100 feet, per AMC 18.3.10.090.A.2."*
- Condition of Approval #10 requires: *"Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved, that fire apparatus access be provided,*

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that a final approval of the access plan (turnouts, etc.) be obtained, that a fires suppression system be installed in the home, that a new fire hydrant and pump be installed, if necessary, and that a fuel break is required."

- Condition of Approval #11 requires: *"Prior to bringing combustible materials on site, applicants shall provide documentation of fire hydrant location within 600 feet of the southwest corner of the house and of the access (easement)."*
- Condition of Approval #12 requires, *"A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 shall be provided prior to bringing combustible materials onto the property. New landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028."*

Ground L: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance to allow an average flag drive grade over 20% when 18% is the maximum grade allowed for flag drive variances by 18.5.3.060.F.

- AMC 18.6.1.030.D defines a driveway as *"The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site."* AMC 18.6.1.030.D further defines a "Drive, Flag" as *"A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular access to a flag lot(s). See also, section [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria."* A "Driveway, Shared" is defined as *"A driveway used to access two or more lots or parcels."* In this instance, because the drive was greater than 50 feet in length, it was considered in light of the standards for a flag drive in AMC 18.5.3.060.F.
- AMC 18.5.3.060.F provides that, *"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. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#) Variances."*
- Both the applicants' submittal and Planning Commission's findings in response to the required Variance have been addressed under 'Ground K' above.

Ground M: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance that allows the applicant to exceed the 15 percent maximum grade for a flag drive where the cumulative length of such variances exceeds 200 feet contrary to 18.5.3.060.F.

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- AMC 18.6.1.030.D defines a driveway as *"The area that provides vehicular access to a site from a street or the area that provides vehicular circulation on a site."* AMC 18.6.1.030.D further defines a "Drive, Flag" as *"A driveway that serves a single lot or parcel and is greater than 50 feet in length, or provides vehicular access to a flag lot(s). See also, section [18.5.3.060](#) Additional Preliminary Flag Lot Partition Plat Criteria."* A "Driveway, Shared" is defined as *"A driveway used to access two or more lots or parcels."* In this instance, because the drive was greater than 50 feet in length, it was considered in light of the standards for a flag drive in AMC 18.5.3.060.F.
- AMC 18.5.3.060.F provides that, *"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. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#), Variances."*
- Both the applicants' submittal and Planning Commission's findings in response to the required Variance have been addressed under 'Ground K' above.

Ground N: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing an overlength flag drive without the turnaround required by 18.5.3.060.J.

- AMC 18.5.3.060.J provides that, *"When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040.G.5](#)). 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."*
- AMC 15.28.030.C provides that, *"'Fire Code Official,' as used in the Oregon Fire Code, means the Fire Chief or designee."*
- Page 7 of the written findings submitted by the applicants notes that:

"Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby property private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed a small outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment."

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- Page 21 of the written findings submitted by the applicants notes that:
"The proposal allows for the construction of a residence on a legal lot of record. The benefits allow for use of the property and the variance to the driveway is necessitated by the slope of the property and the grade of the existing driveway which this driveway connects too. There are no negative impacts from the proposed driveway grade upon the adjacent properties because the adjacent properties have driveway access from the shared driveway. The proposal has been reviewed by Mark Shay, Fire Marshal, Ashland Fire and Rescue and he is aware of the pre-existing, legal lot of record being accessed from an existing driveway system that does not comply with the standards. The proposed residence will have a fire suppression system which mitigates the negatives from the steep driveway."
- Page 1 of the January 9, 2025 written submittal from Thornton Engineering, Inc. titled "Subject: Variance Application for Driveway Slope and Compliance with Flag Lot Development Standards" confirms that with regard to Fire Safety, *"The residence will include a fire suppression system, and the driveway design has been reviewed by the Ashland Fire Marshal."* With regard to Fire Code Compliance, this document goes on to note that, *"The driveway is classified as a Fire Apparatus Access Road under the Oregon Fire Code. To ensure compliance:*
 - *A turnaround will be provided at the end of the driveway, as required for drives exceeding 150 feet in length.*
 - *The design accommodates fire apparatus access, with a clear width of 15 feet and a fire work area of 20 x 40 feet within 50 feet of the structure."*
- The applicant's submittal materials include an e-mail dated January 17, 2025 from Deputy Chief and Fire Marshal Mark Shay to project architect Carlos Delgado indicating, *"It was good to meet you today. As a recap of our discussion, for an alternate to the fire department turnaround I'll consider a turnout designed to Jackson County Development standards. Additionally, please provide documentation of the distance to the private hydrant already on the easement road."*
- To address the Fire Marshal's request, applicant's sheet L1.0 date January 17, 2024 prepared by Scharen Design Studio illustrates a proposed turn-out area adjacent to the driveway.
- To address the Fire Marshal's request, applicant's sheet AS1.1 dated October 3, 2024 prepared by Carlos Delgado, Architect identifies existing private fire hydrant F.H. #2192 with 40 p.s.i. at 237 Granite Street, with a distance along the roadway called out at 585 feet.
- Page 7 of the Planning Commission's findings indicates that:
"The Commission further notes that the proposal has been reviewed by the Fire Marshal, and as proposed the residence will have a fire suppression system to mitigate fire risk, and that the driveway grade and the final driveway design will be reviewed by the Fire Marshal for compliance with all applicable fire codes. To ensure compliance

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with the requirements for a fire suppression system, driveway grade and turnout, adequate hydrant pressure, and fuels management, the Commission has included conditions of approval (#10, 11, &12) addressing these criteria."

- Condition of Approval #10 requires, *"Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved, that fire apparatus access be provided, that a final approval of the access plan (turnouts, etc.) be obtained, that a fire suppression system be installed in the home, that a new fire hydrant and pump be installed, if necessary, and that a fuel break is required."*
- Condition of Approval #11 requires, *"Prior to bringing combustible materials on site, applicants shall provide documentation of fire hydrant location within 600 feet of the southwest corner of the house and of the access (easement)."*
- Condition of Approval #12 requires, *"A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 shall be provided prior to bringing combustible materials onto the property. New landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028."*

Ground O: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a variance to 18.5.3.060.F without addressing or demonstrating compliance with the requirements of 18.5.5.050.

- AMC 18.5.3.060.F provides that: *"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. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#), Variances."*
- AMC 18.5.5.050 provides that:
 - A. *The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.*
 1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*

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2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
 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.*
 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.*
- B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.*
- Both the applicants' submittal and Planning Commission's findings in response to the required Variance have been addressed under 'Ground K' above.

Ground P: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in determining that the lot configuration, site topography and existing natural features are unique circumstances warranting a variance under 18.5.5.050.A.1.

- AMC 18.5.5.050.A.1 provides that: *"The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
- Both the applicants' submittal and Planning Commission's findings in response to the required Variance have been addressed under 'Ground K' above.
- Page 6 of the Planning Commission's findings indicate that:
"The Planning Commission notes that the driveway is via an existing shared access easement to utilize an existing long, steep, partially paved private driveway. The proposed driveway improvement to serve the subject property is approximately 197 feet in total length and has an average slope of approximately 24 percent. The Planning Commission finds that the lot configuration, site topography and existing natural features are unique circumstances which prevent meeting the standard. The existing driveway serving the lot exceeds 15 percent grade and is a legal, non-conforming situation. The average existing grade is 27 percent, and there is no feasible area to mitigate the driveway grade with switchbacks given the narrow 33.04-foot width of the flagpole access to the property and no alternative access available."

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Ground Q: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposed variance is the minimum necessary variance under 18.5.5.050.A.2.

- AMC 18.5.5.050.A.2 provides that, *"The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site."*

- Page 21 of the applicants' written findings notes that:

The proposed residence has legal access to the existing, non-conforming driveway. Allowing access and the variance to driveway grade is the minimum necessary to address the unique physical circumstances related to the subject property.

Access is not available from another driveway in the vicinity. The adjacent properties to the northwest are accessed via a private driveway that extends to Strawberry Lane. These lots were part of a property line adjustment between three lots, the maximum number allowed to be served via a private driveway (PA90-008).

Because of the legal access to the driveway accessing the property from Granite Street, it is not necessary or possible to create an alternative variance situation.

- Page 6 of the Planning Commission's findings notes that:

"The Commission further finds that allowing access via the existing easement to this otherwise landlocked parcel is the minimum necessary to address the unique physical circumstances related to accessing the subject property. The Commission finds that allowing the driveway will provide access to serve a single-family residence on a legal, residentially-zoned lot of record."

Ground R: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by relying on determinations made by a former Ashland planning director in place of the required findings under the variance provisions in section 18.5.5.050.

- [AMC 18.5.5.050](#) provides that:

A. *The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.*

1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot*

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- determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
 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.*
 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.*
- B. *In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.*
- Two letters from former Planning Director John McLaughlin are included in the record. One is dated March 22, 1992 and the other August 12, 1992. Both letters are discussed in detail in the Planning Commission findings, as noted below.
 - Page 6 of the Planning Commission's findings explain that:
"Based on this historical information, the Commission finds that the driveway grade was recognized as an issue with the lot's creation, that the lot creation predates the current hillside standards, and that the need for a Variance has not been self-imposed by the current property owners."
 - Page 7 of the Planning Commission's findings notes that:
The Commission notes that staff have provided a March 22, 1992 letter from Planning Director John McLaughlin to the record which discussed access to the subject property in the early 1990's. This letter stated that access from Granite Street would be the "most appropriate" means to access the subject property if an access easement were to be acquired. The alternative access considered at the time, via a driveway from Strawberry Lane, was noted as requiring a Variance to allow for more parcels to take access off a private easement than was allowed. A subsequent August 12, 1992 letter from McLaughlin stated, "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." The required partition plat was recorded as P-43-1996 on April 12, 1996.

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Based on this historical information, the Commission finds that the driveway grade was recognized as an issue with the lot's creation, that the lot creation predates the current hillside standards, and that the need for a Variance has not been self-imposed by the current property owners.

The Commission finds that the driveway's location is determined by the existing private drive and the lot's flagpole configuration, which extends to the established driveway access. The natural slope within the flagpole area averages 24%, making it impossible for the applicant to comply with the standard requirement for a driveway on slopes less than 15%. The Commission finds that as the proposed building envelope is situated immediately adjacent to the end of the flag pole along the east property line, it is evident 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. The Commission concludes that the requested flag drive Variance is the minimum necessary deviation to facilitate development of the site while ensuring compliance with safety and accessibility requirements. The Variance criteria are met, 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.

- Variance criterion A.4 explicitly considers whether a Variance is necessitated through a previous property line adjustment or land partition granted to the applicant as a basis for determining whether the Variance request has been self-imposed by the applicant. The letter from former Director McLaughlin is historical evidence in the property records for the subject property which was added to the record for this application during the hearing process to demonstrate that access from Granite Street was recognized as the only available access to the property in approving the partition plat, that with that plat approval it was recognized that the existing Granite Street driveway could not meet grade standards, and that these determinations were made in the 1990's well before the current applicant acquired the subject property and thus the need for a Variance here could not be considered to be self-imposed.
- In considering the "Scope of Appeal Deliberations", [AMC 18.5.1.060.1.5.b](#) provides that, "... the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond." In staff's assessment, there is sufficient information in the record to support the findings of the Planning Commission and no indication that the reliance upon historical evidence in the record constituted an error by the Commission.

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Ground S: The Planning Commission improperly construes 18.5.5.050.A.3 and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposal's benefits are greater than the negative impacts and will further the purpose and intent of the Ashland Land Use Ordinance and the Comprehensive Plan of the City when in fact the opposite is true.

- [AMC 18.5.5.050.A.3](#) provides 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."*
- Page 21 of the applicants' submitted written findings notes that:
The proposal allows for the construction of a residence on a legal lot of record. The benefits allow for use of the property and the variance to the driveway is necessitated by the slope of the property and the grade of the existing driveway which this driveway connects too. There are no negative impacts from the proposed driveway grade upon the adjacent properties because the adjacent properties have driveway access from the shared driveway. The proposal has been reviewed by Mark Shay, Fire Marshal, Ashland Fire and Rescue and he is aware of the pre-existing, legal lot of record being accessed from an existing driveway system that does not comply with the standards. The proposed residence will have a fire suppression system which mitigates the negatives from the steep driveway.
- Section 2.5 on pages 6–7 of the Planning Commission's findings notes:
"The Commission finds that allowing the driveway will provide access to serve a single-family residence on a legal, residentially-zoned lot of record. The Commission notes that with the proposal, one additional home serving a lot with a pre-existing easement, will be served from the shared driveway. The Commission further notes that the proposal has been reviewed by the Fire Marshal, and as proposed the residence will have a fire suppression system to mitigate fire risk, and that the driveway grade and the final driveway design will be reviewed by the Fire Marshal for compliance with all applicable fire codes. To ensure compliance with the requirements for a fire suppression system, driveway grade and turnout, adequate hydrant pressure, and fuels management, the Commission has included conditions of approval (#10, 11, &12) addressing these criteria."
- Section 2.7 on Page 8 of the Planning Commission's findings note:
"The Planning Commission discussed the applicant's voluntary proposal to provide a public pedestrian access easement across the property along the TID Trail. While such a dedication is not a requirement for the development of a single-family home, the Commission recognized the public benefit of formalizing trail access in this location."

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As a result, the proposal has been included as Condition of Approval # 14, reflecting the applicant's willingness to dedicate the easement and the Commission's support for securing long-term public access along the trail corridor."

Ground K: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by holding that the proposed variance under 18.5.5.050.A.4 was not the result of a self-imposed hardship.

- AMC 18.5.5.050.A.4 provides that, *"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."*
- *The consideration of former Director McLaughlin's letters as a basis for determining that the Variance request is not the result of a self-imposed hardship is detailed under Ground for Appeal "R" above.*
- *Page 7 of the Planning Commission's findings note that:*
"The required partition plat was recorded as P-43-1996 on April 12, 1996. Based on this historical information, the Commission finds that the driveway grade was recognized as an issue with the lot's creation, that the lot creation predates the current hillside standards, and that the need for a Variance has not been self-imposed by the current property owners."

Ground U: The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a tree removal permit without addressing or demonstrating compliance with each of the criteria set forth in 18.5.7.040.

- [AMC 18.5.7.040](#) provides that:
 - A. *Emergency Tree Removal Permit. An Emergency Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*
 - 1. *If the condition of a tree presents an immediate danger of collapse, as defined in part [18.6](#) and represents a clear and present hazard to persons or property, an emergency tree removal permit may be issued and the payment of a fee may be waived. The Staff Advisor may require the applicant to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse.*
 - B. *Tree Removal Permit.*

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1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part [18.6](#).
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part [18.4](#) and Physical and Environmental Constraints in part 18.3.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. 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.
 - d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section [18.5.7.050](#). Such mitigation requirements shall be a condition of approval of the permit.
- C. Tree Topping Permit. Topping is an injurious pruning practice, which may lead to stress, disease, and decay in trees. It should be avoided whenever an alternative exists. A Tree Topping Permit may be issued if all of the following apply.
 1. A utility, public agency, or other person who routinely tops trees in furtherance of public safety, may apply for a topping permit pursuant to this section based upon an arborist's report establishing a methodology for topping in compliance with this subsection.

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2. Trees under utility wires may be topped only where other pruning techniques are impractical.
 3. The City, in granting approval for tree removal in an open space or undeveloped area, may allow a tree to be topped to a designated height in order to maintain a snag for wildlife habitat.
- Page 7 of the Planning Commission's findings indicates that:
"The Planning Commission notes that there are 74 tree removals proposed as part of the application, including nine significant trees. The application materials explain that there are hundreds of trees on the property and that the design of the project has sought to minimize required tree removals. The application states that those trees identified for removal are because they are " ... within the building envelope/footprint ... within the proposed driveway or within the identified area of disturbance."
 - Page 8 of the Planning Commission's findings notes that:
"The applicant's narrative and final argument submittals made clear that the 36-inch d.b.h. Madrone tree was within the driveway easement, and that its removal was necessary to construct the driveway and to provide access to the property. The Planning Commission concludes that the driveway construction will significantly impact the 36-inch d.b.h. Madrone's root system, and that its removal is necessary in order to provide driveway access to this otherwise landlocked property."
 - [AMC 18.5.1.060.1.2.c](#) requires that the appeal notice include *"a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity."*
 - [AMC 18.5.1.060.1.2.d](#) further provides that, *"The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered."*
 - [AMC 18.5.7.040](#) includes approval criteria for Emergency Tree Removal Permits, Tree Removal Permits for Hazard Trees, Tree Removal Permits for Tree that are not Hazards, and Tree Topping Permit. This ground for appeal is not sufficiently specific with regard to the type of Tree Removal Permit requested, which criteria are applicable, or the specific basis on which the decision should be reversed or modified based on specific criteria. The Council may determine that this ground for appeal is not sufficiently clear and distinct, and on that basis choose not to consider it.

Ground V: The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to analyze the impact of tree removal within 200 feet of the property as required by 18.5.7.040.B.2.c.

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- [AMC 18.5.7.040.B.2.c](#) requires a finding 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."
- Page 11 of the applicant's findings notes:

An inventory of the site trees was conducted, there are hundreds of trees on the property. There are 75 trees six inches in diameter at breast height or larger in the area of construction disturbance. The predominate species are Douglas Fir, White Oak and Madrone. Eight (8) of the trees are dead.

The trees were evaluated for health, structure, species, variety and size. wildfire safety and hazards removal, and removal due to the proposed access, retaining walls, and the approved and proposed building envelope area.

The tree assessment retains most of the site slope stabilizing trees. The tree analysis identified the health of the trees and provided suggestions as to which trees should be removed.

The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition.

.... Please refer to provided graphic tree inventory, proposed removal and tree protection plan, sheets L0.1, L0.2 and L0.3.
- In considering the "Scope of Appeal Deliberations", [AMC 18.5.1.060.I.5.b](#) provides that, "... the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond." In staff's assessment, there is sufficient information in the record to support the findings of the Planning Commission.

Ground W: The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to consider required tree protection measures as set forth under 18.4.5.030.C.1 and 18.4.5.030.C.6.

- [AMC 18.4.5.030.C.1](#) requires that tree protection be in the form of, "Chain link fencing, a minimum of six feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater, and at the boundary

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of any common or public open space, riparian areas, or conservation easements that abut the parcel being developed."

- The application materials include Sheet L0.1 dated January 17, 2025 prepared by Scharen Design Studio. Figure 3 of this sheet identifies Tree Protection Fencing in the form of laminated protection netting a minimum of four-feet in height installed with two-by-two wooden stakes driven into the root zone of trees to be preserved.
- [AMC 18.4.5.030.C.6](#) provides that, *"No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor."*
- Page 10 of the Planning Commission's findings notes that:

"A revised Tree Protection Plan consistent with the standards described in 18.4.5 be submitted for approval by the Staff Advisor. The tree protection fencing shall be installed according to the approved plan prior to any site work, storage of materials onsite or issuance of the building permit. The plan shall identify the location and placement of fencing around the drip lines of trees identified for preservation. The amount of fill and grading within the drip line shall be minimized. Cuts within the drip line shall be noted on the tree protection plan and shall be executed by handsaw and kept to a minimum. No fill shall be placed around the trunk/crown root."
- Condition of Approval #4f requires that, *"A revised Tree Protection Plan consistent with the standards described in 18.4.5 be submitted for approval by the Staff Advisor. The tree protection fencing shall be installed according to the approved plan prior to any site work, storage of materials onsite or issuance of the building permit. The plan shall identify the location and placement of fencing around the drip lines of trees identified for preservation. The amount of fill and grading within the drip line shall be minimized. Cuts within the drip line shall be noted on the tree protection plan and shall be executed by handsaw and kept to a minimum. No fill shall be placed around the trunk/crown root."*

Ground X: The Planning Commission errs by adopting conclusory findings that do not address the relevant criteria or explain how the facts found demonstrate compliance with those criteria, and which improperly incorporates by reference materials which do not support the decision of approval and are internally inconsistent.

- [AMC 18.5.1.060.1.2.c](#) requires that the appeal notice include *"a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity."*

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- [AMC 18.5.1.060.1.2.d](#) provides that, *"The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered."*
- This ground for appeal speaks very generally to the inadequacy of the adopted findings without a clear and distinct identification of the specific grounds for which the decision should be reversed or modified based on identified applicable criteria or procedural irregularity. The Council may determine that this ground for appeal is not sufficiently clear and distinct, and on that basis choose not to consider it.

Ground Y: The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by imposing a condition requiring future development to conform to the requirements of the Ashland Fire Department where the applicant has not demonstrated such a condition to be feasible.

- Page 7 of the written findings submitted by the applicant noted that:
"Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby property private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed a small outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment."
- Page 21 of the written findings submitted by the applicant note that:
"The proposal allows for the construction of a residence on a legal lot of record. The benefits allow for use of the property and the variance to the driveway is necessitated by the slope of the property and the grade of the existing driveway which this driveway connects too. There are no negative impacts from the proposed driveway grade upon the adjacent properties because the adjacent properties have driveway access from the shared driveway. The proposal has been reviewed by Mark Shay, Fire Marshal, Ashland Fire and Rescue and he is aware of the pre-existing, legal lot of record being accessed from an existing driveway system that does not comply with the standards. The proposed residence will have a fire suppression system which mitigates the negatives from the steep driveway."
- Page 1 of the January 9, 2025 written submittal from Thornton Engineering , Inc. titled "Subject: Variance Application for Driveway Slope and Compliance with Flag Lot Development Standards" confirms that with regard to Fire Safety, *"The residence will include a fire suppression system, and the driveway design has been reviewed by the Ashland Fire Marshal."* With regard to Fire Code Compliance, this document goes on to note that, *"The driveway is*

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classified as a Fire Apparatus Access Road under the Oregon Fire Code. To ensure compliance:

- *A turnaround will be provided at the end of the driveway, as required for drives exceeding 150 feet in length.*
- *The design accommodates fire apparatus access, with a clear width of 15 feet and a fire work area of 20 x 40 feet within 50 feet of the structure."*

- [AMC 18.5.3.060.J](#) provides that, "When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040.G.5](#)). 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."
- The applicant's submittal materials include an e-mail dated January 17, 2025 from Deputy Chief and Fire Marshal Mark Shay to project architect Carlos Delgado indicating, *"It was good to meet you today. As a recap of our discussion, for an alternate to the fire department turnaround I'll consider a turnout designed to Jackson County Development standards. Additionally, please provide documentation of the distance to the private hydrant already on the easement road."*
- To address the Fire Marshal's request, applicant's sheet L1.0 date January 17, 2024 prepared by Scharen Design Studio illustrates a proposed turn-out area adjacent to the driveway.
- To address the Fire Marshal's request, applicant's sheet AS1.1 dated October 3, 2024 prepared by Carlos Delgado, Architect identifies existing private fire hydrant F.H. #2192 with 40 p.s.i. at 237 Granite Street, with a distance along the roadway called out at 585 feet.
- Page 7 of the Planning Commission's findings indicates that:

"The Commission further notes that the proposal has been reviewed by the Fire Marshal, and as proposed the residence will have a fire suppression system to mitigate fire risk, and that the driveway grade and the final driveway design will be reviewed by the Fire Marshal for compliance with all applicable fire codes. To ensure compliance with the requirements for a fire suppression system, driveway grade and turnout, adequate hydrant pressure, and fuels management, the Commission has included conditions of approval (#10, 11, &12) addressing these criteria."

- Condition of Approval #10 requires, *"Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved, that fire apparatus access be provided, that a final approval of the access plan (turnouts, etc.) be obtained, that a fires suppression system be installed in the home, that a new fire hydrant and pump be installed, if necessary, and that a fuel break is required."*

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- Condition of Approval # #11 requires, *"Prior to bringing combustible materials on site, applicants shall provide documentation of fire hydrant location within 600 feet of the southwest corner of the house and of the access (easement)."*
- Condition of Approval # #12 requires, *"A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 shall be provided prior to bringing combustible materials onto the property. New landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028."*

In considering the "Scope of Appeal Deliberations", [AMC 18.5.1.060.I.5.b](#) provides that, *"... the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond."*

In staff's assessment, there is sufficient information in the record to support the findings of the Planning Commission on each of the 25 grounds for appeal. Additionally, many of the grounds for appeal lack sufficient specificity to enable a meaningful rebuttal or to demonstrate that the Commission's decision was in error under the standards for appeal review set forth in AMC 18.5.1.060.I.5.b. The record includes comprehensive materials such as the applicant's written findings, architectural drawings prepared by a licensed architect, documentation from licensed civil and structural engineers, a geotechnical engineering report, a topographic survey, and supporting documentation related to fire safety. These materials, along with the Planning Commission's adopted findings provide substantial evidence demonstrating compliance with the applicable land use standards and support the Commission's decision.

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BEFORE THE PLANNING COMMISSION

April 22, 2025

IN THE MATTER OF PLANNING ACTION #PA-T2-2024-00053, A)
PHYSICAL AND ENVIRONMENTAL (P&E) CONSTRAINTS REVIEW)
PERMIT FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY)
RESIDENTIAL HOME ON A VACANT PARCEL AT 231 GRANITE)
STREET. IN ADDITION TO THE P&E PERMIT, THE DEVELOPMENT)
REQUIRES A VARIANCE TO FLAG DRIVE STANDARDS OF AMC)
18.5.3.060.F FOR BOTH MAXIMUM DRIVEWAY GRADE AND LENGTH,)
A TREE REMOVAL PERMIT FOR THE REMOVAL OF 74 TREES)
INCLUDING NINE SIGNIFICANT TREES, AND AN EXCEPTION TO THE)
DEVELOPMENT STANDARDS FOR HILLSIDE LANDS.)

**FINDINGS,
CONCLUSIONS &
ORDERS.**

OWNERS: BRYAN & STEPHANIE DEBOER)
APPLICANT: CARLOS DELGADO, ARCHITECT)

RECITALS:

- 1) The subject property is tax lot #1800 of Assessor's Map 39-1E-08-DA and has a site address of 231 Granite Street.
- 2) The property is zoned Rural Residential (RR-.5) and is 2.182 acres in size.
- 3) The subject property was created prior to the current Physical & Environmental Constraints Ordinance (AMC 18.3.10) and has an average slope of approximately 27 percent. As provided at AMC 18.3.10.090.A.1.a, "*Existing parcels without adequate buildable area less than or equal to 35-percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex...*"
- 4) The application proposes the construction of a new single-family residential home which requires a Physical & Environmental (P&E) Constraints Review Permit due to the site's topography. The application also requires a Variance to the flag drive standards in AMC 18.5.3.060.F, a Tree Removal Permit to remove 74 trees including nine significant trees, and an Exception to the Development Standards for Hillside Lands.
- 5) On January 31, 2025, the application was deemed complete, and in accordance with AMC 18.5.1.050.B.4 a Notice of Complete application and public meeting was posted on February 19, 2025 at the entrance of the access easement along Granite Street in clear view from the public right-of-way that accesses the subject property. Notice was also mailed to all property owners of record within 200 feet of the subject parcel.
- 6) The Planning Commission, following proper public notice, held a public hearing on March 11, 2025. The meeting was conducted in person and electronically via Zoom. Public testimony was received, and exhibits were presented. Prior to the closing of the public hearing, members

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of the public requested that the hearing be continued. As provided under ORS 197.767.6.a-e, the Planning Commission voted to close the hearing but leave the public record open to allow for new information from parties of record for seven days (until March 18 at 4:30 p.m.), rebuttal from parties of record for the next seven days (until March 25 at 4:30 p.m.), and for a final seven days, only the applicant could provide their final legal arguments, but not new evidence, in response to all previously submitted information (until April 1 at 4:30 p.m.). The Planning Commission reconvened for deliberation on April 8, 2025 at 7:00 p.m. The Chair provided her summation of all conditions of approval recommended by the Staff Advisor, Commissioners and through public comments contained within the whole record. Following deliberations, the Planning Commission approved the application subject to a number of modified conditions pertaining to the appropriate development of the site.

- 7) The criteria for approval for a Physical & Environmental (P&E) Constraints Review Permit are described in the Ashland Municipal Code (AMC) 18.3.10.050 which requires that all of the following criteria are met:

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.*
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.*
- C. That 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. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.*

- 8) The criteria for approval for an Exception to the Development Standards for Hillside Lands are described in the Ashland Municipal Code (AMC) 18.3.10.090.H which require that all of the following criteria are met:

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- 2. The exception will result in equal or greater protection of the resources protected under this chapter.*
- 3. The exception is the minimum necessary to alleviate the difficulty.*
- 4. The exception is consistent with the stated Purpose and Intent of chapter 18.3.10, Physical and Environmental Constraints Overlay, and section 18.3.10.090, Development Standards for Hillside Lands.*

- 9) The criteria for approval for a Variance are described in the Ashland Municipal Code (AMC) 18.5.5.050 which require that all of the following criteria are met

- 1. The variance is necessary because the subject code provision does not account for special*

or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

- 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
- 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.*
- 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.*

10) The criteria for approval of a Tree Removal Permit are described in the Ashland Municipal Code (AMC) 18.5.7.040.B.2 which require that all of the following criteria are met:

- a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.*
- b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*
- c. 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.*
- d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.*
- e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

Staff Exhibits lettered with an "S"

Proponent's Exhibits, lettered with a "P"

Opponent's Exhibits, lettered with an "O"

Hearing Minutes, Notices, and Miscellaneous Exhibits lettered with an "M"

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SECTION 2. CONCLUSORY FINDINGS

Now, therefore, the Planning Commission of the City of Ashland finds, concludes, and recommends as follows:

2.1 The Planning Commission finds that it has received all the information necessary to render a decision based on the complete application materials, staff report, public hearing testimony and exhibits; and by their reference each of these are incorporated herein as if set out in full.

2.2 The Planning Commission finds that AMC Title 18 Land Use regulates the development of land envisioned by the Comprehensive Plan to encourage efficient use of land resources among other goals. The Planning Commission finds that there is substantial evidence in the record to make findings that each of the requested actions have been shown to meet the relevant approval criteria or to meet those approval criteria through the imposition of certain binding conditions of approval.

2.3. The Planning Commission finds that the purpose of the Hillside Ordinance is to: *“Provide for safe, orderly, and beneficial development of districts characterized by diversity of physiographic conditions and significant natural features; to limit alteration of topography and reduce encroachment upon, or alteration of, any natural environment and to provide for sensitive development in areas that are constrained by various natural features.”*

The Planning Commission notes that AMC 18.3.10.090.A.1 generally provides that all development is to occur on lands defined as having a buildable area. Slopes greater than 35 percent are considered to be unbuildable except that existing parcels without adequate buildable area less than or equal to 35 percent shall be considered buildable for one single-family dwelling and an accessory residential unit or a duplex. In this instance, the subject parcel was created prior to the adoption of the hillside regulations, and the Commission finds that it does not have an adequate building area of less than or equal to 35 percent when considering the need to minimize broader disturbance by limiting development of the site to an area as near the driveway as possible while also providing for access and circulation.

The Planning Commission finds that the home has been located to minimize hillside disturbance by limiting cuts and fill for construction. The application notes that through the application of the requirements of the Hillside Ordinance; the oversight of a geotechnical expert, a civil engineer and a structural engineer; and the implementation of erosion control, tree protection/preservation, and wildfire fuels management plans, potential adverse impacts have been minimized.

The Commission recognizes that development of the 2.18-acre site is focused in the area nearest the location of the vehicular access, and this retains the majority of the large property in an undeveloped state. The construction of a single-story residence with a basement reduces the building height and limits visual impacts to adjacent properties. The residence is cut into the hill's slope without the use of substantial amounts of fill. The proposed development minimizes fire hazard through the implementation of a fire management plan, minimizes slope failure through the implementation of appropriate drainage and retaining wall construction. The proposed development has stepped structural retaining walls to lessen the impact of a structure on the lot through the use of terracing, and erosion control plant materials.

The application notes that the site is heavily treed, and the plan seeks to reduce fuel loads in the wildfire land overlay adjacent to the construction while protecting healthy, preservable trees to reduce adverse impacts. Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed an outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment. The application further notes the pool is a lap pool, and the majority of the area where the pool is placed has existing grade slopes of less than 25 percent and is within an area of excavation for the construction of the house that will provide a contractor staging area during the construction of the residence.

The Commission finds that the proposed site disturbance is substantially less than allowed. For this property, the required percentage of the site to remain undisturbed is 52 percent [27% average slope + 25% = 52% required to be retained in a natural state], ensuring that development is balanced with environmental preservation by limiting excessive grading and modification of the site. For the proposal, there is 18,738 square feet of disturbance proposed on the 94,960 square foot lot, which equates to 80 percent (75,969 square feet) of the lot being retained in a natural state. This is substantially greater than the minimum percentage required.

The Planning Commission concludes that the proposal meets all applicable criteria and standards for a Physical & Environmental (P&E) Constraints Review Permit as provided at AMC 18.3.10. The least-steep portion of the lot is near the end of the flag drive and the application has made every effort to minimize the impacts to the site by locating the home as close to the driveway access as possible, in this area of least-steep slopes. The Planning Commission finds that the application includes erosion and sediment control plans as well as a geotechnical report and that by following the recommendations in both, that the potential hazards will have been mitigated. The Planning Commission finds that the landscaping plan and erosion control plan will minimize any adverse impacts, that irreversible actions have been considered more seriously than reversible actions and that the single-family home retains substantially more of the site in its natural state that required by ordinance.

2.4 The Planning Commission notes that the application as originally submitted involved two Exceptions to the Development Standards for Hillside Lands. The first of these was to AMC 18.3.10.090.E.2.c which requires that downhill building wall heights greater than 20 feet require at least a six-foot step back. The applicant had asserted that this standard was limited to the wall face, and that the height measurement considered in the standard did not include the fascia and roofing above. As such, while they had proposed an 18-foot 9-inch wall face, with the inclusion of the fascia and roof above, the total height above natural grade was 23-feet 10-inches tall without the requisite setback. The Planning Commission, however, finds that excluding the fascia and roof measurements from the wall height would run counter to the intent of the standard which seeks to have the structure step back meaningfully with the hillside. The Commission therefore finds that the proposal as presented requires an Exception. In considering this Exception, the Commission notes that the application asserts that the building step backs are minimal to keep the building shorter and closer to parallel with the slope of the lot, without interfering with the ridgeline, explaining that the lot is one long, consistent linear hill with rock outcroppings, and the proposed

structure has differentiated it's masses to mimic these smaller masses. The applicant further asserts that the design minimizes alteration of the area of natural slope retention and protects the topographic character and integrity of the hillside lands. The proposal reduces the amount of cutting and scarring, and when considering the difficulty of constructing in the neighborhood, the proposal is sensitive to the adjacent properties and the impacts of construction by locating the residence on the lesser slopes of the property. The Planning Commission finds that the applicant has demonstrated that the Exception allows for a reasonable use that complements the natural and visual character of the city on a challenging site. The Planning Commission concludes that in this instance, the Exception is merited subject to a condition that with final grading, the total height of the wall, fascia and foot above shall not exceed 25 feet.

The second Exception requested involved AMC 18.3.10.090.E.2.d, which requires that, *"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."* The applicant had initially requested an Exception to provide only a four- to five-foot offset where six feet was required, however subsequent to the close of the public hearing, the applicant provided revised designs providing the full required offset while the record remained open to the submittal of new materials. As such, the Planning Commission finds that the second Exception is no longer necessary and has included a condition (#9e) below requiring that the building permit drawings reflect the revised design.

2.5 The Planning Commission further notes that the application requires a Variance to the flag drive standards in AMC 18.5.3.060.F which speaks to the maximum grade and length of flag driveways. AMC 18.5.3.060.F specifically provides that, *"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. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances."*

The Planning Commission notes that the driveway is via an existing shared access easement to utilize an existing long, steep, partially paved private driveway. The proposed driveway improvement to serve the subject property is approximately 197 feet in total length and has an average slope of approximately 24 percent.

The Planning Commission finds that the lot configuration, site topography and existing natural features are unique circumstances which prevent meeting the standard. The existing driveway serving the lot exceeds 15 percent grade and is a legal, non-conforming situation. The average existing grade is 27 percent, and there is no feasible area to mitigate the driveway grade with switchbacks given the narrow 33.04-foot width of the flagpole access to the property and no alternative access available.

The Commission further finds that allowing access via the existing easement to this otherwise landlocked parcel is the minimum necessary to address the unique physical circumstances related to accessing the subject property. The Commission finds that allowing the driveway will provide access to serve a single-family residence on a legal, residentially-zoned lot of record. The Commission notes that with the proposal, one additional home serving a lot with a pre-existing

easement, will be served from the shared driveway. The Commission further notes that the proposal has been reviewed by the Fire Marshal, and as proposed the residence will have a fire suppression system to mitigate fire risk, and that the driveway grade and the final driveway design will be reviewed by the Fire Marshal for compliance with all applicable fire codes. To ensure compliance with the requirements for a fire suppression system, driveway grade and turnout, adequate hydrant pressure, and fuels management, the Commission has included conditions of approval (#10, 11, &12) addressing these criteria.

The Commission notes that staff have provided a March 22, 1992 letter from Planning Director John McLaughlin to the record which discussed access to the subject property in the early 1990's. This letter stated that access from Granite Street would be the "*most appropriate*" means to access the subject property if an access easement were to be acquired. The alternative access considered at the time, via a driveway from Strawberry Lane, was noted as requiring a Variance to allow for more parcels to take access off a private easement than was allowed. A subsequent August 12, 1992 letter from McLaughlin stated, "*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.*" The required partition plat was recorded as P-43-1996 on April 12, 1996. Based on this historical information, the Commission finds that the driveway grade was recognized as an issue with the lot's creation, that the lot creation predates the current hillside standards, and that the need for a Variance has not been self-imposed by the current property owners.

The Commission finds that the driveway's location is determined by the existing private drive and the lot's flagpole configuration, which extends to the established driveway access. The natural slope within the flagpole area averages 24%, making it impossible for the applicant to comply with the standard requirement for a driveway on slopes less than 15%. The Commission finds that as the proposed building envelope is situated immediately adjacent to the end of the flag pole along the east property line, it is evident 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. The Commission concludes that the requested flag drive Variance is the minimum necessary deviation to facilitate development of the site while ensuring compliance with safety and accessibility requirements. The Variance criteria are met, 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.

2.6 The Planning Commission notes that there are 74 tree removals proposed as part of the application, including nine significant trees. The application materials explain that there are hundreds of trees on the property and that the design of the project has sought to minimize required tree removals. The application states that those trees identified for removal are because they are "...within the building envelope/footprint...within the proposed driveway or within the identified

area of disturbance.” The application asserts that, “The tree assessment retains most of the site slope stabilizing trees...The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition. Tree protection zones are included on the tree protection plan including preservation plans for tree conservation during construction.” With that said, the application includes a request for a Tree Removal Permit to remove 74 trees including nine significant trees to develop the site and reduce wildfire fuels in the area of disturbance.

The Tree Management Advisory Committee (TMAC) reviewed the initial application which identified the removal of 67 trees at their regular monthly meeting. While expressing that the number of trees proposed for removal was substantial, the TMAC recognized that all trees proposed for removal were either within the building envelope or very close to required excavation.

The most significant tree near the project, a 36-inch diameter at breast height (d.b.h.) Madrone, is partially on an adjacent property and it initially appeared that the Tree Protection Plan provided adequate protection to its critical root zone. Revised submittals received on March 18, 2025 included several trees that were not originally identified on the tree inventory, including two ten- to 12-inch d.b.h. Madrones on the property line, as well as a revised location for the 36-inch Madrone that is also on or near the property line but within the access easement and thus necessary to remove. The Planning Commission finds that while the 36-inch d.b.h. Madrone and seven additional trees that were to be removed were not initially identified in the applicant's submittals, their presence was raised during the hearing and subsequent to the close of the hearing, they were identified in revised submittals while the record remained open and therefore received due process. The applicant's narrative and final argument submittals made clear that the 36-inch d.b.h. Madrone tree was within the driveway easement, and that its removal was necessary to construct the driveway and to provide access to the property. The Planning Commission concludes that the driveway construction will significantly impact the 36-inch d.b.h. Madrone's root system, and that its removal is necessary in order to provide driveway access to this otherwise landlocked property.

2.7 The Planning Commission discussed the applicant's voluntary proposal to provide a public pedestrian access easement across the property along the TID Trail. While such a dedication is not a requirement for the development of a single-family home, the Commission recognized the public benefit of formalizing trail access in this location. As a result, the proposal has been included as Condition of Approval #14, reflecting the applicant's willingness to dedicate the easement and the Commission's support for securing long-term public access along the trail corridor.

2.8 The Planning Commission notes that after the hearing was closed but the while the record remained open, six comments were received from non-parties of record. The Planning Commission finds that because the hearing was closed and the record left open to new submittals only from parties of record who had participated orally or in writing while the hearing was open, these six comments must be excluded from the record and were not considered by the Planning Commission.

The Planning Commission further notes that while the record remained open to new submittals, on March 18th Planning staff provided memos to the record responding directly to a number of public comments that had been submitted. Staff responses are adopted here as findings of the

Commission as if set forth in full.

2.9 In summary, the applicants have submitted substantial findings addressing all the relevant approval criteria and applicable standards for the planning action, the requested Exception and the Variances. The application addresses the unique factors requiring the need for the requested Variance due to the site's topography and the fact that the lot is pre-existing with little to no slopes under 25 percent to develop, and much of the lot having 25 to 30 percent slopes, or greater, along with the requirement to take access via a pre-existing easement from Granite Street, which is an existing driveway with considerable slope, greater than the maximum allowed 15 percent driveway grade. This driveway location allows for access to an otherwise land-locked property from an existing driveway.

2.10 The Commission finds that with the conditions below attached, the proposal satisfies the applicable approval criteria. The Planning Commission finds that the proposal meets all applicable criteria for a Physical & Environmental (P&E) Constraints Review Permit as provided at AMC 18.3.10.050, for an Exception to the Development Standards for Hillside Lands in AMC 18.3.10.090.H, for a Variance as provided at AMC 18.5.5.050, and for a Tree Removal Permit to remove 74 trees, including nine significant trees, as provided at AMC 18.5.7.040.

SECTION 3. DECISION

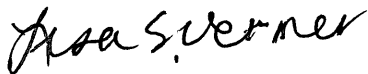
3.1 Based on the whole record of the public hearing on this matter, and all materials submitted by staff, the applicant and other participants, the Planning Commission concludes that the applicant's site planning, building design, engineering and landscape planning have adequately addressed the criteria and standards for the approval of a Physical & Environmental (P&E) Constraints Review Permit with an associated Exception to the Development Standards for Hillside Lands to allow a downhill wall height exceeding 20 feet, a Variance to the flag drive standards for maximum grade and length in AMC 18.5.3.060.F, and a Tree Removal Permit to remove a total of 74 trees, including nine significant trees. Therefore, the Planning Commission approves the application, with the attached conditions of approval, noting that this decision is supported by evidence contained within the whole record.

1. That all proposals of the applicant become conditions of approval.
2. A Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, tree removal, building demolition, and/or storage of materials. The Verification Permit is to inspect the identification of the 74 trees to be removed and the installation of tree protection fencing for the remaining trees on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.61.200.B.
3. All recommendations of the Tree Management Advisory Committee, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
4. Prior to building permit issuance:

- a. The plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Variance and Physical and Environmental Constraints Review permit approval shall be submitted and approved prior to issuance of a building permit.
- b. Identification of all easements, including public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements shall be identified on building permit plans.
- c. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade shall be met.
- d. Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 20 percent as required in AMC 18.2.5.030.C.
- e. Storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- f. A revised Tree Protection Plan consistent with the standards described in 18.4.5 be submitted for approval by the Staff Advisor. The tree protection fencing shall be installed according to the approved plan prior to any site work, storage of materials onsite or issuance of the building permit. The plan shall identify the location and placement of fencing around the drip lines of trees identified for preservation. The amount of fill and grading within the drip line shall be minimized. Cuts within the drip line shall be noted on the tree protection plan and shall be executed by handsaw and kept to a minimum. No fill shall be placed around the trunk/crown root.
- g. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
- h. A landscaping and irrigation plan to include irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies shall be provided.
- i. The tree protection and temporary erosion control measures (i.e. silt fence and bale barriers) shall be installed according to the approved plan and approved by the Staff Advisor prior to any site work, storage of materials, issuance of an excavation permit and issuance of a building permit. The erosion control measures shall be installed as identified in the Marquess & Associates' report dated December 5, 2024 and as approved by Public Works.

- j. A written verification from the project geotechnical expert addressing the consistency of the building permit submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit.
 - k. Applicant shall provide documentation for the access easement.
 - l. Applicant shall have the retaining wall designed by the project engineer to conform with AMC 18.3.10.090.B.
- 5. Mitigation trees, to be planted on-site, off-site, or payment in lieu, shall be planted at the rate of 1:1 of regulated tree removals.
- 6. A preconstruction conference to review the requirements of the Hillside Development Permit shall be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The conference shall include the Planning Department, Building Department, the project engineer, project geotechnical experts (i.e. Marquess & Associates), landscape professional, arborist (i.e. Canopy) and the general contractor. The applicant or applicant's representative shall contact the Planning Department to schedule the preconstruction conference.
- 7. The foundation plans of the house shall be stamped by an engineer or architect with demonstrable geotechnical design experience in accordance with AMC 18.3.10.090.F.
- 8. All measures installed for the purposes of long-term erosion control and fire mitigation, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.3.10.090.B.7.a.
- 9. Prior to Certificate of Occupancy:
 - a. The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
 - b. All landscaping in the new landscaped areas shall be installed according to the approved plan and tied into the onsite irrigation system.
 - c. Marquess & Associates shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.
 - d. The flag drive shall be paved to 12 feet, have a vertical clearance of 13-feet, 6-inches and be able to withstand 44,000 lbs. of pressure. The flag drive shall be constructed so as to prevent surface drainage from flowing over the private property lines and / or public way in accordance with 18.76.060.B.
 - e. The house shall be constructed as shown on the amended plans submitted on March 12, 2025, with the 6-foot horizontal offset, per AMC 18.3.10.090.E.2.
 - f. Applicant shall provide a surveyor's map that confirms the driveway grade does not exceed 24 percent and that the length of the portion of the driveway in excess of 35 percent slopes does not exceed 100 feet, per AMC 18.3.10.090.A.2.

10. Requirements of the Ashland Fire Department shall be met, including that all addressing shall be approved, that fire apparatus access be provided, that a final approval of the access plan (turnouts, etc.) be obtained, that a fire suppression system be installed in the home, that a new fire hydrant and pump be installed, if necessary, and that a fuel break is required.
11. Prior to bringing combustible materials on site, applicants shall provide documentation of fire hydrant location within 600 feet of the southwest corner of the house and of the access (easement).
12. A Fire Prevention and Control Plan addressing the General Fuel Modification Area requirements in AMC 18.3.10.100.A.2 shall be provided prior to bringing combustible materials onto the property. New landscaping proposed shall comply with these standards and shall not include plants listed on the Prohibited Flammable Plant List per Resolution 2018-028.
13. Final grading and retaining wall plans shall meet the terracing requirements of AMC 18.3.10.090.B.4.b to the satisfaction of the Staff Advisor.
14. Prior to issuance of building permits for the proposed residence, applicants/property owners shall execute and deliver to the City a perpetual public trail easement in favor of the City of Ashland along the existing "Ditch Trail", which generally follows the Talent Irrigation District's (TID) "Ashland Canal" as it traverses the subject property (Tax Lot 1800). Applicants shall also provide a centerline legal description of the Easement Area to be appended to the easement document and reflecting an easement area 10-feet in width and shall include the traveled portion of the existing Ditch Trail crossing the property. This condition was voluntarily offered by the applicants/property owners and this public trail easement is not an exaction required by the City and is not subject to constitutional takings concerns or nexus/proportionality analysis.



Planning Commission Approval

April 22, 2025

Date

**ASHLAND PLANNING DEPARTMENT
STAFF REPORT**

Before the Planning Commission – March 11, 2025

PLANNING ACTION:	PA-T2-2024-00053
PROPERTY OWNERS:	Bryan & Stephanie Deboer
APPLICANTS:	Carlos Delgado Architect for Bryan & Stephanie Deboer
LOCATION:	39 1E 08 DA Tax Lots 1800
ZONE DESIGNATION:	RR-.5-P
COMP. PLAN DESIGNATION:	Low Density Residential
ORDINANCE REFERENCES:	See https://ashland.municipal.codes/LandUse AMC 18.2.4 General Regulations for Base Zones AMC 18.2.5 Standards for Residential Zones AMC 18.3.10 Development Standards for Hillside Lands AMC 18.4.3 Parking, Access, and Circulation AMC 18.4.5 Tree Preservation and Protection AMC 18.4.8 Solar Access AMC 18.5.1 General Review Procedures AMC 18.5.3 Additional Preliminary Flag Lot Partition Plat Criteria AMC 18.5.5 Variances AMC 18.5.7 Tree Removal Permits AMC 18.6.1 Definitions
APPLICATION DATE:	October 17, 2024
APPLICATION COMPLETE:	January 31, 2025
PUBLIC NOTICE:	February 19, 2025
MEETING DATE:	March 11, 2025
120-DAY DEADLINE:	May 31, 2025

I. Request

The application proposes the construction of a new single-family residential home on a vacant parcel at 231 Granite Street. Because of the steep topography and the existing driveway location and grade, the development of both the home and driveway require several planning approvals. These planning approvals include a Physical and Environmental constraints review (P&E) which includes several requested exceptions, a variance to the allowed maximum grade of a driveway, and tree removal permits for the removal of sixty-seven (67) trees, four (4) of which are significant and eight (8) are dead. Each of these will be discussed in detail below.

II. Description of Property

The property at 231 Granite Street is a legal lot of record that was created in its current shape and size as Parcel 3 of Partition Plat P-43-1996 as 2.182 acres. This partition plat

included a boundary line agreement to adjust the Northern property line to match the existing shared fence line with 234 Strawberry Lane and was created prior to the City's hillside development ordinance. The property is zoned RR-.5, a single-family residential zoning, and is located within the Hillside Overlay. The majority of the property is located within slopes greater than 25% with much of the sloped area being 35% or greater slope. Although the site contains severe slopes, it is acknowledged to be developable for a single-family home or duplex consistent with the underlying zoning pursuant to AMC 18.3.10.090.A1.a.

III. Details of Application

A request for a Physical and Environmental Constraints Review to construct a new single-family dwelling in the Hillside Overlay with slopes over 35%. The proposal includes a Type II Variance for the driveway, as the existing topography requires a grade steeper than the maximum allowed 18%. While a driveway grade between 15% and 18% may be permitted through a Type I Variance, the steeper slope triggers the requirement for Type II Variance approval (18.5.3.060.F). Type II Variances are subject to review by the Planning Commission for a hearing and decision. As mentioned above, the application is a request for a Physical and Environmental (P&E) permit, variance to allowed lot coverage maximum grade of a driveway, hillside design exceptions, and tree removal permits pursuant to Ashland Municipal Code (AMC) 18.3.10, 18.5.5, and 18.5.7 as further detailed below:

- The P&E is for the following land classifications: hillside, and severe constraints. The application also includes requests for exceptions from the following standards:
 - The standards allow new driveways on slopes greater than 35 percent for a length not to exceed 100 feet. Here the driveway proposed is 197 feet, but the majority of it is located on lands that have a slope less than 35 percent, with only small portions located in slopes greater than 35 percent. (AMC 18.3.10.090.A.3.2.b.)
 - The standards require that downhill building walls greater than 20 feet provide a six-foot step-back. As proposed, the eastern façade wall is 26 feet high without the required step-back. (AMC 18.3.10.090 E.2.c)
 - The standards require that a continuous horizontal building plane which is greater than 36 feet in length include at least a six-foot off-set. The applicant proposes longer planes without the requisite off-set. (AMC 18.3.10.090.E.2.d.)
- **Variance (Type II):**
 - The standard requires that 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. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#), Variances. (AMC 18.5.3.060.F.) Applicant's submittals indicate

that the driveway is located on 18 to 30 percent slopes with an average slope of 23 percent over the 197-foot length of the driveway.

- A **Tree Removal Permit** for the removal of 4 *significant* trees. A total of 67 trees are identified as being removed; 4 of these are considered to be ‘significant’ by definition, and 8 are dead (AMC 18.5.7.040 & AMC 18.3.10.090.D).

IV. Discussion

The purpose of the Hillside Ordinance is to:

“Provide for safe, orderly, and beneficial development of districts characterized by diversity of physiographic conditions and significant natural features; to limit alteration of topography and reduce encroachment upon, or alteration of, any natural environment and to provide for sensitive development in areas that are constrained by various natural features.”

Consistent with the purpose of designating properties as hillside lands, any exception or variance to the standards to facilitate development, including installation of driveway, should be the minimum necessary to alleviate the difficulty.

The applicant has submitted a substantial set of findings addressing all of the relevant approval criteria for the planning action, the requested exceptions and variances. The application addresses the unique factor requiring the need for the requested variances is the fact that the area identified for the building envelope is located as close to the existing shared driveway access as possible to minimize ground disturbance. While this means that the proposed envelope is encroaching on 25%+ and 35%+ slopes, it is causing less significant disturbance than a longer driveway would require to develop the lower sloped portions of the lot. And finally, in discussing the exceptions in general the application states that the code did not anticipate a property with such steep slopes and that this is an existing lot that was created prior to the adoption of the Hillside Development Standards.

In short, each requested exception and variance is based on placing the building envelope in a less steep area while keeping it closer to the driveway to minimize impacts. The Hillside Development Standards do recommend that building envelope locations should be located to avoid ridgeline exposures (AMC 18.3.10.090.E.1.d) which is accomplished in this proposal by keeping the building shorter and closer to the slope. However, the building does not follow the slope of the lot and rather is placed upon it, requiring changes to the landscape in the form of excavating and grading to create a flat building location that does not peak the ridgeline. No formal building envelope was established for this lot in 1996 upon completion of the boundary lot adjustment and the Hillside Lands ordinance was adopted in 1997.

The development of the property requires choosing between two options: placing the building envelope on the ridgeline, which would necessitate a taller structure to minimize disturbance to the steep slopes, or positioning in a location that results in greater

disturbance to areas with slopes exceeding 35%. The proposed application strikes a balance by placing the building envelope below the ridgeline, at the end of a shortened driveway, but primarily on slopes ranging from 25% to over 35%."

What follows is a brief discussion of the requested exceptions and variances and the relative deviation from the base standards as presented in the application.

A. Variances

As mentioned above the application also includes the request for a variance to exceed the maximum allowed grade of the driveway.

The application requests a variance to driveway grade to allow the driveway to exceed the 15-percent maximum grade, and the additional allowance to exceed 18-percent with approval of a Type II variance, for a distance of less than 200 feet. Ashland's Land Use Ordinance at AMC 18.5.3.060.F requires that:

"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 for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter 18.5.5 Variances."

The driveway is an existing shared access that comes off of the end of a very long, steep, partially paved private access easement. The proposed driveway is 197 feet in total length with an average slope of 15.23-percent.

If the Planning Commission finds that the variance meets the criteria of approval this will be in accordance with the maximum allowed as stated in AMC 18.5.3.060.F. Similarly, the hillside standards have a standard that relates to new driveways from which the application request an exception. The Development Standards for Hillside Lands require that the new driveways be constructed on lands of less than or equal to 35-percent slope except in circumstances where the driveway on lands greater than 35-percent slope does not exceed a length of 100-feet (see AMC 18.3.10.090.A.3).

As stated previously, the application relies on the fact that the building envelope is located as close as feasible to the shared access and driveway to minimize disturbance. This location was chosen because it has the least steep slopes near the driveway. Given that much of the property has slopes exceeding 35% the application states that the exception is unavoidable. The proposed driveway is located at the only available access point, and due to the severity of slopes on the property, nearly the entirety of the driveway would be built on slopes that exceed 35-percent.

B. Grading

One grading requirement within the hillside standards was not included in the exception requests but would still need to be met for compliance. The standards allow new driveways

on slopes greater than 35 percent for a length not to exceed 100 feet. The driveway as proposed driveway is 197 feet, but the majority of it is on natural slopes of less than 35%, with only small portions located on slopes greater than 35 percent. (AMC 18.3.10.090.A.3.2.b.)

C. Building Location and Design

There are two items in the building location and design section within the hillside standards for which exceptions are requested including building walls on the downhill side greater than 20 feet providing a six-foot step-back, and that continuous horizontal building planes greater than 36 feet in length include at least a six-foot off-set. The applicant proposes longer horizontal planes without the requisite off-set and has downhill buildings walls greater than 20 feet with less than a six-foot step-back. As stated previously this does not conform to the Development Standards for Hillside Lands without approval of an exception. The application asserts that the roof mimics these off-sets and thus “meets the intent” of the code, while the building step backs are minimal to keep the building short and closer to parallel with the slope of the lot, without interfering with the ridgeline.

D. Tree Removal

The application states that in the area of disturbance, there are 75 trees larger than six inches DBH (Diameter at Breast Height), 67 of which are proposed to be removed, and that the design of the project has taken efforts to minimize required tree removals. The application states that those trees identified for removal are because they are “*are within the building envelope/footprint...*” or “*are within the proposed driveway or within the identified area of disturbance.*” The application asserts that there are, “*...(8) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height, fourteen (14) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height.*” With that said, the application includes a request a Tree Removal permit for sixty-seven (67) regulated trees, including four (4) significant trees, and eight (8) dead trees.

The City’s Tree Management Advisory Committee will review the proposed tree removals at their meeting on March 6th, and staff will provide their recommendations for Planning Commission consideration at the March 11th, 2025 public hearing.

In staff’s assessment, a finding can be made that with any conditions imposed by the Planning Commission, all relevant approval criteria are satisfied.

V. Approval Criteria

AMC 18.3.10.050 Physical & Environmental Constraints Review Permit Approval Criteria. *The planning commission shall approve the physical and environmental constraints review permit when it finds all of the following criteria have been met:*

A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.

B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.

C. That 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. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

AMC 18.3.10.090.H. Exception to the Development Standards for Hillside Lands Approval Criteria. *The planning commission shall approve the exceptions to design standards for hillside lands when it finds all of the following criteria have been met:*

- 1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.*
- 2. The exception will result in equal or greater protection of the resources protected under this chapter.*
- 3. The exception is the minimum necessary to alleviate the difficulty.*
- 4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#), Physical and Environmental Constraints Overlay, and section [18.3.10.090](#), Development Standards for Hillside Lands.*

18.5.3.060 Additional Preliminary Flag Lot Partition Plat Criteria

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

A. The criteria of section [18.5.3.050](#) are met.

B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.

C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.

D. Except as provided in subsection [18.5.3.060.H](#), below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the

rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.

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. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#), Variances.

G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.

H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:

1. Vehicle access shall be from the alley only where required as a condition of approval.
2. No screening and paving requirements shall be required for the flagpole.
3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.
4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.

I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.

J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040.G.5](#)). 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.

K. Where off-street parking is voluntarily provided on a flag lot, it shall be situated to eliminate the necessity for vehicles backing out.

L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.

M. Flag drives serving structures greater than 24 feet in height, as defined in part [18.6](#), shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.

N. Both sides of the flag drive have been screened with a sight-obscuring fence, wall or fire-resistant broadleaf evergreen sight-obscuring hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.

O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.

P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.

AMC 18.5.5.050 Variance Approval Criteria. *The planning commission shall approve the variance when it finds all of the following criteria have been met:*

A. The approval authority through a Type I or Type II procedure, as applicable, may approve a variance upon finding that it meets all of the following criteria.

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

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.

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.*

B. In granting a variance, the approval authority may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

AMC 18.5.7.040 Tree Removal Approval Criteria. *The planning commission shall approve the tree removals when it finds all of the following criteria have been met:*

B. Tree Removal Permit.

1. **Hazard Tree.** *A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

a. *The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.*

b. *The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.*

2. **Tree That is Not a Hazard.** *A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.*

a. *The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.3.10.*

b. *Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.*

c. *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.*

d. *Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination,*

the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.

e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

In staff's assessment, a finding can be made that with any conditions imposed by the Planning Commission, all relevant approval criteria are satisfied.

VI. Conclusion and Recommendations

Staff recommend that the Planning Commission approve the Physical and Environmental Constraints review permit for new single-family dwelling in the hillside overlay, including the requested variance to driveway grade, exceptions to the hillside design standards, and the requested 67 tree removals.

If the Planning Commission approves the application, staff recommends including the following conditions of approval below:

1. That all proposals of the applicant become conditions of approval.
2. That a Verification Permit shall be applied for and approved by the Ashland Planning Division prior to site work, tree removal, building demolition, and/or storage of materials. The Verification Permit is to inspect the identification of the 67 trees to be removed and the installation of tree protection fencing for the remaining trees on and adjacent to the site. The tree protection shall be chain link fencing six feet tall and installed in accordance with 18.61.200.B.
3. That all recommendations of the Tree Management Advisory Committee, where consistent with the applicable ordinances and standards and with final approval of the Staff Advisor, shall be conditions of approval unless otherwise modified herein.
4. Prior to building permit issuance:
 - a. That the plans submitted for the building permit shall be in substantial conformance with those approved as part of this application. If the plans submitted for the building permit are not in substantial conformance with those approved as part of this application, an application to modify the Variance and Physical and Environmental Constraints Review permit approval shall be submitted and approved prior to issuance of a building permit.
 - b. Identification of all easements, including public and private utility easements, mutual access easements, public pedestrian access easements, and fire apparatus access easements.

- c. Solar setback calculations demonstrating that all new construction complies with Solar Setback Standard A in the formula $[(\text{Height} - 6) / (0.445 + \text{Slope}) = \text{Required Solar Setback}]$ and elevations or cross section drawings clearly identifying the highest shadow producing point(s) and the height(s) from natural grade.
- d. Lot coverage calculations including all building footprints, driveways, parking, and circulation areas. Lot coverage shall be limited to no more than 20 percent as required in AMC 18.2.5.030.C.
- e. That storm water from all new impervious surfaces and runoff associated with peak rainfalls must be collected on site and channeled to the City storm water collection system (i.e., curb gutter at public street, public storm pipe or public drainage way) or through an approved alternative in accordance with Ashland Building Division policy BD-PP-0029. On-site collection systems shall be detailed on the building permit submittals.
- f. That a revised Tree Protection Plan consistent with the standards described in 18.4.5 be submitted for review by the Tree Commission and approval by the Staff Advisor prior to the issuance of a building permit. The plan shall identify the location and placement of fencing around the drip lines of trees identified for preservation. The amount of fill and grading within the drip line shall be minimized. Cuts within the drip line shall be noted on the tree protection plan, and shall be executed by handsaw and kept to a minimum. No fill shall be placed around the trunk/crown root.
- g. That the tree protection fencing shall be installed according to the approved plan prior to any site work, storage of materials or issuance of the building permit. The tree protection shall be inspected and approved by the Ashland Planning Department prior to site work, storage of materials and/or the issuance of a building permit.
- h. No construction shall occur within the tree protection zone including dumping or storage of materials such as building supplies, soil, waste, equipment, or parked vehicles.
- i. That a landscaping and irrigation plan to include irrigation details satisfying the requirements of the Site Design and Use Standards Water Conserving Landscaping Guidelines and Policies and showing parkrow improvements shall be provided prior to building permit issuance.
- j. That the tree protection and temporary erosion control measures (i.e. silt fence and bale barriers) shall be installed according to the approved plan prior to any site work, storage of materials, issuance of an excavation permit and issuance of a building permit. The erosion control measures shall be installed as identified in the Marquess & Associates' report dated December 5, 2024. The tree protection and temporary erosion control measures shall be inspected and approved by the Ashland Planning Department prior to site work, storage of materials, the issuance of an excavation permit, and/or the issuance of a building permit.

- k. A written verification from the project geotechnical expert addressing the consistency of the building permit submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit.
 - l. That written verification from the project geotechnical experts addressing the consistency of the building permit submittals with the geotechnical report recommendations (e.g. grading plan, storm drainage plan, foundation plan, etc.) shall be submitted with the building permit submittals.
- 5. Replacement trees to mitigate the trees removed shall be planted and irrigated according to the approved plan.
- 6. That a preconstruction conference to review the requirements of the Hillside Development Permit shall be held prior to site work, the issuance of an excavation permit or the issuance of a building permit, whichever action occurs first. The conference shall include the Ashland Planning Department, Ashland Building Department, the project engineer, project geotechnical experts (i.e. Marquess & Associates), landscape professional, arborist (i.e. Canopy) and the general contractor. The applicant or applicants' representative shall contact the Ashland Planning Department to schedule the preconstruction conference.
- 7. That the foundation shall be designed by an engineer or architect with demonstrable geotechnical design experience in accordance with 18.62.080.F.
- 8. That all measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, retaining walls and landscaping shall be maintained in perpetuity on all areas in accordance with 18.62.089.B.7.
- 9. Prior to Certificate of Occupancy:
 - a. The landscaping and irrigation for re-vegetation of cut/fill slopes and erosion control shall be installed in accordance with the approved plan prior to issuance of the certificate of occupancy. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
 - b. That all landscaping in the new landscaped areas shall be installed according to the approved plan, and tied into the existing irrigation system, prior to the issuance of a certificate of occupancy.
 - c. That Marquess & Associates shall inspect the site according to the inspection schedule of the engineering geology report by Marquess & Associates included in the application and date stamped December 5, 2024. Prior to the issuance of the certificate of occupancy, Marquess & Associates shall provide a final report indicating that the approved grading, drainage and erosion control measures were installed as per the approved plans, and that all scheduled inspections were conducted by the project geotechnical expert periodically throughout the project.

- d. That the flag drive shall be paved to 12 feet, a vertical clearance of 13-feet, 6-inches and be able to withstand 44,000 lbs. prior to the certificate of occupancy. The flag drive shall be constructed so as to prevent surface drainage from flowing over the private property lines and / or public way in accordance with 18.76.060.B.
- 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.

Feb 13, 2025
Revised Findings

Planning Application Submittal – Findings of Fact - New Residence in Environmental Constraints - Hillside Lands

ADDRESS: **231 Granite Street, Ashland OR 97520**
Assessor's Map 39 1E 08 DA Tax Lot 1800
Zoning: **Rural Residential (RR-.5-P)**

Owner	Architect
Bryan & Stephanie DeBoer	Carlos Delgado
85 Winburn Way	Carlos Delgado Architect LLC
Ashland, OR 97520	200 Clear Creek Drive, Ste C
541.621.2881	Ashland, Oregon 97520
	541 552 9502

Landscape Architect and Planning
Shelby Scharen
Scharen Design Studio
Landscape Architecture & Planning
Ashland, OR 97520
541.215.4464

ATTACHMENTS

Project Narrative
A0.1_Architectural Cover Sheet (11x17)
AS1.0_Architectural Site Plan (11x17)
A1.0_Architectural Daylight Basement Plan (11x17)
A1.1_Architectural Main Floor Plan (11x17)
A2.1_Exterior Elevations (11x17)
A2.2_Exterior Elevations (11x17)
L0.1_Tree Survey
L0.2_Tree Removal Plan
L0.3_Tree Removal Plan detail
L1.0_Site Plan
L1.1_Landscape Layout
L2.0_Grading Plan
L2.1_Existing Slope Analysis
L3.0_Planting and Irrigation

Project Description

This is a proposed new single-family residence of 4,798 sf, with 1/3 of the home as daylight basement, nestled into the hillside below grade and appearing at grade on the downhill side. The Main floor exits out onto the natural grade line and is integrated into the existing natural topography as such on the Southern side of the home.

This project is subject to the Development Standards for Hillside Lands of the Physical and Environmental constraints section of the Ashland Land Use Ordinance.

The project proposes a new driveway to access the residence as well that is created within and existing access and Utility easement. The residence will also have a 176 SF covered entry porch and 710 SF of outdoor covered patios.

The residence is located on the lowermost Northeastern corner of the 2.18 acre lot, thus minimizing the driveway access & parking area. This section of the lot also inhabits the lowest slopes of the site. The residence with living on both levels and being oriented longitudinally with the contour lines to optimize its relation to grades and balances this house well with both cut and fill on this hillside lot.

The following exceptions are requested and are addressed in these findings per the ALUO in this application:

Exception to the Development Standards for Hillside Lands per 18.3.10.090.E The applicant is requesting an exception to

Section 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]

Required Findings addressing the following Ashland Land Use Ordinance Sections

18.2.4	General Regulations for Base Zones
18.2.5	Standards for Residential Zones
18.3.10	Physical and Environmental Constraints-Hillside Severe Constraints
18.3.10.090.E	Exception to the Development Standards for Hillside Lands
18.3.10.100	Wildfire Lands
18.4.3.080.D	Driveways and Turn-Around Design
18.4.5	Tree Preservation and Protection
18.4.8	Solar Access
18.4.8.020.C.	Solar Setback Exceptions
18.5.5	Variance
18.5.7	Tree Removal Permits

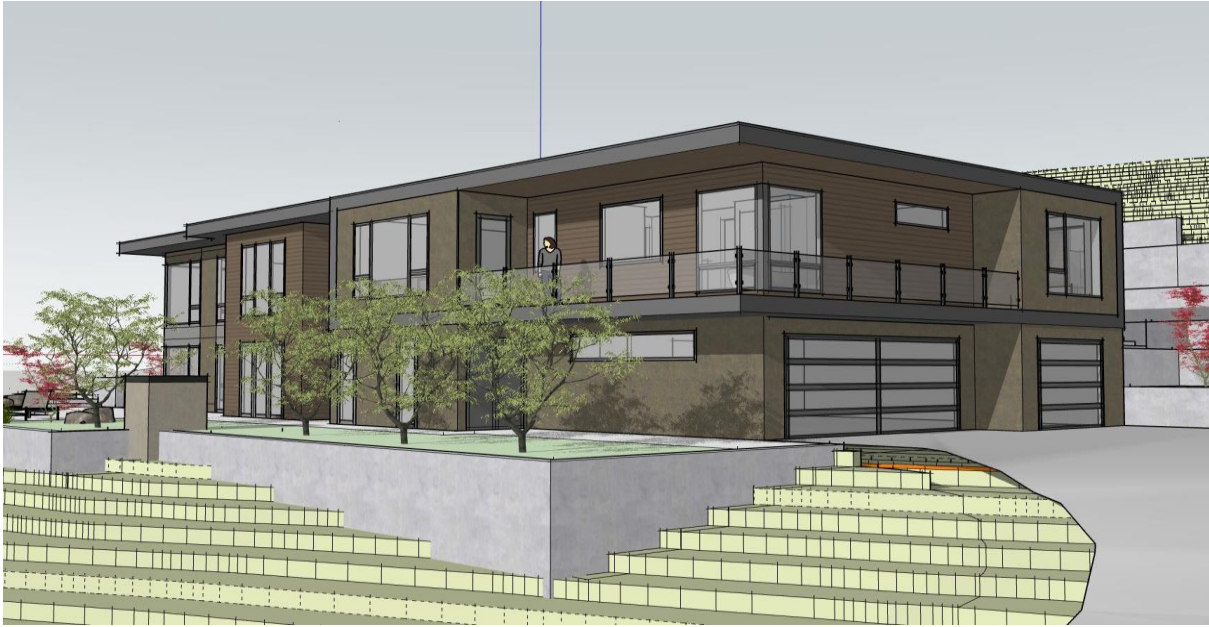


image 1 - PROPOSED NORTH EAST ELEVATION



image 2 - PROPOSED SOUTH EAST ELEVATION



image 3 - PROPOSED WEST ELEVATION

FINDINGS OF FACT ADDRESSING THE ASHLAND LAND DEVELOPMENT ORDINANCE

Chapter 18.2.4

GENERAL REGULATIONS FOR BASE ZONES

18.2.4.010 Access and Minimum Street Frontage

Each lot shall abut a public street other than an alley for a width of not less than 40 feet; except, where a lot is part of an approved flag partition or abuts a cul-de-sac vehicle turn-around area, the minimum width is 25 feet.

Complies: The lot is a pre-existing legal lot of record that does not abut a public street. The lot has existing, legal access via driveway easement from Granite St.

Chapter 18.2.5

STANDARDS FOR RESIDENTIAL ZONES

18.2.5.030 Unified Standards for Residential Zones

This property is in a residential zone (RR-.5) with a proposed single-family home on 2.18 acres and complies with all set back requirements for the front, side, and rear.

Chapter 18.3.10

PHYSICAL AND ENVIRONMENTAL CONSTRAINTS

18.3.10.050 Approval Criteria

Through the application of the requirements of the Hillside Ordinance, the oversight of a geotechnical expert, a civil engineer and a structural engineer, implementation of the erosion control plan, and tree protection/preservation, wildfire fuels management, potential adverse impacts have been minimized.

The home is situated in a manner that minimizes hillside disturbance by limiting cuts and fill for construction. The area of site disturbance has been limited through the creation of a small area in comparison to the size of the property that is for development of the home, the yard area and pool and the driveway. Potential impacts to the property and the nearby area have been considered and through the considerate design and layout, adverse impacts have been minimized.

The proposed residence and minimal outdoor area substantially exceed all required setbacks in the zone which reduces potential impacts to the nearby area and reduces the visual impacts of the new construction. At the same time, the area of development of the 2.18-acre site is in the area nearest the location of the vehicular access and the area of development substantially retains the majority of the large area property in an undeveloped state. The construction of a single-story residence with a basement reduces the building height and visual impacts to adjacent properties. The structure and driveway are cut into the hillside with the lower levels utilized to support the upper story and provide for an outdoor living area without creating a large, flat pad. The positioning, roofline style, generally low profile considering the steepness of the property and reduces the visual impacts. The proposed residence utilizes low pitch roofs with walk-out decks onto the floor below. This reduces the building height and mass, limiting impacts to nearby areas. The residence is cut into the hillslope without the use of substantial amounts of fill.

The proposed development minimizes fire hazard through the implementation of a fire management plan, minimizes slope failure through the implementation of appropriate drainage and retaining wall construction, and feasible storm water management through proper drainage and conveyance through the property and utility easements to the City Storm water system.

The proposed development preserves and protects the rural residential characteristics of the property and the surrounding properties. The proposed development has stepped, structural retaining walls to lessen the impact of a structure on the lot through the use of terracing, and erosion control plant materials.

The project design team including the geotechnical expert, the landscape architect, the civil engineer, and contractor have constructed upon Ashland's hillside properties

numerous times. All potential hazards, including erosion from the hillside, wildfire hazards, and reduced impacts to the developed residential area were all considered and anticipated in the development of the property.

Erosion control systems utilizing the installation of silt fencing and stormwater drainage consistent with the recommendations of the report from Rick Swanson, P.E., Marquess & Associates. The building plans, erosion control, retaining wall design, and proposed stormwater have been reviewed by Rick Swanson, P.E., Marquess, and Associates, who finds that the proposed site development will not create any hazards. There are no known hazards in the development area or immediately adjacent. There is no evidence of surface water or seepage, scarring or other evidence of landslides or slope failure on the subject property.

The foundation will be structurally engineered, and the geotechnical expert will provide periodic inspections of the site to verify the development requirements are being complied with. Erosion control silt fencing is proposed along the east side of the development area and track-out prevention pad will be provided at the entrance of the driveway with the shared driveway to limit impacts to the shared driveway system accessing the property.

All erosion control measures will remain in place throughout the duration of the site work portions of construction. The tree protection fencing will remain in place throughout the duration of construction or until the exterior of the structure is completed and no additional site disturbance is occurring.

The trees proposed for removal are requested to be removed to allow for the development of the driveway, the residence and within the associated development area. The trees proposed for removal are also to implement a wildfire fuel reduction plan which increases safety to the adjacent properties.

The proposal incorporates a cut foundation, with structural retention of all areas of cut and fill. The structure is less than 35-feet above natural grade.

The general contractor is skilled at developing steep hillside lots. The driveway and home construction is proposed to follow the direction and guidance of the geotechnical expert. The structurally engineered single-family residence and the associated site development has taken all reasonable steps to reduce adverse impact to the environment.

The site is heavily treed reduction of fuel loads in the wildfire land overlay and the protection of healthy, preservable trees reducing adverse impacts.

Adequate fire truck apparatus access is proposed. There will be residential sprinklers, and a nearby property private fire hydrant is present within the neighborhood accessed on the private driveway. The property owners have proposed a small outdoor pool area that can provide emergency firefighting water outflow. The proposed fire safety measures demonstrate all reasonable steps have been taken to reduce adverse impacts on the environment.

The building pad area is the minimum area of the site to allow for the construction of a single story with basement home, driveway access and small outdoor space. There is not a large yard area or lawn area proposed on the hillside slopes. Flag lots require a 20' x 20' yard area free of vehicle parking area and buildings.

A small lap pool is proposed within the only outdoor area. Pools are not prohibited. More than 50 percent of the area (30' x 17') where the total pool area (40' x 17') is proposed is situated on existing grade slopes of less than 25 percent. The area of the pool is within the areas of least slope and the majority of the pool area is on slopes of less than 25 percent. The placement of the pool within an area of least slope reduces adverse impacts, potential hazards and limits the amount of hillside disturbance.

The pool area is within the area of excavation for the construction of the house and the most viable contractor staging area during the construction of the residence. Because the area will be disturbed to allow for construction and in the place of the removed topsoil, it is logical to be used as an outdoor area and a small pool area. The area of excavation and site disturbance will not be falsely reconstructed as hillside will fill that requires substantial retaining walls to build back the slope.

The pool walls are engineered limiting potential hazards to the property and nearby areas. The pool and outdoor area are proposed within the area of disturbance for the residence and provides the minimum outdoor area required for flag lots.

The proposed site disturbance is substantially less than allowed. There is only 18,738 SF of disturbance proposed on the 94,960.8 SF area lot which maintains 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

The removal of the minimum amount of hillside soil to allow for the construction of the home, driveway, terrace and pool area is the minimum amount of disturbance and substantially less than the allowed areas of disturbance on the property.

The staff advisor or the commission can find that considering the existing development of the surrounding area and the maximum development permitted by this ordinance, the applicant

has taken all reasonable steps to reduce adverse impacts to adjacent properties and more than 80 percent of the site will remain in a natural state.

18.3.10.060 Land Classifications

B. Hillside Lands.

This property falls under the Hillside Lands category, it is identified in the hillside lands overlay map and contains slopes greater than 25 percent throughout the site.

C. Wildfire Lands.

This property is classified as Wildfire Lands by city of Ashland maps.

18.3.10.090 Development Standards for Hillside Lands

A. General Requirements.

1. Buildable Area. All development shall occur on lands defined as having buildable area. Slopes greater than 35 percent shall be considered unbuildable except as allowed below. Exceptions may be granted to this requirement only as provided in subsection [18.3.10.090.H](#).

There are no slopes of greater than 35 percent within the areas of proposed development.

2. Building Envelope.

The building envelope has an average 27 percent slope and is located in the gentlest slopes on the property, and closest location to the flag portion of the lot to further minimize lot disturbance.

3. New Streets and Driveways.

The existing access is via a 'flag driveway' due to the length of the driveway being more than 50 feet in length. The proposal is to extend this driveway up the flag portion of the lot which has average slopes 23 percent.

The driveway grade requires a variance to exceed 15 percent and exceed 18 percent. This is due to the pre-existing driveway location and grade that the subject property attaches too. See additional variance findings.

4. Geotechnical Studies.

The proposed development is not a subdivision or partition and a geotechnical study is not required.

B. Hillside Grading and Erosion Control. All development on lands classified as Hillside shall provide plans conforming to the following items:

All grading, retaining wall design, drainage and erosion control plans will be reviewed by the project geotechnical engineer. Eric (Rick) Swanson, P.E., Marquess & Associates has reviewed

the site and the proposed development and has found the proposal, and the site are suitable for development.

2. Timing of Improvements.

This is a single-family home and does not have to comply with “timing of Improvements” standards.

3. Retention in Natural State.

The average slope on this property is 27 percent

Total lot size: 2.18 acre = 94,961 SF

25 percent of the total lot area = 23,7402.5 SF

25 + 27 = 52 percent of the total lot area

Required total natural state is 52 percent - 49,379.72 SF

The total area being affected by grading and other disturbance is 18,738 SF, therefore maintaining 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

4. Grading – Cuts. On all cut slopes on areas classified as Hillside Lands, the following standards shall apply:

a. All cut slopes are contained by a segmental retaining wall system.

b. There will be no exposed cut slopes on this project.

c. The structure is cut into the hillside which reduces the visual bulk. The proposed house has a very low profile that is cut into the hill and is not perched high on the property. This was a response to the slopes and to limit the impacts on the topography and the large-stature trees. The home is surrounded by a dense forest limiting visual 'bulk' impacts to adjacent properties.

d. Revegetation of cut slope terraces includes the provision of a planting plan, introduction of topsoil where necessary, and the use of irrigation as necessary. Please see graphic submittal sheet L 2.0

5. Grading – Fill. On all fill slopes on lands classified as Hillside Lands, the following standards shall apply:

a. Complies, Refer to L2.0 – Grading Plan. There are no unretained fill slopes.

b. Complies, Refer to L2.0 – Grading Plan. All fill is retained with a vertical retaining wall.

c. Complies, all utilities will take advantage of the driveway for access to the homesite and not within any fill slopes.

6. Revegetation Requirements.

No un-retained fill slopes are proposed.

7. Maintenance, Security, and Penalties for Erosion Control Measures.

The landscaping will be maintained in perpetuity by the homeowners. The property was part of a larger parcel area that has been divided into smaller buildable lots with the last partition occurring in 1995, before January 1, 1998 date.

8. Site Grading. The grading of a site on Hillside Lands shall be reviewed considering the following factors:

All grading, retaining wall design, drainage and erosion control will be designed based on standards designed by the project geo-technical expert to be reviewed and approved by said consultant as part of the approval process. Erosion control practices will be designed to minimize solids in runoff from disturbed areas and any track-out from the site.

The stormwater facilities will be designed by a licensed civil engineer (Thornton Engineering) – attached under separate submittal are the relevant findings, site observations, and recommendations, including those from the geotechnical report and stormwater management considerations.

There are no hazardous areas or unstable portions of the site.

The building pad area is the minimum area of the site to allow for the construction of a single story with basement home, driveway access and small outdoor space. There is not a large yard area or lawn area proposed on the hillside slopes. Flag lots require a 20X20 yard area free of vehicle parking area and buildings. Though a small lap pool is proposed, the proposed site disturbance is substantially less than allowed. Pools are not prohibited. The pool and outdoor area is proposed within the area of disturbance for the residence and provides the minimum outdoor area required for flag lots. There is only 18,738 SF of disturbance proposed on the 94,960.8 SF area lot which maintains 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

9. Inspections and Final Report.

Periodic inspection of the property and construction consistent with the recommendations and conducted by the geotechnical engineer will be obtained. The final inspection report completed by the geotechnical expert will be provided prior to the issuance of the certificate of occupancy.

C. Surface and Groundwater Drainage

All the stormwater on the site is directed to surface drains and collection behind walls. The water is ultimately taken through the site to the storm water system on Granite Street. No water will travel over cut faces or fill areas. It is not feasible to install detention on this site due to steepness. As designed, this project will minimize erosion and storm flow increases to the greatest extent possible. The stormwater facilities will be designed by a licensed civil engineer (Thornton Engineering).

D. Tree Conservation, Protection and Removal. All development on Hillside Lands shall conform to the following requirements:

An inventory of the site trees was conducted, there are hundreds of trees on the property. There are 75 trees six inches in diameter at breast height or larger in the area of construction disturbance. The predominate species are Douglas Fir, White Oak and Madrone. Eight (8) of the trees are dead.

The trees were evaluated for health, structure, species, variety and size. wildfire safety and hazards removal, and removal due to the proposed access, retaining walls, and the approved and proposed building envelope area.

The tree assessment retains most of the site slope stabilizing trees. The tree analysis identified the health of the trees and provided suggestions as to which trees should be removed.

The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition.

Tree protection zones are included on the tree protection plan including preservation plans for tree conservation during construction.

A six-foot chain-link fence is proposed to be installed according to the Tree Protection plan found on Sheet L 1.2. The fencing is proposed to be installed at grade and to remain in place throughout the duration of the project. The fenced tree protection zone will remain free of any construction disturbance. The project Landscape Architect or project Arborist will oversee any potential site disturbance within the tree protection zone.

Please refer to provided graphic tree inventory, proposed removal and tree protection plan, sheets L0.1, L0.2 and L0.3.

Tree Removal.

Of the 75 trees in the vicinity of the area of disturbance, four (4) significant trees are proposed for removal, eight (8) dead trees and a total of 67 trees removed that are greater than six inches in diameter at breast height but less than 12 inches in diameter at breast height deciduous trees and less than 18 inches in diameter at breast height conifer trees. The other significant trees are incorporated into the project design.

The trees that are proposed for removal is because they are within the building envelope/footprint.

Many of the trees proposed for removal are within the proposed driveway or within the identified area of disturbance.

Of the 75 trees in the vicinity of the area of disturbance, there are 67 trees greater than 6" in diameter at breast height proposed for removal. Of the 67 trees proposed for removal, only four (4) significant trees are proposed for removal.

The other tree proposed for removal include eight (8) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height, fourteen (14) Douglas Fir trees in poor condition that are smaller than 18 inches in diameter at breast height.

There is a five stem Madrone each stem is greater than 18 inches in diameter at breast height; two multi-stem oak trees with one stem each greater than 12 inches in diameter at breast height that are in good health proposed for removal.

As noted above, the trees proposed for removal are largely within the driveway area or within the area of disturbance for the home construction.

The trees proposed for removal will not have a significant impact on the erosion, soil stability or flow of waters.

There are four (4) significant trees proposed for removal. These include a five-stem Madrone, a five stem Oregon white Oak, a three stem Oregon white Oak and a 12 inch in diameter at breast height Oregon white oak. The proposed mitigation trees are deciduous and there are no replacement conifers proposed.

E. Building Location and Design Standards.

1. Building Envelopes.

a. The building envelope shall contain a buildable area with a slope of 35 percent or less.
There are no slopes of greater than 35 percent within the areas of proposed development.

b. Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in subsection 18.3.10.090.B.3.

The average slope on this property is 27 percent

Total lot size: 2.18 acre = 94,961 SF

25 percent of the total lot area = 23,7402.5 SF

25 + 27 = 52 percent of the total lot area

Required total natural state is 52 percent - 49,379.72 SF

The total area being affected by grading and other disturbance is 18,738 SF, therefore maintaining 80 percent (75,969 SF) in natural state which is substantially greater than the minimum percentage required.

c. Building envelopes shall be designed and located to maximize tree conservation as required in subsection 18.3.10.090.D.3 while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.

An inventory of the site trees was conducted and there are hundreds of trees on the property. There are 75 trees six inches in diameter at breast height or larger in the area of construction disturbance. The predominate species are Douglas Fir, White Oak and Madrone. Eight (8) of the trees are dead.

The trees were evaluated for health, structure, species, variety and size. wildfire safety and hazards removal, and removal due to the proposed access, retaining walls, and the approved and proposed building envelope area.

The tree assessment retains most of the site slope stabilizing trees. The tree analysis identified the health of the trees and provided suggestions as to which trees should be removed. There are 67 of the 75 trees in the area of construction development proposed for removal. Of those eight are dead and only four of the 67 trees are significant trees.

The property will remain heavily treed following the removal of the small diameter fuels, the dead trees and the trees in poor condition.

Tree protection zones are included on the tree protection plan including preservation plans for tree conservation during construction.

d. It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline as illustrated in Figure 18.3.10.090.E.1.d.

Not applicable.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Lands, excepting those lands within the designated Historic District, shall incorporate the following into the building design and indicate features on required building permits:

- a. The height of all structures shall be measured vertically from the natural grade to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade. Maximum hillside building height shall be 35 feet. See Figure 18.3.10.090.E.2.a.i and Figure 18.3.10.090.E.2.a.ii

Complies – maximum height is 19’10” - refer to Sheet A2.1

- b. Cut buildings into hillsides to reduce effective visual bulk.

The structure is cut into the hillside to the greatest extent possible. The proposed building design limits the amount of cut to the area nearest the location of the driveway. The driveway location and grade determine the location of the garage and entrance to the residence.

i. Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.

Complies – stepped footings are proposed are proposed within the southern portion of the residence that addresses the natural swale to the south. Per section 18.3.10.090.B.4. findings – the residence has an average 36 foot width of structure along the east/west axis (perpendicular to the slope). This width in combination of the structure cut into the hillside, and limited vehicular access on the north end prohibits stepped footings.

ii. Reduce building mass by utilizing below grade rooms cut into the natural slope.

Complies. The building mass is cut into the hillside with approximately 40 percent of the structure cut into the natural slope - refer to Sheets A2.1 and A2.2.

- 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.

Complies. The maximum wall height is 18'-9" on east (downhill) elevation – refer to Sheet A2.1 for height dimension of wall to existing natural grade. Spot elevations and other referenced dimensions above 20' in height refer to top of roof heights to finished grade.

- 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. See Figure 18.3.10.090.E.2.d.

The building has horizontal building planes that are divided into smaller masses. The façade of the structure on the downhill (east) side is divided into four distinct sections. Of those, the southern half requires an exception because the total wall length is 39 feet with a four-foot offset. The other half of the building has offsets of six feet. The south wall has a total plane length of 44 feet with a five foot off-set. – Refer to section H (Exception to the Development Standards for Hillside Lands)

- e. It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided; however, smaller gables may be permitted. See Figure 18.3.10.090.E.2.c.

While the roof on this modern design has the majority of the roof flat. The clerestory and the extended soffit "waterfalls" to landscape walls and landscape retaining walls– the proposed building mass and scale expresses the irregularity on the hillside. In view with the staggered wall and varied eave overhangs – the structure is broken up to appear as segmented building components meeting the intent of this section.

Additionally, with the structure cut into the hillside, the mass and the rooflines are further minimized with the natural grade of the surrounding hillside being higher than the proposed residence. There are no large gables and the flat roof does not project upwards of the house to increase height and mass. Refer to image 1 and image 2 on previous pages. There are 4ft to 5ft stepbacks in the structure below the linear roof and material changes within these stepbacks. This complies with the intent of the ordinance that seeks to break up the mass of the structure into smaller building components to reflect the irregular form of the hillside. The lot is one long consistent linear hill with rock outcroppings, and the proposed structure has differentiated masses to mimic smaller masses.

- f. It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of 12 feet on downhill elevations should be avoided.

The lower floor level is used as a deck for a portion of the residence. The only overhang is also the eave of the roof of the floor below. There are no vertical supports.

- g. It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

Neutral colors found in the surrounding landscape that minimize contrast between the natural environment and the structure will be used on the exterior paint.

F. All structures on Hillside Lands shall have foundations designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

The foundation of the structure will be designed by an engineer and reviewed by the project geotechnical expert.

G. All newly created lots or lots modified by a lot line adjustment must include building envelopes containing a buildable area less than 35 percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is to provide open space or for conservation purposes.

Not applicable

H. Exception to the Development Standards for Hillside Lands.

An exception under this section is not subject to the variance requirements of chapter [18.5.5](#), Variances. An application for an exception is subject to the Type I procedure in section [18.5.1.050](#) and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria:

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

The applicant is requesting an exception to Section 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]

The proposed residence has horizontal building planes that are divided into smaller masses. The façade of the structure on the downhill (east) side is divided into four distinct sections. The entire horizontal building plane of 83 feet is a combination of five different planes. The first two planes from the north corner to the first six foot offset is 22 ft. 3 inches the second section is 16 feet. This leads to a six-foot offset on the north side that is reduced to four feet on the south side. The next two sections comprise a 16 ft 9in section and 22 ft 3in section, the southern half requires an exception because the total wall length is 39 feet with a four-foot offset. The south wall has a total plane length of 44 feet with a five foot off-set. (Refer to east wall line and south wall line on Sheet A1.1 – Main Floor plan and to image 1 and image 2 on previous pages.

A reasonable number of offsets and variation of depth in the design technique of the offsets meet the intent of the hillside standards to provide variation and interest on the minimally visible façade on the approach to the residence. The difficulty in meeting this requirement is due to the unique ravine/drainage to the south and the publicly used trail alongside the Talent Irrigation Ditch to the west.

The property is steeper to the south and west. The project has been designed to fit within these constraints and in particular within the east to west topography of the site. The floor level entries and constraints improve the site design and its relationship to both the main floor and the lower floor's relationship to the ravine. The property existed prior to the hillside design standards and unlike the other homes in the immediate vicinity that are built up taller with large gables, the design sets the home into the hillside to minimize the mass and the scale. The exception allows for the best integration of the yard and the existing topography. The proposed structure is more than 220-feet from the south property line and more than 31 feet from the east property line and more than 190 feet from the adjacent residence to the east.

2. The exception will result in equal or greater protection of the resources protected under this chapter.

The project has been designed to fit within these constraints and in particular within the east to west topography. To reduce hillside disturbance through the use of slope responsive design techniques, the buildings on the steep hillside lands have longer planes to reduce cutting horizontally and vertically. The areas where the wall is more than 36-feet are in the areas of least visual impacts to adjacent properties and the impact from the horizontal planes is reduced and provides greater protection of the resources protected under this chapter.

3. The exception is the minimum necessary to alleviate the difficulty.

The request of the six foot offset of the east wall plan to be four feet and a five foot offset on the southern plane is the minimum necessary to alleviate the difficulty.

4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#), Physical and Environmental Constraints Overlay, and section [18.3.10.090](#), Development Standards for Hillside Lands. (Ord. 3199 § 18, amended, 06/15/2021; Ord. 3191 § 18, amended, 11/17/2020; Ord. 3158 § 4, amended, 09/18/2018)

The proposed step backs of the wall planes minimizes alteration of the area of natural slope retention and protects the topographic character and integrity of the hillside lands. The proposal reduces the amount of cutting, scarring and when considering the difficulty of constructing in the neighborhood, the proposal is sensitive to the adjacent properties and the impacts of construction by locating the residence on the lesser slopes of the property

The exceptions allow for a reasonable use that complements the natural and visual character of the city on a challenging site.

The requested exception is consistent with the Purpose and Intent of the Physical and Environmental Constraints Overlay chapter.

The proposed site development provides for safe, orderly, and beneficial development of a 2.18 acre single family lot. The property includes significant natural features characterized by diversity of physiographic conditions and significant natural features. The proposed development though impactful due to the steepness of the property and the long vacant lot accessed via a non-conforming driveway, limits alteration of topography and reduces encroachment upon, or alteration of, any natural environment. Where only 52 percent of the site is required to be maintained in a natural state, the proposal retains 80 percent of the site in a natural state. The proposal provides for sensitive development in areas that are constrained by various natural features and preserves the largest stature, significant trees, reduces wildfire risks and provides additional protections of a large acre parcel. The proposed residence is designed to have a minimal impact on the topography of the site. By substantially limiting the amount of disturbance (80 percent of the site preserved in a natural state vs. the allowed 50 percent disturbance), the encroachment upon the natural environment preserves the site's physiographic conditions including the limits on slope disturbance, limited development of the forested site, and retention of many of the site's significant trees and natural vegetation outside the building footprint and fuel reduction zone. The applicant has taken all reasonable steps to design a home that will not have adverse impacts on the environment when considering the existing development of the surrounding area and the maximum development of this site as allowed by the ordinance.

18.3.10.100 Development Standards for Wildfire Lands –

A Wildfire Prevention and Control plan has been provided with this application, please see sheet L 1.1

Compliance with the development standards for wildfire lands will be implemented on-site prior to the introduction of combustible construction materials. Areas of heavy vegetation are proposed to be thinned to reduce the fuel load on the lower portion of the property. All dead and dying trees are proposed for removal. The number of trees proposed for planting on the site is sufficient for erosion control but does not increase fuel load and tree densities in the wildfire overlay.

Please refer to architectural plans for appropriate building specifications to this ordinance requirement. Stucco, metal and fire resistant materials are proposed for the exterior of the building. Fire suppression will be provided within the dwelling.

Per ORSC R327.4 Wildfire Hazard Mitigation requirements, Exterior patios and porch ceilings, floor projections (N/A), Enclosed roof eaves, soffits will comply with requirements for noncombustible material or ignition resistant materials or with 1 layer of 5/8" Type X exterior gypboard.

Please refer to the City of Ashland Wildfire Mitigation Plan Submittal Form submitted in this application for intended materials to meet compliance. The applicant requests a deferred submittal for exact specifications. The following excerpts from ALUO chapter 18.3.10.100 is provided as reference and specifications for compliance.

The applicable fire prevention measures will be provided in the final application on the Landscape design plans.

Dead and dying vegetation will be removed – Refer to Sheet L0.2 and L0.3

Vegetation within 40 feet of the building will be wildfire resistant plant species.

Existing prohibited flammable plant material will be removed, refer to L0.2 and L0.3

No combustible materials will be located within 5 feet of the new building. Mulch is specified as decomposed granite.

Existing trees are being removed within 20 feet of the building. The closest flammable existing tree to the new home has a tree canopy that terminates 17 feet horizontal distance away from the building roof.

Proposed trees focus on dwarf and compact varieties, refer to L3.0

Existing flammable trees within 100 feet of the building will be pruned to 8 feet above the ground or one-third tree height.

Proposed shrubs are low flammable species, refer to L3.0

Proposed vegetation beneath existing tree canopies is limited to grasses & forbs and low-growing shrubs. No vegetation from the prohibited plan list are proposed, refer to L3.

Proposed fencing is of metal construction only.

PARKING, ACCESS, AND CIRCULATION

18.4.3.080 Vehicle Area Design

A. Parking Location.

The three parking spaces for this home are located within the garage.

There are two exterior parking bays, one for guests and a hammerhead bay for maneuvering.

The driveway to access this project is 15 feet wide with 12 foot paved width throughout. The access easement is 15 feet wide and trees within the easement will be limbed up to provide 13.5 foot of vertical clearance throughout the driveway length.

18.4.5.030 Tree Protection

A. Tree Protection Plan. A tree protection plan shall be approved by the Staff Advisor concurrent with applications for Type I, Type II, and Type III planning actions. If tree removal is proposed, a Tree Removal Permit pursuant to chapter [18.5.7](#) may be required.

B. Tree Protection Plan Submission Requirements. In order to obtain approval of a tree protection plan, an applicant shall submit a plan to the City, which clearly depicts all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:

These measures will be specified and will be provided with a graphic response in the Landscape design plans Sheets L0.1, L.02, L.03

C. Tree Protection Measures Required.

These measures will be specified and will be provided with a graphic response in the Landscape design plans Sheet L0.1

D. Inspection. A tree protect removal plan shall be requested prior to commencing with any work other than the installation of the erosion control measure.

Chapter 18.4.8

SOLAR ACCESS

The project is designed to conform to solar setback A and meets all the required standards for this category.

Height of roof

23 – '6"

Type, slope of roof 1/2:12 slope

Setback standard Table A

Setback required per standard

$(2234.33(-) 2217.00) = 17.33' \div 6' \div (.432) = 26'-3''$ SSB REQUIRED – (34'-3'' PROVIDED)

$(2234.33(-) 2210.50) = 23.83' \div 6' \div (.432) = 41'-4''$ SSB REQUIRED – (43'-3'' PROVIDED)

****AVG. 150' SLOPE TO NORTH IS $(2269'-2272' = +3') (2189'-2182' = -7') (+3' \div -7' \div 2 = -2'') \div 150' = (-.013 \text{ slope})$**

****AVG NORTH/SOUTH LOT DIMENSION = 313.13'**

[.445 + (-.013) = .432]

FORMULA 1 $(30' \div .432) = 69.44'$ (IF < 313.13' = STD 'A' (-6)

Chapter 18.5.5

VARIANCE

A Variance to the driveway grade in excess of 15 percent and not more than 18 percent from the Flag Driveway Standards (18.5.3.060.F.) is necessary. The flag drive within the 33.04' x 163.04' "flag pole" access to the site is proposed to be 15 feet wide and currently unpaved and proposed to be paved within the existing 15' access easement. Where this access easement ends this flag portion of the lot has many trees and every effort will be made to avoid the trees. The average slope of the existing grade is 27 percent with no feasible area for mitigating the grade slope with turns or curves within the 33.04' width of property (within the "flagpole" access to the property).

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.

The variance to maximum driveway grades is necessary. The existing driveway that the lot has historic, legal access to from Granite Street is in excess of 15 percent grade and is a legal, non-conforming situation. The proposed driveway upon the subject property where undeveloped is in excess of the maximum 15 percent grade and in excess of the allowed up to 18 percent grade for not more than 200-feet as allowed with a Type I Variance (AMC 18.5.3.060.F). Refer to sheet AS1.0 for the dimension of the driveway

The grade of the existing driveway and proposed driveway grade are due to the topography of the properties between the subject property and Granite Street. The grade of the existing driveway determines the connection of the proposed driveway. The driveway upon the subject property where this variance applies is due to the site topography. The lot has a narrow strip of land within which the driveway will be located. The driveway cannot

switchback outside of the property boundaries due to lack of easement and the existing retaining walls and other physical features that belong to adjacent property owners.

The shape of the lot and the topography of the lot and the surrounding natural features are unique physical constraints that create the difficulty in meeting the driveway grade standards.

When the lot was originally created in the early 1900, the code provisions at the time appeared to not address driveway grades. In 1990 (ORD 2604) language was added speaking to driveway grades, this language was amended in 1993 (ORD 2663) and reads the same today. Additionally, the language regulating driveway grades was not found in the pre-1990 ordinances. Though the lot was last partitioned in 1995, access was implied from the existing driveway and the grade of the driveway and number of lots taking access from the driveway do not appear to have been accounted for.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The proposed residence has legal access to the existing, non-conforming driveway. Allowing access and the variance to driveway grade is the minimum necessary to address the unique physical circumstances related to the subject property.

Access is not available from another driveway in the vicinity. The adjacent properties to the northwest are accessed via a private driveway that extends to Strawberry Lane. These lots were part of a property line adjustment between three lots, the maximum number allowed to be served via a private driveway (PA90-008).

Because of the legal access to the driveway accessing the property from Granite Street, it is not necessary or possible to create an alternative variance situation.

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.

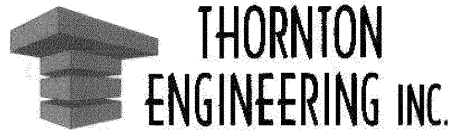
The proposal allows for the construction of a residence on a legal lot of record. The benefits allow for use of the property and the variance to the driveway is necessitated by the slope of the property and the grade of the existing driveway which this driveway connects too. There are no negative impacts from the proposed driveway grade upon the adjacent properties because the adjacent properties have driveway access from the shared driveway. The proposal has been reviewed by Mark Shay, Fire Marshal, Ashland Fire and Rescue and he is aware of the pre-existing, legal lot of record being accessed from an existing driveway system that does not comply with the standards. The proposed residence will have a fire suppression system which mitigates the negatives from the steep driveway.

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.

The subject property is a portion of a parent tract that was owned by the Clary family. Through a series of partitions and property line adjustments prior to 1995, the resulting property was created in its current form. The Clary property through divisions and deed transfers created the property and those that take access from the shared driveway. Additionally, the subject property is more steep to the north and west creating further difficulties with achieving driveway grade.

The slope of the existing driveway is a pre-existing legal non-conforming grade. The proposed residence and the grade of the driveway that allows for access to a residential dwelling situated in the northeast corner of the property at a minimum distance to allow the development of a residential dwelling and the resulting driveway grade which is in excess of 15 percent grade is not a self-imposed situation. The property is a legal lot of record with legal access that were created prior to the standards that limit driveway grades. The property owner did not self impose this situation. The only way to access any home on the site is with a variance to driveway grade.

VICINITY MAP	ABBREVIATIONS	LEGEND	DRAWING INDEX	PROJECT DIRECTORY																																																																																																											
 PROJECT SITE	<table border="0"> <tr> <td> A.B. ANCHOR BOLT A.S.P. ALTERNATE BRACE PANEL ACUST. ACOUSTICAL ADJ. ADJUSTABLE A/C AIR CONDITIONER AFF ABOVE FINISH FLOOR A.H. AIR HANDLER A.C. ASPHALT CONCRETE B.O.F. BOTTOM OF FOOTING BM. BEAM BLDG. BUILDING B.P. BRACE PANEL CAB. CABINET CLG. CEILING CTR. CENTER CL CENTERLINE COL. COLUMN CONC. CONCRETE C.M.U. CONCRETE MASONRY UNIT CONT. CONTINUOUS C.J. CONTROL JOINT CSK. COUNTERSINK D.L. DEAD LOAD DP. DEEP DIA. DIAMETER DIM DIMENSION DBL DOUBLE D.S. DOWN SPOUT DWG. DRAWING D.F. DRINKING FOUNTAIN EA. EACH E.S. EACH SIDE E.W. EACH WAY ELEC. ELECTRIC ELEV. ELEVATION ENCL. ENCLOSURE E.N. EDGE NAILING EQ. EQUAL EXH. EXHAUST EXST. EXISTING (E) EXISTING EXP. EXPANSION E.J. EXPANSION JOINT EXT. EXTERIOR F.G. FIBERGLASS FIN. FINISH F.F. FINISH FLOOR F.O. FACE OF ... FLR. FLOOR GALV. GALVANIZED GA. GAUGE G.D. GARBAGE DISPOSAL GL. GLASS G.L.B. GLUE LAM BEAM GYP.BD. GYPSUM WALL BOARD HDW. HARDWARE HDR. HEADER HGT. HEIGHT H.V.A.C. HEATING VENTILATING & AIR CONDITIONING HC HOLLOW CORE H.M. HOLLOW METAL HORIZ. HORIZONTAL H.B. HOSE BIBB K.D. KILN DRIED LAM. LAMINATED LT. LIGHT L.L. LIVE LOAD MFR. MANUFACTURER MECH. MECHANICAL M.I.W. MAKE IT WORK MTL. METAL M.C. MOISTURE CONTENT (N) NEW N.I.C. NOT IN CONTRACT N.T.S. NOT TO SCALE OBS. OBSOLETE O.C. ON CENTER O' OVER O.H. OVERHEAD PR. PAIR PL PLASTIC OR PLATE P.LAM. PLASTIC LAMINATE PLYWD. PLYWOOD P.T. PRESSURE TREATED P.L. PROPERTY LINE R RADIUS REFR. REFRIGERATOR REG. REGISTER REINF. REINFORCING REOD. REQUIRED R.H. RIGHT HAND RD. ROOF DRAIN RM ROOM R.O. ROUGH OPENING R.B. RUBBER BASE S.J. SAWN JOINT SECT. SECTION SHT. SHEET SH. SHIM SL. SLIDING S.C. SOLID CORE SPKR. SPEAKER SPEC. SPECIFICATIONS SO. SQUARE S.S. STAINLESS STEEL STD. STANDARD STL. STEEL STRUCT. STRUCTURAL SUSP. SUSPENDED TEL. TELEPHONE TEMP. TEMPERED OR TEMPORARY T&G. TONGUE & GROOVE T.J. TOOLED JOINT T.O. TOP OF ... TYP. TYPICAL W.R. WATER RESISTANT W.P. 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January 17, 2025

Re: Driveway Cross-Section Details for 231 Granite Street Application

Carlos,

This letter provides the enclosed requested detail regarding the driveway cross-section for the 231 Granite Street project. Below are the specifications addressing the driveway pavements, base materials, and weight capacity to meet the fire access standards:

1. Pavement Materials:

The driveway will be constructed using textured or grooved AC pavement or concrete; or concrete pavers. This material has been selected to ensure durability and compliance with fire access requirements.

2. Base Materials:

The shoulders and base layer will consist of compacted crushed rock, designed to provide adequate support and stability for the driveway surface.

3. Weight Capacity:

The driveway is be engineered to support a minimum weight capacity of 75,000 pounds to accommodate fire truck apparatus access.

4. Infiltration LID Swale:

To enhance stormwater management and minimize environmental impact, an infiltration Low Impact Development (LID) swale will be constructed on both sides of the driveway. These swales are designed to capture and infiltrate runoff, reducing surface water flow and promoting groundwater recharge.

5. Dimensions and Turnaround:

While this letter focuses on the cross-section details, the project site plan will illustrate the driveway dimensions, fire turnaround/hammerhead, and other relevant measurements.

These specifications are intended to address the City's requirements and ensure compliance with fire access standards. Please let me know if additional details or modifications are needed.

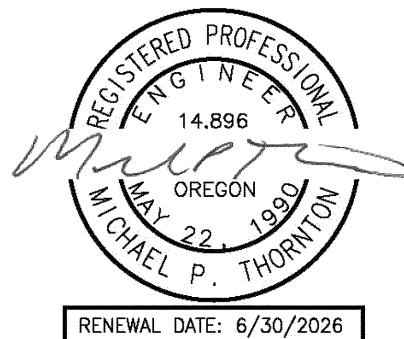
Thank you for your attention to this matter.

Sincerely,

Thornton Engineering, Inc.

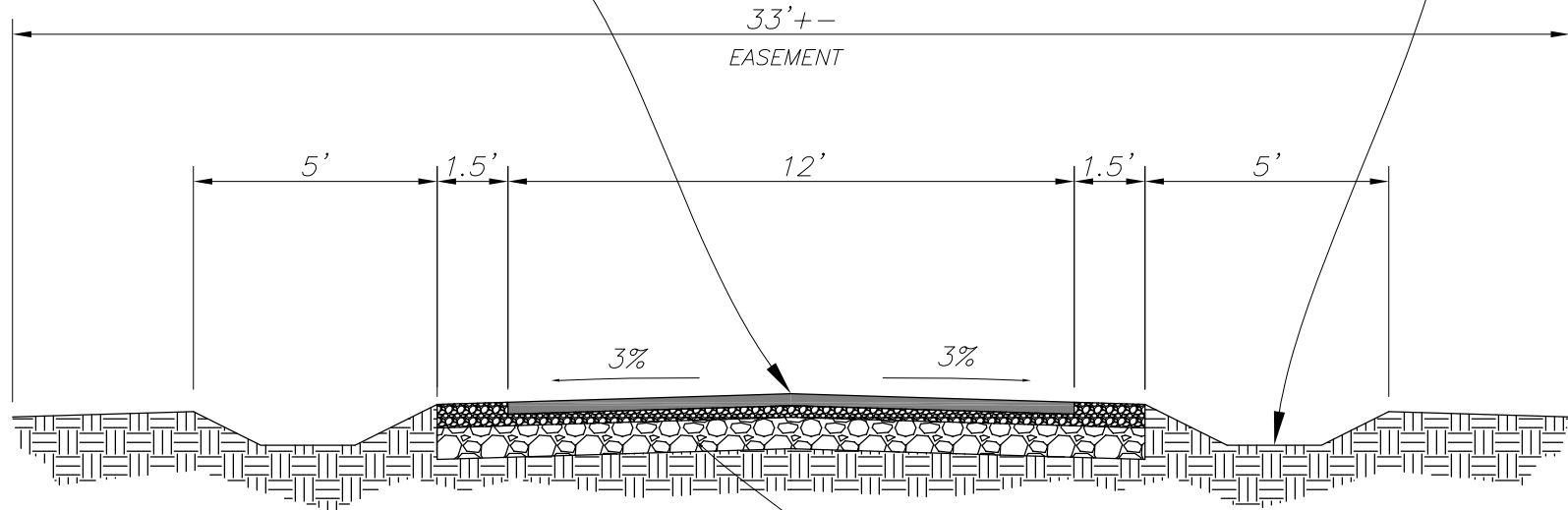
By: 

Michael P. Thornton, P.E.



NEW DRIVEWAY PAVEMENT,
TEXTURED OR GROOVED AC,
CONCRETE. OR PAVERS.

INFILTRATION LID SWALE,
PER RVSDM BMP 4.5.2.b;
CONTACT LANDSCAPE
ARCHITECT TO VERIFY SOIL &
PLANTING SPECIFICATIONS,
TYPICAL.



PAVEMENT SECTION – 75,000# CAPACITY, 6" OF 1"-0
CRUSHED ROCK, 8" OF 4"-0 CRUSHED ROCK OVER
NON-WOVEN GEOTECTILE FABRIC, OVER WELL COMPACTED
SUBGRADE. CONTACT THE GEOTECHNICAL ENGINEER TO
VERIFY PAVEMENT, ROCK BASE, AND SUBGRADE
SPECIFICATIONS BASED ON SITE CONDITIONS.

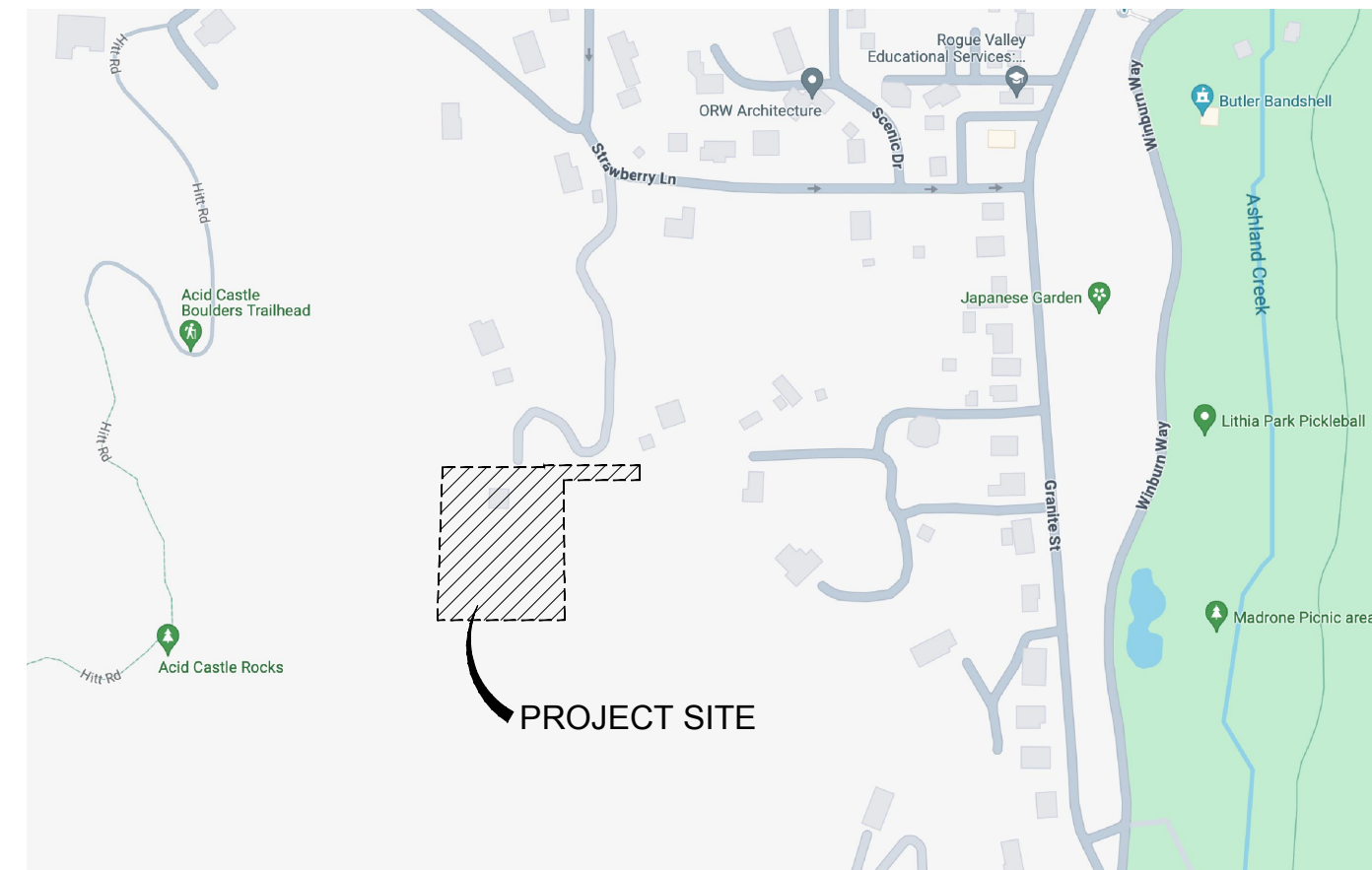
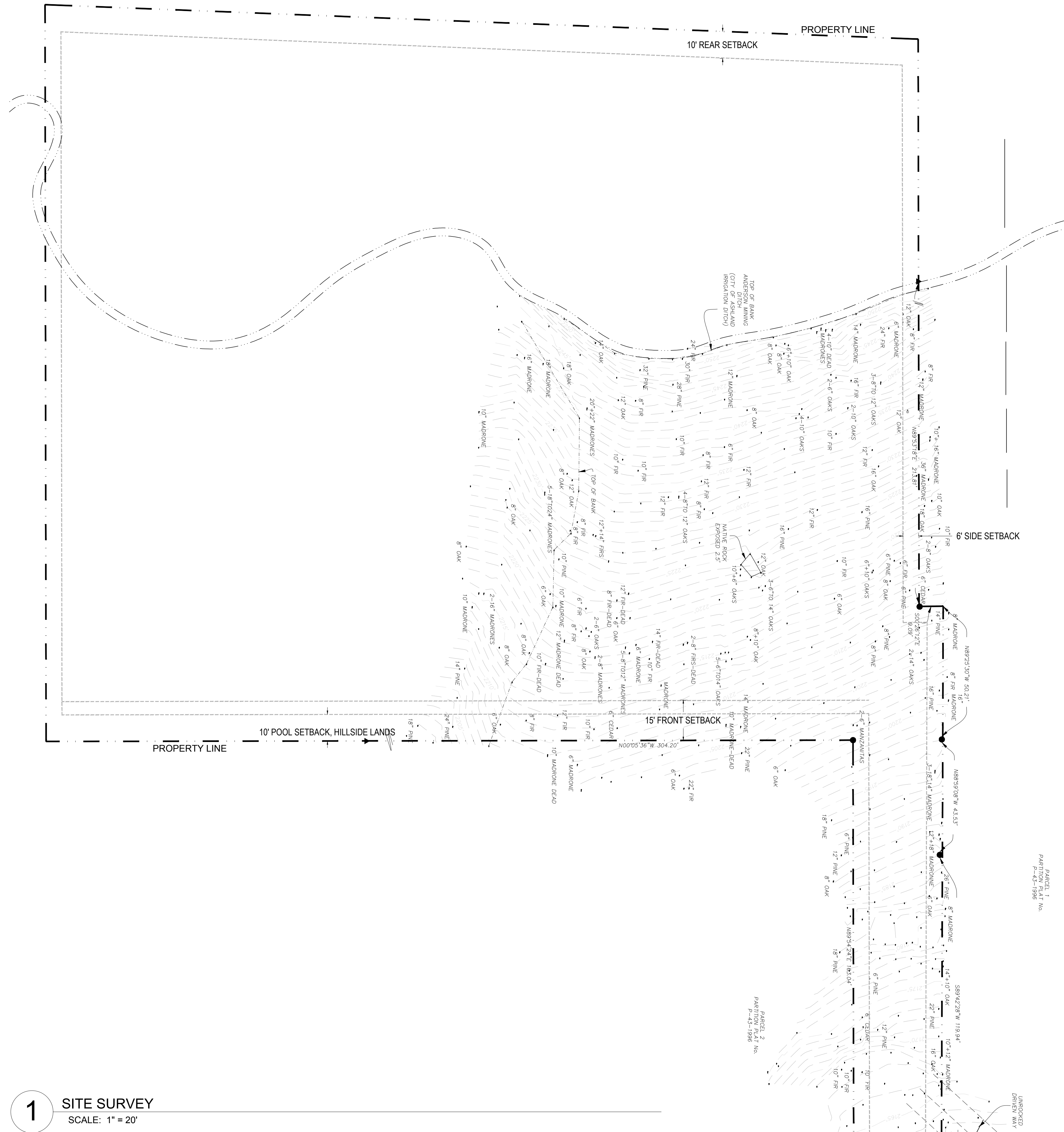
TYPICAL DRIVEWAY SECTION

SCALE: 1"=4'



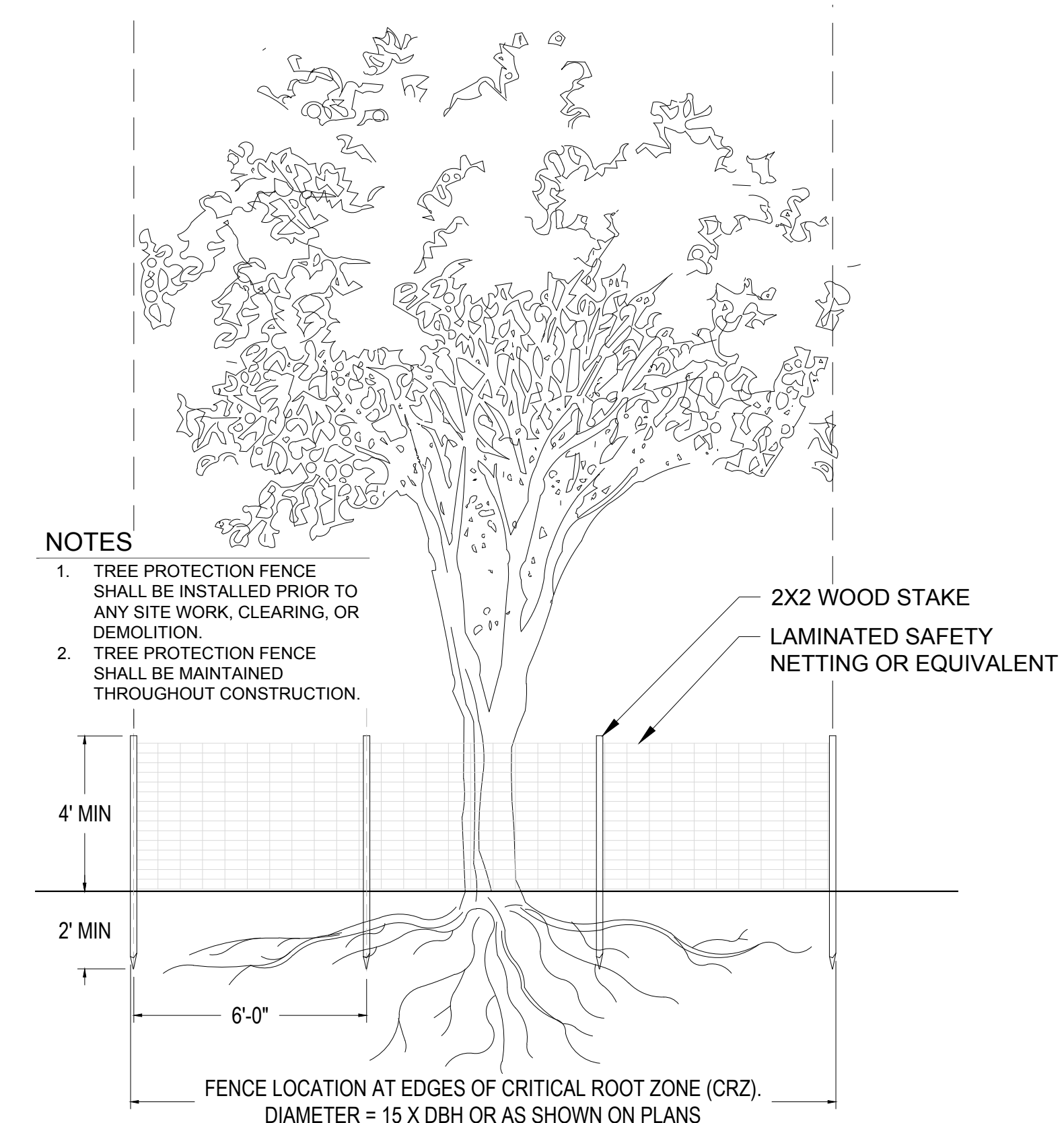
1 SITE SURVEY

SCALE: 1" = 20'



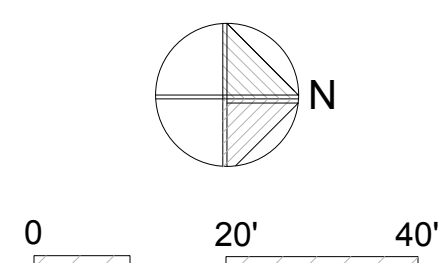
2 VICINITY MAP

SCALE: NTS

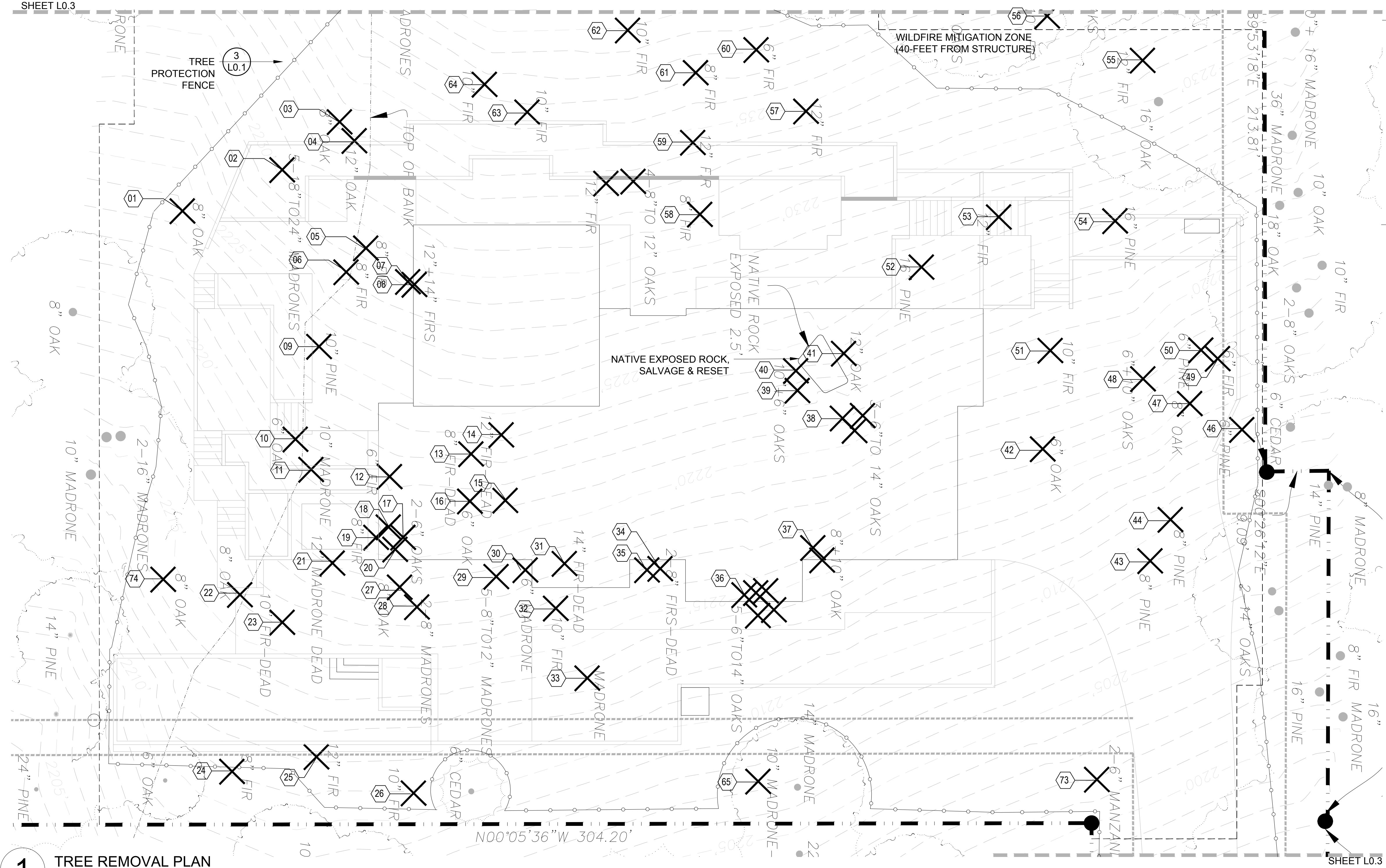


3 TREE PROTECTION FENCE

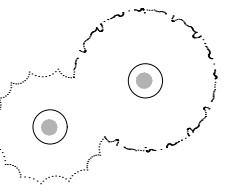
SCALE: NTS



PRELIMINARY
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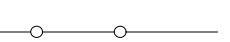
LEGEND



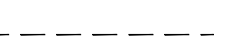
EX TREE TO REMAIN



EX TREE TO REMOVE



TREE PROTECTION FENCE



WILDFIRE MITIGATION ZONE
(40-Feet from Structure)

NOTES

1. WITHIN 100 FEET OF RESIDENCE, FLAMMABLE TREES SHALL BE LIMBED UP 8 FEET TO MAX 1/3 TREE HEIGHT FROM THE GROUND. INVASIVE BLACKBERRIES, DEAD AND DYING TREES WILL BE REMOVED.

2. WITHIN THE WILDFIRE MITIGATION ZONE (40 FEET FROM RESIDENCE) INVASIVE BLACKBERRIES AND DEAD AND DYING TREES WILL BE REMOVED. ALL DEAD WOOD (STANDING OR FALLEN) WILL BE REMOVED. FLAMMABLE SHRUBS SHALL BE PRUNED TO MAINTAIN 3X SHRUB HEIGHT DISTANCE BETWEEN TOP OF UNDERSTORY AND LOWER TREE BRANCHES.

3. WITHIN THE WILDFIRE MITIGATION ZONE, NEW VEGETATION WILL INCLUDE LOW FLAMMABILITY PLANT SPECIES ONLY.

1 TREE REMOVAL PLAN

TREE REMOVAL SCHEDULE

NUMBER	BOTANICAL NAME	COMMON NAME	DBH	CONDITION	REMARKS	NUMBER	BOTANICAL NAME	COMMON NAME	DBH	CONDITION	REMARKS	NUMBER	BOTANICAL NAME	COMMON NAME	DBH	CONDITION	REMARKS
01	Quercus garryana	Oregon white oak	8"	fair		23	Pseudotsuga menziesii	Douglas fir	10"	dead		46	Pinus ponderosa	Ponderosa pine	6"	good	
02	Arbutus menziesii	Pacific madrone	18" to 24"	fair	multi-stem, 5-trunks	24	Pseudotsuga menziesii	Douglas fir	8"	poor		47	Quercus garryana	Oregon white oak	8"	good	
03	Quercus garryana	Oregon white oak	8"	fair		25	Pseudotsuga menziesii	Douglas fir	12"	poor		48	Quercus garryana	Oregon white oak	6" & 10"	fair	2 trunks
04	Quercus garryana	Oregon white oak	12"	good		26	Pseudotsuga menziesii	Douglas fir	10"	poor		49	Pseudotsuga menziesii	Douglas fir	6"	fair	
05	Pseudotsuga menziesii	Douglas fir	8"	poor		27	Quercus garryana	Oregon white oak	8"	good		50	Pinus ponderosa	Ponderosa pine	6"	good	
06	Pseudotsuga menziesii	Douglas fir	8"	poor		28	Arbutus menziesii	Pacific madrone	8"	good	2 trunks, each 8" dbh	51	Pseudotsuga menziesii	Douglas fir	10"	fair	
07	Pseudotsuga menziesii	Douglas fir	12"	good		29	Arbutus menziesii	Pacific madrone	8" to 12"	good	5 trunks	52	Pinus ponderosa	Ponderosa pine	16"	good	
08	Pseudotsuga menziesii	Douglas fir	14"	good		30	Arubus menziesii	Pacific madrone	6"	good		53	Pseudotsuga menziesii	Douglas fir	12"	good	
09	Pinus ponderosa	Ponderosa pine	10"	good		31	Pseudotsuga menziesii	Douglas fir	14"	dead		54	Pinus ponderosa	Ponderosa pine	16"	good	
10	Quercus garryana	Oregon white oak	6"	good		32	Pseudotsuga menziesii	Douglas fir	10"	poor		55	Pseudotsuga menziesii	Douglas fir	12"	fair	removal for wildfire remediation
11	Arbutus menziesii	Pacific madrone	10"	good		33	Arubus menziesii	Pacific madrone	8"	good		56	Pseudotsuga menziesii	Douglas fir	10"	good	removal for wildfire remediation
12	Pseudotsuga menziesii	Douglas fir	6"	fair		34	Pseudotsuga menziesii	Douglas fir	8"	dead		57	Pseudotsuga menziesii	Douglas fir	12"	fair	
13	Pseudotsuga menziesii	Douglas fir	8"	dead		35	Pseudotsuga menziesii	Douglas fir	8"	dead		58	Pseudotsuga menziesii	Douglas fir	8"	good	
14	Pseudotsuga menziesii	Douglas fir	12"	dead		36	Quercus garryana	Oregon white oak	6" to 14"	good	5 trunks	59	Pseudotsuga menziesii	Douglas fir	12"	fair	
15	Pseudotsuga menziesii	Douglas fir	10"	dead		37	Quercus garryana	Oregon white oak	8" and 10"	good	2 trunks	60	Pseudotsuga menziesii	Douglas fir	6"	good	
16	Quercus garryana	Oregon white oak	6"	good		38	Quercus garryana	Oregon white oak	6" to 14"	good	3 trunks	61	Pseudotsuga menziesii	Douglas fir	8"	fair	
17	Quercus garryana	Oregon white oak	6"	good		39	Quercus garryana	Oregon white oak	6"	good		62	Pseudotsuga menziesii	Douglas fir	10"	fair	
18	Pseudotsuga menziesii	Douglas fir	8"	poor		40	Quercus garryana	Oregon white oak	10"	good		63	Pseudotsuga menziesii	Douglas fir	10"	fair	
19	Pseudotsuga menziesii	Douglas fir	8"	poor		41	Quercus garryana	Oregon white oak	10"	good		64	Pseudotsuga menziesii	Douglas fir	10"	fair	
20	Quercus garryana	Oregon white oak	6"	good		42	Quercus garryana	Oregon white oak	6"	good		65	Arbutus menziesii	Pacific madrone	10"	dead	
21	Arbutus menziesii	Pacific madrone	12"	dead		43	Pinus ponderosa	Ponderosa pine	8"	good		73	Manzanita	Manzanita	6"	good	2, 6" trunks
22	Quercus garryana	Oregon white oak	8"	good		44	Pinus ponderosa	Ponderosa pine	8"	good		74	Quercus garryana	Oregon white oak	8"	good	



Scharen
Design
Studio

landscape architecture & planning

Ashland, OR 97520
541.215.4464
shelby@scharendesignstudio.com

REGISTERED

0934

Shelby Scharen

SHELBY SCHAREN
OREGON
05/17/2017

LANDSCAPE ARCHITECT

NEW RESIDENCE

BRYAN & STEPHANIE DEBOER

PARCEL NUMBER: 39 1E 08 DA; T.L.# 1800

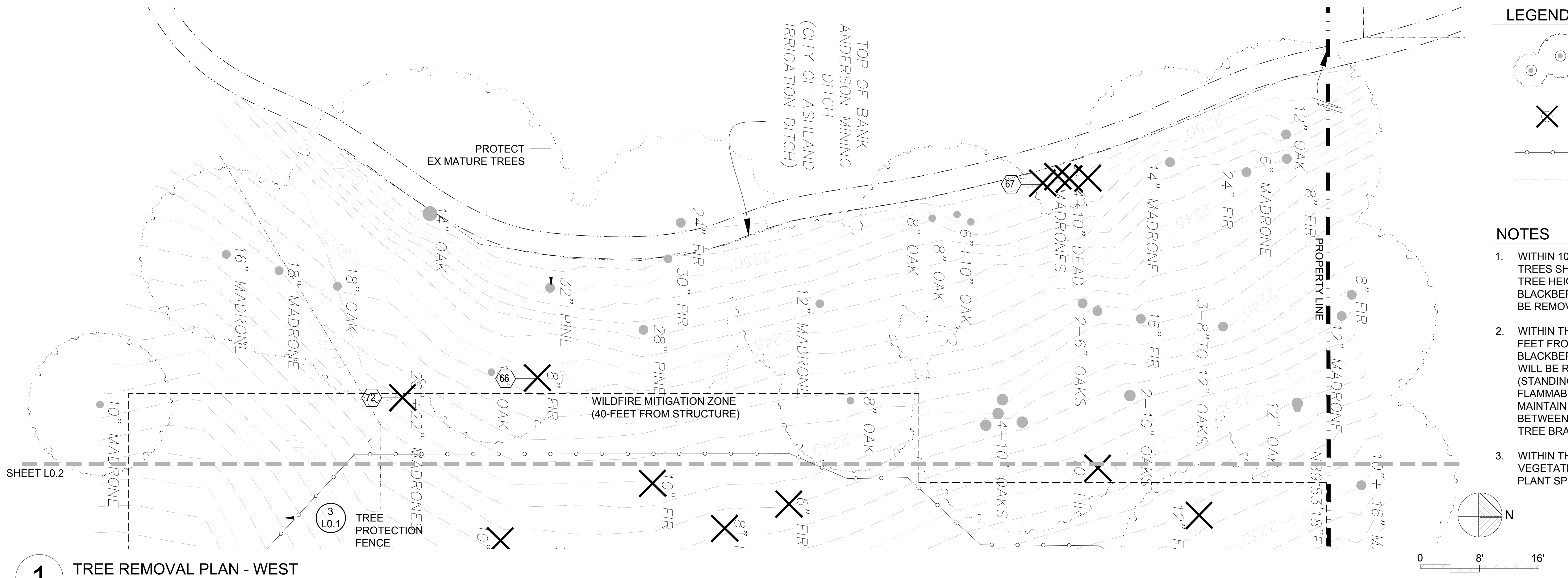
GRANITE ST., ASHLAND, OREGON 97520

JANUARY 17, 2025

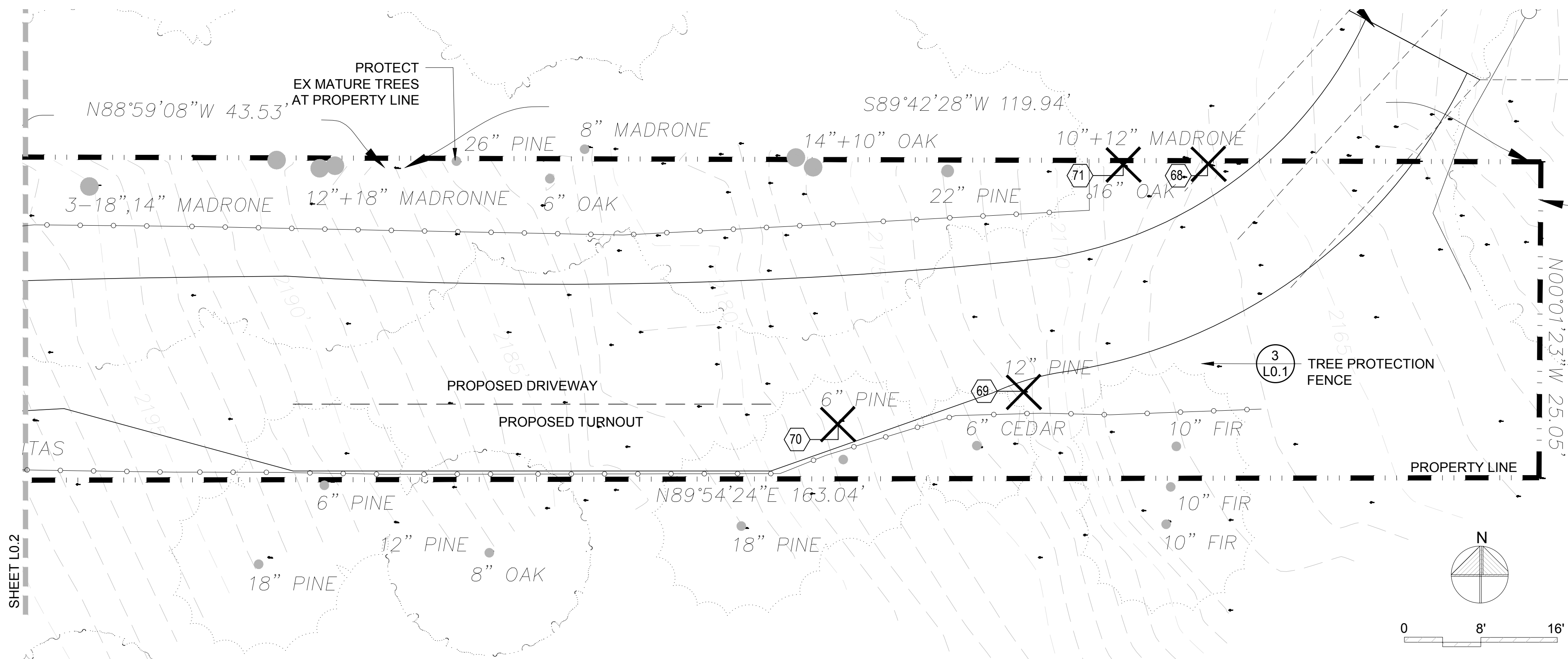
L0.2

**TREE
REMOVAL**

PRELIMINARY
NOT FOR CONSTRUCTION



1 TREE REMOVAL PLAN - WEST



2 TREE REMOVAL PLAN - EAST

TREE REMOVAL SCHEDULE

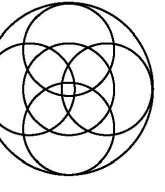
NUMBER	BOTANICAL NAME	COMMON NAME	DBH	CONDITION	REMARKS
66	Pseudotsuga menziesii	Douglas fir	8"	fair	
67	Arbutus menziesii	Pacific madrone	10"	dead	multi-stem, 4-trunks
68	Arbutus menziesii	Pacific madrone	10" & 12"	good	multi-stem, 2-trunks
69	Pinus ponderosa	Ponderosa pine	12"	good	
70	Pinus ponderosa	Ponderosa pine	6"	good	
71	Quercus garyana	Oregon white oak	16"	good	
72	Arbutus menziesii	Pacific madrone	20" & 22"	fair	multi-stem, 2-trunks

LEGEND

- EX TREE TO REMAIN
- EX TREE TO REMOVE
- TREE PROTECTION FENCE
- WILDFIRE MITIGATION ZONE (40-FEET FROM STRUCTURE)

NOTES

- WITHIN 100 FEET OF RESIDENCE, FLAMMABLE TREES SHALL BE LIMBED UP 8 FEET TO MAX 1/3 TREE HEIGHT FROM THE GROUND. INVASIVE BLACKBERRIES, DEAD AND DYING TREES WILL BE REMOVED.
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- WITHIN THE WILDFIRE MITIGATION ZONE, NEW VEGETATION WILL INCLUDE LOW FLAMMABILITY PLANT SPECIES ONLY.



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REGISTERED
LANDSCAPE ARCHITECT
0934
SHELBY SCHAREN
OREGON
05/17/2017

NEW RESIDENCE

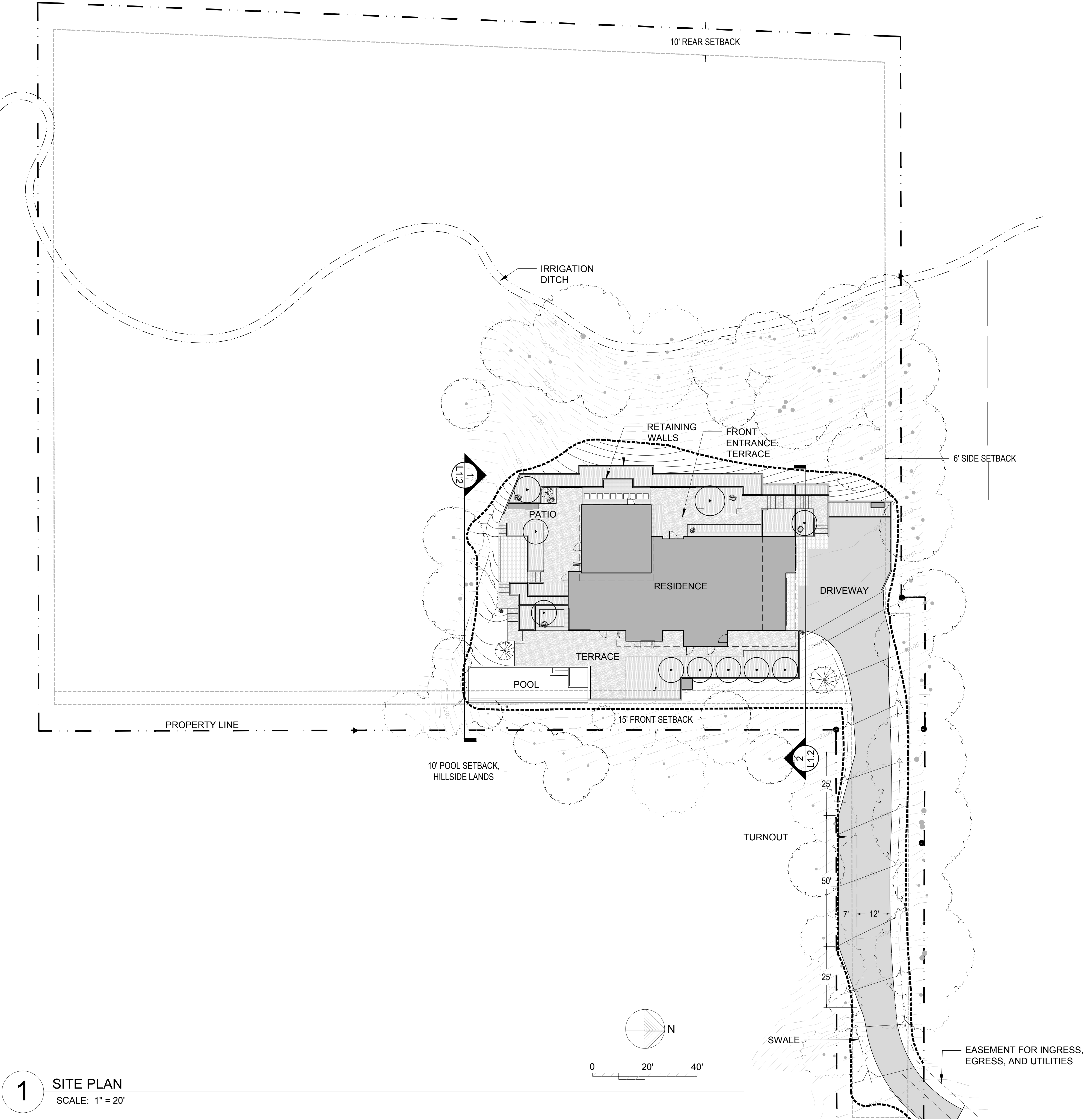
BRYAN & STEPHANIE DEBOER
PARCEL NUMBER: 39 1E 08 DA; T.L.# 1800
GRANITE ST., ASHLAND, OREGON 97520

JANUARY 17, 2025

L0.3

TREE
REMOVAL

PRELIMINARY
NOT FOR CONSTRUCTION



LEGEND

- EXISTING TREE TO REMAIN
- PROPERTY LINE
- SETBACK
- EXISTING CONTOUR LINE (1-FOOT)
- PROPOSED CONTOUR (1-FOOT)
- RETAINING WALL
- PROPOSED TREE
- EXTENT OF CONSTRUCTION

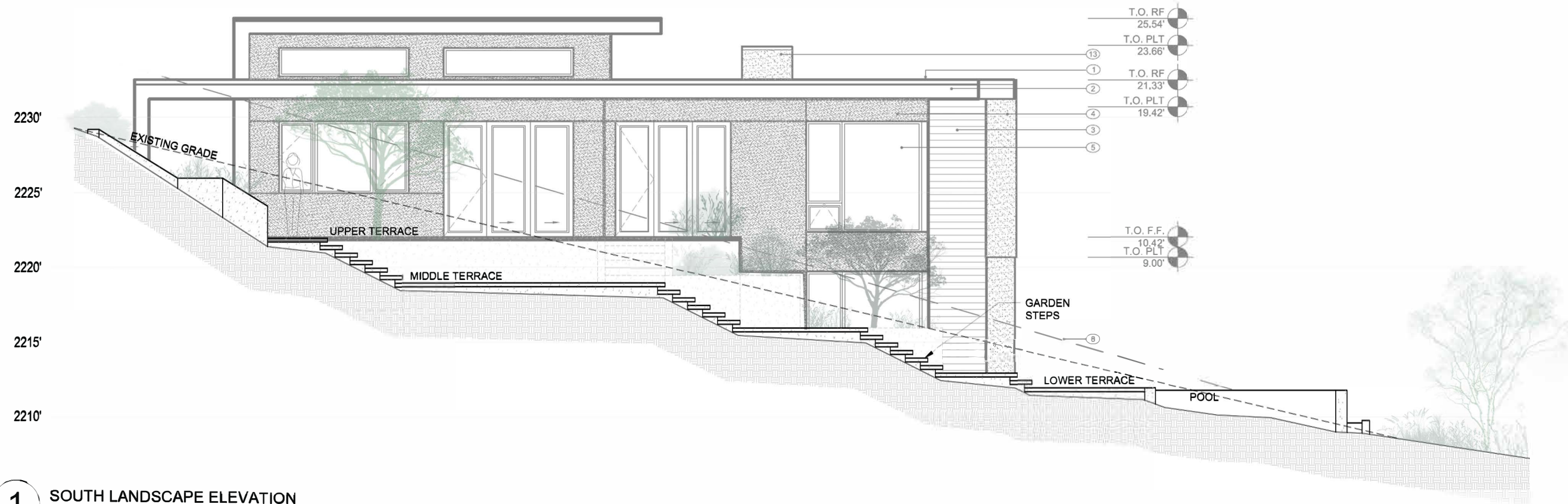
PROJECT INFORMATION

OWNERS:	BRYAN & STEPHANIE DEBOER 85 WINBURN WAY ASHLAND, OR 97520 541.621.2881
ARCHITECT:	CARLOS DELGADO 200 CLEAR CREEK #C ASHLAND, OR 97520 541.552.9502
LANDSCAPE ARCHITECT:	SHELBY SCHAREN 548 C ST ASHLAND, OR 97520 541.215.4464
LOCATION:	TAX LOT NO. 1800 ASSESSOR'S MAP NO. 39 1E 08 DA GRANITE STREET ASHLAND, OREGON 97520
ZONING:	RR-5 RESIDENTIAL HILLSIDE LANDS, 27% AVERAGE SLOPE

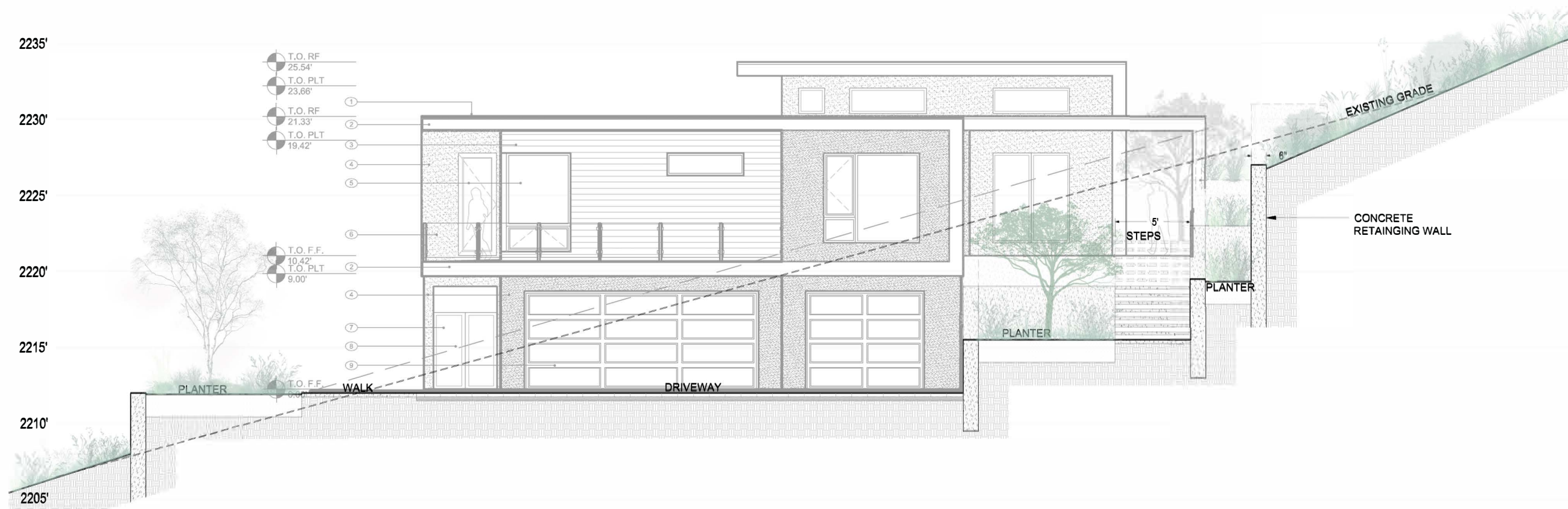
LOT COVERAGE

LOT SIZE	2.18 AC (94,961 SF)
EXISTING LOT COVERAGE	0 SF
PROPOSED COVERAGE	
BUILDING FOOTPRINT	3,440 SF
DRIVEWAY, PAVED	4,574 SF
PATIO, WALKS, STEPS	2,822 SF
POOL SHED FOOTPRINT	16 SF
PROPOSED TOTAL LOT COVERAGE	10,852 SF
TOTAL PERCENTAGE COVERAGE	11.4%

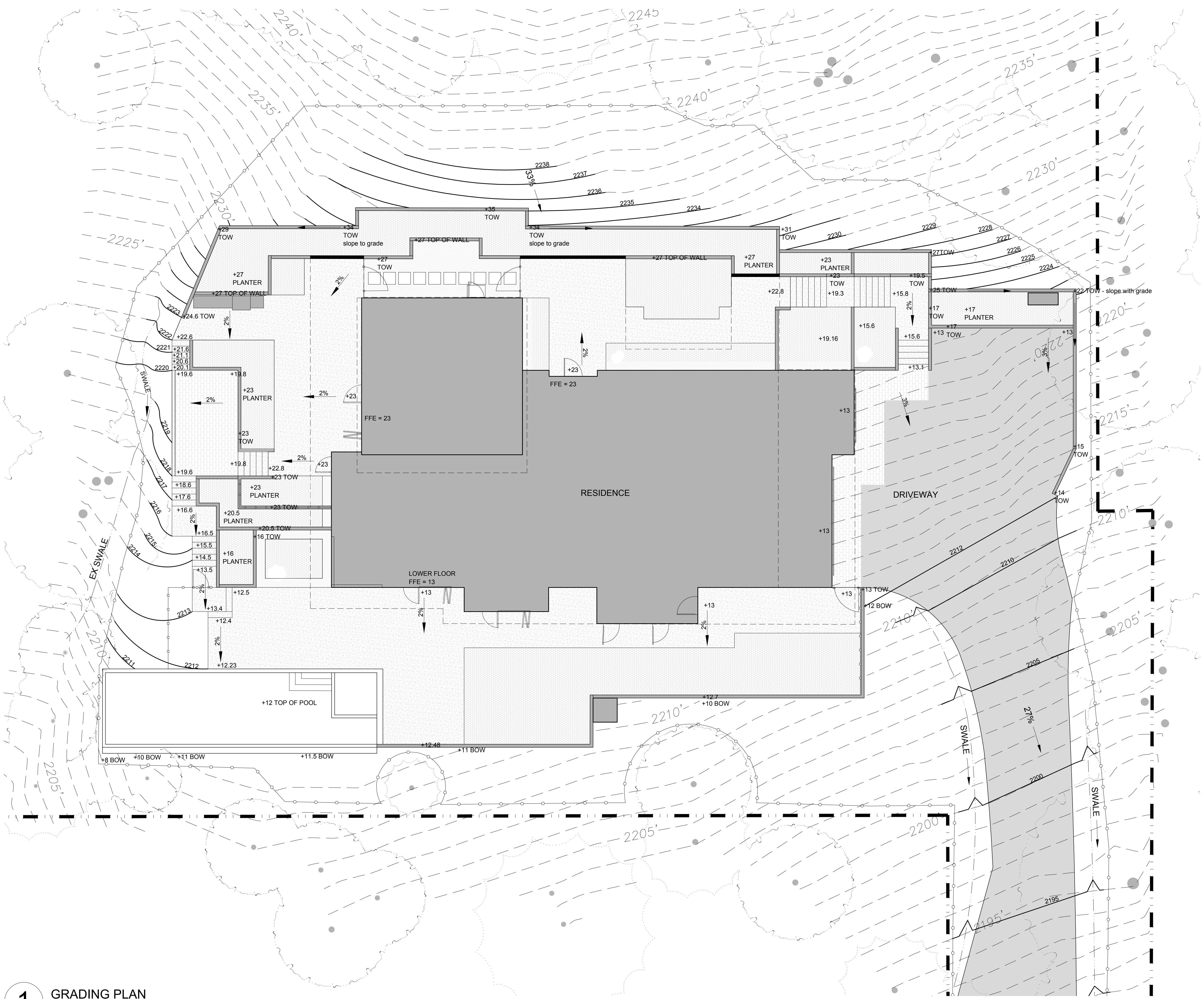




1 SOUTH LANDSCAPE ELEVATION
SCALE: 1" = 4'



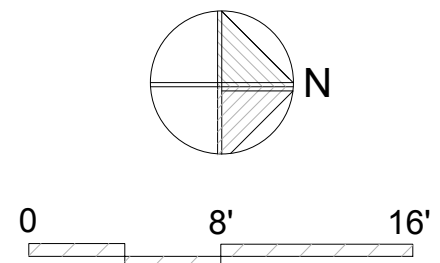
2 NORTH LANDSCAPE ELEVATION
SCALE: 1" = 4'



LEGEND

- EXISTING TREE TO REMAIN
- PROPERTY LINE
- EXISTING CONTOUR LINE (1-FOOT)
- PROPOSED CONTOUR (1-FOOT)
- RETAINING WALL
- TREE PROTECTION FENCE

- NOTES**
- TREE PROTECTION FENCE TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION. WHERE EARTHWORK IS REQUIRED WITHIN EXISTING TREE ROOT ZONES, GRADING SHALL BE COMPLETED BY HAND.



PRELIMINARY
NOT FOR CONSTRUCTION

Scharen
Design
Studio
landscape architecture & planning
Ashland, OR 97520
541.215.4464
shelby@scharendesignstudio.com

REGISTERED
LANDSCAPE ARCHITECT
SHELBY SCHAREN
OREGON
05/17/2017

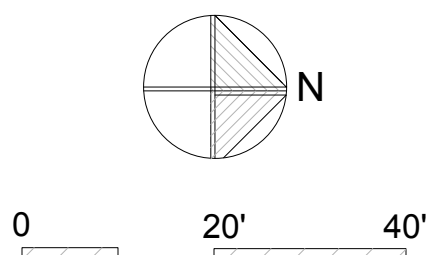
NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
PARCEL NUMBER: 39 1E 08 DA; T.L.# 1800
GRANITE ST., ASHLAND, OREGON 97520

JANUARY 17, 2025

L2.0
GRADING
PLAN



1 SITE SLOPE ANALYSIS
SCALE: 1" = 20'

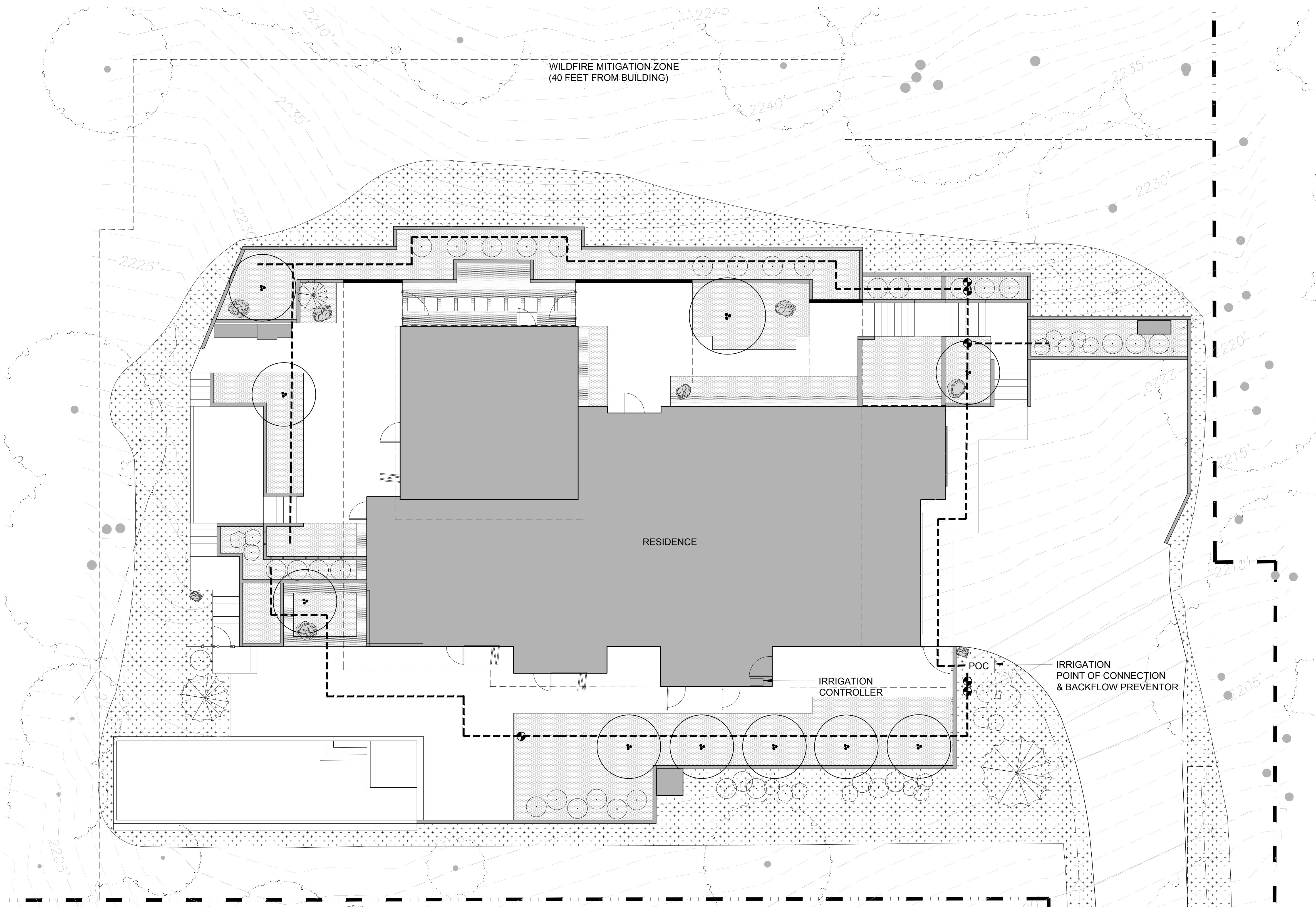


PRELIMINARY
NOT FOR CONSTRUCTION

NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
PARCEL NUMBER: 39 1E 08 DA; T.L.# 1800
GRANITE ST., ASHLAND, OREGON 97520

DECEMBER 6, 2024

L2.1
EXISTING
SLOPE
ANALYSIS



LEGEND

EX TREE TO REMAIN

PROPERTY LINE

RETAINING WALL

PLANTER

MULCH AREA (NO PLANTING)

BOULDER

PROPOSED DECIDUOUS TREE

PROPOSED CONIFER TREE

PROPOSED SHRUB

NATIVE SEED MIX

1" IRRIGATION MAIN LINE

IRRIGATION VALVE

- PLANTING NOTES
1.

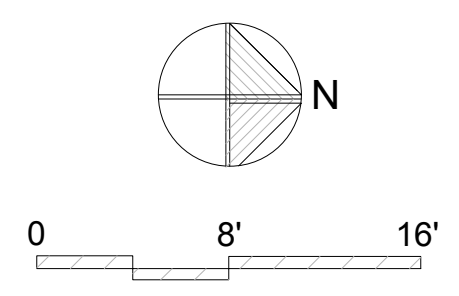
WITHIN THE WILDFIRE MITIGATION ZONE, 40 FEET OF RESIDENCE, ALL VEGETATION WILL BE LIMITED TO LOW-FLAMMABILITY SPECIES.
2.
- AMEND ALL PLANTED AREAS WITH 6" DEPTH TOPSOIL AND WEED FREE AND DISEASE FREE COMPOST PRIOR TO PLANTING.

3.

4.

5.

6.



PLANT LIST

BOTANICAL NAME	COMMON NAME	BOTANICAL NAME	COMMON NAME
TREES			
Acer japonicum	Japanese Maple		
Betula nigra 'DuraHeat'	Dura Heat River Birch		
Cedrus deodara 'Karl Fuchs'	Karl Fuchs Dwarf Himalayan Cedar		
Cornus kousa 'Wolf Eyes'	Wolf Eyes Japanese Dogwood		
Magnolia 'Butterflies'	Butterfly Magnolia		
SHRUBS			
Buxus x 'Green Mountain'	Green Mountain Boxwood		
Frangula purshiana	Cascara		
Hebe 'Karo Golden Esk'	Karo Golden Esk Hebe		
Holodiscus discolor	Oceanspray		
Ramnus californica 'Eve Case'	Eve Case Coffeeberry		
Tsuga canadensis 'Jeddelloh'	Jeddelloh Dwarf Hemlock		

BOTANICAL NAME	COMMON NAME
PERENNIALS & ORNAMENTAL GRASSES	
Anemone x hybrida 'Honorine Jobert'	Japanese Anemone
Ligularia dentatum 'Othello'	Othello Leopard Plant
Polystichum polyblepharum	Tassel Fern
Sesleria autumnalis	Autumn Moor Grass
Sagina subulata	Irish Moss

NATIVE SEED MIX

BOTANICAL NAME	COMMON NAME	% OF MIX
Adelina grande	Pacific Houndstongue	3%
Balsamorhiza deltoidea	Balsamroot	3%
Deschampsia cespitosa	Tufted Hairgrass	20%
Dicentra formosa	Western Bleeding Heart	3%
Festuca californica	California Fescue	20%
Festuca roemerii	Roemers Fescue	15%
Koeleria macanthra	Praire Junegrass	15%
Lolium multiflorum	Annual Ryegrass	15%
Lupinus latifolius	Silvery Lupine	3%
Trillium albidum	Giant Trillium	3%

PRELIMINARY
NOT FOR CONSTRUCTION

Scharen
Design
Studio

landscape architecture & planning

Ashland, OR 97520
541.215.4464
shelby@scharendesignstudio.com

REGISTERED

0934

SHELBY SCHAREN

05/17/2017

LANDSCAPE ARCHITECT

NEW RESIDENCE

BRYAN & STEPHANIE DEBOER
PARCEL NUMBER: 39 1E 08 DA; T.L.# 1800
GRANITE ST., ASHLAND, OREGON 97520

JANUARY 17, 2025

L3.0

PLANTING
& IRRIGATION
LAYOUT



Carlos Delgado <carlos@carlosdelgadoarchitect.com>

231 Granite

1 message

Mark Shay <mark.shay@ashland.or.us>

Thu, Dec 5, 2024 at 12:21 PM

To: "carlos@carlosdelgadoarchitect.com" <carlos@carlosdelgadoarchitect.com>

Hi Carlos,

It was good to meet you today. As a recap of our discussion, for an alternate to the fire department turnaround I'll consider a turnout designed to Jackson County Development standards. Additionally, please provide documentation of the distance to the private hydrant already on the easement road.

Please let me know if you have any questions or I missed anything.

*Mark Shay***Deputy Chief - Fire Marshal**

(541) 552-2217

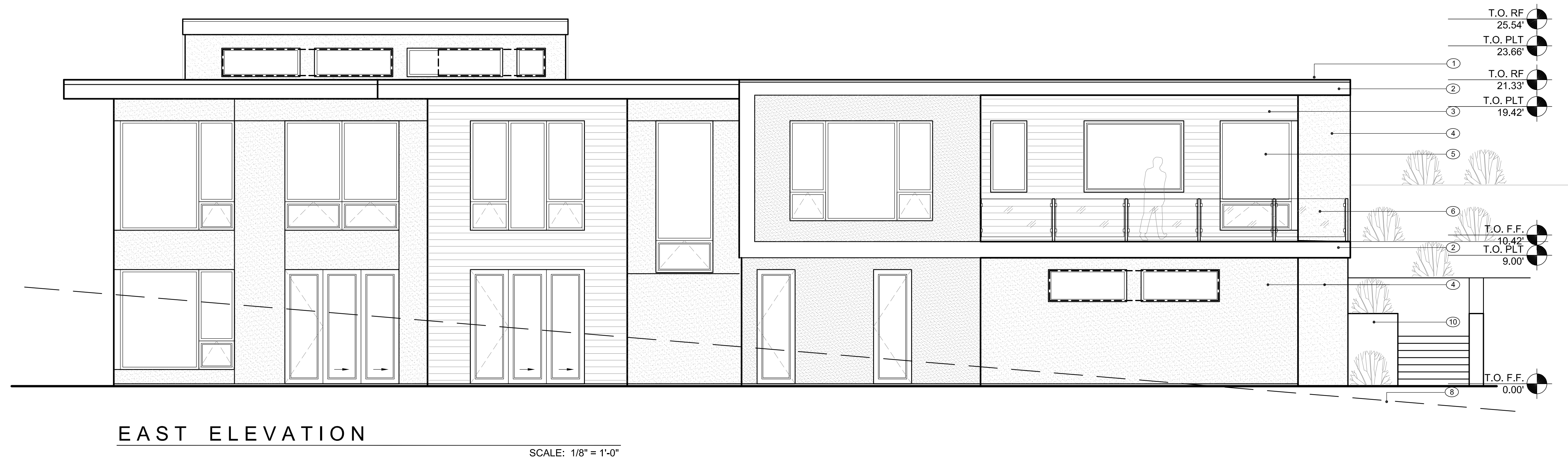
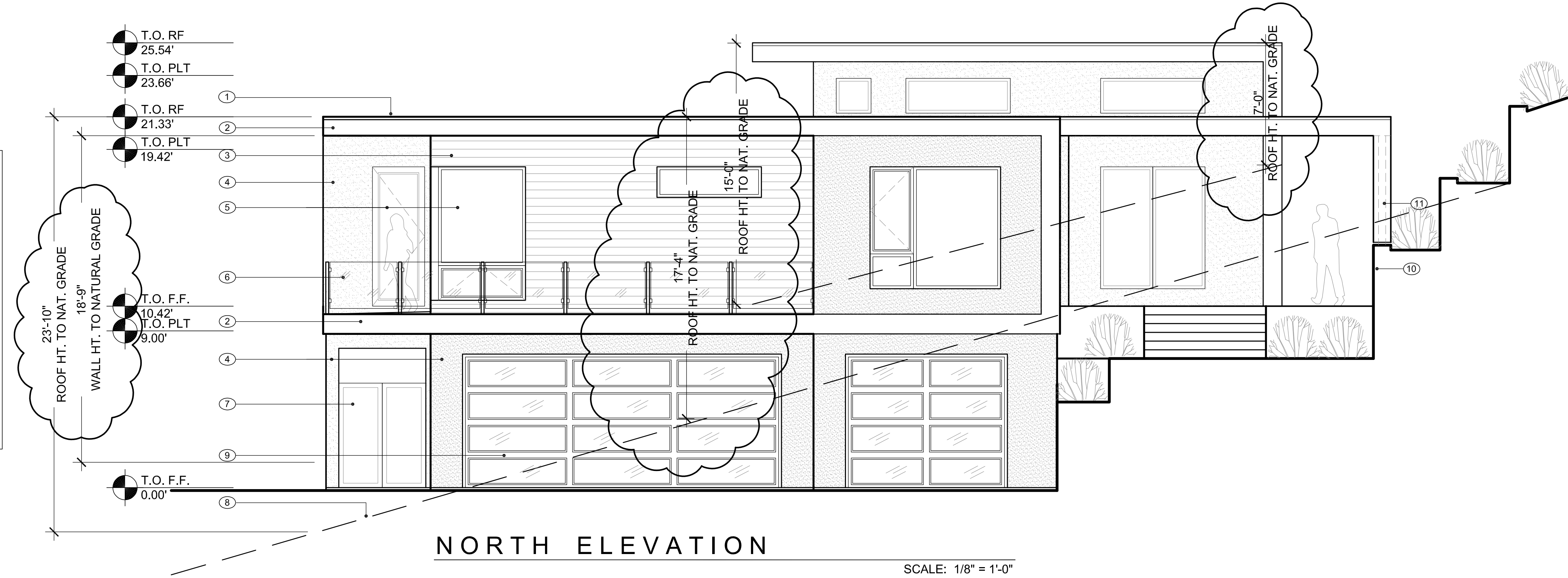
Ashland Fire & Rescue
455 Siskiyou Boulevard
Ashland, OR 97520



Online [ashlandoregon.gov](https://www.ashlandoregon.gov); social media (Facebook & Instagram @CityOfAshlandOregon | Twitter/X @CityofAshland | YouTube @cityofashlandor | Nextdoor)

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 <541.552.2217>

- ELEVATION KEY NOTES
- MEMBRANE ROOFING, DARK GRAY W/ INTERIOR DRAINS
 - STUCCO FASCIA W/ FLASHING TO MATCH STUCCO
 - HORIZONTAL SIMULATED WOOD LAMINATE SIDING
 - 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.



NOT FOR CONSTRUCTION

DRAWN : CHECKED:
TS CD

DATE :
10/03/24

PROJECT :
ROGERS_24

SHEET :

A2.1

11X17 SHEETS ARE HALF SCALE

PLANNING SUMMARY

PROPERTY DESCRIPTION:
ZONING DESIGNATION: RR-.5
ASSESSOR'S PARCEL NUMBER: 39-1E-08DA; T.L.# 1800
231 GRANITE ST., ASHLAND, OREGON 97520

BUILDING SUMMARY:

GHFA LOWER FLOOR:	1,328 SF
GHFA MAIN FLOOR:	3,470 SF
GHFA TOTAL FOR (P) RESIDENCE:	4,798 SF

3 CAR GARAGE 1,250 SF

SOLAR SUMMARY:

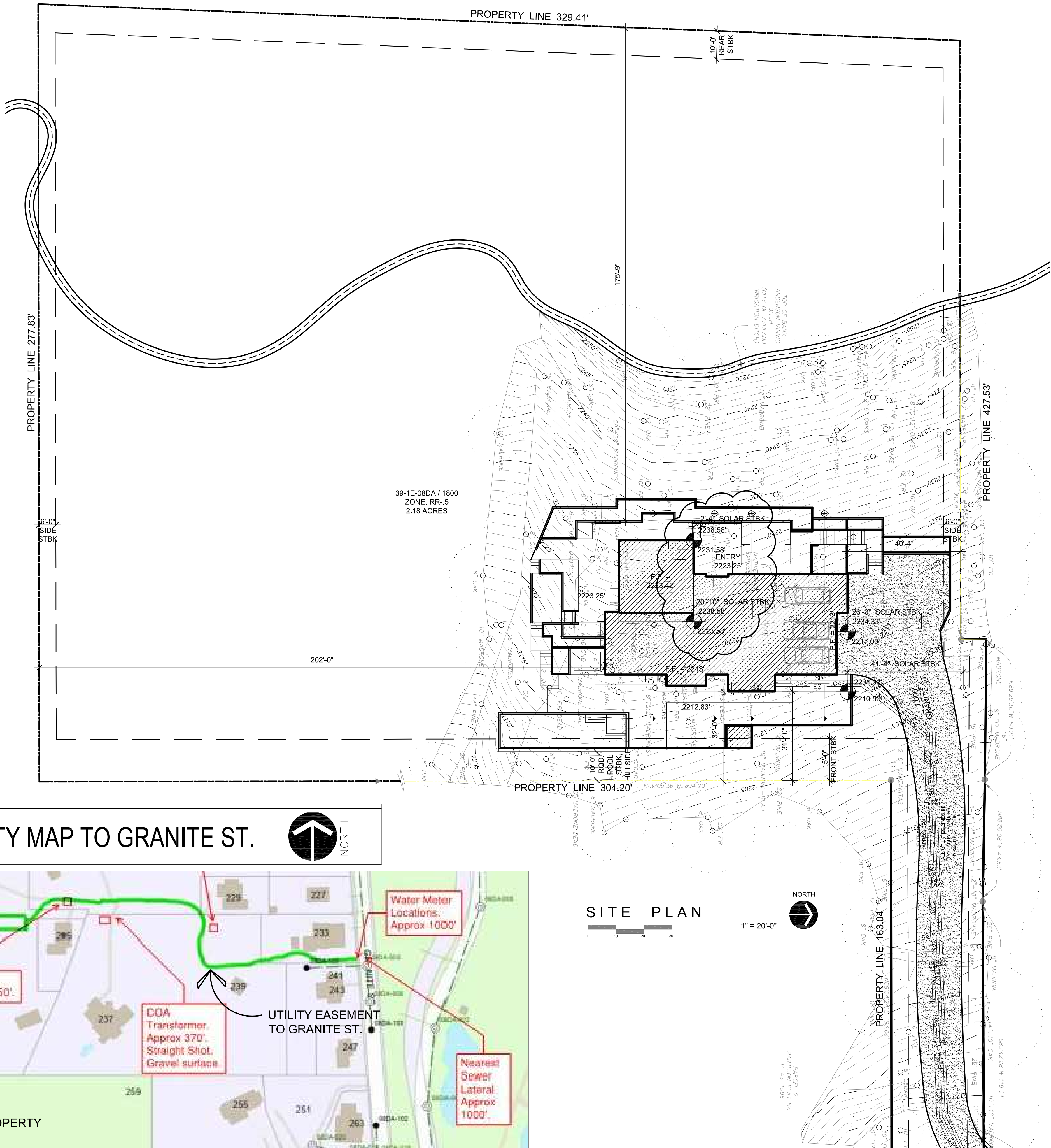
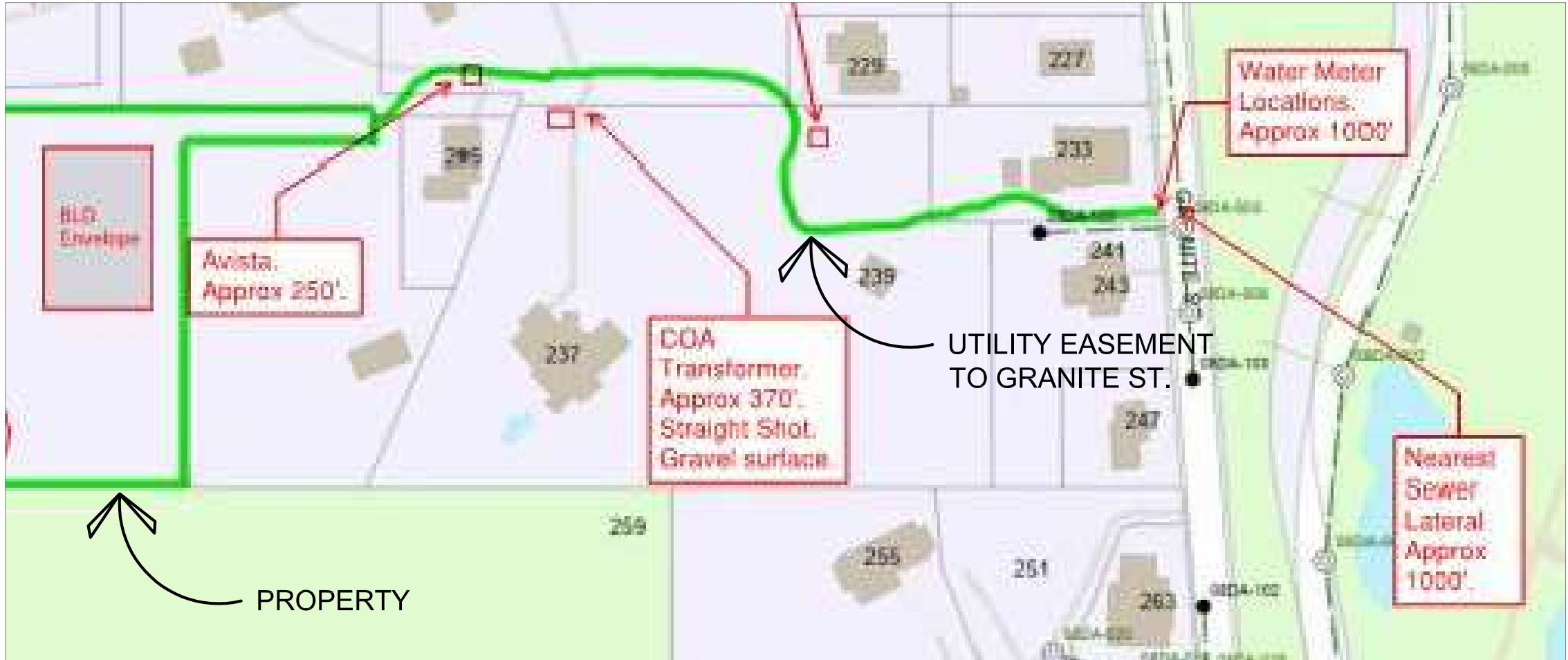
HT. OF (N) ROOF: ±23'-6"
TYPE / SLOPE OF ROOF: 1/2:12 SLOPE
SETBACK STANDARD: TABLE 'A'
SETBACK PER STANDARD:

(2234.33' (-) 2217.00') = 17.33' (-)6' / (.432) = 26'-3" SSB REQUIRED
(2234.33' (-) 2210.50') = 23.83' (-)6' / (.432) = 41'-4" SSB REQUIRED
(2238.58' (-) 2231.58') = 7.00' (-)6' / (.432) = 2'-4" SSB REQUIRED
(2238.58' (-) 2223.58') = 15.00' (-)6' / (.432) = 20'-10" SSB REQUIRED

**AVG. 150° SLOPE TO NORTH IS (2269'-2272'+3')/(2189'-2182--7')+(-3')+(-7')/2=-2'/150' = (-.013)
**AVG. NORTH/SOUTH LOT DIMENSION = 313.13'

[.445+(-.013) = .432]
FORMULA I: (30' / .432) = 69.44' (IF < THAN) 313.13' = STD 'A' (-6') : (IF > THAN 313.13' USE STD 'B')

VICINITY MAP



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

NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND OR 97520

ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

DRAWN : CHECKED :
TS CD
DATE :
10/03/24
PROJECT :
ROGERS_24
SHEET :
AS1.0

11X17 SHEETS ARE HALF SCALE



January 9, 2025

Subject: Variance Application for Driveway Slope and Compliance with Flag Lot Development Standards

Dear Carlos,

I am writing to submit a variance application for the proposed driveway at 231 Granite Street, Ashland, Oregon. As a civil engineer, I have visited the site and reviewed the geotechnical report to ensure that the proposed design aligns with the intent of the city's standards while addressing the unique challenges of the site. Below, I provide a detailed justification for the requested variance and demonstrate compliance with applicable criteria.

Project Overview

The proposed driveway will serve as access to a flag lot and will be approximately 153 feet long with a slope of 23%. The proposed design includes provisions for stormwater management, fire apparatus access, and compliance with screening and landscaping requirements. The driveway is located within an existing access and utility easement and is designed to minimize disturbance to the site's natural features.

Justification for Variance

Slope Variance

The proposed driveway slope exceeds the maximum allowable grade of 15% specified in Section 18.5.3.060(F) of the Ashland Development Code. While the code allows variances for grades up to 18% for limited sections, the unique topography of the site necessitates a slope of 23% to provide functional access. The following points support this variance request:

- **Unique Physical Constraints:** The existing driveway grade and the narrow flagpole access strip (33.04 feet wide) limit the ability to mitigate the slope through turns or curves. The topography and natural features of the site create unique physical constraints that necessitate the variance.
- **Engineering Feasibility:** The proposed slope is the minimum necessary to accommodate the site's topography while maintaining structural integrity and safety.
- **Mitigation Measures:** The design includes measures to ensure safe vehicular access, such as non-slip surface treatments and reflective markers.
- **Fire Safety:** The residence will include a fire suppression system, and the driveway design has been reviewed by the Ashland Fire Marshal.

Stormwater Management

The driveway design incorporates features to prevent surface drainage from flowing over sidewalks or public ways, as required by Section 18.5.3.060(G). These features include:

- Proper drainage and conveyance systems designed by Thornton Engineering to direct stormwater to the city's stormwater system on Granite Street.
- Measures to minimize erosion and storm flow increases, such as drainage swales.
- Onsite stormwater infiltration will be utilized to the extent recommended by the geotechnical engineer to further manage runoff and reduce impacts on the surrounding area.

Fire Code Compliance

The driveway is classified as a Fire Apparatus Access Road under the Oregon Fire Code. To ensure compliance:

- A turnaround will be provided at the end of the driveway, as required for drives exceeding 150 feet in length.
- The design accommodates fire apparatus access, with a clear width of 15 feet and a fire work area of 20x40 feet within 50 feet of the structure.

Screening and Landscaping

The design includes sight-obscuring fencing and landscaping along both sides of the driveway, as specified in Section 18.5.3.060(N). These features will:

- Enhance privacy for adjacent properties.
- Ensure that fire apparatus access is not obstructed by mature landscaping.

Compliance with Flag Lot Development Standards

The proposed driveway meets the following criteria outlined in Section 18.5.3.060:

- **Ownership and Easements:** The flag drive will be in the same ownership as the flag lot it serves, with appropriate easements granted if necessary.
- **Width and Paving:** The driveway will have a minimum width of 15 feet with a 12-foot paved driving surface, as required for single flag lots.
- **Parking Restrictions:** No parking will be allowed within 10 feet of the centerline of the drive at the entrance.
- **Usable Yard Area:** The flag lot will provide a usable yard area of at least 20x20 feet, unobstructed by structures or vehicles.

Mitigation Measures for Vehicular Access

To ensure safe and functional vehicular access for the proposed driveway with a slope of 23%, the following mitigation measures will be implemented:

1. **Surface Treatments:**
 - Non-slip surface materials, such as textured or grooved concrete or asphalt, will be used to improve traction, especially during wet or icy conditions.
2. **Drainage and Erosion Control:**
 - Drainage swales will be installed along the sides of the driveway to channel water away from the driving surface.
 - Culverts will be used at low points to direct water under the driveway and prevent pooling.
3. **Safety Features:**
 - Reflective markers or edge lighting will be added to improve visibility during low-light conditions.
4. **Winter Maintenance:**
 - A snow removal plan will be developed to ensure the driveway remains accessible during winter conditions.

These measures will help ensure that the driveway remains safe and functional for vehicular access, even with the steep slope.

Conclusion

The proposed driveway design addresses the unique challenges of the site while adhering to the intent of the city's development standards. The requested variance for slope is supported by engineering justifications, mitigation measures, and compliance with other applicable criteria.

Thank you for your consideration. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Thornton Engineering, Inc.

By: 
Michael P. Thornton, P.E.





October 30, 2024

Shelby Scharen
Scharen Design Studio
Ashland, OR 97520

RE: Arborist statement for proposed tree removals at 231 Granite St

A total of 73 trees, located on an undeveloped hillside above Granite St (tax lot #1800), are requested to be removed in order to clear land for a home building project. The following statement provides information about the trees in question and ultimately supports the removal of all 73 trees. All proposed removals are volunteer / native trees, most of which are relatively young and smaller than 10" DBH. Trees are listed by species on the following tree table. A more thorough tree inventory list can be found on the building plans.

Tree Species	Scientific Name	Number of individual trees to be removed	Trunk size range (inches DBH)	Notes
Oregon white oak	<i>Quercus garryana</i>	20	6"-16"	Several individuals with multiple stems
Pacific madrone	<i>Arbutus menziesii</i>	11	6"-24"	Several individuals with multiple stems
Douglas fir	<i>Pseudotsuga menziesii</i>	33	6"-16"	Many trees are in poor health. For some, removal is recommended for fuels reduction
Ponderosa pine	<i>Pinus ponderosa</i>	9	6"-16"	
Manzanita	<i>Arctostaphylos patula</i>	1	6"	

Total number of tree removals: 73*

Of all the trees proposed to be removed, 40 individual trees appear to be in relatively good health. Of the remaining trees, 16 appear to be in "fair" health, 8 are in decline, and 10 are dead.

*trees are numbered #1-#74. Tree #45 has been marked for retention instead of removal, reducing the total number of proposed removals to 73

Each proposed tree removal can be justified for one of two reasons:

1. The base of the tree is located within the planned building footprint
or
2. The tree is located close enough to the planned building that it would be likely to experience severe stress during construction, potentially resulting in death or severe decline

The majority of trees (approx. 50) fall into the first category. If construction goes forward as planned, the only realistic option for trees in this group is removal. The remaining trees, those located near the building footprint but not inside it, fall into the second category. On average, trees in this group originate in a location where sustaining construction-related damage would be nearly unavoidable. Stress factors such as soil compaction, mechanical damage, excessive pruning, and root damage can take a substantial toll on the health of any tree. Taking into account the size and condition of many of the trees in category #2, retention would be infeasible unless building plans are changed significantly. In addition, since the majority of trees in this category are douglas firs and pines, it may be prudent to remove them for fuels reduction, regardless of the impact of construction.

If one tree were to be retained, tree #02, a mature madrone composed of five main stems, each ranging from 18"- 24" DBH, would be a good candidate because of its unique size and age. However, since all five stems originate inside the planned building footprint, retaining and protecting the tree would necessitate major changes to the building plans. In addition, this madrone appears somewhat stressed even before work has begun, as evidenced by a relatively thin canopy and substantial tip dieback visible throughout. Since mature madrones can be especially sensitive to environmental changes, construction might still impact this tree, even if plans were changed and proper tree protection steps taken. Like the other trees that have been marked for removal, retaining tree #02 would significantly disrupt the building project, would require sustained monitoring and regular tree care going forward, and even then, its chances of recovery and long-term survival would be uncertain at best.

As construction moves forward, site plans include replanting at least 30 trees around the property. Since much of the construction / tree removal area will ultimately be occupied by the new building, it may be unrealistic to plant anywhere near the same number of trees as were removed. However, plans for replanting remain flexible and designers are open to planting more trees as appropriate. There are many options for tree species that would be suitable for the planting location. When selecting replacement trees, soil, water, and sunlight requirements should be taken into account, as well as fire safety and expected ongoing maintenance. Virtually any species of tree planted on the hillside would help control erosion going forward.

In summary, if the project goes forward as planned, the removal of each of the 73 listed trees will be required to make room for the new building. It would not be feasible to retain trees within the building footprint or to adequately protect those around the perimeter without making major alterations to the building plans. For many trees, retention could also result in an unnecessary increase in fire risk around the perimeter of the finished house. Rather than retaining trees inside the construction site, efforts would be better spent protecting those outside the work area and preparing for replanting once work is complete.

Please feel free to reach out with any questions or concerns. Pictures of the trees identified for removal can be provided upon request.

Cole Zollinger
Canopy LLC
ISA Certified Arborist #PN-9274A
Certified Tree Risk Assessor (TRAQ)



YOUR PROFESSIONAL ENGINEERING TEAM SINCE 1957

P 541-772-7115 F 541-779-4079 1120 EAST JACKSON PO BOX 490 MEDFORD, OR 97501
EMAIL: info@marquess.com WEB: www.marquess.com

Date: December 5, 2024

To: Bryan DeBoer
Carlos Delgado

From: Rick Swanson, P.E., G.E.

RE: Geotechnical Engineering Design Recommendations
Proposed Residence at 231 Granite Street, Ashland, Oregon
MAI Job No. 24-1249

As requested, we have prepared this letter report for the proposed residence at 231 Granite Street in Ashland, Oregon. As part of the preparation of this letter, we met with Carlos Delgado and Mark Lackey at the property on November 20, 2024, observed the surface conditions, and discussed the proposed construction. On November 21, 2024, we explored the subsurface conditions with three exploratory test pit excavations within the proposed building pad.

The residence is expected to be a one-story structure over a daylight (basement) garage. The structure will be set deeply into the upsloping hillside and it is expected that the garage level will require cuts on the order of 5' and up to 15' deep, respectively, at the front and at the rear of the proposed residence. The project also includes extending (and to some extent, improving) the existing driveway that will serve this project.

Site Conditions

The site is vacant, undeveloped, and forested. The property slopes steeply uphill to the west. An irrigation ditch lies about 60' uphill of the proposed building site. The property is bounded by residential properties on all sides. No outcrops of granitic bedrock were observed in the area of the proposed residence.

No signs of unstable soils, hillside instability, or excessive soil erosion were observed.

Three exploratory test pits were excavated in the proposed building pad on November 21, 2024, with a mini-trackhoe. Test Pit 1, which was located near the southwest corner of the proposed residence (the area of the proposed kitchen), encountered 1.5' of gray, very loose silty sand overlying 1.5' of brown, dense silty sand underlain by darker brown, very dense to hard clayey sand to the depth explored (8'). Test Pit 2, which was located near the north side of the proposed residence (in the area of the proposed two-car garage), encountered 2' of gray, loose silty sand followed by 4' of brown, dense silty sand followed by brown, very dense silty sand (decomposed granite residual soil) to the depth explored (7'). Test Pit 3, which was dug in the proposed pool

area, encountered 1.5' of gray, loose silty sand overlying 1.5' of light gray, dense silty sand underlain by brown, very dense silty-clayey sand to the depth explored (8').

No groundwater was observed in the test pits during excavation.

The geologic map of the area (Beaulieu and Hughes, 1977, Land Use Geology of Central Jackson County, Oregon: DOGAMI Bulletin 94) indicates the site is underlain by diorite and granodiorite. The nearest known active fault (fault displaying movement within the last 10,000 years) system is the Sky Lakes Fault Zone that lies over 30 miles east of the site.

Geotechnical Engineering Design Recommendations

We believe the proposed development can be constructed as proposed provided the recommendations contained in this letter are incorporated into the design and construction of the project.

- Erosion control measures (silt fencing, wattles, etc.) should be installed prior to beginning site earthwork.
- All existing organic-laden soil should be removed from beneath the building and from beneath future general fills and site hardscaping.
- All *weak soil should be removed from beneath building footings and building slabs. (*Weak soil is defined herein as the surficial gray, loose to very loose silty sands that were encountered in the test pits to depths of 1.5' deep at Pits 1 and 3 and to a depth of 2' deep at Pit 2.) Existing weak soils may also need to be removed from beneath future site paving or driveway paving. The need for removing these materials should be based on site observations and proofrolling observations of the subgrade soils at the time of construction. In general, site excavations for future general fills or hardscaping should be made flat and stairstep up- or down-hill to enable placement of structural fills or general fills on flat or nearly-flat subgrade surfaces.
- Upon completion of excavation work, we should be called out to observe the excavations to check for weak or deleterious materials.
- The on-site soils are not suitable for re-use as structural fill beneath the building. The excavated brown granitic silty sand soils may be re-used as general fill in landscaping and embankment areas. All fill materials must be compacted to at least 95 percent relative compaction in accordance with ASTM D698 Method A and until hard and stable. All fill should be placed in 8" thick (maximum) loose lifts. The compaction should be verified by either periodic density testing or by proofrolling, where appropriate, with a loaded 10 cy gravel truck.
- Finished cutslopes and fillslopes should not exceed 2 horizontal to 1 vertical. All new slopes should be protected from erosion and sediment loss by installing erosion protection measures (plantings, netting, hydroseeding, mulching, etc.).
- Building footings may bear directly on the dense to very dense silty sands that underlie the site. Building footings supported on these soils may be designed for an allowable bearing pressure of 3000 psf for dead plus live loadings and this pressure may be increased by one-third for short-term loadings (wind or seismic). Lateral loads can be

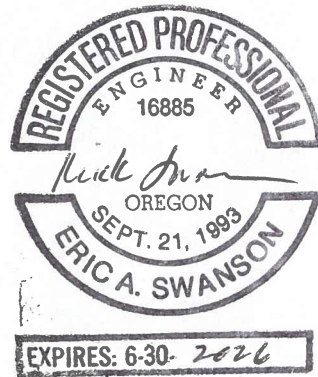
resisted with a friction coefficient of 0.35 and a passive pressure equal to an equivalent fluid pressure of 300 pcf.

- All slabs should be underlain by at least 6" of structural fill, such as well-compacted, high quality $\frac{3}{4}$ "-0 crushed rock, and all weak soil should be removed from beneath slabs. Slab subgrades should be thoroughly hardened by compaction and proofrolled, where possible, with a loaded truck under our observation.
- The proposed garage level slab of the residence should be protected from adverse water penetration with an underslab drainage system. This drainage system should include 8" of mechanically tamped, free-draining $\frac{3}{4}$ " crushed rock (no fines, no round rock) over dense to very dense silty sands or over structural fill underlain by dense to very dense silty sands or better. Three-inch diameter, perforated, rigid PVC pipes should be placed about 2" above the bottom of the free-draining crushed rock and spaced about 10' apart beneath the slab in an X-Y pattern and starting about 5' inboard of the perimeter retaining wall foundations. The pipes should be connected by a solid pipe sloped at 2% or steeper to some suitable discharge facility downslope of the house. A true waterproofing barrier should also be placed atop the free-draining rock.
- Retaining walls should be supported on footings designed in accordance with the criteria stated above. Unrestrained walls with level to gently sloping (less than 25 percent slopes) backslopes should be designed to resist an equivalent fluid pressure of 40 pcf. Where restrained, walls with similar backslope conditions should be designed for 60 pcf. Where backslopes exceed 25 percent, but are no steeper than 50 percent, the above equivalent fluid pressures should be increased by 20 pcf. Adequate backdrainage must be provided behind all retaining walls, and interior walls should be thoroughly waterproofed.
- On-site asphaltic pavements should consist of at least 2.0" asphaltic concrete over at least 12.0" of well-compacted, high quality $\frac{3}{4}$ "-0 crushed rock over geotextile fabric over hard subgrade. Offsite (driveway) pavements should probably consist of at least 3.0" asphaltic concrete over at least 14.0" of well-compacted, high quality $\frac{3}{4}$ "-0 crushed rock over geotextile fabric over hard subgrade. All general fill and all pavement baserock ($\frac{3}{4}$ "-0 crushed rock) should be compacted to at least 95 percent relative compaction in accordance with ASTM D698, Method A.
- A foundation drain should be placed adjacent to the perimeter building footings (except where retaining wall backdrains are required) to control moisture beneath the structure. The backdrains should be set as low as possible to enable maximum subdrainage control. Exterior grades around the structure should be sloped away from the structure.
- Site drainage should be captured and drained to suitable facilities downslope of the proposed residence. Drainage from the driveway should also be captured and drained to suitable facilities and this may include ditching and storm drain piping. Drainage from the site and driveway should not be allowed to negatively impact properties downslope of the proposed residence.

Bryan DeBoer
Carlos Delgado
December 5, 2024
Page 4 of 4

Please call us if you need additional foundation design criteria.

This brief letter has been prepared in accordance with generally accepted soil and foundation engineering principles and practices in this area. No other warranty, either expressed or implied, is made.



Michael Sullivan

From: andrea weiner <akweiner@gmail.com>
Sent: Wednesday, February 26, 2025 8:05 AM
To: planning
Subject: PA-T2-2024-00053

[EXTERNAL SENDER]

Good morning Ashland Planning Division,

This letter is in response to planning action PA-T2-2024-00053 for 231 Granite Street. While we are not opposing the variance requests presented in this planning action, we do have concerns with one specific topic pertaining to “flag drives”.

Additional Preliminary Flag Lot Partition Plat Criteria, 18.5.3.060 C:

“Flag drives shall be in the same ownership as the flag lots served. *Where two or more lots are served by the same flag drive, the flag drive shall be owned by **one** of the lots and an easement for access shall be granted to the other lot or lots.*” This criterion cannot be met as the “flag drive” in this case is an easement owned by FOUR other lots. While this may be irrelevant, it introduces the real concern for us. The application information available for review does not mention plans for remediation if/when the improved portion of the flag drive that we own and manage is damaged in the process of this development. Would it be possible to address this issue prior to any planning action approvals? Thank you - we appreciate any insight you can provide.

Respectfully,

Andrea and Dan Weiner
243 Granite Street

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

February 27, 2025

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

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

Greetings,

There are significant errors and omissions in the application submitted for Planning Action PA-T2-2024-00053. For these and other factors in this application, detailed below, we ask that the City of Ashland Planning Department decline to grant the variances requested. A much smaller building footprint and far fewer trees removed could address most of these problems.

**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 which shows three areas of slope greater than 35% within the proposed development envelope. There is about 1000 sq ft in the middle area of the proposed house footprint with slope greater than 35%. About 400 sq ft of slope greater than 35% exists in the northwest part of the proposed driveway/parking area, and about 400 sq ft of slope greater than 35% exists on the south side of the proposed lounge/outdoor dining area.

**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 appears to straddle the property line on the north side of the flag, about 13ft west of the northeast corner of the flag. The proposed location of the driveway where it turns out of the flag varies from map to map in applicants proposal, but in all cases it runs through this 30" madrone. Photo attached identifies this tree, trees which are included on the tree removal plan, and property boundaries.

There is a 24ft-wide gap between this 30" madrone and the next tree down slope, another large madrone. A less curved driveway transition from the flag to the existing unimproved driveway on Eisenberg's property TL 702 could be constructed if it passed through this 24ft-wide gap. Not only would the 30" madrone be spared, but also a 16" oak and a two-stem 10-" and 12" madrone.

The tree protection fence should be extended to protect the 30" dbh madrone

One of the significant trees proposed for removal is a five-stem Madrone, the stems being from 18" to 24". This is a significant tree that deserves to be preserved. It is located in the proposed lounge/outdoor dining area. A modification to the footprint of the proposed home (make it smaller) and patio area could easily be designed to preserve this significant tree. Applicant would benefit by having this significant five-stem madrone frame the patio area.

Chapter 18.3.10 Physical and Environmental Constraints > 18.3.10.090 Development. Standard for Hillside Lands - Section H Exception to the Development Standards for Hillside Lands

Applicant states, in justification of the variance requested to the continuous horizontal building plane standard, that 'the design...minimize(s) the mass and scale (of the home).' It should be noted that the 4800 sq ft house plan submitted is nearly twice the size of adjacent homes to the north and northeast, and more than twice the size of the home adjacent to the east. The bulk and size of the proposed home are not compatible with the neighborhood. A more modest size and design would better serve.

Chapter 18.3.10 Physical and Environmental Constraints >18.3.10.050. Approval Criteria

Paragraph 15

and Chapter 18.3.10 Physical and Environmental Constraints > 18.3.10.090 Development. Standard for Hillside Lands - Section B Hillside Grading and Erosion Control > No. 8 Site Grading

Applicant states "The building pad area is the minimum area of the site to allow for the construction of a single story with basement home..." A home 4800 square foot two story home is not required at this site, as this statement implies. The average size of a typical three bedroom two bath single family home is about 2000 square feet. A home considerably smaller than 4800 square feet could easily be accommodated on the lot.

Planning Application Submittal >Findings of Fact - New Residence in Environmental Constraints - Hillside Lands>Project Description

Applicant here and at several other places in the text of the submitted proposal refers to an existing access and utility easement. The numbered reference to said easement is not included in the text, and is not posted on any of the proposal maps, so this statement could not be verified.

Before variances can be granted or construction plans approved, the existence, location and conditions of this easement should be confirmed by the Planning Commission.

Fire Hydrant Location

Mark Shay <mark.shay@ashland.or.us>

To: "carlos@carlosdelgadoarchitect.com" <carlos@carlosdelgadoarchitect.com>

Fire Chief Shay asks for the distance to the private hydrant 'already on the easement road.' To our knowledge there is no hydrant on the driveway down to Granite St. There is a hydrant on the private driveway off Strawberry Lane, near 234 Strawberry Lane. Is this the hydrant referred to and does it being on a separate driveway affect the fire chiefs view?

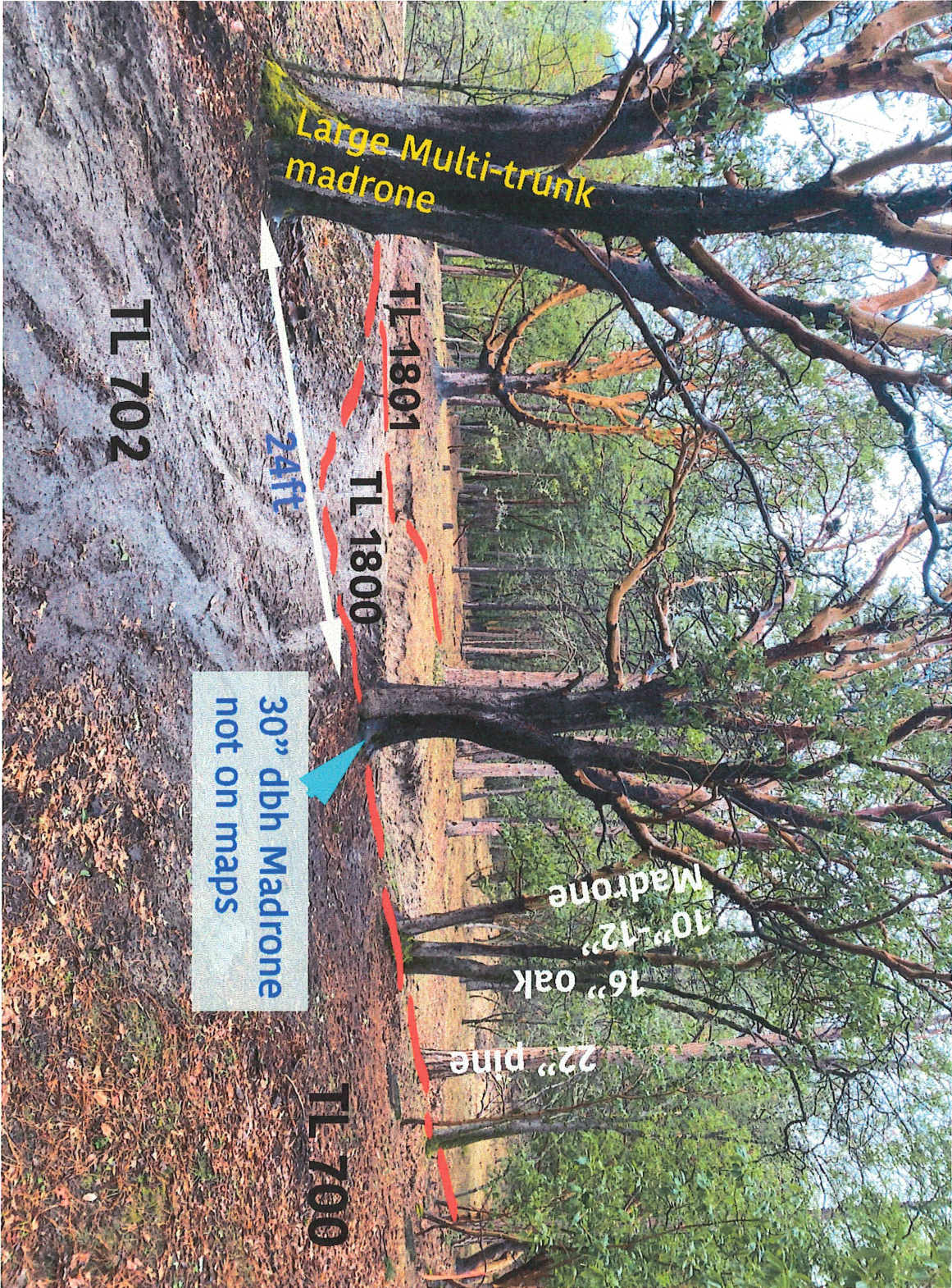
Conclusions:

There are significant errors and omissions in the application submitted for Planning Action PA-T2-2024-00053. For these and other factors in this application we ask that the City of Ashland Planning Department decline to grant the variances requested. A much smaller building footprint and far fewer trees removed could address most of these problems.

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

Looking
southwest
at northeast
corner of
flag portion
of TL 1800

PA-T2-2024 0053



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

March 6, 2025

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

Subject: Formal Objection and Concerns Regarding Planning Action PA-T2-2024-00053 – for
231 Granite Street

Dear Ashland Planning Commission,

We are writing to formally express concerns regarding the proposed land use application PA-T2-2024-00053 for the construction of a new single-family residence at 231 Granite Street. Upon reviewing the submitted Findings of Fact and Notice of Application, we have identified several potential conflicts with existing City of Ashland and State of Oregon statutes, particularly regarding environmental impact; hillside ordinance compliance; wildfire risk mitigation; seasonal restrictions on power equipment; potential impact on the Talent Irrigation Ditch; variance requests; and fire hydrant, water supply, utility access, and driveway screening issues. Our concerns are as follows:

1. 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.
- 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 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."

- 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.
- **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 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."

2. 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.

3. 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)**.

4. 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.

5. 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%**). 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. 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.
 - **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.
 - 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.

- The applicant should demonstrate that construction equipment can feasibly access the construction site, given the steep driveway.
- A snow removal plan for winter access should be provided prior to development.
- 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 application does not include proposed color selections for compliance with the neutral color requirements of **ALUO 18.3.10.090 E. 2. g.**

6. 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.
- **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 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.**

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.
2. Consider a smaller sized building envelope (structure and pad) to preserve trees.
3. Review the extent of vegetation removal and grading.
4. Analyze tree removal impacts within 200 feet of property.
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.

6. Review the inclusion of a pool in the building pad, which increases the building pad size and increases environmental impact.
7. Mandate finalization of wildfire-resistant materials and construction measures before approval, rather than allowing a deferred submittal.
8. Require a complete Fire Management Plan, including demonstrating adequate water pressure during and after construction.
9. Ensure compliance with seasonal construction restrictions, particularly regarding power equipment use during high fire-risk months.
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.
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.
12. Require color selections for compliance with neutral color requirements.
13. Clarify fire hydrant location and access rights, ensuring adequate water pressure for fire suppression and residential use.
14. Require a complete snow removal plan.
15. Ensure compliance with required flag driveway screening, per Ashland's requirements.
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.

Please note that while we do not know the applicants personally, we are familiar with their other properties and genuinely appreciate their tasteful aesthetic and attention to detail. We value the work the applicants and their teams have already conducted on this project. We have worked with some of the contractors listed in the application and have a deep respect for their expertise. All of that said, **we have significant concerns enumerated above about the development of this particular property.**

As stated above, prior to the applicant's acquisition of this property, the City of Ashland had arranged an agreement to purchase the property for preservation. We concur with the City's assessment that preservation of this property in its natural state brings the most benefit to the city and its residents.

We appreciate your attention to these critical issues. We urge the Planning Commission to deny this application in its current form and to ensure all relevant municipal and state standards are fully addressed before approval of this project.

Sincerely,

Sarah Sameh & Jay Reeck

Michael Sullivan

From: Jane Andrianova <spiritualdances@gmail.com>
Sent: Sunday, March 09, 2025 7:50 PM
To: Planning Commission - Public Testimony
Subject: March 11, 2025 Hearing Testimony

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Hi,

This email is regarding the possible construction at 231 Granite Street (Stephanie and Bryan DeBoer).

I would like to express my concerns about allowing the construction to take place and the lack of care for the environment as proposed by the architect and the owners. This area has already been over developed in the last couple of years with more houses being constructed on the hills above Lithia Park near the TID trail. This is a very beautiful area that many people enjoy and hike on a weekly basis, lots of trees as well as wildlife there. It seems like the city does not care much about construction taking place there and tree cutting and pushing animals out of their natural habitat and keeps selling the land to others. This area is turning into something that you would see in a bigger city and is very disappointing. Cutting so many trees so someone can have a mansion is completely disrespectful to the environment and inhumane. More and more animals are starting to move closer to the city streets now because of constructions and then they are being killed (like the case with the cougar last year) because we are destroying their habitat. The areas above Lithia Park are enjoyed by many, including the tourists, and nobody wants to see more houses being built there, that's the whole reason why people move to Ashland, to be closer to nature and hiking trails. Also, allowing someone to violate the hillside and access rules doesn't seem right and will prompt other people to ask for exceptions as well. Cutting trees will make the area more susceptible to mudslides as we've seen with many trees after this year's rain. The rules are the same for everyone, no matter how much money you have.

I hope the city will make the right decision and won't allow this project to take place and will start caring more about the environment instead of allowing people to destroy things.

Jane Andrianova

Michael Sullivan

From: Travis Rigby <travisrayrigby@gmail.com>
Sent: Sunday, March 09, 2025 7:25 PM
To: planning
Subject: Opposition to Planning Application PA-T2-2024-00053

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Travis Rigby & Glenn Splieth

198 Logan Drive

Ashland, OR 97520

March 9, 2025

Ashland Planning Commission

City of Ashland

1175 East Main Street

Ashland, OR 97520

Subject: Opposition to Planning Application PA-T2-2024-00053

Dear Planning Commission,

I am writing to express my strong opposition to Planning Application **PA-T2-2024-00053** and urge the City of Ashland to reject this proposal. The City and several organizations had previously planned to preserve this property as open space, which aligns with Ashland's long-term Comprehensive Plan and the community's environmental values. It is deeply concerning that this plan appears to have changed without adequate explanation or public engagement. Given the original intent to protect this land, I believe the City should uphold its commitment to preservation.

The proposed development raises several significant concerns under the Ashland Land Use Ordinance (ALUO), particularly regarding environmental protection, safety, and adherence to zoning standards:

1. Tree Removal and Environmental Impact

The project calls for the removal of approximately **70 trees**, including **four significant trees**. ALUO **18.3.10.900 D.3.b** requires that building envelopes be located to preserve the maximum number of trees while adhering to fuel modification standards for Wildfire Lands. Removing this many trees in a designated Wildfire Lands Overlay Zone raises concerns about soil stability, erosion, and increased stormwater runoff.

2. Large-Scale Site Disturbance

The proposed site disturbance of **18,738 square feet** is excessive. ALUO **18.3.10.050 C** mandates that applicants take all reasonable steps to minimize environmental impact, with irreversible actions considered more seriously. Removing trees and excavating hillside terrain is an irreversible action with long-term consequences.

3. Height and Massing Violations

The request to exceed the **36-foot horizontal plane limit** with offsets of only **4-5 feet** rather than the required **6 feet** sets a dangerous precedent for excessive structural massing on steep slopes. This would undermine the purpose of hillside regulations and negatively impact the visual character of the area.

4. Fire Safety and Wildfire Protection

The site is located in a **Wildfire Lands Overlay Zone** (ALUO **18.3.10.100**), requiring strict fire prevention measures. The application lacks a detailed **Fire Management Plan** as required by ALUO **18.3.10.100 A.4.a**, putting both the property and the surrounding neighborhood at heightened fire risk.

5. Driveway Slope and Emergency Access

The proposed variance for a driveway slope exceeding **18%** is concerning. The engineering report states a slope of **23%**, but the topographic map indicates a slope reaching **27-29%**. This steep incline would make access difficult for emergency vehicles, creating a serious safety risk.

6. Lack of Proper Screening and Turnaround

The application fails to provide the required **emergency vehicle turnaround** (ALUO **18.5.3.060 J**) and the mandated **4-6 foot sight-obscuring screen** for the driveway (ALUO **18.5.3.060 N**). This represents a direct violation of city codes intended to ensure safety and privacy.

7. Unjustified Variance Request

ALUO **18.5.5.050 A.4** requires that variance requests not be self-imposed by the applicant. The applicant was fully aware of the site's topography and the applicable zoning restrictions when the property was purchased, making the request for a variance unjustified.

8. Precedent for Terracing and Site Alteration

The plans include extensive terracing and outdoor spaces, which violate ALUO **18.3.10.090 B.8.a**. Terracing should be allowed only for building pads and vehicular access — not for creating large outdoor living spaces.

9. Failure to Analyze Tree Removal Impact

ALUO **18.5.7.040 B.2.b** requires an analysis of tree removal impacts within **200 feet** of the property. The application fails to include this analysis, leaving the broader environmental impact unexamined.

10. Lack of Demonstrated Benefit

ALUO **18.5.5.050 A.3** states that the benefits of a proposal must outweigh the negative impacts. A **4,800-square-foot single-family residence** on this sensitive site offers minimal public benefit compared to the environmental and safety risks it introduces.

Finally, it is important to remember that the City of Ashland had previously considered acquiring this land to preserve it as open space. This approach aligns with the Comprehensive Plan and the long-standing community goal of environmental stewardship. Reversing course now would be a disservice to the residents of Ashland and to the city's environmental legacy.

For all of these reasons, I urge the Planning Commission to reject Planning Application **PA-T2-2024-00053** and prioritize the preservation of this land as open space. Thank you for your time and attention to this matter.

Sincerely,

Travis Rigby & Glenn Splieth

Michael Sullivan

From: Dea Collins <deanasoncollins@yahoo.com>
Sent: Monday, March 10, 2025 10:51 PM
To: planning
Subject: 231 Granite Street

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

I am writing in opposition of the single family home project proposed for 231 Granite Street.

My understanding is that the project falls under the ALUO which governs development in environmentally constrained areas, however this project is requesting multiple variances to the ALUO. I question the purpose of the ALUO if large projects such as this that do not adhere to the stipulations stated in the ALUO are allowed to proceed.

For example:

The ALUO stipulates rules regarding terracing, the site plan shows a significant amount of terracing. What will the environmental impact of that hillside disturbance have on the TID above the project and the run off below the project, as well as the impact of the proposed removal of 70 trees?

The project requests a variance for driveway slope exceeding 18%, the project maps and site plans indicate a slope of 23% - 29% which is ridiculous. Wouldn't that make it exceedingly difficult for emergency vehicles to access the property? Particularly if there is no emergency vehicle turnaround?

The ALUO discourages pools on hillside properties. The site plan for this project includes a pool.

Furthermore, the City of Ashland had entered into an agreement to purchase the property in question to preserve its natural state as part of the Comprehensive Plan emphasizing preservation which seems more appropriate for this particular lot that is not suitable for building according to the ALUO.

The rules and regulations set forth in the ALUO should apply to all of us.

Respectfully Submitted,

Dea, Robb, and Sadie Collins
Ashland residents and trail users

Sent from my iPad

Michael Sullivan

From: Paul Rostykus <prostykus@gmail.com>
Sent: Monday, March 10, 2025 11:28 AM
To: planning
Subject: PLANNING ACTION: PA-T2-2024-00053 - SUBJECT PROPERTY: 231 Granite Street

[EXTERNAL SENDER]

Planning Commissioners,

As a long time frequent user of the Ditch Trail which runs through the upper portion of this taxlot (1800), I recently learned of this proposed project, basically by word-of-mouth.

I, along with my family and friends, have been regular users of the Ditch Trail for the quarter century that I have lived in my current residence. This Ditch Trail, as an extension of the Ditch Road between Strawberry Lane and Grandview Drive, offers a level and scenic pedestrian path used by neighbors, other Ashland residents and visitors to the city. I would hate to see access to this great community resource be lost.

I understand that the Ditch Trail is on the TID easement and the relevant property owner may allow public access or not. I would like to see the current public access be continued into the future. The property owner is asking for variances regarding tree removal, the steep slopes and the flag drive. As a condition of granting the requested variances, I would like to see that public access to the Ditch Trail on this property be made permanent.

Thank you for your consideration and your commiission work.

Paul Rostykus
436 Grandview Drive, Ashland, OR

Michael Sullivan

From: Moneeka Settles <sneekam@yahoo.com>
Sent: Monday, March 10, 2025 12:41 PM
To: planning
Subject: PA-T2-2024-00053

[EXTERNAL SENDER]

Dear Planning Commission,

I am writing to express my concern about the proposed development of the property between Strawberry Lane and the Granit Street Trail. I strongly oppose many aspects of this project. I believe the property should be sold or donated to the City and preserved in its natural state, as originally planned. It feels really wrong to have so many of the safety and environmental elements be dismissed in the proposal of this new development. Please remember to focus on the values of environmental and safety stewardship when making this decision.

Best,
Moneeka Settles
Ashland Resident

Michael Sullivan

From: Catherine Ellison <cmellison@icloud.com>
Sent: Tuesday, March 11, 2025 7:54 AM
To: Planning Commission - Public Testimony
Subject: Proposed DeBoer home in Ashland

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Dear Council:

I have come to love Ashland dearly. These monstrosities within our city limits are not in keeping with the sweetest ambience of a quiet Shakespeare focused community. I do not live on the affected streets, but the DeBoer family can certainly tone it down, be more community friendly & not overpower us. We certainly know about your wealth in the valley. Take it somewhere else!!!!

This reminds me so much of the blockade at the upper Lithia park where the trail ends in honor of private property, not allowing for the public (& the world which visits us not just for OSF & the plays).. this needs to end & allowances for those of us who live here & love it here to enjoy our land need to override the whims if the wealthy landowners.

I hope the City of Ashland will somehow say NO to the monstrosity that is proposed.

Thankyou.

Catherine Ellison, MD

295 Iowa St (which has a 24% grade)

Ashland OR 97520

Sent from my iPhone. Catherine

Michael Sullivan

From: Rochelle Jaffe <rochellegjaffe@gmail.com>
Sent: Tuesday, March 11, 2025 6:15 AM
To: Planning Commission - Public Testimony
Subject: DeBoer project

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Dear Council Members,

Regarding the DeBoer proposal that you are considering tonight:

Please do not allow the exceptions that would permit the removal of 67 trees (!!!), building on an exceptionally steep slope, and impacting the recreational use of the area.

Thank you for your consideration,
Rochelle Jaffe

Michael Sullivan

From: Peter Killefer <peterkillefer@gmail.com>
Sent: Tuesday, March 11, 2025 10:25 AM
To: Planning Commission - Public Testimony
Subject: Proposed DeBoer project

[EXTERNAL SENDER]

I guess wealth does have its privileges. And, it seems, in trade for the DeBoer's largesse directed at the Ashland community, it comes with a certain quid pro quo to turn a blind eye to laws and city building codes the rest of us must abide by.

When my wife and I purchased our lot back in 2009 on the steepest portion of Nob Hill St our property had similar 25% grades on portions of our property. We were told we could NOT build on them. I designed our home and had to accommodate those grades by positioning the home so as to not violate that restriction.

Then again, I'm sure some nice work-around will be arrived at by the council and building commission to give the DeBoers everything they want. Oh, that's right, the same as was done with their property across from Lithia park next to where the skating rink is in Winter.

Practice makes perfect!

Please, do the right thing. Make the DeBoers abide by the same laws and regulations all the rest of us must abide by.

Sincerely,

Peter Killefer

Michael Sullivan

From: Molly Killefer <mollykillefer@gmail.com>
Sent: Tuesday, March 11, 2025 9:57 AM
To: Planning Commission - Public Testimony
Subject: March 11, 2025 Hearing Testimony

[EXTERNAL SENDER]

This proposal is absolutely inappropriate for that area (too steep, WAY out of character for the immediate surroundings, it will ruin the neighbors' lives for a couple of years while it is being built, it will ruin a very important wildlife area). You absolutely know the DeBoers will shut off that segment of the ditch trail putting hundreds of daily users and their dogs off of a trail used for many decades, just for the sake of two people who already have an enormous house less than .25 mile away. Yes, perhaps the DeBoers are large donors to the area but I am tired of them throwing their money/status around. Would an average Ashland citizen be able to develop this piece of property like this? Unlikely.

M. Killefer

Michael Sullivan

From: Nadine <nadine@woodhamlet.com>
Sent: Tuesday, March 11, 2025 4:50 AM
To: Planning Commission - Public Testimony
Subject: Over the top huge house taking out 67 Trees

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Hello. Just wanted to check in about the ‘

Nearly 4,800-square foot house would require removal of 67 trees, building on steep slope’

I and my family and friends all regularly use the ditch trail where this home is planned to be located. Hardly seems right that our public access should be impeded by one such large single family home. Also, there was such work deciding whether or not to remove just a couple trees in order to install our Japanese garden. It was a long, productive, community process that ended with keeping the trees. Here we have ONE wealthy property owner planning to take out 67 for their own personal use. Not right. Not how I see our Ashland community. I encourage the planning committee to refuse permits for this. Thank you for considering my thoughts. - Nadine Lefkowitz

333 N Main St.
Ashland, OR
Sent from my iPhone

Michael Sullivan

From: Suzanne Leslie <leslie.suzanne0@gmail.com>
Sent: Tuesday, March 11, 2025 7:35 AM
To: planning
Subject: Opposition to Planning Application PA-T2-2024-00053

[EXTERNAL SENDER]

Suzanne and Tim Leslie

190 Logan Drive

Ashland, OR 97520

March 9, 2025

Ashland Planning Commission

City of Ashland

1175 East Main Street

Ashland, OR 97520

Subject: Opposition to Planning Application PA-T2-2024-00053

Dear Planning Commission,

I am writing to express my strong opposition to Planning Application **PA-T2-2024-00053** and urge the City of Ashland to reject this proposal. The City and several organizations had previously planned to preserve this property as open space, which aligns with Ashland's long-term Comprehensive Plan and the community's environmental values. It is deeply concerning that this plan appears to have changed without adequate explanation or public engagement. Given the original intent to protect this land, I believe the City should uphold its commitment to preservation.

The proposed development raises several significant concerns under the Ashland Land Use Ordinance (ALUO), particularly regarding environmental protection, safety, and adherence to zoning standards:

1. Tree Removal and Environmental Impact

The project calls for the removal of approximately **70 trees**, including **four significant trees**. ALUO **18.3.10.900 D.3.b** requires that building envelopes be located to preserve the maximum number of trees while adhering to fuel modification standards for Wildfire Lands. Removing this many trees in a designated Wildfire Lands Overlay Zone raises concerns about soil stability, erosion, and increased stormwater runoff.

2. Large-Scale Site Disturbance

The proposed site disturbance of **18,738 square feet** is excessive. ALUO **18.3.10.050 C** mandates that applicants take all reasonable steps to minimize environmental impact, with irreversible actions considered more seriously. Removing trees and excavating hillside terrain is an irreversible action with long-term consequences.

3. Height and Massing Violations

The request to exceed the **36-foot horizontal plane limit** with offsets of only **4-5 feet** rather than the required **6 feet** sets a dangerous precedent for excessive structural massing on steep slopes. This would undermine the purpose of hillside regulations and negatively impact the visual character of the area.

4. Fire Safety and Wildfire Protection

The site is located in a **Wildfire Lands Overlay Zone** (ALUO **18.3.10.100**), requiring strict fire prevention measures. The application lacks a detailed **Fire Management Plan** as required by ALUO **18.3.10.100 A.4.a**, putting both the property and the surrounding neighborhood at heightened fire risk.

5. Driveway Slope and Emergency Access

The proposed variance for a driveway slope exceeding **18%** is concerning. The engineering report states a slope of **23%**, but the topographic map indicates a slope reaching **27-29%**. This steep incline would make access difficult for emergency vehicles, creating a serious safety risk.

6. Lack of Proper Screening and Turnaround

The application fails to provide the required **emergency vehicle turnaround** (ALUO **18.5.3.060 J**) and the mandated **4-6 foot sight-obscuring screen** for the driveway (ALUO **18.5.3.060 N**). This represents a direct violation of city codes intended to ensure safety and privacy.

7. Unjustified Variance Request

ALUO **18.5.5.050 A.4** requires that variance requests not be self-imposed by the applicant. The applicant was fully aware of the site's topography and the applicable zoning

restrictions when the property was purchased, making the request for a variance unjustified.

8. Precedent for Terracing and Site Alteration

The plans include extensive terracing and outdoor spaces, which violate ALUO **18.3.10.090 B.8.a**. Terracing should be allowed only for building pads and vehicular access — not for creating large outdoor living spaces.

9. Failure to Analyze Tree Removal Impact

ALUO **18.5.7.040 B.2.b** requires an analysis of tree removal impacts within **200 feet** of the property. The application fails to include this analysis, leaving the broader environmental impact unexamined.

10. Lack of Demonstrated Benefit

ALUO **18.5.5.050 A.3** states that the benefits of a proposal must outweigh the negative impacts. A **4,800-square-foot single-family residence** on this sensitive site offers minimal public benefit compared to the environmental and safety risks it introduces.

Finally, it is important to remember that the City of Ashland had previously considered acquiring this land to preserve it as open space. This approach aligns with the Comprehensive Plan and the long-standing community goal of environmental stewardship. Reversing course now would be a disservice to the residents of Ashland and to the city's environmental legacy.

For all of these reasons, I urge the Planning Commission to reject Planning Application **PA-T2-2024-00053** and prioritize the preservation of this land as open space. Thank you for your time and attention to this matter.

Sincerely,

Suzanne and Tim Leslie

Michael Sullivan

From: James M. <jmccarthy.consulting@gmail.com>
Sent: Tuesday, March 11, 2025 10:27 AM
To: planning
Cc: Planning Commission - Public Testimony
Subject: PA-T2-2024-00053

[EXTERNAL SENDER]

Hello,

I'm an Ashland resident and regular user of the Granite Street Trail and would like to express my opposition to PA-T2-2024-00053. This is a misguided proposal. As the impacts and costs of climate change mount on our small city we should not be giving special exemptions to allow construction of massive residences on erosion- and wildfire- prone slopes.

Thank you for your consideration.

Jim McCarthy

Ashland Planning Commission
51 Winburn Way
Ashland, OR 97520

March 10, 2025

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

Dear Ashland Planning Commission,

The parcel in question has not been built on in the past because the prior owner and everyone else recognized that it was not a building site per City ordinances. The exceptions/variances required to build there are so significant and numerous that to approve them makes having the ordinances meaningless. The details of this have been provided in letters by others.

The Planning Commission should also take into account its larger duty of community planning. The Ditch Trail, which runs through the property, is a de facto city park. It has been listed for years as a public trail by Parks and Rec. Parks has listed the property in question as a “park property to acquire” as part of a cohesive preserved area. It is a beautiful place populated by owls and other wildlife. Efforts were underway to purchase the property for the City when the Deboers bought it. Degrading this place that is used by so many would be a harm with no corresponding benefit to the community. (Planning Division’s website states: “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.”)

Stopping this development is NOT an example of a government “taking.” The Deboers knew that they were purchasing a property that could not be developed [by anyone without unfair influence] when they bought it. It is likely that funds can be gathered to purchase the property back from the Deboers and turn it over to Parks as open space.

Lastly, all should be reminded that no easement is in place for this portion of the trail. The prior owner placed a gate on the trail several years ago to retain the right to close it. There is a history of trail closures by individual landowners on this and other Ashland trails.

This project should not be allowed to proceed. It violates too many ordinances and thwarts the open space plans of the City’s Parks Department.

David Paul Oursler
252 Strawberry Lane
Ashland, Oregon, 97520



Michael Sullivan

From: A. Rosen <motherdivine888@gmail.com>
Sent: Tuesday, March 11, 2025 6:05 AM
To: Planning Commission - Public Testimony
Subject: Proposed huge dwelling near park

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Please do not allow these people to interfere with access to this hiking area, and please don't allow them to cut down sixty-seven of Ashland's precious trees. Trees absorb carbon; we need as many as we can get. And there's so little natural land in Ashland compared to the concreted city, it's too precious to lose to people who want to build an outrageously large home. Why do two people need so many rooms? What are they going to do in all of them? I think it's gratuitous luxury and Ashland shouldn't have to pay for it in loss of trees and access to our rare hiking land.

Please don't allow exceptions to the city code for this wealthy family. Thank you.

A. Rosen
Ashland resident

Michael Sullivan

From: pickedandpressed@gmail.com
Sent: Tuesday, March 11, 2025 12:37 PM
To: Planning Commission - Public Testimony
Subject: House

[EXTERNAL SENDER]

Please just let us have our hiking trail! That's all I ask.

Thanks,
Shelly Jillson
Sent from my iPhone

Michael Sullivan

From: Joyce Stanley <stanleyj@mind.net>
Sent: Tuesday, March 11, 2025 1:48 PM
To: Planning Commission - Public Testimony
Cc: R Stanley
Subject: Proposed DeBoer Home on the Hart/Granite/Strawberry Trail

[EXTERNAL SENDER]

We will be unable to attend the meeting tonite, but would like our comment to be put into the public record.

We live on Scenic Drive and regularly hike in Lithia Park on what folks call the 'Ditch Trail'. We access it from Strawberry or Granite or from the Harts Trail. It is a beautiful part of our environment and it would be horrible to remove any access to that trail by building a house over it.

We are surprised that the DeBoers who love Lithia Park and who have always been pillars of our community would want to destroy this public access trail.

Please reconsider the location or design so that public access to the trail is not destroyed.

Regards

Richard and Joyce Stanley
44 Scenic Drive
Ashland OR 97520
541292 3457

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
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Attachment 2	Land329 Granite-4444-1.jpg
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Attachment 3	Land329 Granite-4501.jpg
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Email not displaying correctly? [View it in your browser.](#)









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.

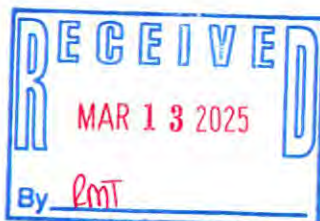
New Information

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.

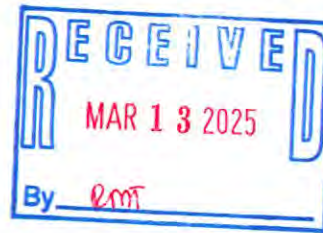
The morning of March 11, Curt Chappell, registered surveyor of Pacific Crest Surveying located, flagged and staked several relevant survey pins that mark property corners in that area. A portion of partition plat no. P-43-1996 attached is annotated to show which property corners are currently flagged.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

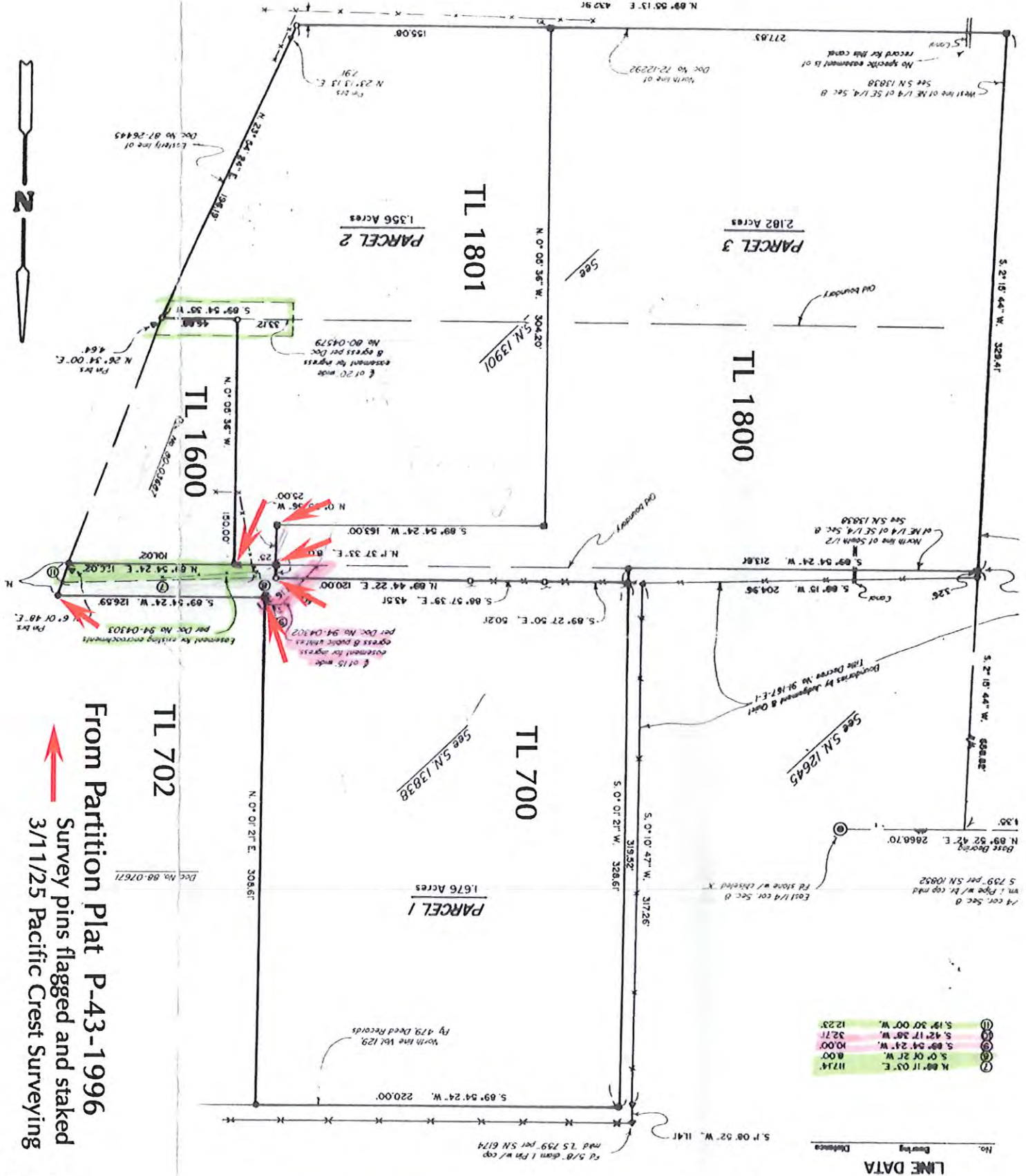
Regards,

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





⑦	N. 89° 11' 03\" E.	117.14'
⑥	S. 0° 02' 27\" W.	8.00'
⑤	S. 89° 04' 24\" E.	10.00'
④	S. 42° 17' 38\" W.	32.71'
③	S. 19° 30' 00\" W.	12.23'

LINE DATA
 No. Bearing Distance

From Partition Plat P-43-1996
 Survey pins flagged and staked
 3/11/25 Pacific Crest Surveying

RECEIVED
 MAR 13 2025
 By RMT

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	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. 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
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



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](https://www.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

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

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."

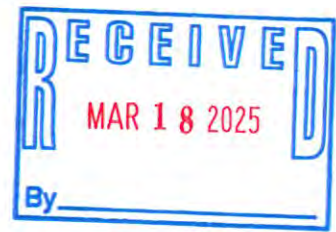
We do not see any evidence that alternatives have been explored. Perhaps the Applicant should have assessed the many difficulties of building on this site. Regardless, we do not want any of our trees removed or damaged "irreversibly" by either the proposed construction or the proposed driveway.

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,

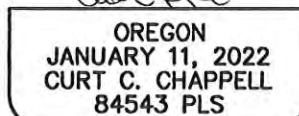
A handwritten signature in black ink, appearing to read "Curt Chappell".

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

PA

LINE DATA

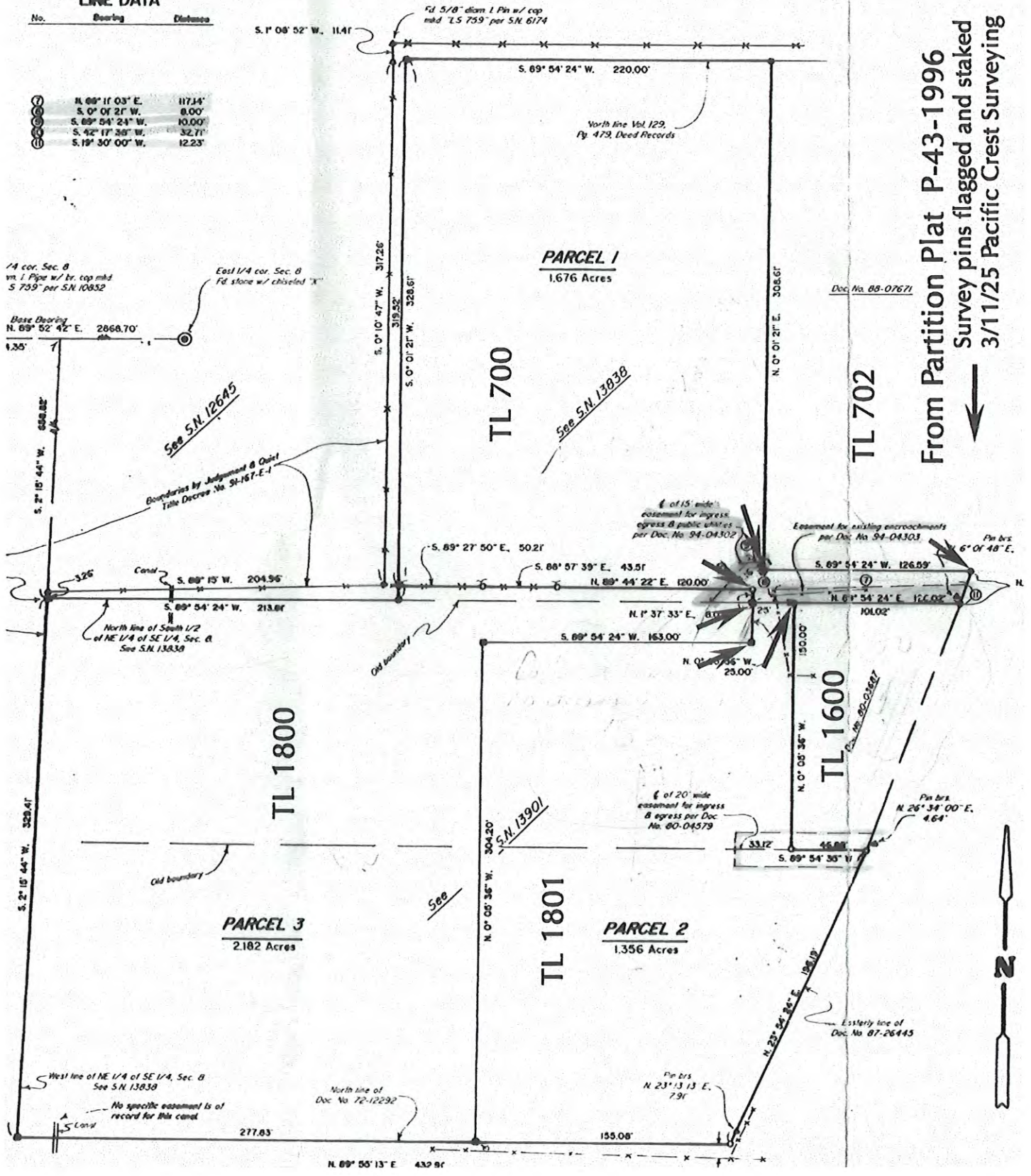
No. Bearing Distance

1	N. 89° 11' 03" E.	117.34'
2	S. 0° 01' 21" W.	8.00'
3	S. 89° 54' 24" W.	10.00'
4	S. 42° 17' 38" W.	32.71'
5	S. 19° 30' 00" W.	12.23'

1/4 cor. Sec. 8
vm 1 Pipe w/ br. cap mhd
S 739' per S.N. 10832

East 1/4 cor. Sec. 8
Fd stone w/ chiseled "X"

Base Bearing
N. 89° 52' 42" E. 2868.70'



From Partition Plat P-43-1996
Survey pins flagged and staked
3/11/25 Pacific Crest Surveying

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	The following are comments from Rogue Advocates on the above application: 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. Thank you for your consideration in this matter.
Attachment 1	<i>Field not completed.</i>
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.

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>

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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 length 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



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

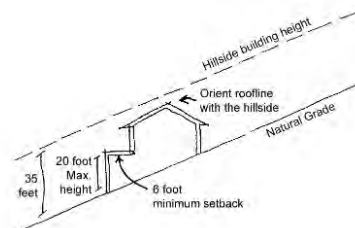


Figure 18.3.10.090.E.2.c. Downhill Building Step-Back



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.



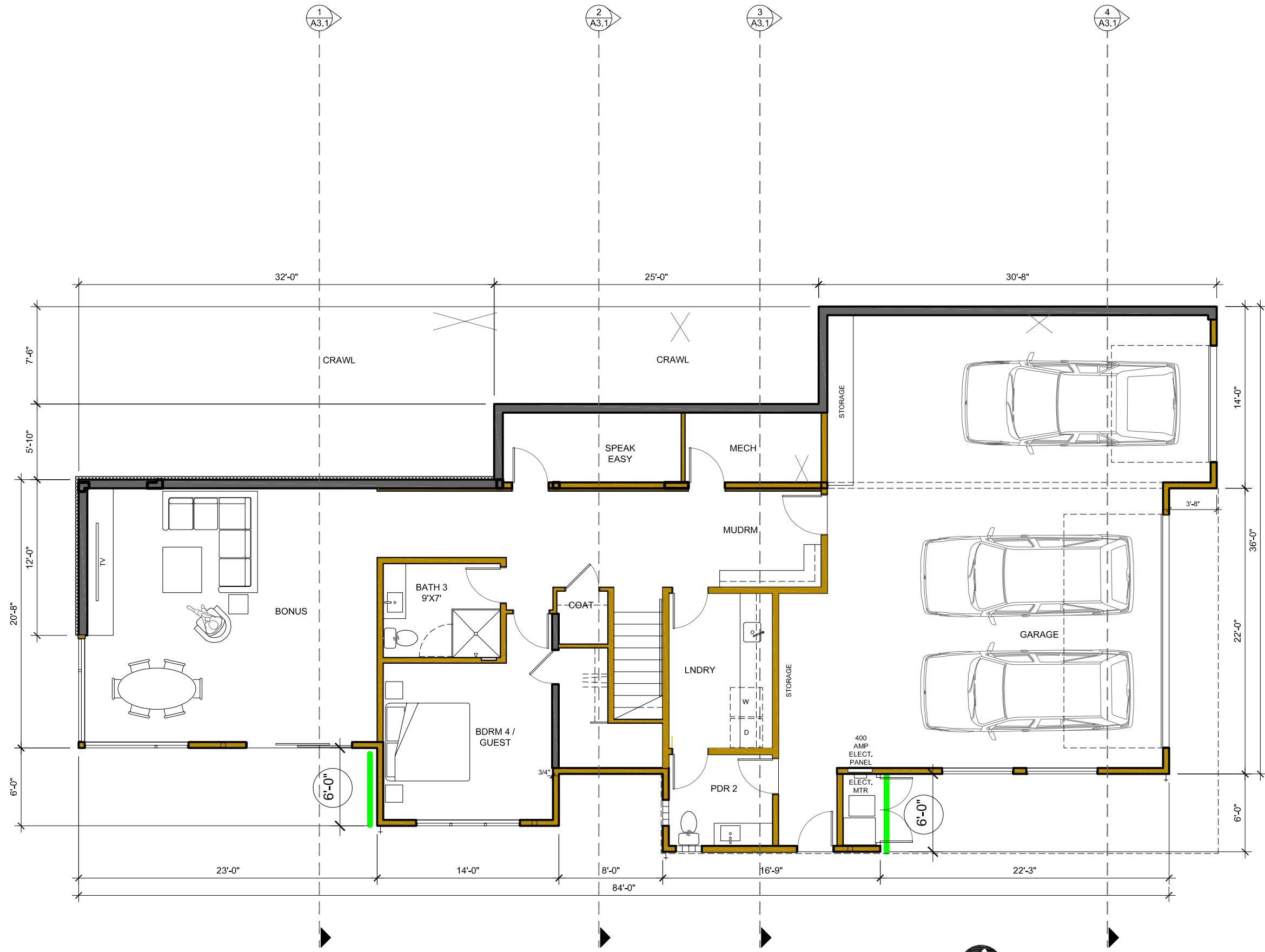
All significant trees proposed for removal will be mitigated onsite with a mitigation tree consistent with AMC 18.5.7.050.A.

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.

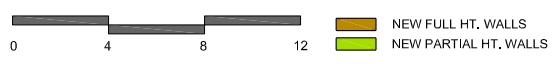
5. As noted during the public hearing, the property owners, Bryan and Stephanie DeBoer will dedicate a perpetual public pedestrian access easement for recreational purposes along the Talent Irrigation District trail.

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.



BASEMENT FLOOR PLAN



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



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

DESCRIPTION	DATE

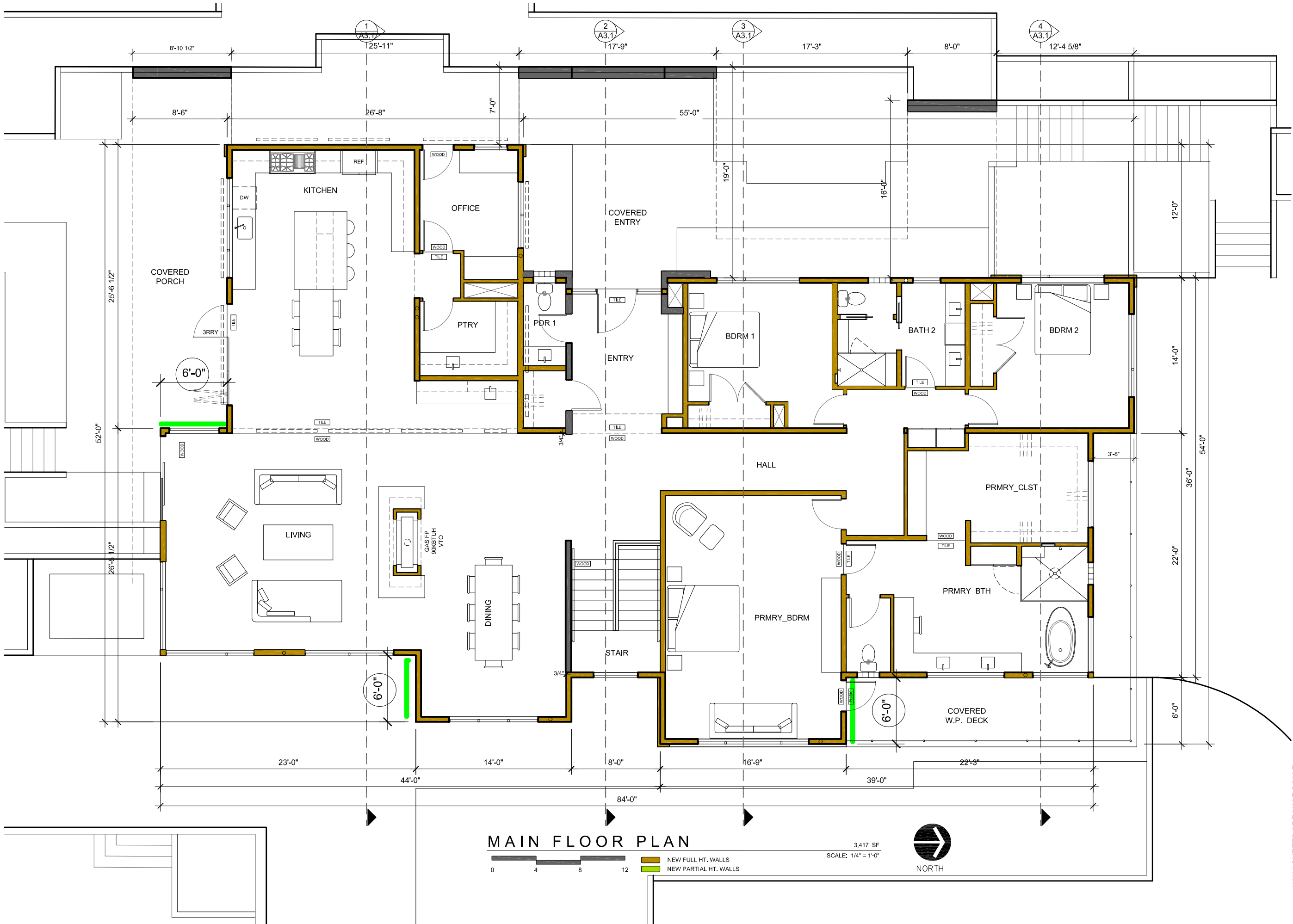
NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND OR 97520
ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

NOT FOR CONSTRUCTION

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

A1.0

11X17 SHEETS ARE HALF SCALE



MAIN FLOOR PLAN

0 4 8 12
NEW FULL HT. WALLS
NEW PARTIAL HT. WALLS

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



11X17 SHEETS ARE HALF SCALE



Carlos Delgado
ARCHITECT

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DESCRIPTION	DATE
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NEW RESIDENCE
BRYAN & STEPHANIE DEBOER
231 GRANITE ST.
ASHLAND OR 97520

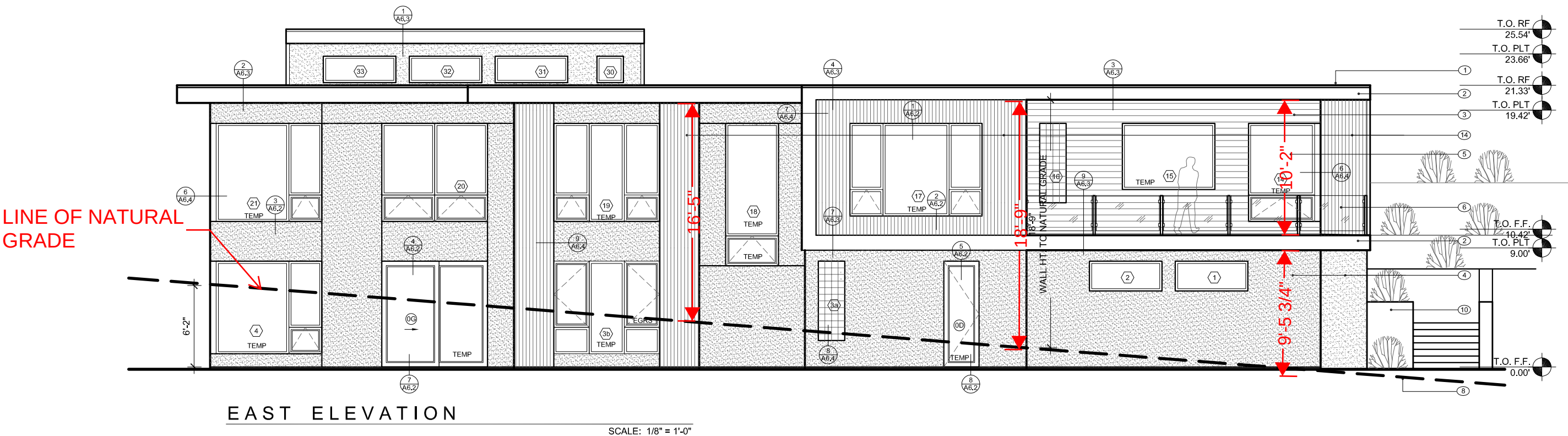
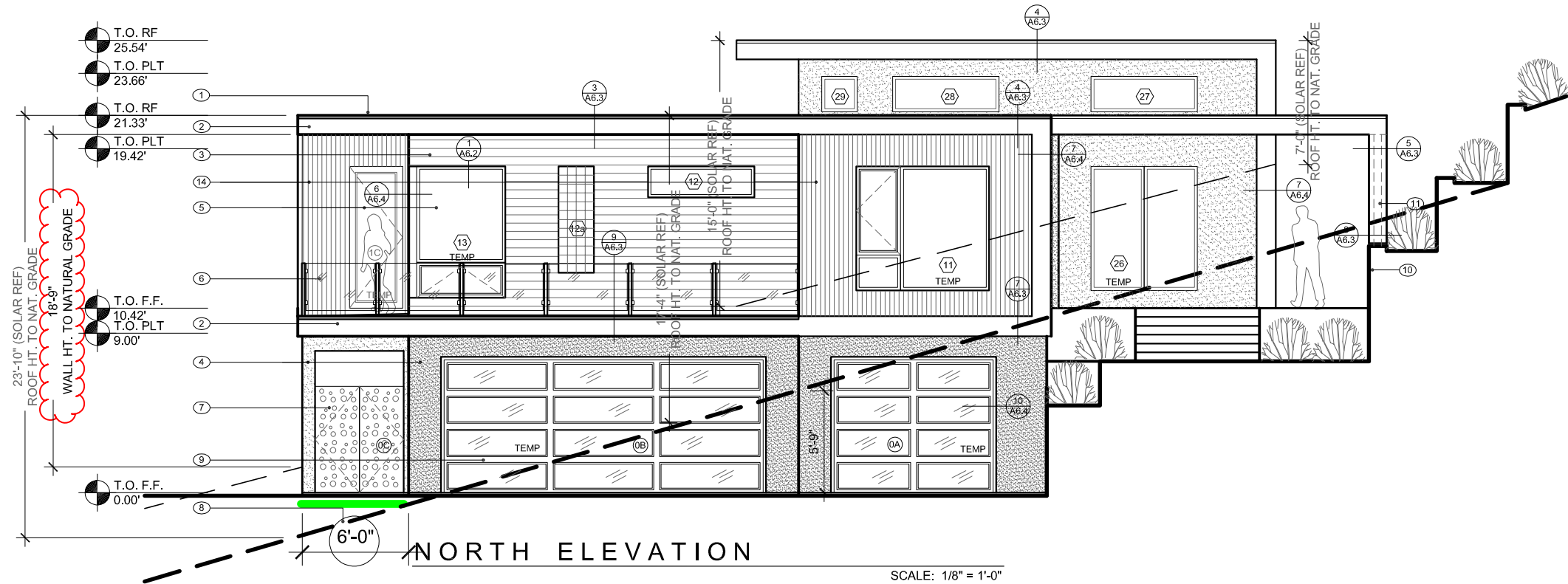
ASSESSOR'S MAP NO. 391E 08DA TAX LOT NO. 1800

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PROJECT :
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DESCRIPTION	DATE

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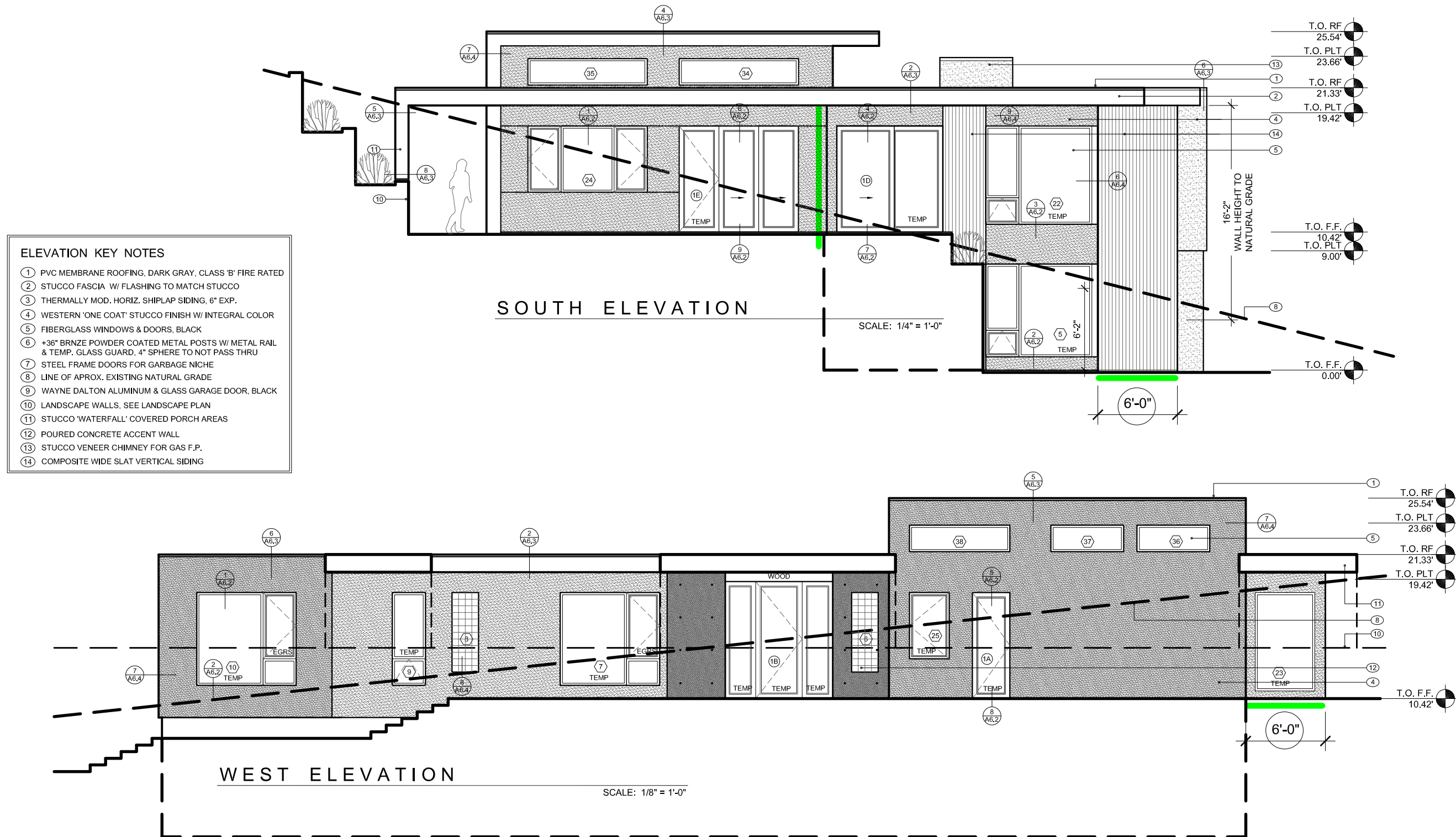
- ELEVATION KEY NOTES
- PVC MEMBRANE ROOFING, DARK GRAY, CLASS 'B' FIRE RATED
 - STUCCO FASCIA W/ FLASHING TO MATCH STUCCO
 - THERMALLY MOD. HORIZ. SHIPLAP SIDING, 6" EXP.
 - WESTERN 'ONE COAT' STUCCO FINISH W/ INTEGRAL COLOR
 - FIBERGLASS WINDOWS & DOORS, BLACK
 - +36" BRNZE POWDER COATED METAL POSTS 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

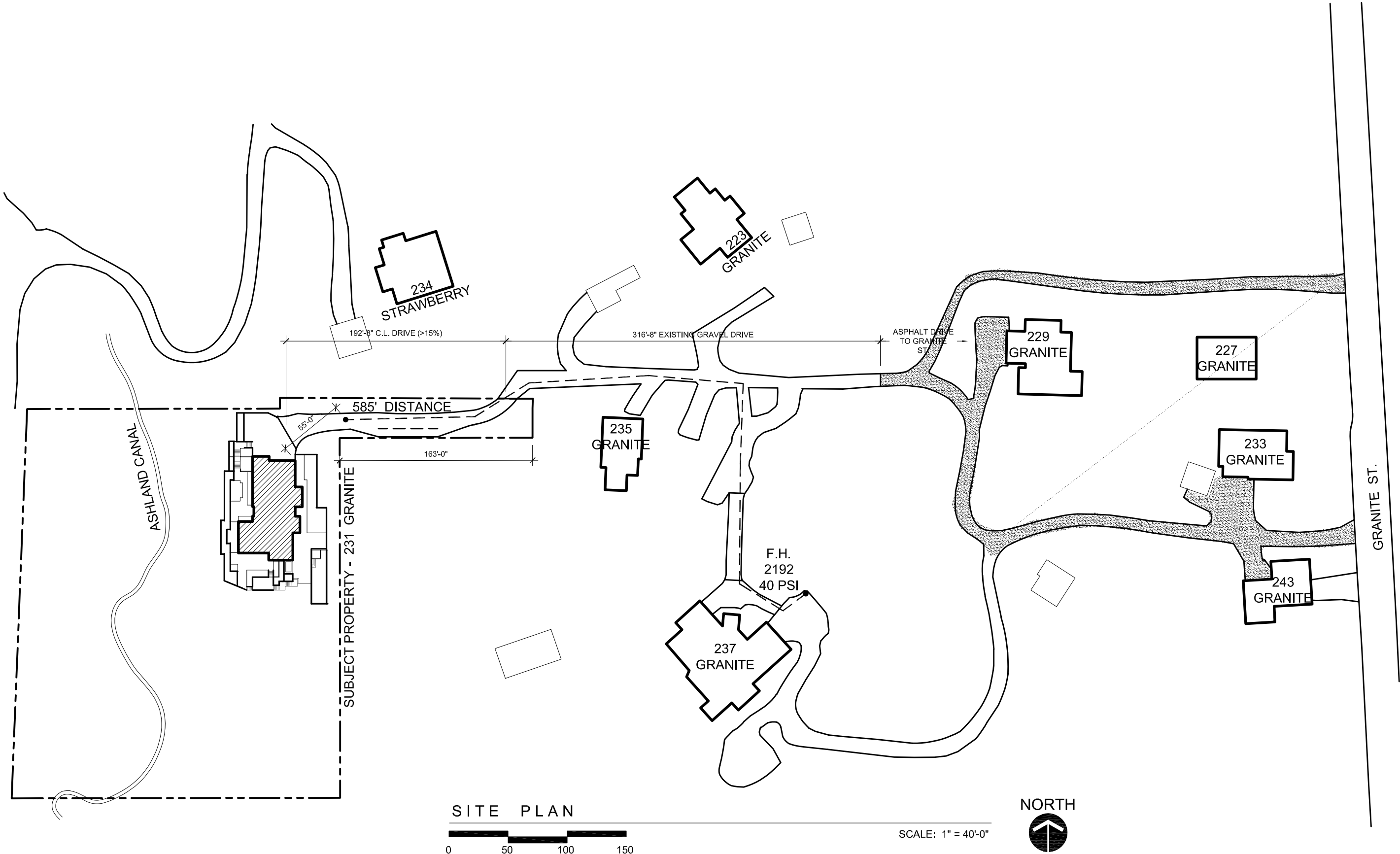


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DESCRIPTION	DATE

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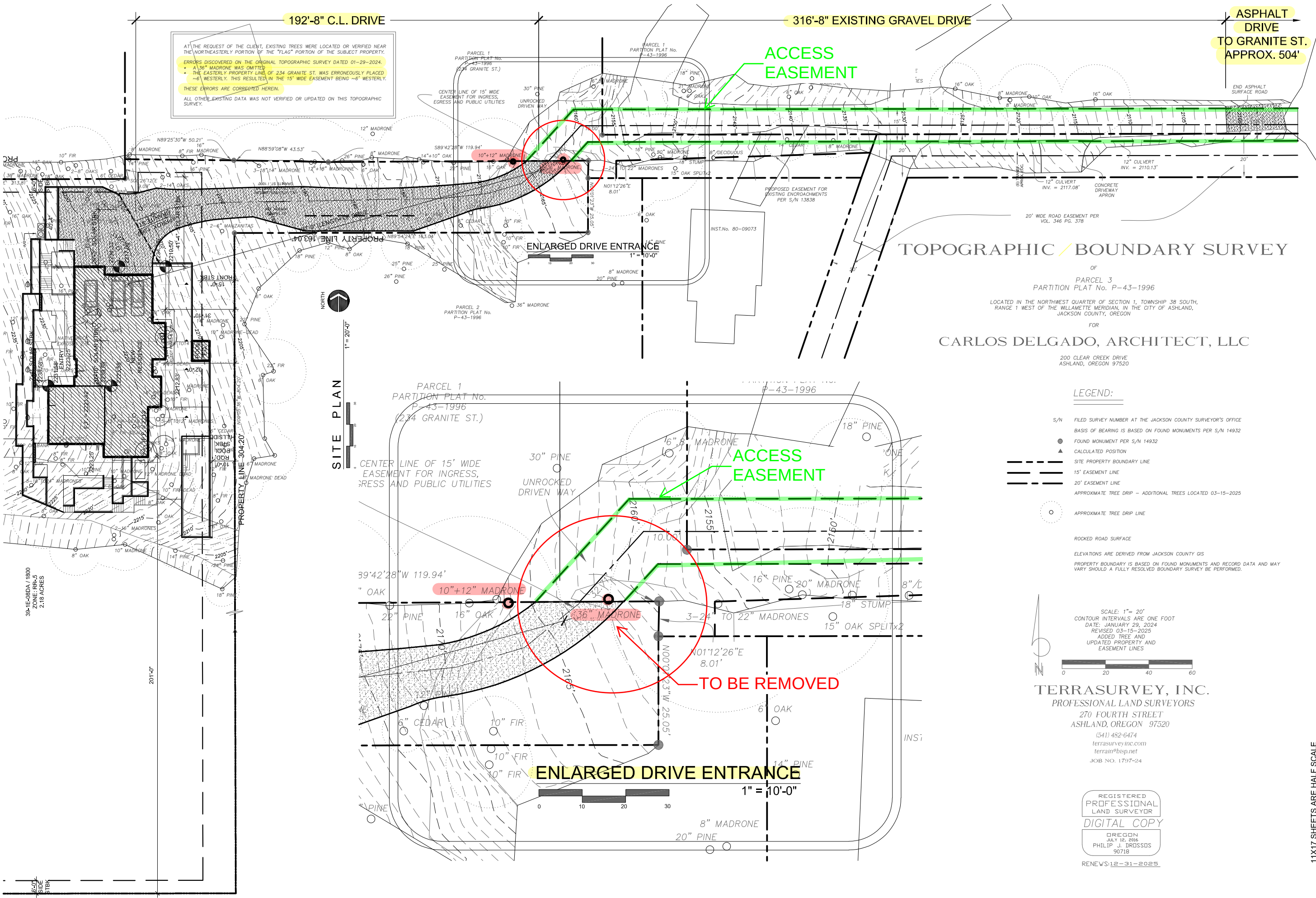
DESCRIPTION	DATE

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 :
AS1.1



AT THE REQUEST OF THE CLIENT, EXISTING TREES WERE LOCATED OR VERIFIED NEAR THE NORTHEASTLY PORTION OF THE "FLAG" PORTION OF THE SUBJECT PROPERTY.

ERRORS DISCOVERED ON THE ORIGINAL TOPOGRAPHIC SURVEY DATED 01-29-2024:

- A 36" MADRONE WAS OMITTED.
- THE EASTERLY PROPERTY LINE OF 234 GRANITE ST. WAS ERRONEOUSLY PLACED ~6' WESTERLY. THIS RESULTED IN THE 15' WIDE EASEMENT BEING ~6' WESTERLY.

THESE ERRORS ARE CORRECTED HEREIN.

ALL OTHER EXISTING DATA WAS NOT VERIFIED OR UPDATED ON THIS TOPOGRAPHIC SURVEY.

TOPOGRAPHIC / BOUNDARY SURVEY

OF
PARCEL 3
PARTITION PLAT No. P-43-1996
LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 38 SOUTH,
RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF ASHLAND,
JACKSON COUNTY, OREGON
FOR

CARLOS DELGADO, ARCHITECT, LLC

200 CLEAR CREEK DRIVE
ASHLAND, OREGON 97520

LEGEND:

- S/N FILED SURVEY NUMBER AT THE JACKSON COUNTY SURVEYOR'S OFFICE
- BASIS OF BEARING IS BASED ON FOUND MONUMENTS PER S/N 14932
- FOUND MONUMENT PER S/N 14932
- ▲ CALCULATED POSITION
- SITE PROPERTY BOUNDARY LINE
- 15' EASEMENT LINE
- 20' EASEMENT LINE
- APPROXIMATE TREE DRIP — ADDITIONAL TREES LOCATED 03-15-2025
- APPROXIMATE TREE DRIP LINE

ROCKED ROAD SURFACE

ELEVATIONS ARE DERIVED FROM JACKSON COUNTY GIS

PROPERTY BOUNDARY IS BASED ON FOUND MONUMENTS AND RECORD DATA AND MAY VARY SHOULD A FULLY RESOLVED BOUNDARY SURVEY BE PERFORMED.

SCALE: 1" = 20'
CONTOUR INTERVALS ARE ONE FOOT
DATE: JANUARY 29, 2024
REVISED 03-15-2025
ADDED TREE AND
UPDATED PROPERTY AND
EASEMENT LINES

TERRASURVEY, INC.
PROFESSIONAL LAND SURVEYORS

270 FOURTH STREET
ASHLAND, OREGON 97520

(541) 482-6474
terrasurveyinc.com
terrain@bisp.net
JOB NO. 1797-24

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITAL COPY

OREGON
JULY 12, 2016
PHILIP J. DROSSOS
90718

RENEWS: 12-31-2025



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

NOT FOR CONSTRUCTION

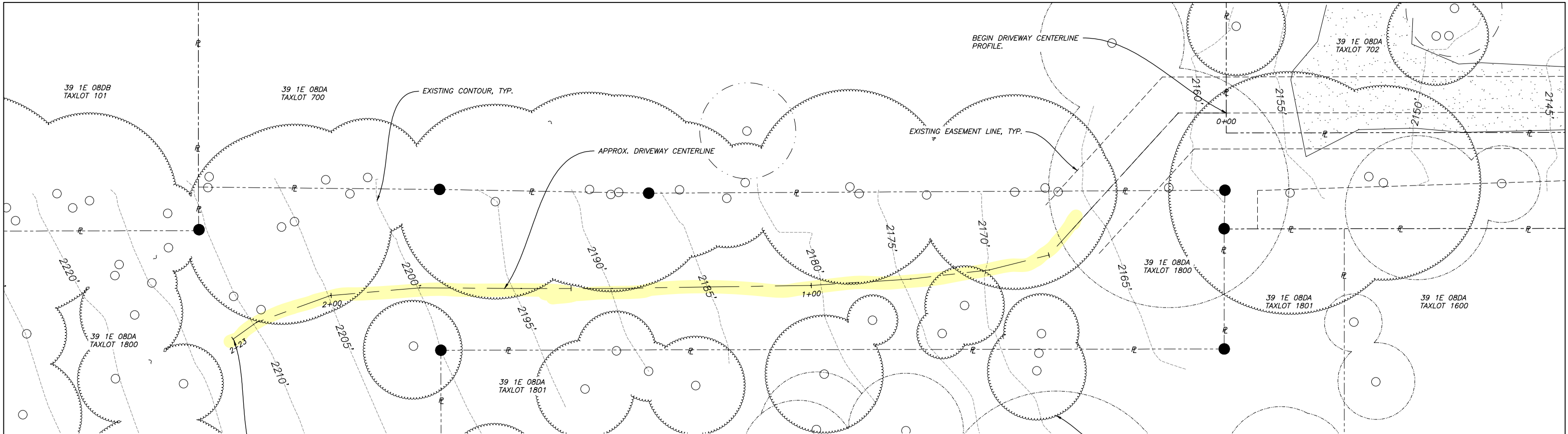
DRAWN : CHECKED:
TS CD

DATE:
03/12/25

PROJECT:
ROGERS_24

SHEET:

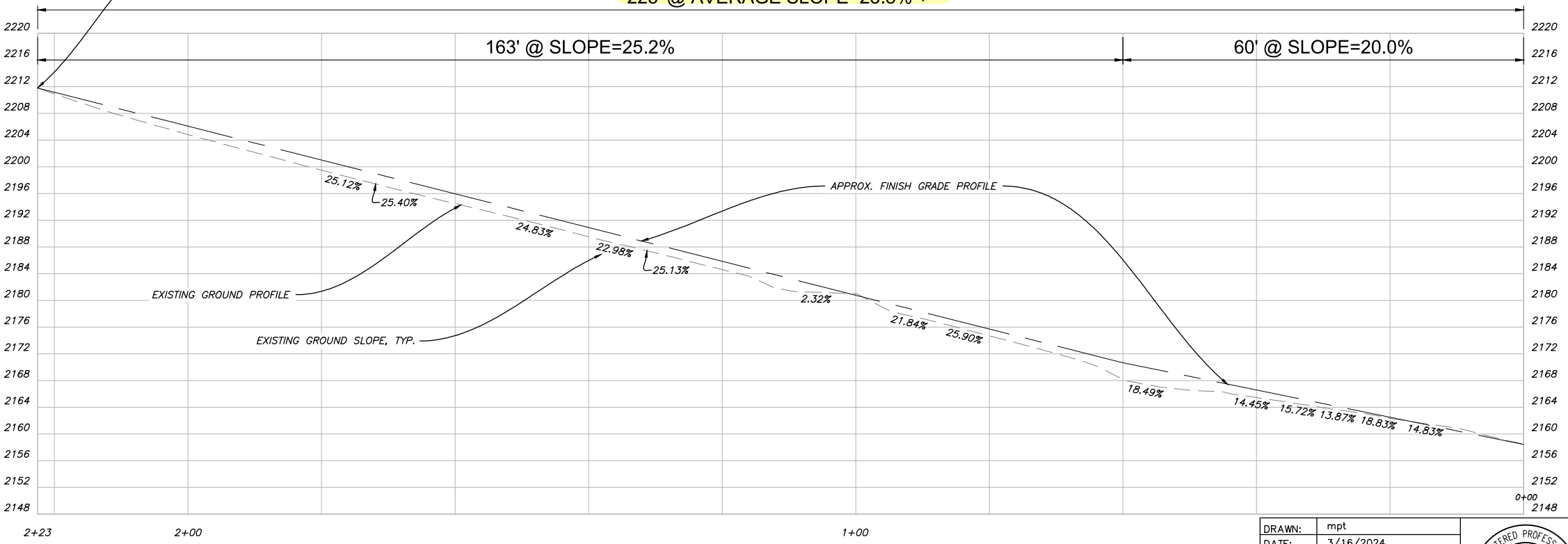
AS1.2



PRELIMINARY PLAN - DRIVEWAY CENTERLINE

SCALE: 1"=10'

223' @ AVERAGE SLOPE=23.8% +/-



PRELIMINARY PROFILE - DRIVEWAY CENTERLINE

SCALE: 1"=10'

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.

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

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:**
 - o **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.”*
 - o **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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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.

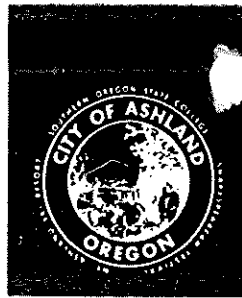
Don't hesitate to contact me if there are any questions.

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

Sincerely,

Rocky Houston
Director

CITY OF ASHLAND



CITY HALL

ASHLAND, OREGON 97501
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.*

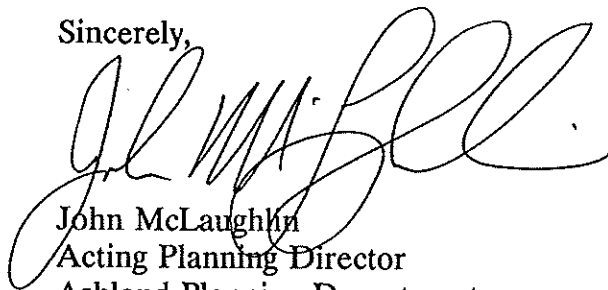
You have asked that I ascertain the possibilities of a positive outcome of such a variance request. That is extremely difficult to do, given that no formal application has been

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.

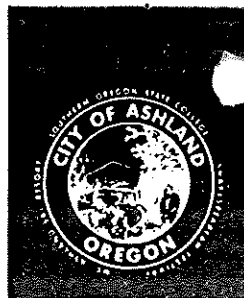
Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'John McLaughlin'.

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

March 15, 1993

PARALEGALS:
Deanna "Dee" Dirks

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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- o **#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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Sarah Sameh & Jay Reeck
230 Strawberry Lane
Ashland, Oregon, 97520

March 25, 2025

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

Subject: Rebuttal Regarding Planning Action PA-T2-2024-00053: 231 Granite St.

Dear Ashland Planning Commission,

We are writing during the rebuttal period to respond to comments submitted between March 11 and March 18, 2025 regarding the proposed land use application PA-T2-2024-00053 for the construction of a new single-family residence at 231 Granite Street. The rebuttals below are in sequence as encountered in the online submittal presentation, "Public Comments from Parties-of-Record Received Between 3/11/25 - 3/18/25 (PDF)."

First, we would like to extend our gratitude to the Ashland Planning Commission, having responsibility to the City Council for citizen involvement. Specifically, Ashland Municipal Code 2.17.070 assigns the Planning Commission the power and duty to promote and enhance citizen involvement in land use planning and assist the implementation of citizen involvement in land use planning.

Amy Gunter Letter

#1

The memo notes that the applicant has modified the design of the house to include required 6-foot setbacks. The note states that the house square footage is thereby reduced by 44 square feet. We note that the plans showed a pre-existing square footage of 6,046. This decrease to 6,002 square feet represents a reduction of 0.7% in square footage. The attached revised plans indicate the square footage has decreased to 5,945 square feet. Either the plans or the calculations continue to be inaccurate.

#2

The downhill vertical wall height has not been adjusted to be less than 20 feet. The design has not been altered and is still out of compliance with ALUO 18.3.10.090 E. 2. c. per the Planning Department's notice at the March 11 public hearing. The plans clearly show that the vertical surface on the downhill above grade wall is 21.33 feet. Whether the vertical surface is wall or fascia is immaterial.

#3

The applicant addresses the requested variance for the driveway. For reasons previously articulated due largely to driveway access issues, we contend and maintain that the lot is not buildable. Also, as previously articulated, we dispute the claim that the driveway is under 200 feet on the property. The applicant's stated length of driveway is unclear: 153 feet in the engineering report in the initial application, 197 feet in the graphic representation in the initial application, 183 feet in the March 17 document, 192 feet in the site plan in their new packet additions, and 223 feet in the new engineering information. As the applicant makes clear in the March 17 submittal, they are asking for a Type II variance for a slope steeper than 15% – and indeed steeper than 18% – and for a driveway length greater than 200 feet with excessive slope. The applicant states that the proposed grade and length are the sole options and the minimum necessary to comply with the criteria of the ALUO. The proposed grade and length of the driveway actually **do not** comply with the criteria. The applicant's statement is misleading.

The applicant refers to included correspondence from 1992 when the City of Ashland recognized the property as a legal lot and provided an access easement. They also refer to correspondence in 1993 from City of Ashland staff recognizing that driveway development would require a variance. We note that the 1992 and 1993 correspondence did not imply or guarantee that a variance would be granted. The letters do not in any way suggest that the lot has guaranteed access in perpetuity.

The letter to Ms. Rapp in 1992 from Acting Planning Director of the City of Ashland, John McLaughlin, did not guarantee or imply access ON the subject property. His letter to Ms. Rapp indicates that the EASEMENT from Granite Street to the property could be used to access the landlocked lot, and only if an easement agreement was created. The excessive slope he refers to is on the easement access road. In no way does his letter indicate that a driveway on the subject property was approved. In fact, TL 1800 did not legally exist at the time of the letter because a minor land partition survey and approval was still needed to remedy an illegal lot boundary line adjustment.

Acting Planning Director John McLaughlin's 1992 letter to Ms. Rapp also notes that the parcel is still subject to development requirements regarding driveway surfacing and hydrant/sprinkler requirements. This letter from 32 ½ years ago didn't have the proverbial crystal ball to know about the ordinances in force in 2025 or about the extreme wildfire conditions we now face in the Ashland wildland-urban interface.

Furthermore, the Planning Commission should note that the 1993 letter from John McLaughlin to Mr. Stout (in the packet) noted that at that time, no variance request had withstood appeal to the Land Use Board of Appeals. The letter to Mr. Stout also indicates that opinion from neighbors on Granite Street and Strawberry Lane will carry significant weight regarding the outcome of variance requests for this property. We hope the Planning Commission rightly and genuinely weighs opinions from such neighbors.

Ms. Gunter posited that the need for the variance for the driveway is not self-imposed. As she noted, the current owner purchased the property with information that has been on file with the City for over three decades, which clearly explains that access to the lot is non-compliant with city ordinances. The same instructive document indicates that a variance would be needed in order to obtain permission to construct a driveway up the flag portion of the lot. Furthermore, current Ashland Municipal Codes are publicly available and were available at the time of the owner's purchase. The owner did not create the lot. The owner has created the need for the variance by purchasing the lot and submitting non-compliant plans, knowing that the conditions and ordinances were pre-existing. The Planning Commission is not required to grant a variance. As the Planning Director for the City of Ashland wrote in 1993, "Variances are the most difficult land use process for which to obtain approval."

#4

There have been several critical errors in the tree maps provided. Of particular note is the specimen 36" DBH Pacific Madrone that was not disclosed on the initial plan. This is one of the trees that has been of great concern to neighbors on adjacent properties. The tree now appears in the revised tree map provided by the applicant on March 17 and is slated to be removed. It is difficult to fathom how this enormous and stately tree – in the path of the driveway – was not disclosed or included in the initial tree map. In addition to this significant tree, the applicant states that the removal of four other significant trees won't affect or create negative impact within 200 feet of the subject property. On the contrary, the applicant's plan to remove tree #68, tree #71, and the 36" DBH Pacific Madrone does, in fact, cause significant adverse impact within 200 feet of the subject property because all of these trees are partially on a neighboring tax lot (ALUO 18.5.7.040 B. 2. c.). As a side note, the initial survey for the project misplaced the eastern border of Tax Lot 700 by six feet too far westerly. The revised map lists the address for Tax Lot 700 as 234 Granite Street when it is actually 234 Strawberry Lane.

At the hearing, Ms. Gunter said that the applicant would move the driveway to allow more room for protection of yet another 36" DBH Pacific Madrone, located just north of the property line adjacent to the retaining wall and parking portion of the driveway. No revised plans were submitted. The plans in the initial packet show the tree protection fence 10 feet from this tree and an excavated area with a retaining wall 12 feet from this tree. Best practices for fencing to protect a critical root zone (CRZ) use a *radius* of 12 x DBH. In this case, that would be a 36-foot radius around this 36" Pacific Madrone. Ten to twelve feet from a 36" DBH tree is *well below* the general standards of protection for a CRZ and will likely lead to damage of this significant tree. ALUO 18.4.5.030 C. 1. states that "Chain link fencing...shall be installed at the edge of the tree protection zone or dripline, whichever is greater..." Furthermore, ALUO 18.4.5.030 C. 6. states that "No excavation, trenching, grading, root pruning, or other activity shall occur within the tree protection zone unless approved by the Staff Advisor." The applicant's tree protection plan and map, as explained above, do not adhere to these standards or best practices, putting tree health at risk.

The applicant should revise the tree protection plan to comply with these ALUOs and protect critical root zones.

Other

The applicant acknowledged that the lot was created before hillside standards were adopted, illustrating that it is not an inherently buildable lot. They note that "flexibility" is a necessity for their plan. Flexibility here appears to be the luxury of non-compliance, which is being requested of the Planning Commission. Again, ordinances exist for a reason – for the safety and preservation of our community and citizens, all worthy of our communal respect.

Ms. Gunter stated repeatedly that the proposed lot coverage is only 10%, while 20% is allowed. This is a misleading statement, implying that the applicant is only using half of the land that could potentially be developed on the subject property. Twenty percent coverage is not possible on this lot, given the constraints. The suggestion that the applicant has minimized the footprint of the project is a false narrative, likely written to create the impression that the proposed plans are less impactful on the land and environment. The presented narrative does not demonstrate that all measures have been taken to reduce the impact. Such measures previously suggested by parties-of-record include a plan with a smaller structural footprint, less outdoor hardscape, less terracing, and no pool.

Brandon Goldman Letter

Driveway

Mr. Goldman notes that the City, nearly three decades before the owner acquired the property, made clear that: 1. Development of the driveway would need to meet Ashland Fire Department's requirements regrading fire hydrants and sprinklers, and 2. A pump station and fire hydrant may need to be installed to comply with Uniform Fire Code. The applicant has not shown compliance with these requirements in the documents. Fire hydrant #2192, which the applicant references on a neighboring property, is greater than 600 feet from the proposed house (per the application diagram in the March 17, 2025 documents, it measures 640 feet from the closest edge of the house) and is more than 12 feet from the fire department access road (it appears to be about 200 feet from the fire department access road on the same diagram). The distance of greater than 600 feet from the house does not comply with the Planning Department's suggested condition of a fire hydrant within 600 feet of the proposed house. The distance of greater than 600 feet from the house and the distance of significantly greater than 12 feet from a fire department access road are each out of compliance with National Fire Protection Association regulations. (See addendum for more information on Uniform Fire Code regulations NFPA 1 and NFPA 13.)

Mr. Goldman's letter points out that the current Physical and Environmental Constraints Review Ordinance was implemented after the 1992-1993 correspondence. He shows that the pre-existing

correspondence is therefore not instructive on compliance with current ordinances, as it could not have possibly addressed barriers to permitting and construction that did not exist at that time.

Mr. Goldman implies that the driveway design ensures compliance with safety and accessibility requirements, but no such safety and accessibility requirements are cited. Intuitively, a driveway exceeding allowed variances is unsafe and impedes accessibility due to the nature of slope up to 25% (see applicant's engineering documents in the March 17, 2025 submission) and length well over 200 feet. Ordinances exist for safety and accessibility. Therefore, non-compliance with ordinances, by definition, does **not** comply with safety and accessibility requirements. Unmentioned in this section is the fact that safety and accessibility are further compromised by the lack of a required emergency vehicle turnaround (see our correspondence dated March 18, 2025 for detailed references).

Home Size

Complete plans were not initially included in the publicly available materials before the March 11 hearing. Plans shared at the March 11 hearing showed a home size of 6,046 square feet. The revised plans as of March 18 are 5,945 square feet. This and the extensive outdoor living area including a pool do not meet the spirit of ALUO 18.3.10.090 D. 3. b. (location and size of the building envelopes to preserve the maximum number of trees on site) or ALUO 18.3.10.050 C. (take all reasonable steps to reduce adverse impact on the environment...irreversible actions shall be considered more seriously than reversible actions).

Design Exceptions

The staff does not point out that decreasing the size and footprint of the house and decreasing the ceiling height on each story could bring the home into compliance with the requested exceptions under 18.3.10.090 H. The exceptions should not be granted under 18.3.10.090 H. Criterion 1 is not met: there is no difficulty in changing the plans to achieve less square footage and less height on the downhill vertical wall due to an unusual aspect of the site or proposed use of the site. Criterion 2 is not met: the exception of vertical height will not result in equal or greater protection of resources. Criterion 3 is not met: the difficulty is the design's size, not the constraints of the property. The exception doesn't address any development difficulty. Criterion 4 is not met: the intention is not consistent with the intent and purpose of said ordinance. The exception is only needed because of the submitted design.

Staff Evaluation

The staff writes that the design, including the building size, patio area, and pool, minimize site disturbance. This statement is misleading. Site disturbance and tree removal, in accordance with ALUO 18.3.10.090 D. 3. b. and ALUO 18.3.10.050 C., could be and should be minimized with a design that includes a smaller building, less hardscaping and patio, and no pool.

Planning Manager Derek Severson Memo Regarding Select Public Comments

Needed Housing

The Planning Commission should determine that the housing – a nearly 6,000 square foot single-family home on this subject property is not "needed housing." That notion is absurd and disingenuous. Needed housing, as demonstrated by City of Ashland publications and initiatives, is affordable housing: apartments, multifamily units, ADUs, and some reasonably affordable single-family homes. The proposed project does not meet the definition of needed housing in our community.

This lot has never been built on because of its physical constraints and lack of access. The Planning Commission should determine that benefits of building a non-compliant steep and long driveway to reach a very large single-family home with extensive hardscaping and a pool is **not greater** than the **negative impacts** of building an extremely steep and long driveway (requiring significant tree removal and skirting requirements for an emergency turnaround) that demands a Type II variance.

City of Ashland Prior Agreement Regarding Subject Property

Our previous correspondence stated, "the City of Ashland *had* entered an agreement to purchase the subject property to preserve its natural state..." The Planning Manager responds that, "The City has not entered into an agreement to purchase the property to preserve it in its natural state." We did not mean to assert that the City is currently in an agreement to purchase the property. Rather, we attempted to illustrate the value of the natural state of the property, just as the City did with its prior orchestration of an agreement to purchase the property. Obviously, the agreement did not come to fruition.

ALUO 18.5.5.050 A. 4. Self-Imposed Condition

The memo response does not refute the self-imposed nature of the requested variance. It simply refers to statements in the 1992 and 1993 correspondence about the lot without making any particular point. The memo erroneously suggests that the correspondence noted that the access driveway on the lot would exceed grade requirements. As we explained above, the correspondence actually indicates that the excessive grade already existed on the shared access road which would be used to reach the subject lot. For more information about this correspondence, see rebuttal remarks regarding this correspondence above in the Amy Gunter Letter section.

As previously articulated, the new owners made a conscious choice to knowingly purchase the subject property with challenging conditions which would require a variance. The conditions were self-imposed with the elective purchase. The purchase was not willfully forced upon the new owners. At the time of purchase, and currently, there are many other property options available in and near the City of Ashland to build the house and yard of their preferred design.

Emergency Turnaround ALUO 18.5.3.060 J.

The application does not include the ordinance-required emergency turnaround. The memo implies that an email from Fire Marshal Mark Shay, in which he writes, "...for an alternate to the fire department turnaround I'll consider a turnout designed to Jackson County Development standards..." fulfills this requirement. It does not, as explained in our March 18, 2025 letter.

Pool as a Water Source for Firefighting

The memo indicates that the pool is cited as a water source for fighting fire. A dry hydrant or fire department connection should be present near the pool to ensure easy use of the water source. These features aren't in the applicant's plans. If the firefighters need to set up a submersible or floating pump in the pool, it will add time to their response to the fire. In addition, there should be easy access to the pool for the firefighters. In the current plan, the pool is positioned at the far end of the house, away from the driveway. Presumably the metal fence in the plans would have a lock to prevent children and animals from easy entry into the pool area. Both of these features impede use of the pool as a plausible and accessible water source. If these modifications aren't addressed and/or if the Fire Marshal has concerns about it, the pool may not be a legitimate or reliable water source for fire suppression.

Rebuttal Summary and Conclusion

It is worth noting that there have been multiple inaccuracies and missing documentation in the applicant's supplied information. The publicly available documents before the March 11 public hearing did not include architectural floorplans for the house, which disclosed its dimensions, square footage, and design. The publicly available documents before the March 11 public hearing did not include a schematic of the fire hydrant location. Non-compliant tree protection zones appear in the plan without requests for exceptions. Important distances and measurements relevant to municipal codes have been difficult or impossible to ascertain from the applicant's supplied information. The driveway length, for instance, has been stated or diagrammed in multiple places with different values, making a reasonable assessment by the public or Commission very difficult. Some information was not provided until its absence and importance was pointed out by the public or Commission, such as the distance to the fire hydrant; the presence of an additional tree, and the need for said existing tree to be removed; a neighboring significant tree impinged upon by the driveway and excavation plan; an out-of-compliance retaining wall due to vertical height and lack of setback; and excessive vertical downhill wall height. Furthermore, misleading statements and misleading attributions have been identified throughout the application process: suggesting the 1992-1993 correspondence conferred driveway access on the subject property; using verbiage to suggest that the driveway slope and length comply with ordinances; implying that the proposed development is only disturbing half of the land arguably available for a building envelope; and suggesting that the design, including the building size, patio area, and pool, minimize site disturbance.

The applicants and staff may argue that the misattributions and missing documentation occurred because of the complexity of the project and the challenges the subject property presents. They would be partially correct in their assertions: this is a challenging, steep, landlocked property, and it is one with hillside ordinance and wildfire ordinance constraints. We appreciate the inherent complexities. However, the pre-existing conditions don't excuse the non-compliant, confusing, or misleading information. The applicant carries the burden and responsibility of demonstrating compliance and beneficial intent to the public, Planning Department, and Planning Commission.

Responses from Ms. Gunter, Mr. Goldman, and Mr. Severson do not show that the application complies with the ordinances in letter or in spirit and intent. In addition to the rebuttal above, please consider our previous written testimony as well as that of our neighbors and fellow citizens of Ashland. We have learned of and heard from many Ashland residents who are very concerned about this development and were either unaware of the hearing or are loath to speak up due to the influential nature and/or funding apparatus of the applicants. One of our intentions in this process is to help represent other voices in our community.

The Planning Commission is endowed with the power and duty to assist the implementation of citizen involvement in land use planning, hence this thorough and powerful process with public engagement and discourse. Remember the words of John McLaughlin, that variances are the most difficult land use process for which to obtain approval. As citizens of Ashland, we entrust you, the members of the Planning Commission, to follow the guiding principles and intent of the established Land Use Ordinances. We hope you read, hear, feel, and respect the input of concerned and interested neighbors and members of your community.

With appreciation and respect,

Jay Reeck and Sarah Sameh

Addendum: Uniform Fire Code and PA-T2-2024-00053

The National Fire Protection Association Code 1 (NFPA 1) 2024 is a fire code providing a minimum set of requirements for a reasonable level of fire and life safety.

Hydrant Distance

NFPA 1 recommends a location within 600 feet of a single-family home. This requirement is not met with the applicant's current plan, referencing Hydrant #2192, located on a different tax lot (237 Granite Street) on the access road from Granite Street. It is shown to be 640 feet from the proposed house on the applicant's diagram provided in the March 17 packet.

Hydrant Access

NFPA 1 states that hydrants must be within 12 feet of the fire department access road. This requirement is not met with the applicant's current plan, referencing Hydrant #2192. According to the applicant's diagram provided in the March 17 packet, the hydrant location appears to be over 200 feet from the easement driveway from Granite Street to the subject parcel, which serves as the fire department access road.

Hydrant Fire Flow

NFPA 1 outlines the fire flow (appropriate gallons per minute for distance from the structure for typically a 2-hour duration, appropriate to the type of structure). NFPA 13 indicates that additional flow is needed to support the sprinkler system in addition to the fire departments hose requirements. While it may be outside the Planning Commission's purview, the lack of information about adequate fire flow for the proposed development is highly concerning.

Michael Sullivan

From: Michael Sullivan
Sent: Tuesday, March 25, 2025 3:55 PM
To: Michael Sullivan
Subject: FW: 231 Granite St. application comments

From: Leonard Eisenberg <evogeneao@gmail.com>
Sent: Tuesday, March 25, 2025 3:25 PM
To: City Managers Office <citymanageroffice@ashlandoregon.gov>
Subject: 231 Granite St. application comments

[EXTERNAL SENDER]

Greetings,

Regarding the memo submitted March 18, 2025 by Derek Severson, Planning Manager, in reply to comments submitted about 231 Granite St. PA-T2-2024-0005

We note that no mention is made of our comments, both written and in March 11, 2025 Planning Commission testimony, that:

Applicant's statement in their PA-T2-2024-0005 proposal "There are no slopes greater than 35 percent within the areas of proposed development" is false.

This is proved by the Site Slope Analysis Map 1 (pg 33 of PA-T2-2024-0005 proposal pdf) which shows four significant areas of slope greater than 35% within the proposed development envelope. 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.

Development Standards for Hillside Lands 18.3.10.090 clearly states that 'Slopes >35% are unbuildable', and a variance must be requested and granted to build. No request for such a variance was submitted by the applicant.

Development Standards for Hillside Lands 18.3.10.090 makes no mention of a minimum area of slope >35% which would trigger a variance requirement. It also makes no mention of 'the average slope' of a property. The meaning and intent of Development Standards for Hillside Lands 18.3.10.090 is clear; if any portion of a proposed development has a slope >35% a variance must be requested and granted before approval.

Even though the parcel TL 1800 was established prior to the Hillside Ordinance, the driveway variance requested by the applicant confirms their understanding that the Hillside Ordinance applies to the driveway for their proposed development. The slope requirement of Development Standards for Hillside Lands 18.3.10.090 therefore must also be applied.

If the City of Ashland will follow its own Code requirement as stated in Development Standards for Hillside Lands 18.3.10.090, a variance to the 35% slope standard must be submitted by applicant.

We also noted in our written and oral comments that:

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, and that applicant's proposal could not meet criterion #2 because the exception will NOT result in equal or greater protection of the resources protected under this chapter
or
criterion #3 because the exception is NOT the minimum necessary to alleviate the difficulty.

There is ample room to build on applicant's TL 1800 on slopes less than 35%.

We would appreciate it if the Ashland planning department included, and responded to, our current, and any future comments regarding PA-T2-2024-0005.

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

JACK DAVIS
CHRISTIAN E. HEARN
EUGENE V. ANDERSON
RACHELE R. SELVIG
ANDREW M. NARUS

**DAVIS HEARN
ANDERSON & SELVIG**
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MARCH 25, 2025

TO: Ashland Planning Commission (planning@ashland.or.us)

FROM: Chris Hearn (chearn@davishearn.com)

RE: Applicants' Additional Evidence Responsive to "New Evidence"
Submitted During First Open Record Period
Planning Action: PA-T2-2024-00053
Applicants/Clients: Bryan & Stephanie DeBoer
Subject Property: 231 Granite Street (39-1E-08DA, Tax Lot 1800)

Dear Ashland Planning Commission,

Our firm represents applicants Bryan & Stephanie DeBoer ("Applicants") in connection with Planning Action PA-T2-2024-00053.

This is Applicants' second open record period submission. In response to "new evidence" submitted by neighbor-opponents during the Commission's first open record period (March 12-18), we attach the documents listed in the table below. Please include this memo the attachments in the record.

In compliance with the "7+7+7" open record schedule established by the Commission at the conclusion of its March 11 public hearing, we will submit Applicants' final written argument on April 1.

Respectfully submitted,
DAVIS HEARN ANDERSON & SELVIG, PC



Christian E. Hearn (OSB #911829)
chearn@davishearn.com

Attachments: listed below.

Attorneys for Applicants Bryan & Stephanie DeBoer

DAVIS HEARN ANDERSON & SELVIG, PC
515 EAST MAIN STREET | ASHLAND, OREGON 97520
541.482.3111 | chearn@davishearn.com | www.davishearn.com

ATTACHMENTS

1.	Rebuttal Memo from Applicants’ consulting planner -- Amy Gunter of Rogue Planning & Development Services LLC (Addressing “new evidence” submitted by Opponent’s during Planning Commission’s first open record period).
2.	Applicants’ Proposed Condition of Approval for PA-T2-2024-00053 (Public Trail Easement for Ditch Trail Segment Crossing TL 1800)
3.	Public Trail Easement – Offered by Applicant as Condition of Approval in PA-T2-2024-00053.
4.	Applicant’s Driveway Easement – Providing Access from Granite Street to Applicant’s Tax Lot 1800 (Recorded on February 2, 1994, as Jackson County Doc. #94-04302)
5.	Screenshots of Applicant’s Driveway Easement Area from various survey maps.

(25 PAGES - INCLUDING THIS COVER MEMO)

cc: Michael Sullivan (michael.sullivan@ashland.or.us) (City of Ashland Planning Staff)
Bryan & Stephanie DeBoer (Applicants-Property Owners)
Amy Gunter, Rogue Development Services LLC (Applicants’ consulting planner)
Carlos Delgado (Applicants’ Architect)



March 25, 2025

RE: Applicant's Rebuttal
PA-T2-2024-00053

Dear Planning Commissioners and Planning Division Staff,

Please accept this letter as a rebuttal to the public comments received during the open record period before the Planning Commission's April 8, 2025, Public Hearing.

The proposed development complies with the standards for the development of a single-family residence on a legal, buildable lot with a private vehicle and utility access easement.

The property was created before the adoption of the Physical and Environmental Constraints Ordinance, Hillside Development Overlay and Design Standards criteria, and before the Severe Constraints Ordinance, which regulates the development of slopes that exceed 35 percent.

Development of land that exceeds 35 percent is not prohibited by ordinance, especially when the property pre-dates the current requirements. A geotechnical evaluation that determines whether the property is safe and stable for the proposed construction is required, and one has been provided.

The driveway grade and length of the proposed driveway exceed the standards; this necessitates a variance to the criteria from the Ashland Municipal Code to access the buildable lot. This need for a variance was acknowledged by the City of Ashland before the property was platted. There is no other option for access to this property.

Specific Rebuttals:

Tree Removal of Shared Trees:

As noted in the information provided during the new information period, a site survey performed by Phil Drossos of Terra Survey verified the location of the access and utility easement and the trees within and near the easement. A large-stature madrone (36-inch DBH Madrone) will be required to be removed as it is entirely within the legal access and utility easement (pg. 49 of 73; PA-T2-2024-00053_Public Comments Received before 03.18.25.pdf), this tree also straddles the property line of the adjacent property to the north, the McLaughlin Parcel 391E08DA TL700; 234 Strawberry Lane.

Three additional trees, a 10-inch DBH and 12-inch DBH, dual stemmed Madrone tree and a 16-inch DBH



Oak tree (Tree numbers 68 and 71, Sheet L0.3 (Tree Removal Plan), Applicant's original submittal) are shared between the subject property and the adjacent property to the north (McLaughlin Parcel TL700; 234 Strawberry Lane).

The impacts from the construction of the driveway within the access easement may have a substantial impact on the root zone of the Madrone trees and less impact on the Oak tree. The applicant will take all necessary steps, including excavation under the guidance of the project arborist, to reduce impacts to these trees by shifting the driveway to the southeast additional space will be provided between the trunk of the trees and the driveway in an attempt to preserve these trees that are shared between the two properties.

Horizontal Building Plane:

As noted in the new information provided by the applicant and submitted on March 18, 2025, 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. (pg. 30 of 73; PA-T2-2024-0053_Public Comments Received before 03.18.25.pdf)

Building Height:

The proposed residence is cut into the hillside, greatly reducing the massing of the structure. At 15 feet above natural grade is substantially less than the maximum building height of 35 feet from natural grade allowed on hillside lands. The proposed building's downhill wall height also complies with the maximum downhill wall height of 20 feet from the natural grade. (Addressing Mr. Oursler's comments from pg. 23 of 73; PA-T2-2024-00053_Public Comments Received before 03.18.25.pdf)

Retaining Wall Height

The plans (Sheet L2.0) do not show a 22-foot-tall retaining wall as referenced in Sarah Sameh and Jay Reeck's comments (pg. 29 of 73; PA-T2-2024-0053_Public Comments Received before 03.18.25.pdf).

The wall height callouts (+14 TOW, +15 TOW, +22 TOW) on the driveway retaining wall to the north refer to heights relative to a benchmark for the drawing. The ACTUAL heights of the walls shown on the drawings are relative to adjacent surfaces (the driveway and planters). The actual heights: +14 TOW = 1-foot wall height above the driveway, +15 TOW = 2-foot wall height above the driveway, +22 TOW = 5-foot wall height above the planter (Sheet L2.0, Applicant's original submittal).

All retaining walls at the time of building permit submittal will demonstrate compliance with the standards of 18.3.10.090 B.4.b.



Grading:

The grading standard in 18.3.10.090.B.8.c. note 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.”

Based on the standards for development of hillside lands which require preservation of a certain percentage of the property to be retained in a natural state and that the applicant has taken all measures to reduce impacts to the subject property, the adjacent properties and the environment the development of the property substantially complies through the preservation of the property in a natural state (18.7 percent disturbance where 48 percent disturbance permitted (18.3.10.090.B.3)). The proposed lot coverage is substantially less than the 20 percent allowed in the rural residential zone. The number of trees proposed for removal is the minimum necessary to all for adequate wildfire hazards reduction and to allow for the development of a residential home and a functional outdoor patio area. The patio area which does include a pool is the area of disturbance for construction of the driveway and residence and does not increase the impact area of the development and the building pads is of minimum size to accommodate the structure and a reasonable amount of yard space with much of the remaining lot area as possible should be kept in the natural state of the original slope.

Thank you,

Amy

Amy Gunter

Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com

TO: Ashland Planning Commission

FROM: Bryan & Stephanie DeBoer (Applicants/Property Owners)

DATE: March 25, 2025

RE: Condition of Approval Proposed by Applicant/Property Owner
Granting a Public Trail Easement to the City of Ashland
Planning Action: PA-T2-2024-00053 (231 Granite Street)

1. **Background.** As you know, we are the owners of the property at 231 Granite Street (County Assessor's Map: 39-1E-08DA, Tax Lot 1800), which we purchased in December of 2023 ("Tax Lot 1800").
2. **Our Planning Application.** During 2024, through our agents, we submitted to the City's Planning Division our application requesting approval to construct a single-family home for our daughter and her family on Tax Lot 1800. Our application is currently pending as City of Ashland Planning Action PA-T2-2024-00053 (the "Application").
3. **The Ditch Trail.** Our Tax Lot 1800 is bisected by Talent Irrigation District's "Ashland Canal" – commonly known in the neighborhood as the "TID Ditch". Running along side the TID Ditch is the popular "Ditch Trail". Consistent with testimony provided at the Planning Commission's March 11 public hearing, like so many other members of the community, our family enjoys hiking on Ashland's trail system, which provides a treasured amenity to the public. We understand that, while the City of Ashland has secured and recorded public trail easements for other segments of the popular Ditch Trail, the City lacks a recorded easement securing perpetual public access for the segment of the Ditch Trail crossing our Tax Lot 1800.
4. **No Intention to Close the Trail.** We reiterate that it has never been our intention to close the portion of the Ditch Trail crossing our Tax Lot 1800. In fact, since purchasing the property in December of 2023, we repeatedly offered a trail easement to the City during April of 2024 (specifically, in communications with APRC's Rick Landt on or around 04/03/2024; and again during a meeting with APRC's Interim Director, Leslie Eldridge, on 04/16/2024). But the City never provided us with any easement documents.
4. **Additional Evidence Submitted During First Open Record Period.** In the Planning Commission's record is Planning Director Brandon Goldman's email dated March 14, 2025, sent in reply to Dr. Oursler's email of March 14, concerning the Ditch Trail easement issue. You will recall this trail easement was a topic of much public concern during the Commission's March 11 hearing, and the easement issue was repeatedly raised by many community members who commented on our application.

Planning Director Goldman's March 14 email to Dr. Oursler explains, in relevant part:

"...[T]he 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."

5. **Applicant's Proposed Condition of Approval.** While a matter of legitimate public concern, we understand this trail easement issue to be unrelated to the City's land use standards and criteria applicable to the Planning Commission's review of our Application. We are requesting approval to build a home on an existing residential lot that was legally created with the City's approval in 1994. We are not seeking to partition or otherwise develop Tax Lot 1800, in any manner that might trigger a nexus/proportionality analysis under the so-called "Nollan/Dolan Test". As good neighbors, we hereby again confirm in writing our voluntary offer to provide the City with a perpetual public easement preserving this popular hiking trail for generations to come. To that end, we again formally offer the following proposed condition of approval in connection with our pending Planning Action PA-T2-2024-00053:

Proposed Condition of Approval re: Public Trail Easement: *"Prior to issuance of building permits for the proposed residence, applicants/property owners shall execute and deliver to the City a perpetual public trail easement in favor of the City of Ashland along the existing "Ditch Trail", which generally follows the Talent Irrigation District's (TID) "Ashland Canal" as it traverses the subject property (Tax Lot 1800). The public trail easement shall be in substantial conformance with the proposed draft "Public Trail Easement" submitted by Applicant during the Planning Commission's public hearing process, subject to approval and any final revisions required by City's Legal Department. Applicant shall also provide a centerline legal description of the Easement Area to be appended to the easement document, and reflecting an easement area 10-feet in width and shall include the traveled portion of the existing Ditch Trail crossing the property. The public trail easement shall be signed by applicants/property owners and delivered to the City prior to issuance of a certificate of occupancy for the new dwelling. This condition was voluntarily offered by the applicants/property owners during the public hearing process in PA-T2-2024-00053,*

and is accepted by the Planning Commission as such; accordingly, said public trail easement is not an exaction required by the City, and is not subject to constitutional takings concerns or nexus/proportionality analysis.”

6. **Draft Public Trail Easement Attached.** Since the City’s APRC never provided one, **we attach Applicant’s proposed Public Trail Easement for the Planning Commission’s review.**

DocuSigned by:

12FAA43A57A5435...

Bryan DeBoer

Dated: 3/25/2025

DocuSigned by:

D8369E7E862743A...

Stephanie DeBoer

Dated: 3/25/2025

Record and Return to:

City Recorder, City of Ashland
20 East Main Street
Ashland, OR 97520

PROPOSED PUBLIC TRAIL EASEMENT
OFFERED BY APPLICANT AS A
CONDITION OF APPROVAL IN
PLANNING ACTION: PA-T2-2024-00053

Grantors:

Bryan & Stephanie DeBoer
85 Winburn Way
Ashland, OR 97520

Grantee:

City of Ashland
20 East Main Street
Ashland, OR 97520

(Space above for Jackson County Recorder's Use)

Actual Consideration Paid:

No monetary consideration

Send Tax Statements to:

No Change

PUBLIC TRAIL EASEMENT

THIS EASEMENT AGREEMENT ("Public Trail Easement") is made and entered into this _____ day of _____, 202____, by and between Bryan DeBoer and Stephanie DeBoer ("Grantors"); and the City of Ashland, Oregon, a municipal corporation ("Grantee" or "City").

RECITALS

- A. **WHEREAS**, Grantors are the owners of the real property commonly known as 231 Granite Street, Ashland, Oregon (Jackson County Assessor's Map ID: 39-1E-08DA, Tax Lot 1800)("Grantors' Property"), and more specifically described as:

Parcel 3 of Partition Plat recorded April 12, 1996, as Partition Plat No. P-43-1996 of Records of Partition Plats in Jackson County, Oregon, and filed as Survey No. 14932, in the Office of the County Surveyor.
("Grantors' Property"); and

- B. **WHEREAS**, Grantors submitted a planning application in City of Ashland Planning Action PA-T2-2024-00053 ("Grantors' Application"), seeking approval for the construction of a single-family residence, driveway access, and associated improvements on Grantors' Property, including a variance for driveway grade exceeding Ashland Municipal Code standards; and

- C. **WHEREAS**, Ashland Municipal Code 18.5.5.050.A.3 (Variance Approval Criteria) requires the City of Ashland to balance the overall benefits of the Application's proposal against any potential negative impacts to the community, thereby evaluating the "public benefit" resulting from granting such a variance in connection with approval of the Application, and whether it will further the purpose and intent of the ordinance and the Comprehensive Plan of the City; and
- D. **WHEREAS**, public testimony received by the Ashland Planning Commission in connection with Grantors' Applicant underscored widespread community interest in preserving and securing perpetual public trail access along the Talent Irrigation District's ("TID") "Ashland Canal" irrigation ditch corridor traversing Grantors' Property, which provides a crucial connection between Grantee's existing easements collectively known as the "Ditch Trail", as identified in the City of Ashland Trails Master Plan, and which functions as a component of the City's Open Space Plan, and as such is incorporated as a part of the City of Ashland's Comprehensive Plan; and
- E. **WHEREAS**, during the City of Ashland's Planning Commission public hearing on March 11, 2025, a number of community members testified concerning the importance of the City obtaining a recorded public trail easement across Grantors' Property to secure the public's right to continued recreational use of that segment of the popular Ditch Trail in perpetuity; and
- F. **WHEREAS**, at the Planning Commission's public hearing on March 11, 2025, Grantors verbally confirmed their willingness to dedicate to Grantee a perpetual public trail easement for the segment of the existing Ditch Trail traversing Grantors' Property, as was previously communicate to City's Ashland Parks & Recreation Commissioners during April of 2024; and
- G. **WHEREAS**, Grantors thereafter formally confirmed in writing their intent to offer dedication of a Public Trail Easement to the City as a binding condition of approval of Grantors' Application, thereby satisfying in substantial measure the public benefit criterion under AMC 18.5.5.050.A.3, and demonstrating that the public benefits of approving the variances requested in Grantors' Application substantially outweigh any potential negative impacts, and directly further the intent of City's Comprehensive Plan by permanently securing a crucial public trail connection identified on City's Trails Master Plan, which is incorporated into City's Comprehensive Plan;

NOW, THEREFORE, for valuable consideration in the form of City's conditional approval of Grantors' Application, and for the public benefit described above, the parties agree as follows.

AGREEMENT

- 1. Grant of Easement.** Grantors hereby grant to Grantee (the City of Ashland), its successors and assigns, a perpetual, non-exclusive easement in gross for public pedestrian recreational trail use (the "Trail Easement"), across and upon the Easement Area described herein. The Trail Easement shall be recorded against and shall run with title to the servient estate (Grantors' Property), and shall be binding on Grantors, and Grantors' successors, assigns, heirs, and all subsequent owners of Grantors' Property (the "Trail Easement"). Said Trail Easement shall be 10 feet in width, and shall run upon, over, and across Grantor's Property generally parallel to the existing Talent Irrigation District canal which traverses Grantors' Property in the location of the existing "Ditch Trail". The legal description of the Easement Area setting forth the specific location and boundaries of the Trail Easement granted herein is attached hereto as **EXHIBIT A** (the "Easement Area").
- 2. Purpose and Use.** The Trail Easement is granted solely for purposes of public pedestrian access, walking, hiking, running and similar recreational use and enjoyment by the general public. The Trail Easement expressly does not grant any rights for vehicular or motorized use or uses other than public pedestrian use of the Trail Easement within the Easement Area described in attached EXHIBIT A.
- 3. Grantee's Rights.** Grantee shall have the right to construct, reconstruct, install, use, operate, inspect, maintain, repair, remove and replace a hiking trail for use by the public within the Easement Area. Grantee shall have the right to install any reasonable trail signage or fencing within the Easement Area.
- 4. Grantors' Rights.** Grantors retain the right to use and enjoy the Easement Area in any manner that does not unreasonably interfere with or impair the public's right to use and enjoy the Trail Easement established herein. Grantors shall not build or erect any structure within the Easement Area without the prior written consent of Grantee.
- 5. Maintenance and Repair.** Grantee shall be solely responsible for the reasonable maintenance and repair of the Easement Area, including maintenance necessary to ensure safe public use.
- 6. Liability and Indemnification.** To the maximum extent permitted by the Oregon Constitution and the City of Ashland's Charter, Grantee shall, within the limits of the Oregon Tort Claims Act, indemnify and defend Grantors against any liability or damage to persons or property arising from the public's use of the Trail Easement under this agreement. Grantee shall not be required to indemnify

Grantors for any liability arising from the wrongful acts of Grantors or the employees or agents of Grantors.

7. Perpetual Easement. This agreement shall be perpetual in duration and shall run with the land. It shall be binding upon Grantee and Grantors and their successors, assigns; including any heirs, and personal representatives in title to Grantors' Property.

8. Prior Encumbrances. This Easement is granted subject to all prior existing easements and other encumbrances of record affecting title to Grantors' Property.

IN WITNESS WHEREOF, Grantors and Grantee have executed this agreement as of the date first set forth above.

GRANTORS:

Bryan DeBoer

Stephanie DeBoer

GRANTEE (City of Ashland):

By: _____

Title: _____

Approved as to Form:

Christian E. Hearn
Davis Hearn Anderson & Selvig, PC
Of Attorneys for Grantors

Douglas M. McGeary
City of Ashland Legal Department
Of Attorneys for Grantee

[NOTARY ACKNOWLEDGEMENTS ON FOLLOWING PAGE]

STATE OF OREGON)
) §§
County of Jackson)

On this _____ day of _____, 202____, appeared before me the above-named Bryan DeBoer and Stephanie DeBoer (“Grantors”), who at that time acknowledged their execution of the foregoing instrument as their voluntary act and deed.

WITNESS MY HAND AND OFFICIAL SEAL:

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) §§
County of Jackson)

On the _____ day of _____, 202____, before me appeared _____ as the authorized representative of the City of Ashland (“Grantee”), at that time acknowledging their execution of the foregoing instrument on behalf of said municipal corporation as their authorized and voluntary act and deed.

WITNESS MY HAND AND OFFICIAL SEAL:

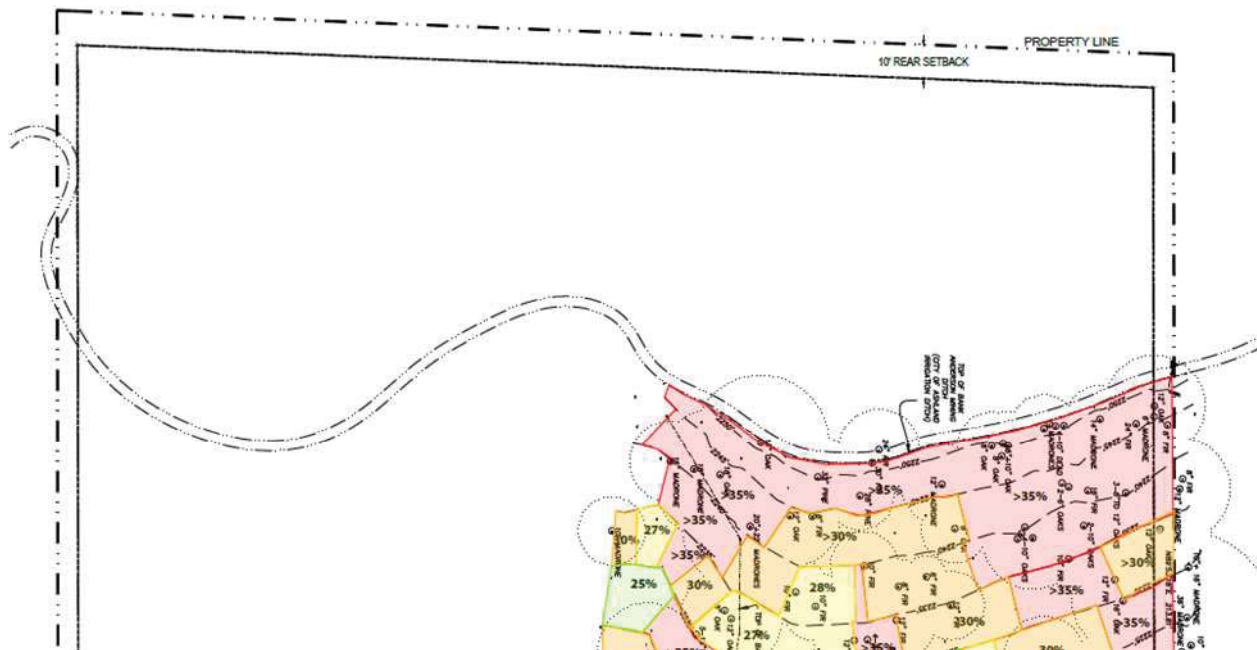
Notary Public for Oregon
My Commission Expires: _____

EXHIBIT A

("EASEMENT AREA")

[PROVISIONAL PLACEHOLDER]

[Note: Prior to recording, this provisional placeholder exhibit will be replaced with a final Exhibit A providing a legal description of the centerline of the 10-foot-wide "Easement Area" traversing Grantors' Tax Lot 1800. Said centerline legal description will be prepared by a licensed professional land surveyor, and will include the traveled surface of the existing hiking trail along the TID canal, which generally traverses Grantor's Property from East-West, as provisionally depicted in the diagram provided below.]



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~~94-03306~~

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AFTER RECORDING RETURN TO:

Carlyle F. Stout III
Attorney at Law
215 Laurel Street
Medford, OR 97501

THIS INSTRUMENT BEING RE-RECORDED TO CORRECT SCRIVENER'S
ERROR IN LEGAL DESCRIPTION

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made by and between JAMES WARREN STRAUS and SHEILA STRAUS, husband and wife, of Ashland, Jackson County, Oregon, hereinafter "Grantor", and ADELAIDE BROWN and SANDRA L. RAPP, of Ashland, Jackson County, Oregon, hereinafter "Grantee". The effective date of this agreement is the last date of the signature placed hereon of either Grantor or Grantee.

RECITALS:

WHEREAS, Grantor is the owner of certain real property located in Jackson County, Oregon, more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein, commonly known as Jackson County Assessor's Map No. 39 1E 08DA, Tax Lot 700, Tax Lot 702 and Tax Lot 1200;

WHEREAS, Grantee is the owner of certain real property located in Jackson County, Oregon, more particularly described on Exhibit "B" attached hereto and by this reference incorporated herein, commonly known as Jackson County Assessor's Map No. 39 1E 08DA, Tax Lot 1800;

WHEREAS, Grantee does not have legal access to Tax Lot 1800 and WHEREAS Tax Lot 1800 was previously partitioned by Grantee's predecessor in interest without obtaining the approval of the City of Ashland;

WHEREAS, there is an existing road which runs off of Granite Street to Tax Lot 1800 which was historically used as access to Grantee's property; WHEREAS, there used to be a dwelling unit on Tax Lot 1800 which was accessed by said existing road; WHEREAS, Grantee believes that Grantee has an easement for ingress and egress to Tax Lot 1800 by means of prescription and/or by necessity; WHEREAS, Grantor disputes Grantee's claim of easement;

WHEREAS, the parties would like to resolve all disputes and differences concerning said easement and to provide access to Grantee's property;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1. Grantor hereby grants to Grantee, their heirs, successors and assigns, a perpetual non-exclusive easement over and across a strip of land 15 feet in width, being 7.5 feet on either side of the following described center line:

Commencing at the intersection of the south line of the North Half of the Northeast Quarter of the Southeast Quarter of Section 8, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon and the westerly right of way line of Granite Street, thence South 89°54'24" West, along said south line, 321.50 feet to the southwest corner of that tract described in instrument recorded as No. 70-00870, Official Records of said County and State, thence North 0°01'21" East, along the west line of said tract, 23.31 feet to a point on the center line of that road

-1- EASEMENT AGREEMENT

94-04302

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easement described in instrument recorded in Volume 346 Page 378 Deed Records of said County and State, being also the true point of beginning; thence North 89°57'30" West 360.53 feet to a point on the west line of that tract described in instrument recorded as No. 88-07671 said Official Records; thence South 89°54'24" West 10.00 feet; thence South 42°17'38" West 32.71 feet to a point on the south line of that tract described in instrument recorded in Volume 129 Page 479 Deed Records for said County and State and the point of terminus of the center line described herein.

A diagram of said easement is depicted on Exhibit "C" attached hereto and by this reference incorporated herein. If any subsequent surveys of Grantor or Grantee's property indicating a discrepancy, the parties agree to execute whatever documents are necessary to effect the intent of this agreement which is to provide a 15 foot wide easement for access and utilities to Grantee's property. By signing this agreement, the Grantee does not agree that the property line between their respective properties is the survey line as disclosed on Exhibit "C" prepared by Edwards Surveying of Medford, Oregon.

2. The purpose of said easement is for Ingress and egress and for the installation and maintenance of utilities. Said easement includes the right of Ingress and egress for public or private emergency vehicles and for construction of an improvement upon Grantee's property. Grantee shall be responsible for restoring the road to the same condition which existed prior to the installation of the utilities.

3. Grantee shall pay Grantor, as consideration for this easement, the sum of Five Thousand Dollars (\$5,000) upon execution of this agreement, receipt of which is hereby acknowledged.

4. Grantor shall pave the easement area described above in Paragraph 1 to the specifications of the City of Ashland, Oregon, within 90 days of written notice of request to do the same by Grantee. Grantee shall be responsible for the completion of construction of the road from its present terminus to the end of the easement where it accesses Grantee's property and this construction must be done before Grantor has the obligation to pave the easement area as set forth in this paragraph.

5. If Grantor installs a water line on their property, then Grantor shall give written notice to Grantee prior to said installation and Grantee shall have the option to increase the size of the water line so that it will also serve Grantee's property and improvements thereon; however, Grantee shall be responsible and pay for any price increase concerning the same. Grantee shall notify Grantor of election of said option by giving Grantor written notice within twenty (20) days after receipt of Grantor's notice otherwise this option is waived.

6. Except as set forth herein, the maintenance and repair of the easement shall be pursuant to ORS 105.170 through 105.185 as said statute existed on the date of recording of this easement.

7. This easement is appurtenant to Grantee's property described on Exhibit "B" hereto, which is the dominant estate. This easement burdens Grantor's property described on Exhibit "A" hereto, which is the servient estate.

8. Any notice, whether required or not to be given under this agreement, shall be deemed given when actually delivered or when mailed to either party at their respective addresses given below if deposited in the U. S. Mails, Certified Mail, Return Receipt Requested or at any other address given by either party pursuant to this section.

Grantor: James Warren Straus and Sheila Straus
223 Granite
Ashland, OR 97520

Grantee: Adelaide Brown and Sandra L. Rapp
P. O. Box 131
Ashland, OR 97520

-2- EASEMENT AGREEMENT

94-04302

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9. In the event either party takes any action, judicial or otherwise, concerning this agreement or any of its terms, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including but not limited to costs incurred in searching records and taking and transcription of depositions, the cost of title reports, surveyors reports and foreclosure reports and attorney fees, whether incurred in a suit or action or appeal from a judgment or decree or in connection with non-judicial action.

10. No waiver of a breach of any covenant, term or condition of this agreement shall be a waiver of any other or subsequent breach of the same, or any other term, covenant, or condition, or as a waiver of the term, covenant or condition itself; nor shall such waiver require any notice of any kind to be given to reinstate the defaulted term, covenant or condition, or to make time and strict performance again of the essence.

11. The paragraph headings herein are intended only as a reference index and shall not control the interpretation or limit or enlarge the meaning of any term of this agreement. In construing this agreement it is understood that Seller and/or Buyer may be more than one person or entity and if the context so requires, the singular shall mean and include the plural, the masculine shall mean and include the feminine and neuter and all grammatical changes shall be made, implied and construed to apply equally to corporations, partnerships and individuals.

12. This easement applies to, inures to the benefit of and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year indicated below.

DATED: 1/21/94 James Warren Straus
James Warren Straus

DATED: 1-21-94 Sheila Straus
Sheila Straus

"Grantor"

DATED: 1-21-94 Adelaide Brown
Adelaide Brown

DATED: 1-21-94 Sandra L. Rapp
Sandra L. Rapp

"Grantee"

-3- EASEMENT AGREEMENT

94-04302
94-03306

STATE OF OREGON)
)ss.
County of Jackson)



Personally appeared the within named James Warren Straus and Sheila Straus and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 21 day of January, 1994.

Cynthia Skinner
Notary Public for Oregon
My Commission Expires: 9-23-97

STATE OF OREGON)
)ss.
County of Jackson)



Personally appeared the within named Adelaide Brown and Sandra L. Rapp and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 21 day of January, 1994.

Cynthia Skinner
Notary Public for Oregon
My Commission Expires: 9-23-97

-4- EASEMENT AGREEMENT

94-04302

~~94-03306~~

Commencing at the east quarter corner of Section 8, Township 39 South, Range 1 East, Willamette Meridian, Jackson County, Oregon; thence South 660 feet; thence West 370.9 feet, more or less, to a point on the westerly line of Granite Street; thence North 05°30' West, along said westerly line, 120.0 feet, more or less, to the southeast corner of that tract described in instrument recorded in Volume 95, page 238, of the Deed Records of Jackson County, Oregon; thence West, along the south line of said tract, 361 feet, more or less, to the southwest corner thereof; thence North, along the west line of said tract, 209 feet, more or less, to the most northerly northeast corner of tract described in instrument recorded in Volume 129, page 479, said Deed Records; thence West, along said north line, 311.1 feet, to a 5/8" steel pin at the northwest corner of tract described in instrument recorded as No. 88-07671 of the Official Records of Jackson County, Oregon and the true point of beginning; thence North 89°54'24" West (Record West), along the north line of said tract described in Volume 129, page 479, said Deed Records, 220.0 feet; to a 5/8" steel pin at the northwest corner thereof; thence South 0°01'21" West 328.61 feet (Record South 327 feet) along the westerly line of said tract, to a 5/8" steel pin at the southwest corner thereof; thence East along the south line of said tract, 339.51 feet, more or less, to a 5/8" steel pin at the most southwesterly corner of that tract described in instrument recorded as No. 88-07671 of said Official Records, being a point on the westerly line of that easement road described in instrument recorded in Volume 346 page 378 of said Deed Records; thence North 19°30'00" East, along said westerly line, 21.23 feet, to a 5/8" steel pin; thence South 89°54'24" West, along the southerly line of said tract described in instrument recorded as No. 88-07671 said Official Records, 126.59 feet to a 5/8" steel pin at the west southwest corner thereof; thence North 0°01'21" East along the west line of said tract 308.61 feet to the true point of beginning.

(Code 5-1, Account #1-06068-1, Map #391E08DA, Tax Lot #700)

Commencing at the east quarter corner of Section 8, Township 39 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon, thence South 660 feet, thence West 370.9 feet, more or less, to a point on the westerly line of Granite Street, thence North 05°30' West, along said westerly line, 120.0 feet, more or less, to the southeast corner of that tract described in instrument recorded in Volume 95 page 238, of the Deed Records of Jackson County, Oregon, thence West, along the south line of said tract, 361 feet, more or less, to the southwest corner thereof, thence North, along the west line of said tract, 209 feet, more or less, to the most northerly northeast corner of tract described in instrument recorded in Volume 129 page 479, said Deed Records, thence West, along said north line, 311.1 feet to a 5/8" steel pin, thence South 0°01'21" West 308.61 feet (Record South 307 feet, more or less) to a 5/8" steel pin, thence North 89°54'24" East 126.59 feet (Record easterly 130 feet, more or less) to a 5/8" steel pin on the westerly line of that easement road described in instrument recorded in Volume 346 page 378 said Deed Records, thence South 19°30'00" West, along said westerly line 21.23 feet to a 5/8" steel pin on the south line of said tract described in Volume 129 page 479, said Deed Records; thence East, along said south line, to the southwest corner of that tract described in instrument recorded as No. 70-00870 of the Official Records of Jackson County, Oregon, thence North, along the west line of said tract 79.54 feet to the northwest corner thereof, thence East, along the north line of said tract and the north line of that tract described in instrument recorded as No. 78-09163 said Official Records, 311.91 feet, more or less, to the westerly line of Granite Street, thence North 05°30' West, along said westerly line, to the true point of beginning.

1-06070-2

(Code 5-1, Account #1-06068-1, Map #391E08DA, Tax Lot #700)
(Code 5-1, Account #1-06074-5, Map #391E08DA, Tax Lot #1200)

EXHIBIT A

94-04302

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Beginning at a point on the west line of the Northeast Quarter of the Southeast Quarter of Section 8, Township 39 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon, which point is 10 chains South and 20.15 chains West of the east quarter corner of said Section, thence East 297 feet, thence South 25 feet, thence West 163 feet, thence South 301.04 feet, thence West 135 feet, thence North 326.04 feet to the point of beginning.

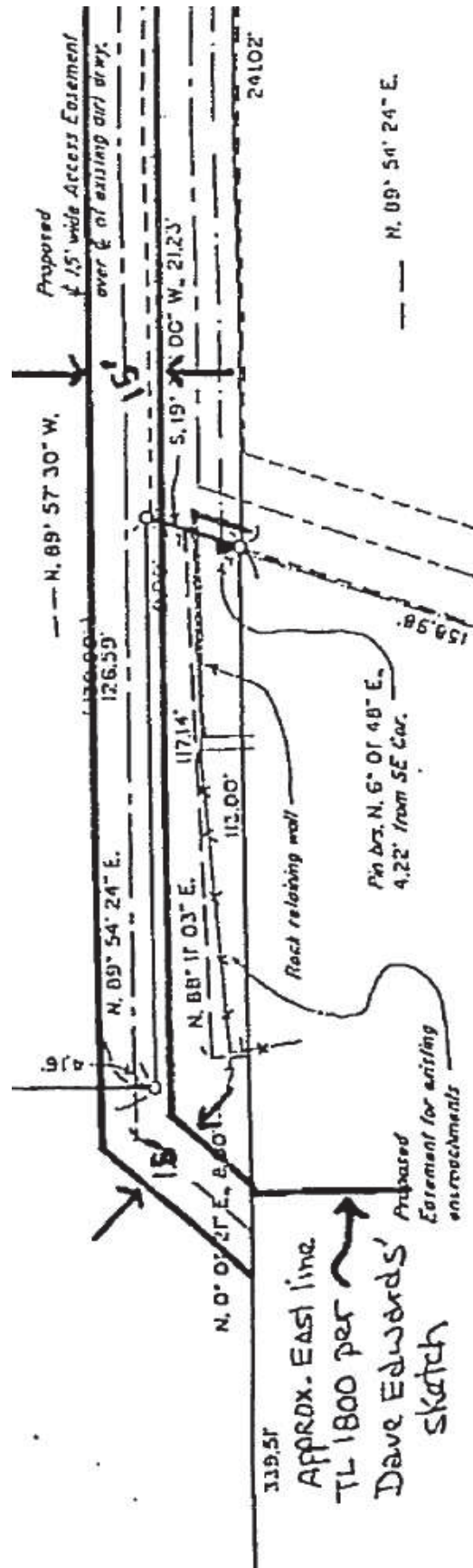
(Code 5-1, Account #1-006081-8, Map #391ESDA, Tax Lot #1800)

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EXHIBIT 6

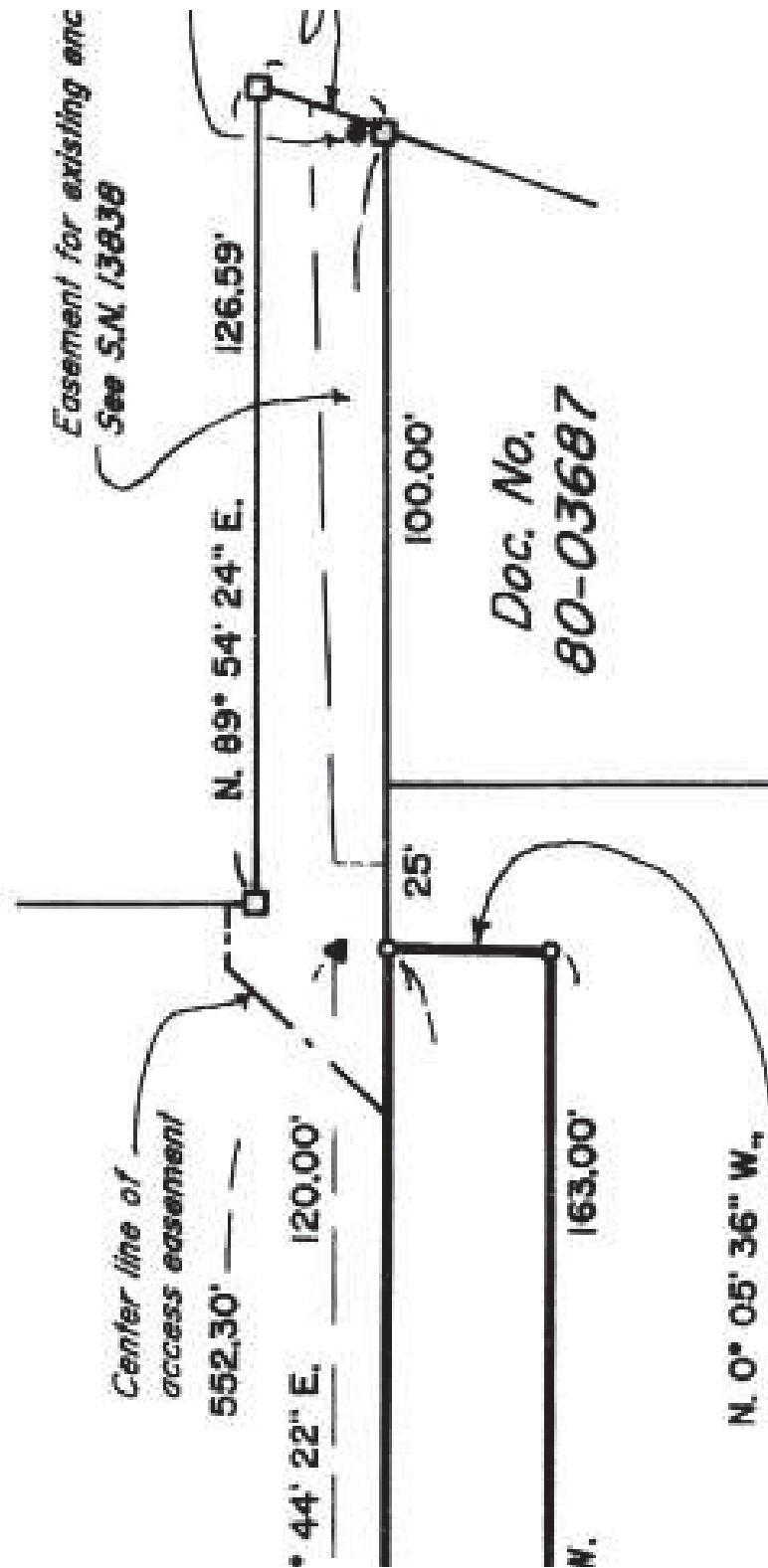
EXHIBIT C

Submitted by Applicant in Response to New Evidence Submitted by Opponents on March 13, 2025 (Eisenberg); and March 18, 2025 (McLaughlin)

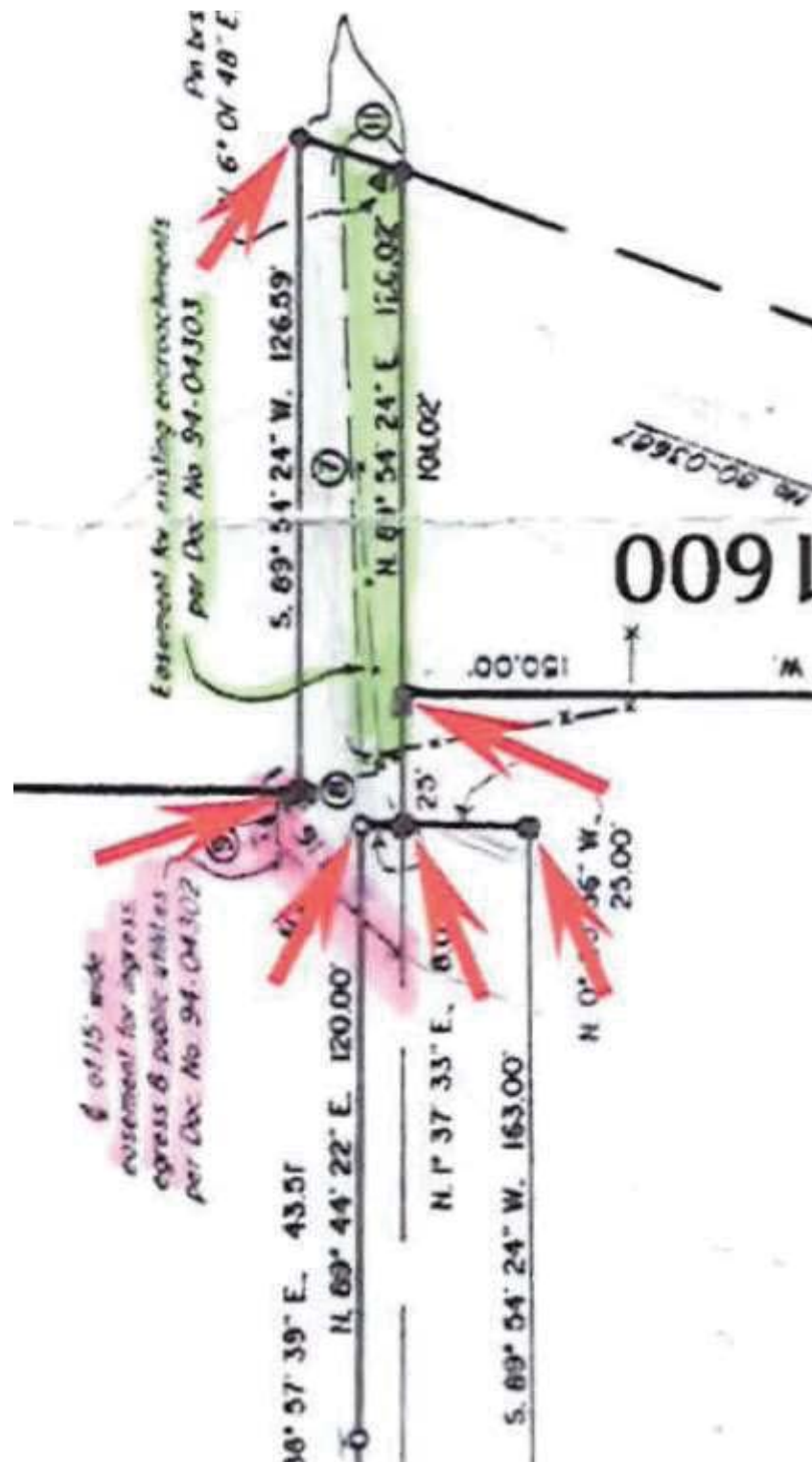
Screenshot of 15' wide Driveway Easement Area Depicted in Exhibit "C" to 01/21/1994 Easement Agreement between James & Shiela Straus (Grantors), and Adelaide Brown & Sandra Rapp (Grantees):



Screenshot of Surveyor Dave Edwards' Map of Survey for Grantee Sandra Rapp Dated 02/04/1994
(Survey No. 13901):



Screenshot of Map Submitted by Pacific Crest Surveying on 03/13/2025 (Eisenberg) and 03/18/2025 (McLaughlin):



JACK DAVIS
CHRISTIAN E. HEARN
EUGENE V. ANDERSON
RACHELE R. SELVIG
ANDREW M. NARUS

DAVIS HEARN
ANDERSON & SELVIG
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION

Established 1953

515 EAST MAIN STREET | ASHLAND, OREGON 97520
PHONE: 541.482.3111 | FAX: 541.488.4455
www.davishearn.com

SAM B. DAVIS (1923-2017)
SIDNEY E. AINSWORTH (1927-2003)
DONALD M. PINNOCK - Retired
DANIEL L. HARRIS - Retired
DAVID V. GILSTRAP - Retired
SUSAN V. SALADOFF - Retired
JEFFREY K. MCCOLLUM - Retired
GARRISON F. TURNER - Retired

APRIL 1, 2025

Transmitted by Email

TO: Ashland Planning Commission (planning@ashland.or.us)
c/o Michael Sullivan, City of Ashland Community Development
51 Winburn Way | Ashland, OR 97520

FROM: Chris Hearn (chearn@davishearn.com)

RE: **APPLICANT FINAL WRITTEN ARGUMENT/REBUTTAL**
Planning Action: PA-T2-2024-00053
Applicants: Bryan & Stephanie DeBoer
Subject Property: 231 Granite Street (39-1E-08DA, Tax Lot 1800)

Dear Ashland Planning Commission:

Our firm represents applicants Bryan & Stephanie DeBoer ("Applicants") in their pending planning action for 231 Granite Street. Please include this final written argument in the record for PA-T2-2024-00053. This memorandum summarizes the key issues to aid the Commission in its decision. Please note that this memo is not intended to abandon any arguments made by Applicants elsewhere in the record; those arguments are retained and incorporated here by reference.

Introduction

Applicants seek approval to construct a single-family residence for their daughter's family at 231 Granite Street (Tax Lot 1800), a pre-existing undeveloped hillside lot that was created with City approval and recognized as buildable nearly 30 years ago. Due to the unique access and topography of Tax Lot 1800, Applicants' proposal requires a Physical & Environmental Constraints Permit for development on Hillside Lands, including a Type II Variance to allow use of the historic nonconforming driveway access from Granite Street, and a Tree Removal Permit for removal of a limited number of trees necessary to safely develop the site.

DAVIS HEARN ANDERSON & SELVIG, PC
515 EAST MAIN STREET | ASHLAND, OREGON 97520
541.482.3111 | chearn@davishearn.com | www.davishearn.com

Planning staff have thoroughly evaluated the application and recommended approval with conditions, confirming that all applicable criteria are satisfied or can be satisfied with feasible conditions of approval.¹ Some neighbors raised concerns about driveway safety, hillside disturbance, home size, and tree removal. However, these concerns are either fully addressed by the proposal, reasonably handled via conditions of approval, appropriately deferred to final plan review, or simply not valid grounds for denial under the applicable approval criteria in the City's Land Use Ordinance (AMC's Title 18). As detailed below, the application meets each required approval criterion, and state law mandates a favorable, clear-and-objective review of this needed housing proposal. The Planning Commission should approve the application, allowing this long-planned homesite to be developed in a safe and environmentally responsible manner. (For the Commission's ease of reference, citations to the record and legal authorities are provided in bracketed footnotes.)

Home Size Context: Opponents have characterized the proposed home as too large. In fact, the home's habitable floor area is approximately 3,426 square feet (plus a garage and basement, as defined by building code) – a size that is proportional to the large lot and well within code limits. Moreover, as discussed below, over 80% of the property will remain undisturbed natural open space, far exceeding the minimum required. Subjective opinions that the home is “too big” are not approval criteria and cannot be the basis for denial.

Variance for Driveway Access – Not Self-Imposed and Justified by Unique Circumstances

Applicants request a Type II Variance from the strict limitations on flag-drive slope and length in order to use the only possible access to this landlocked hillside parcel. Under AMC 18.5.5.050, a variance may be granted if the Commission finds that four criteria are met. Here, each criterion is satisfied:

(1) Unique Physical Circumstances (18.5.5.050.A.1):

The historic nonconforming driveway access is a product of the property's unique history and topography, not a situation of the Applicants' making. Tax Lot 1800, in its current configuration, was approved by the Planning Commission in 1995 in connection with Planning Action #PA-95-024, as identified on the 1996 partition plat recorded as

¹ See: Staff Report for the Commission's March 11, 2025 public hearing; Email from Community Development Director Brandon Goldman (3/14/2025); and Director Goldman's Memo (3/18/2025) with attachments.

Partition Plat P-43-1996.²

In connection with approving the relevant “Land Partition Survey Partition Plat” in 1995, Tax Lot 1800 is clearly identified as “Parcel 3”, and thus a legal residential lot appropriate for the development of a single-family home, with access via the historic (“grandfathered”) nonconforming private easement extending uphill from Granite Street.³ In a 1992 letter, then-Planning Director John McLaughlin acknowledged that the grade of the access easement for Tax Lot 1800 exceeded then-current city standards, but concluded that, because the flag drive provided the landlocked Tax Lot 1800 with historic access to Granite Street, the existing nonconforming driveway’s use for a future residence on Tax Lot 1800 “would be allowable.”⁴ The 1992 letters from City’s Planning Director effectively recognize the special circumstances associated with Tax Lot 1800’s driveway access – which was and is the only feasible access for the landlocked Lot. Based on Planning Director’s 1993 letters, the historic owners of Tax Lot 1800 secured an access easement on the existing nonconforming driveway in 1994; then pursued Planning Action #PA-95-024 in 1995. The official Partition Plat was recorded in 1996, and includes the signature of the Planning Commission’s chair.⁵

The existing access from Granite Street, and the City’s acknowledgment of the nonconforming nature of the driveway easement serving Tax Lot 1800, were established more than 30 years ago by the historic owners and the City. The circumstances necessitating the driveway variance were not created by the Applicants, who reasonably relied on the buildable status of Tax Lot 1800 when they purchased the Lot in December of 2023. This is a textbook example of the type of “special or unique physical circumstance” foreseen by the Code as justification for a variance.

² Tax Lot 1800 is identified as “Parcel 3” in Partition Plat P-43-1996, signed by the Planning Commission’s chair on 08/10/1995 (PA# 95-024).

³ See: Applicant’s Easement Agreement recorded 02/02/1994, JCOR #94-04302.

⁴ See: Memo and attachments provided by Community Development Director Brandon Goldman’s Memo dated 03/18/2025.

⁵ See: Sheet 1 of Land Partition Survey Partition Plat PA-43-1996 (Survey No. 14932), signed by “Ashland Planning Commission” on 08/10/1995.

(2) Minimum Deviation Necessary & No Negative Impacts (18.5.5.050.A.2):

The variance requested is narrowly tailored to what is necessary to develop a home on Tax Lot 1800. The residence is sited at the closest feasible location to the end of the existing flag drive, minimizing any new driveway length or grading. Steep portions of the existing driveway (which currently reaches grades of ~23%) will be improved and paved to enhance safety and durability. Fire safety will be addressed with residential sprinklers and, if required, a new hydrant and pump, per Fire Department standards anticipated when the lot was created. In staff's assessment, the variance sought is the minimum necessary deviation from the 18% slope / 200-foot length standard to allow use of this pre-existing nonconforming access, and all variance criteria are met because the code's general limits simply do not account for the property's unique situation.

Importantly, allowing this driveway variance will not harm adjacent properties or the public since the driveway is private and will serve only this one home. In fact, improving the driveway will enhance emergency access to this area (as discussed further below in the Fire Safety section). Any minor impacts of allowing the steeper drive are outweighed by the benefits of providing safe access to a new residence on a legal lot.

(3) Public Benefits Exceed Any Negative Impacts (18.5.5.050.A.3):

Granting the requested driveway variance will provide significant and unique public benefits with minimal downsides. The primary benefit is allowing a new family home to be built within the City on an existing infill lot – furthering Ashland's infill housing goals, and adding to the City's tax base, and addressing the "needed housing" supply.

The third variance approval criterion is:

*"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.**"*
(emphasis supplied.)

Public Trail Easement. Applicants have voluntarily offered a condition of approval dedicating a permanent Public Trail Easement across their Tax Lot 1800 in the location of the popular TID "Ditch Trail". This represents a substantial public recreational benefit that more than compensates for the relatively minor impacts of the driveway variance. The City's Comprehensive Plan expressly identifies the trail across Tax Lot 1800 as a desired link in Ashland's trails network (listed as Project #11, "Talent

Irrigation Ditch Trail Segment,” in the 2024 Parks, Trails, and Open Space Plan).⁶ This easement will guarantee the community’s perpetual use of this critical trail segment crossing Tax Lot 1800. Applicants have submitted a draft Public Trail Easement document into the record as a voluntary condition of approval.⁷ Tax Lot 1800 appears in the Open Space & Trails Plan as “Project #11, Talent Irrigation Ditch Trail Segment,”. City’s Open Space Trails Plan was adopted by Council during 2024, and is a part of City’s Comprehensive Plan. By offering to formalize this trail connection as a voluntary condition of approval, Applicants are directly furthering a specific Comprehensive Plan goal. In sum, the “public benefit” criterion for a variance is easily met: “The proposal’s benefits will be greater than any negative impacts on development of adjacent uses and will further the purpose and intent of the ordinance and Comprehensive Plan of the City.”⁸

The public benefits of this proposal are substantial and clear, while any potential negative effects are minimal.

(4) Not a Self-Imposed Hardship (AMC 18.5.5.050.A.4):

The need for the variance “is not self-imposed by the applicant or property owner.” (AMC 18.5.5.050.A.4.) This requirement is unequivocally met. The physical constraints (steep terrain and the long-existing nonconforming access easement) were established by others long before the Applicants acquired the property in 2023. Applicants had no role in creating the lot’s access situation. Denying the variance would therefore deny any reasonable use of this residential lot – a result wholly contrary to the intent of the code and fairness (and potentially triggering regulatory takings issues).

Again, City’s former Planning Director effectively recognized in 1993 that insisting on full compliance with the driveway slope standards here would serve “no

⁶ See: Letter from APRC attached to Community Development Director Goldman’s Memo the the Planning Commission. dated 03/18/2025[5]

⁷ See: Recitals in Public Trail Easement offered by Applicants, submitted into the record on 03/25/2025.

⁸ Ashland Parks, Trails, and Open Space Plan (2024), adopted as part of the Ashland Comprehensive Plan. See Ashland Parks & Recreation Dept. Letter to Planning Division (Mar. 12, 2024) (noting Tax Lot 1800 as Project #11, "Talent Irrigation Ditch Trail Segment," targeted for trail acquisition).

practical purpose” given the lack of any alternative access.⁹

In short, allowing use of the steeper existing driveway harms no one, whereas denying the variance would deprive the owner of any use of Tax Lot 1800. Such a denial would not only conflict with the broader public interest in utilizing residential land, but it would also raise serious fairness and legal concerns (as discussed under Needed Housing law, below).

Conclusion (Variance):

Substantial evidence in the Commission’s record demonstrates that this variance is necessary to permit development of a home on a pre-existing legal lot, and that approving it is consistent with the purpose of the code (ensuring safe access and reasonable use of residential land). City staff, after careful review, concluded that all variance criteria (AMC 18.5.5.050.H) are met and that the unique physical characteristics of the site warrant approval. We urge the Commission to reach the same conclusion as Planning staff and approve the driveway variance, so that this infill lot can finally be put to its intended use as a homesite after 30 years in City’s inventory of buildable lands.

Hillside Development Standards – Design is Safe, Minimizes Impacts, and Exceeds Requirements

Apart from the driveway variance, the proposed development is designed to meet or exceed Ashland’s Hillside Development Standards (AMC 18.3.10.090) – which were adopted after Tax Lot 1800 was created.¹⁰ The application carefully minimizes disturbance on this steep, wooded site, complying with both the purpose and the specific requirements of the City’s Physical & Environmental Constraints chapter. Initially, Applicants requested a couple of exceptions to the Hillside Design Standards pursuant to AMC 18.3.10.090.H (for a slightly taller downhill building wall and a less-than-6-foot upper-story offset). Findings were provided showing those exception criteria would be met. However, Applicants have since modified the home’s design to eliminate these exceptions. The plans were revised (during the post-hearing information period) to increase the upper-floor step-backs to a full 6 feet on the downhill elevations, and to ensure the downhill wall height meets the 20-foot limit. These design changes reduced

⁹ 1993 Letters from Planning Director McLaughlin (acknowledging that a driveway variance would be necessary and appropriate for this parcel's development).

¹⁰ City of Ashland Ordinance No. 2808, adopted 12/02/1997, establishing the Hillside Development Standards.

the home's floor area by about 44 square feet, and brought the project into compliance with those two standards. As a result, no major exceptions to the Hillside Standards are needed at this time (the only relief now being sought is the driveway variance discussed above). Even if an exception had been required, the record shows the criteria could be met – but importantly, the project as revised fully complies with City's Hillside Design Standards for building wall height and step-backs.

Overall, the project will be safe and environmentally sound – as confirmed by the geotechnical reports and by staff. Any visual or aesthetic impacts will be negligible due to the home's location and extensive natural screening. The home will be tucked against the slope and not visible from Granite Street or other public vantage points. Applicants address a few key hillside development issues in turn:

- **Slope Stability & Hazard Mitigation:** Applicants have thoroughly evaluated potential geologic hazards (landslide, erosion, etc.) and incorporated all required measures to mitigate them, per AMC 18.3.10.090.A. The home and driveway will be engineered with appropriate retaining systems and drainage to stabilize the slope. A geotechnical engineering report and site-specific grading plans (in the record) include detailed recommendations to ensure the development will be safe on the steep terrain. City staff concluded that the proposal adequately “considered the potential hazards” and that conditions of approval (e.g. erosion control plans, construction management measures) will reduce risks to acceptable levels. No evidence in the record refutes the expert analysis provided by Applicants, which demonstrates that Tax Lot 1800 can be developed as proposed without jeopardizing neighboring properties or hillside stability. Furthermore, Applicants will post a bond and obtain a Physical & Environmental Constraints Verification Permit before construction, giving the City additional oversight to confirm all hazard-mitigation measures are in place (a standard condition of approval). In sum, Applicants’ proposed development complies with the City’s Hillside Standards intended to prevent unsafe construction on steep lands.
- **Limiting Disturbance / “Natural State” Preservation:** Ashland’s Hillside Development Standards require that a substantial portion of a hillside lot remain in its natural state (undisturbed). Applicants’ site plan far exceeds this requirement. Approximately 18.7% of the lot area will be disturbed by development, meaning over 81% of the property remains in its natural, untouched condition – well beyond the 52% minimum natural area required (i.e. a maximum of 48% disturbance allowed under AMC 18.3.10.090.B.3). Similarly, lot coverage by impervious surfaces is substantially less than the 20% coverage allowed in this zoning. In other words, the proposed development easily meets

the code's objective of minimizing grading and preserving the majority of the site in natural hillside vegetation. The disturbance that does occur (driveway, building footprint, small yard areas) is concentrated in one portion of the lot to avoid spreading impacts. All retained areas will remain densely vegetated. Thus, the project is in harmony with the natural terrain and will maintain the hillside's overall character.

- **Hillside Building Design (Height & Step-Backs):** The home design incorporates stepped massing and vertical articulation to break up bulk, and it is well under the City's normal height limit for this zone. In fact, the building's overall height will be roughly 15 feet above natural grade at its tallest point, which is less than half the 35-foot height limit permitted on hillside lands. The design also meets all building envelope requirements. As noted, Applicants revised the design to comply fully with the specific Hillside Design Standards for downhill wall height and upper-story step-backs. The final plans demonstrate that the vertical wall portion on the downhill side is under 20 feet high, and the additional height above that (the roof gable and eaves) does not count as "wall" for the step-back rule. By adding 6-foot offsets to the upper floor, the continuous building plane on each elevation now conforms to the 36-foot maximum length standard (no exception needed). Staff concluded that, due to the site's steep slope and the desire to cluster development, allowing a modest exception in these areas would be justified to better protect the hillside. But now that the plans have been adjusted, no exception is required. It is worth noting that the project's approach (a two-story design snug against the slope) actually protects hillside resources better than a sprawling single-story or further stepped design. By concentrating the house on a small portion of the lot near the driveway entrance, grading outside the driveway and footprint is minimized, also preserving the vast majority of the trees (over 70 out of 75 significant trees on site will remain). Applicants have adhered to the primary objective of the Hillside Ordinance: reduce hillside disturbance while allowing reasonable development consistent with Tax Lot 1800's residential zoning. The result will be a well-designed home that respects its environment.
- **Retaining Walls:** Some neighbors raised a concern about the height of a proposed retaining wall along the north side of the driveway cut. The plans do not actually show a 22-foot-tall unbroken wall, as the neighbors asserted. The notations "+14 TOW, +15 TOW, +22 TOW" on Applicants' Landscape Plan refer to elevations relative to a datum, not exposed wall height. In fact, those correspond to actual wall heights of approximately 1 foot, 2 feet, and 5 feet above adjacent grade, respectively, for segments of the wall. All retaining walls will be engineered and will comply with AMC 18.3.10.090.B.4.b at the building permit

stage (which requires terracing or other measures for cuts over 7 feet). If necessary, the final design will incorporate terraced wall segments or other structural solutions so that no single vertical cut exceeds code limits without mitigation. In any event, Applicants are not asking to simply cut a 22-foot vertical bank with no terracing or stabilization. If minor adjustments (such as an additional terrace or shifting the wall location slightly inward) are needed during final engineering, Applicants can and will accommodate them – there is ample room on site to modify slopes or wall design as needed. The Commission can impose a condition that *“final grading and retaining wall plans shall meet the terracing requirements of AMC 18.3.10.090.B.4.b to the satisfaction of the Staff Advisor,”* and Applicants will gladly comply. This specific technical detail can be resolved between the project engineers and staff during final plan review; it does not affect the fundamental approvability of the project. Moreover, the retaining wall will be entirely on the Applicants’ property and will be properly constructed so as not to undermine soils on the downslope neighbor’s side. To the extent the wall may end up closer to the property line than the guideline of “half the wall height,” that guideline applies to raw cut slopes without structural support – here a structural wall is proposed, which by intent of the code allows more flexibility. If a small exception or variance is ultimately deemed necessary for the wall placement, the same hardship (steep topography and narrow lot configuration) justifies it, and it can be handled as a condition of approval. In summary, the retaining wall issue is a normal part of detailed hillside engineering and will be addressed in the final plan. It is not grounds for denial of the project.

Conclusion (Hillside Standards): The proposed home complies with or exceeds the Hillside Development Standards intended to protect the environment and public safety on steep lands. Where minor relief was initially sought from certain design standards, Applicants proactively modified the design to meet those standards outright. The project’s design represents the minimum necessary disturbance to develop a single-family home on this lot, and in many respects it goes above and beyond the code’s requirements (for example, preserving far more natural area and trees than required). City staff found the hillside development criteria satisfied (with conditions), and no evidence to the contrary has been provided.

Tree Removal Permit – Consistent with Standards and Necessary to Allow Reasonable Use

The application includes a request to remove a total of 67 trees from the site, 63 of which are small diameter (< 6 inches DBH) saplings or scrub trees that serve as ladder fuels. Only four significant trees (6 inches DBH or greater) are planned for removal, which is the minimum necessary to accommodate the driveway and the

homesite in a safe manner. The Ashland Tree Commission reviewed the proposal and, as reflected in the Staff Report, did not oppose the removals subject to recommended conditions (all of which Applicants accept). Staff likewise concluded that, with conditions, the Tree Removal criteria are met and the permit should be granted.

Under AMC 18.5.7.040.B, a Tree Removal Permit for hillside lands must satisfy two key approval criteria (in addition to fire safety considerations):

- (1) **Removal is Necessary for Allowed Use:** The proposed removals are necessary to enable reasonable development of this residential lot. The trees slated for removal directly conflict with the planned driveway location or building footprint, or are within the mandatory wildfire defensible space around the new home. In particular, a few trees near the driveway must be cleared to widen and improve the drive to meet safety standards, and a cluster of trees in the immediate construction area must be removed for the house foundation and fire clearance. It is not feasible to construct the home and driveway on Tax Lot 1800 without removing these specific trees – they lie essentially within the only developable area of the Lot. The code asks whether the tree removal is the “minimum necessary” to allow the use of the property, and here it clearly is.¹¹ Applicants have already modified their plans during the review process to preserve certain trees that were initially proposed for removal. For example, two trees that straddle the property line with the neighbors (a 16-inch oak and a dual-stem madrone ~10”/12”) were originally marked for removal but, to address the neighbor’s concerns, Applicants adjusted the driveway design to avoid cutting those trees. Those shared trees will be retained if at all possible, with the driveway shifted slightly and construction under the supervision of the project arborist to protect their roots. The only tree located near the property line that still must be removed is a large madrone (approximately 34–36” DBH) situated entirely within the recorded driveway easement area. That tree lies in the direct path of the Applicant’s recorded legal access easement and must be taken out to achieve the necessary driveway improvements (and importantly, the terms of Applicant’s easement allow removal of any obstructions within the easement area to allow for access). No trees are being removed solely to create yard amenities – for instance, the proposed patio and pool are sited on the portion of the lot with the least slope and outside any significant tree canopy, so no additional tree removal is required for those features. In summary, the trees proposed for removal have been limited to those absolutely needed for the driveway, building

¹¹ AMC 18.5.7.040.B.2.c (tree removal criterion requiring that removal be the minimum necessary to allow the lawful development).

pad, or required wildfire safety clearances. Applicant's requested Tree Removal Permit must be granted to the extent necessary to allow a home to be built on this pre-existing residential lot (denying it would preclude development – effectively a regulatory taking of the property).

- (2) **No Significant Negative Environmental Impacts:** The trees removed will have no significant adverse impact on the environment (erosion, soil stability, runoff, or impacts to remaining trees). An erosion control plan and other construction-phase safeguards will be in place to prevent any soil runoff or instability resulting from the clearing. The majority of the site's tree cover will remain intact, providing continued slope stability and erosion control. In terms of the forest ecology, the removals have been evaluated by a certified arborist and a forester; both professionals concluded that removing this small subset of trees (mostly suppressed understory growth) will not appreciably diminish canopy cover or species diversity in the area. Even with the removal of up to five significant trees, there will be no notable reduction in overall tree canopy density within 200 feet of the site – the hillside will remain heavily treed. Numerous mature madrone, pine, fir, and oak trees on the property and adjacent properties will be retained. Any trees removed will be mitigated as required by planting of new trees on site. With the recommended mitigation, the project proposes no net loss of tree values over the long term – the scenic and environmental functions of the trees will be replenished by new growth. Additionally, many of the smallest trees being removed are actually fire-prone ladder fuels; eliminating these combustibles improves wildfire safety for the property and its neighbors (an ancillary environmental benefit). In short, the limited tree removals proposed will not cause undue environmental harm.

Fire Safety and Forest Health Considerations:

Although not an explicit approval criterion in the Tree Removal chapter, it bears noting that the removal of many of the smaller trees is beneficial for wildfire safety. The property is in a designated Wildfire Hazard area where creating defensible space around structures is critical. Applicants' fire fuel reduction plan (included in the application) was reviewed by Ashland Fire & Rescue. It entails clearing brush and closely spaced small trees around the home. Many of the "67 trees" counted for removal are actually slender understory saplings or scrub that pose fire risks. Eliminating this excess fuel will improve safety for the new home and the neighborhood, while healthy larger trees will remain to provide shade and soil stability. In sum, Applicants' Tree Removal Plan, aligns with recommended wildfire mitigation practices. All trees to be removed are concentrated on a limited area of one private lot; adjacent properties and the broader neighborhood will still enjoy substantial tree cover. To further offset the removal of four

significant trees, Applicants will contribute to off-site tree planting as needed (per city requirements) to ensure no overall loss of urban forest canopy. With these measures, the project advances both safety and environmental stewardship.

Conclusion (Tree Removal):

Applicant's Tree Removal Plan satisfies the criteria of AMC 18.5.7.040, supporting the requested for a Tree Removal Permit. The few significant trees to be removed are the minimum necessary to accommodate code-compliant development of this lot, and their removal will not cause significant environmental harm. The tree removed will be mitigated as required. The Ashland Tree Commission reviewed the plan and did not oppose the proposed tree removals given the mitigation and safety rationale. Staff likewise concluded that, with conditions, the tree removal criteria are met and the permit should be approved. Applicants respectfully request that the Commission concur with its staff and approve the needed tree removals to allow the project to proceed. This will allow the new home to be built while ensuring the long-term health and safety of the remaining urban forest on and around the site.

Applicants' Rebuttal to Opponent Comments (Submitted March 12–25, 2025)

Applicants will now briefly respond to specific issues raised by various neighbors during the open-record period (March 12–25). Many of the neighbors' concerns were already addressed in the Rebuttal Memorandum submitted by Applicant's consulting planner, Amy Gunter of Rogue Planning & Development Services, on March 25, 2025, which is incorporated here by reference. Below, we summarize each key issue raised and provide a concise rebuttal, often referring back to the more detailed discussions in the sections above:

1. Tree Ownership and Removal Near the Property Line

Summary of Opponents' Argument: Neighbors (including the Eisenbergs and McLaughlins) assert that certain trees near the driveway area – specifically a 16-inch Oregon White Oak and a two-stem madrone (~10" and 12" DBH, identified as tree #68 and #71 on the plans) – straddle the property line between the subject property (Tax Lot 1800) and the McLaughlins' property (Tax Lot 700). They argue these trees are co-owned by Applicant and the neighbor and thus "cannot be removed without the neighbor's consent." Opponents also point out a recently identified ~34" diameter madrone at the northeast corner of the flag lot (within the access easement) that straddles the boundary, suggesting Applicants failed to account for this shared tree in the initial submittals.

Applicants' Response: Applicants acknowledge the updated survey information confirming that these three trees lie on or very near the shared property line. However, none of these shared trees creates an insurmountable problem for the

project. In fact, Applicant's development plans have now been adjusted to address the neighbor's concerns and to preserve the two property-line trees (#68 the oak, and #71 the small madrone). As noted above, the driveway design was slightly shifted and construction methods will be employed (under the project arborist's guidance) to protect those two trees so they can remain in place. The only large tree on the border – the ~34" madrone at the northeast flag lot corner – falls within the driveway easement area and is slated for removal, but that tree is entirely within the recorded access easement and its removal is permitted as part of Applicants' legal rights under the terms of the Easement Agreement (i.e. the Applicants have the legal right to remove it as necessary to allow use their access for its intended purpose). In any event, any tree that technically lies on a property line will only be removed in compliance with legal requirements – meaning if neighbor consent is required, Applicants will obtain it, or if consent is not granted, the plans will be adjusted to retain the tree. Applicants have every intention of being good neighbors and will work with the McLaughlins regarding any co-owned trees. Notably, by revising the plan during the post-hearing period, the only shared tree now planned for removal is the large madrone lying directly within the easement, and that removal is necessary for access and allowed by the terms of Applicant's recorded easement. This is a manageable issue and not grounds for denial. In fact, Ms. Gunter's March 25 memo confirms that the minimum number of significant trees are being removed to accommodate development, and that all such removals are necessary for the driveway, the residence footprint, or the wildfire safety buffer – none are being taken out gratuitously. Even with these removals, there will be no significant reduction in overall tree canopy or diversity in the vicinity. The shared trees in question do not derail the project: Applicants will either secure the neighbors' consent or simply design around the shared trees if need be (as they have already done for two of them). The Tree Removal Permit criteria are met, as detailed above – the removal is the minimum necessary for the project and will not have significant adverse impact on the area. (For additional details on tree protection measures, please refer to the March 25 Gunter Rebuttal and the arborist's reports in the record.) Finally, to reiterate: the large madrone located within the driveway easement may be removed under the terms of that easement, so its straddling the property line does not prevent the driveway improvements from moving forward.

2. Driveway Slope and Length (Variance Validity)

Summary of Opponents' Argument: Some neighbors (e.g. Ms. Sarah Sameh and Dr. Jay Reeck) argue that the flag-lot driveway's grade and length violate city standards and that the required variance should be denied. They suggest that because the driveway doesn't meet the standard 18% slope/200-foot length, the project is unacceptable or that this "self-imposed" condition should not be relieved by a variance.

Applicants' Response: This issue was the central focus of the application and has been fully addressed in the application narrative, staff reports, and in Applicants' prior submittals in the Commission's record (including Ms. Gunter's planning analysis).

In summary, the need for the driveway slope/length variance is driven by the lot's unique circumstances and historic approvals – it is the only possible access to a legal hillside lot that was created decades ago with the City's approval and knowledge that the driveway would exceed the usual standards. Again, the City explicitly contemplated this situation when the parcel was created in the 1990s. As previously mentioned, during 1992, Planning Director John McLaughlin acknowledged in writing that the access grade of the pre-existing nonconforming driveway would exceed code limits, but concluded that a variance for the driveway would be necessary and allowable to develop the lot. In fact, City staff correspondence from 1992–1993 (now in the record) confirms that Tax Lot 1800 would be recognized as a legal lot once an access easement was provided, and noted that “the future development of the driveway would require a variance.” City later approved Planning Action #PA95-024, and signed the official Plat showing Tax Lot 1800 as “Parcel 3” on 09/10/1995. The need for a steep, lengthy driveway is not a self-created hardship – it is an inherent condition of the lot's location and history. City staff today have likewise concluded that the variance criteria are met for all the reasons discussed earlier in this memo. As explained in the Variance section above, denying the variance would essentially preclude any home from ever being built on this lot, which was never the City's intent, and creates regulatory takings issues. In short, this variance is justified by the unique physical circumstances and prior City actions. The opponents have not introduced any new facts to refute the comprehensive variance justification already in the record – they largely repeat general objections to any steep driveway – and the historic driveway in question has existed for decades as a nonconforming use. The evidence remains that the variance meets all criteria and will ensure safe, reasonable access. Applicants incorporate by reference the full analysis provided in Section (1) of this memo and in the staff report. There is no basis to withhold the driveway variance in this case.

3. **Emergency Vehicle Access and Fire Safety**

Summary of Opponents' Argument: Building on the driveway length issue, opponents contend that emergency vehicle access will be unsafe or non-compliant due to the long, steep driveway. They question whether fire trucks can adequately reach the new house and whether lack of a standard turnaround near the house will pose a safety risk.

Applicants' Response: Applicants agree that fire safety and emergency access are critical, and have taken multiple steps to ensure the project will comply with all Fire Code requirements. First and foremost, the new house will be equipped with a NFPA-compliant fire sprinkler suppression system throughout. Adding sprinklers

dramatically improves fire safety for the occupants and neighbors, and it is a key factor that allows flexibility in fire apparatus access distance. Under AMC 18.5.3.060.J (and the Oregon Fire Code), the Fire Marshal may allow a turnaround to be farther from a home (up to 250 feet away) when the building is sprinklered. In this case, because the driveway is longer than normal, Applicants worked closely with Ashland Fire & Rescue to craft an acceptable alternative to the typical on-site turnaround. Ashland's Fire Marshal has indicated (in email correspondence in the record) that providing a widened turnout along the driveway – designed to Jackson County standards – would be an acceptable solution instead of a full hammerhead or cul-de-sac turnaround near the house (which is not feasible on this steep site). In other words, rather than having a turnaround at the top, a strategically placed pull-out on the driveway will allow a fire engine to stop and reverse direction as needed. This approach has been deemed acceptable by the Fire Marshal and is within his discretion under the code. While a formal sign-off letter from the Fire Marshal was not yet in the March 18 evidence, Applicants anticipate providing final written confirmation before the Commission's decision. In any event, the Commission can impose a condition of approval that final fire department approval of the access plan (turnouts, etc.) be obtained – and Applicants are amenable to such a condition. Applicants will comply with any and all fire code provisions (turnouts, sprinklers, fuel reduction, etc.) required by the Fire Official to ensure emergency access is safe. It is also worth noting that the shared lower portion of the driveway already serves multiple existing homes and is generally of adequate width for fire apparatus in most places. Applicants will be improving the driveway surface and ensuring that the new upper driveway segment meets the Fire Code's width requirement (minimum 12 feet clear) and weight capacity for firefighting equipment. Defensible space and vegetation management will be implemented around the new home in accordance with the Wildfire Lands ordinance. In sum, although the total driveway length exceeds the norm, the combination of a fully sprinklered residence, a mid-drive turnout, and Fire Marshal oversight will meet the intent of the fire code – which is to provide reasonable and safe access for emergency responders. The opponents' fears about wildfire are understandable given the site's wooded nature, but the appropriate way to address those fears is exactly what Applicants are doing: complying with enhanced fire safety measures. Importantly, no evidence exists in the Planning Commission's record supporting the assertion that emergency access will be insufficient once these measures are in place. This issue has been addressed by Ms. Gunter's memo and in discussions with the Fire Department, and it will be finalized as a condition of approval rather than serving as any basis for denial.

4. Retaining Wall Height and Hillside Impacts

Summary of Opponents' Argument: Opponents (Ms. Sameh and Dr. Reeck) argue that the north-side retaining wall along the driveway cut will not meet the City's Hillside Development Standards – claiming it might be as tall as 22 feet and too close to

the property line.

Applicants' Response: The final engineered design of the driveway retaining walls will comply with applicable standards or approved exceptions. Applicants believe the opponents have misinterpreted the preliminary plan schematic. As explained earlier, the plan's callouts "+14," "+15," and "+22" for the wall do not represent exposed wall height in feet – they are elevation references. The actual heights of the wall segments, relative to adjacent grade (driveway or landscaped planters), are on the order of 1 foot, 2 feet, and 5 feet, respectively. In any case, even if a taller combined retaining structure is needed for the steep cut, the Hillside Standards provide methods to address it. AMC 18.3.10.090.B.4.b requires that cut slopes over 7 feet be terraced or structurally stabilized. Here, a structural retaining wall is proposed to retain the cut. If the wall needs to be tiered to meet the 7-foot terracing rule, it can be designed with two shorter tiers (for example, two ~11-foot walls with a planting terrace between). If, alternatively, the geotechnical engineer determines a single taller wall is more appropriate for stability, a minor exception can be sought – but that scenario is unlikely given Applicants can terrace if needed. Importantly, Applicants are not asking for permission to simply cut a 22-foot vertical bank with no mitigation. Applicants fully intend to meet the code's requirements through proper engineering. The Commission can comfortably condition approval on the requirement that "final grading and retaining wall plans shall meet the terracing requirements of AMC 18.3.10.090.B.4.b," as noted above. Applicants will comply with that. Notably, this retaining wall detail was not a focus of the March 11 hearing (likely because it is understood to be solvable at the staff/engineering level). It does not affect the basic approvability of the project – it is a typical item to be resolved during final plan review. All retaining walls will be designed by a licensed engineer to ensure stability and code compliance. If that means adding a terrace or shifting the wall further inward onto Applicants' property, that can be done – there is ample room to make such adjustments. As for the wall's proximity to the property line (adjacent to Mr. Eisenberg's lot at 223 Granite), Applicants will ensure no adverse impact to the neighbor's property. All construction will occur on Applicants' side of the line, with proper structural support to avoid soil encroachment. It is true the wall may be closer to the property line than the guideline of "half the wall's height," but again, that guideline is meant for earthen slopes; a structural wall provides more flexibility. If a formal variance or exception is technically required for the wall's setback or height, Applicants will request it and can demonstrate the same hardship (steep slope and narrow lot) justifies it. In summary, the retaining wall concern is addressable in final engineering and is not a reason to deny the application.

5. Construction Access via the Shared Easement

Summary of Opponents' Argument: Some neighbors have expressed concern about construction impacts to the shared driveway easement (the lower access from Granite Street). They worry that heavy construction vehicles on the narrow, steep driveway could cause damage, block access for existing residents, or otherwise create problems – especially since multiple families use this easement. They question how equipment will reach the site and whether the Applicants have the right to use the easement for large construction vehicles.

Applicants' Response: The easement serving Tax Lot 1800 is a legal access and utility easement benefitting Tax Lot 1800 – it was granted specifically to allow not only residential traffic but also whatever access is necessary to build and maintain a residence (which was the very purpose of securing the easement in the 1990s). Using the easement for construction ingress/egress is clearly within the rights of the easement holder (Applicants). That said, Applicants are committed to minimizing construction disturbances for the neighbors. Applicants will coordinate a construction management plan that addresses the scheduling of large deliveries, contractor parking, and roadway maintenance. For example, Applicants can ensure that concrete trucks or excavation equipment access the site during off-peak hours for the neighbors, and will provide advance notice to adjacent residents of any temporary disruptions. If any damage occurs to the shared driveway surface or its edges due to construction activities, Applicants will promptly repair and restore the driveway. Applicants' goal is to leave the easement in equal or better condition than it was before construction. It's important to note that temporary construction inconvenience is not a land use approval criterion under the code. The Planning Commission typically does not base a decision on construction-period impacts, as the City has separate procedures (and the building permit can include conditions) to manage those issues. The key point for the Commission's purposes is that the Applicants' recorded easement establishes their right to access their property – and that inherently includes access during construction. Applicants will be good neighbors in exercising that right, employing best practices to reduce construction impacts. In sum, this concern, to the extent it has been raised, does not relate to any applicable approval criterion and thus should not affect the Commission's decision on the land use application.

6. Open Space and Trail Easement Commitments

Summary of Opponents' Argument: Many public comments alluded to the property's role in the city's open space and trails network. Given the parcel's size and location, neighbors want to ensure that the existing TID Ditch trail is preserved. Some suggested that allowing development might jeopardize this community trail connection or the general open-space value of the land.

Applicants’ Response: Applicants have gone above and beyond to address open space and trail concerns. As noted at the hearing, Applicants have repeatedly stated their willingness to dedicate a perpetual public pedestrian easement along the TID Ditch Trail segment that crosses their property. In fact, as mentioned above, Applicant Bryan DeBoer met with Ashland Parks & Recreation Commission (APRC) members in early 2024 and offered to grant such a trail easement. Although APRC never followed-up with provided Applicants with any easement documents, Applicants did not withdraw the offer. Applicants now formalized their offer by submitting a draft Public Trail Easement into the record, which they propose as a voluntary Condition of Approval in this land use action. This means that the portion of the trail crossing Tax Lot 1800 will be permanently secured for public recreational use for generations to come, enhancing the City’s trail system. This voluntary easement directly advances a specific goal incorporated into the City’s Comprehensive Plan (connected open spaces and trails) and provides a public benefit that more than compensates for the single variance Applicants request. In terms of general open space, it is also important to highlight that over 80% of the lot will remain undeveloped natural hillside. The development footprint (home, driveway, small yard/patio areas) is confined to about 18–19% of the parcel, leaving more than four-fifths of the land in its natural state. This far exceeds the code’s requirements (which would allow up to 48% of the site to be disturbed). Thus, neighbor concerns about “losing” open space are largely unfounded – the vast majority of the property’s natural land will remain untouched and will continue to provide wildlife habitat and scenic value.

7. Home Design, Size, and Aesthetic Concerns

Summary of Opponents’ Argument: Opponents raise general objections to the size and scale of the proposed home, and to certain design features (e.g., that it doesn’t “blend in,” or that it includes a swimming pool, which the Hillside Guidelines discourage but do not prohibit). Some suggest the home is too large for the neighborhood or otherwise aesthetically inappropriate.

Applicants’ Response: Applicants have worked diligently to ensure the home design complies with all clear-and-objective standards in the code. Where feedback was received, Applicants have made design concessions to address concerns. For example, as noted above, the plans were modified after the March 11 hearing to eliminate the need for any exception on the east and south elevations by providing full 6-foot offsets in the upper story, thereby meeting the horizontal plane standard (this change slightly reduced the home’s floor area as well). At this point, the project meets all applicable building design standards, and the only relief being sought is the driveway variance. The comment about the downhill wall height exceeding 20 feet has been addressed – the revised plans show that the vertical wall portion is under 20 feet, with only the roof structure above that height (which does not count toward the 20-foot wall limit). In

short, the design now conforms to the letter of the hillside development standards. To the extent opponents argue the project doesn't meet the "spirit" of those standards, Applicants believe the opposite is true: The primary objective of the Hillside Ordinance is to reduce impacts to hillsides while allowing reasonable development. As described, the project concentrates development in a small area, minimizes grading and retains the vast majority of existing trees (70+ out of ~75 significant trees will remain). In doing so, the design actually achieves the goals of the ordinance – it results in a home that is both site-appropriate and environmentally sensitive. Applicants fully intend for 231 Granite to be another example of a well-designed Ashland home that respects its natural setting. Finally, it must be stressed that general opposition to development or subjective aesthetic preferences are not approval criteria on which the Commission can base a denial. This is a privately owned, buildable lot created with the Planning Commission's approval in 1995. The owners are entitled to develop it in accordance with the City's Land Use Ordinance. As confirmed by staff's findings, the application meets or exceeds all applicable standards (or seeks proper relief where needed, in the case of the driveway). Personal preferences of neighbors – for instance, a desire to keep this lot undeveloped as quasi "open space," or dislike of the home's modern appearance or the inclusion of a pool – cannot override the fact that the proposal is code-compliant. The Hillside Development Standards about blending structures into the natural setting have been applied by staff in a reasonable, objective manner consistent with state law. The Planning Commission's role is to apply the law and standards as adopted, not to impose subjective design critiques. In this case, those standards support approval. The opponents' post-hearing submittals did not reveal any new instance of non-compliance with the code; they mainly re-emphasized concerns that were already considered and addressed by staff and the Applicants during the initial hearing.

Oregon's Needed Housing Law – Clear and Objective Standards Must Govern the Decision

Finally, it is important to recognize that this application is for "needed housing" under Oregon law. ORS 197.303 broadly defines needed housing to include "all housing on residentially zoned land" that meets the community's housing needs – explicitly including detached single-family homes like the one proposed here. The opponents' suggestion that a single large home is not "needed" is misplaced; the statute expressly includes single-family homes in the definition of needed housing. Because this application is for needed housing, the City may only apply "clear and objective" standards, conditions, and procedures in its decision, per ORS 197.307(4) (the State's Needed Housing mandate). Oregon law prohibits local governments from applying discretionary approval criteria in a way that would discourage needed housing through unreasonable cost or delay. In practical terms, this means that if the evidence shows the application meets the literal requirements of an approval criterion (or can meet them

with reasonable conditions), the City cannot deny or downsize the housing project based on subjective policies or extra-stringent interpretations not stated in clear terms.

Oregon courts and the Land Use Board of Appeals (LUBA) have consistently enforced these needed housing provisions. In *Rogue Valley Association of Realtors v. City of Ashland* (involving Ashland’s original 1997 hillside standards), the Court of Appeals struck down the City’s attempt to apply subjective architectural design conditions to a housing development, holding that appearance or aesthetic standards must be clear and objective if they are to be applied to needed housing developments.¹² In other words, if a standard has no purpose other than aesthetics, it falls under ORS 197.307(4)’s mandate for clarity and objectivity. That precedent is directly relevant here because much of the opposition to this project centers on subjective aesthetic preferences (such as the home’s size or appearance, or the inclusion of a swimming pool which the code “discourages” but pointedly does not prohibit). Under the Needed Housing law, the City cannot deny – or require a redesign of – a housing project due to aesthetic concerns unless those concerns are codified in clear and objective standards. Ashland’s Hillside standards about blending with the natural setting are indeed important, but they have been applied in this case in the clear-and-objective manner intended: specifically, staff identified how the project meets all the quantifiable limits (coverage, height, open space, etc.) and reasonably exercised professional judgment on the discretionary aspects in favor of approval, consistent with the needed housing mandate. This approach is in line with the state law.

Because no entirely clear-and-objective approval path was available for developing a home on this particular Hillside lot (the process inherently required a discretionary Physical & Environmental Constraints Permit and variance), the City must apply the required criteria as objectively as possible in order to comply with ORS 197.307(4). Unlike some applicants who voluntarily choose a discretionary track, here the Applicants had no alternative “clear and objective” track to select – so they did not waive their rights under the Needed Housing statute. Therefore, the only available path (the discretionary review) must be applied with an eye toward fulfilling the needed housing mandate, not frustrating it. In practical terms, this means the Commission should not impose any subjective or extra-statutory hurdles on this application. If the evidence demonstrates that the proposal meets the literal requirements of the code criteria (or can do so with conditions), the City should approve it. The law does not allow Ashland to deny needed housing on the basis of rigid or subjective application of standards that the property cannot practically meet.

¹² *Rogue Valley Ass’n of Realtors v. City of Ashland*, 158 Or App 1 (1999).

Recent LUBA cases underscore that local governments cannot use discretionary variance or conditional use criteria to thwart needed housing when no clear-and-objective alternative is available. For example, in *Zirker v. City of Bend*, LUBA overturned a denial of a housing project where the city had applied a variance “hardship” test too strictly, noting that a property’s unique characteristics must be considered and that a variance should be granted if needed for development of the housing and no adverse impacts would result.¹³ Similarly, in *Nordlund v. Clackamas County*, LUBA emphasized that a “physical characteristic of the property” (in that case, topography) can justify variance relief for housing, and if a condition is common to many properties (i.e. not unique), that is a different situation – but where the hardship is unique, the variance should be allowed to enable the housing use.¹⁴ The point is that needed housing may not be denied on the basis of slavish application of standards that the property cannot meet, when those standards can be flexibly applied or varied without undermining their purpose. Here, the physical constraints are unique and were known to the City when the lot was approved and created; applying the variance criteria with reasonable flexibility to allow this house is in keeping with the spirit of the law. Put simply, the law does not allow Ashland to deny this application unless it fails to meet an applicable clear and objective standard – and as discussed, it does not so fail. A denial or onerous conditions based on open-ended criteria would risk violating ORS 197.307. Fortunately, in this case, we do not face that issue because the proposal, as conditioned by staff, satisfies all applicable standards.

Conclusion

Applicants appreciate the neighbors’ engagement in this process and understand their concerns. Applicants have strived to address each substantive point with factual corrections or mitigation measures. Many issues – such as tree removal, fire safety, and driveway design – were thoroughly examined in Applicants’ prior submittals and by their team of professionals (planner, engineer, surveyor, and arborist). The record before the Commission is replete with substantial evidence justifying approval of the application, subject to the reasonable conditions recommended by Staff (most of which Applicants had already proposed or do not object to). In conclusion, Applicants respectfully request approval of the Physical & Environmental Constraints Permit (with the driveway slope/length variance), the Tree Removal Permit, and associated conditions, so that this long-planned family home can finally be built. The application meets all applicable approval criteria or seeks proper relief where needed, and it advances the City’s housing and trails objectives in the process. We urge the Planning

¹³ *Zirker v. City of Bend*, 59 Or LUBA 1 (2009).

¹⁴ *Nordlund v. Clackamas County*, 64 Or LUBA 100 (2011).

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Ashland Planning Commission | PA-T2-2024-00053
April 1, 2025

Commission to affirm staff's recommendation and approve the project. Thank you for your careful consideration.

Respectfully submitted,
DAVIS HEARN ANDERSON & SELVIG, PC

A handwritten signature in blue ink, appearing to read "Chris", is centered below the typed name.

Christian E. Hearn | OSB #911829
chearn@davishearn.com
Of Attorneys for Applicants

DAVIS HEARN ANDERSON & SELVIG, PC
515 EAST MAIN STREET | ASHLAND, OREGON 97520
541.482.3111 | chearn@davishearn.com | www.davishearn.com

NOTICE OF APPLICATION

PLANNING ACTION: PA-T2-2024-00053

SUBJECT PROPERTY: 231 Granite Street

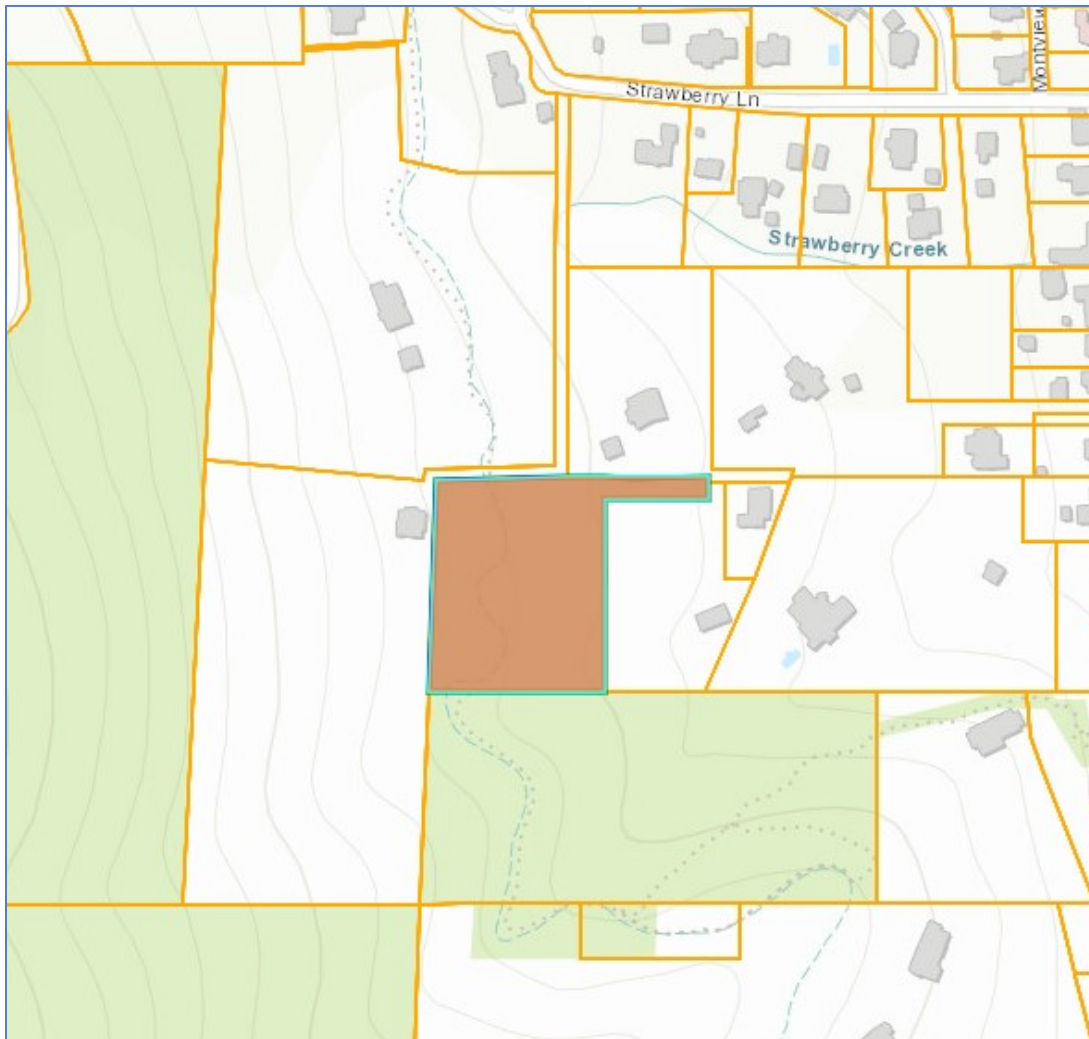
PROPERTY OWNERS: Stephanie & Bryan DeBoer

APPLICANTS: Carlos Delgado Architect

DESCRIPTION: A request for a Physical and Environmental (P&E) Constraints permit to construct a new single-family dwelling in steep slopes greater than 25% within the hillside overlay area, including exceptions to the hillside design standards. The proposal includes a Type 2 variance due to the proposed driveway grade exceeding 18%. The applicant also requests a tree removal permit to remove 67 trees, 63 of which are between 6" and 12" Diameter at Breast Height (DBH), 8 of which are dead, and 4 are significant trees which are larger than 12" DBH.

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential; ZONING: RR-.5; MAP: 39 1E 08 DA; TAX LOTS: 1800

ASHLAND PLANNING COMMISSION MEETING: *Tuesday March 11, 2025 at 7:00 PM, Ashland Civic Center, 1175 East Main Street*



COMMUNITY DEVELOPMENT DEPARTMENT

51 Winburn Way
Ashland, Oregon 97520
ashland.or.us

Tel: 541.488.5305
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TTY: 800.735.2900

Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

A copy of the application, including all documents, evidence and applicable criteria are available online at "What's Happening in my City" at <https://gis.ashland.or.us/developmentproposals/>. Copies of application materials will be provided at reasonable cost, if requested. Application materials may be requested to be reviewed in-person at the Ashland Community Development & Engineering Services Building, 51 Winburn Way, via a pre-arranged appointment by calling (541) 488-5305 or emailing planning@ashland.or.us.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

If you have questions or comments concerning this request, please feel free to contact Veronica Allen at 541-488-5305 or planning@ashland.or.us.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

PHYSICAL & ENVIRONMENTAL CONSTRAINTS

18.3.10.050

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That 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. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

EXCEPTION TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS

18.3.10.090.H

An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.

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2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#) Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

VARIANCE

18.5.5.050

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
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.
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.

TREE REMOVAL PERMIT (AMC 18.5.7.040.B)

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. 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.
 - d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

ADDITIONAL PRELIMINARY FLAG LOT PARTITION PLAT CRITERIA

18.5.3.060

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

- A. The criteria of section [18.5.3.050](#) are met.
- B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the

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minimum square footage requirements of the zoning district.

- C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.
- D. Except as provided in subsection 18.5.3.060.H, below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.
- E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.
- 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 for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#) Variances.
- G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.
- H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:
 - 1. Vehicle access shall be from the alley only where required as a condition of approval.
 - 2. No screening and paving requirements shall be required for the flagpole.
 - 3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.
 - 4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.
- I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.
- J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040](#) G.5). 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.
- K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.
- L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.
- M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.
- N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or fire resistant broadleaf evergreen site-obscuring hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.
- O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.
- P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.

COMMUNITY DEVELOPMENT DEPARTMENT

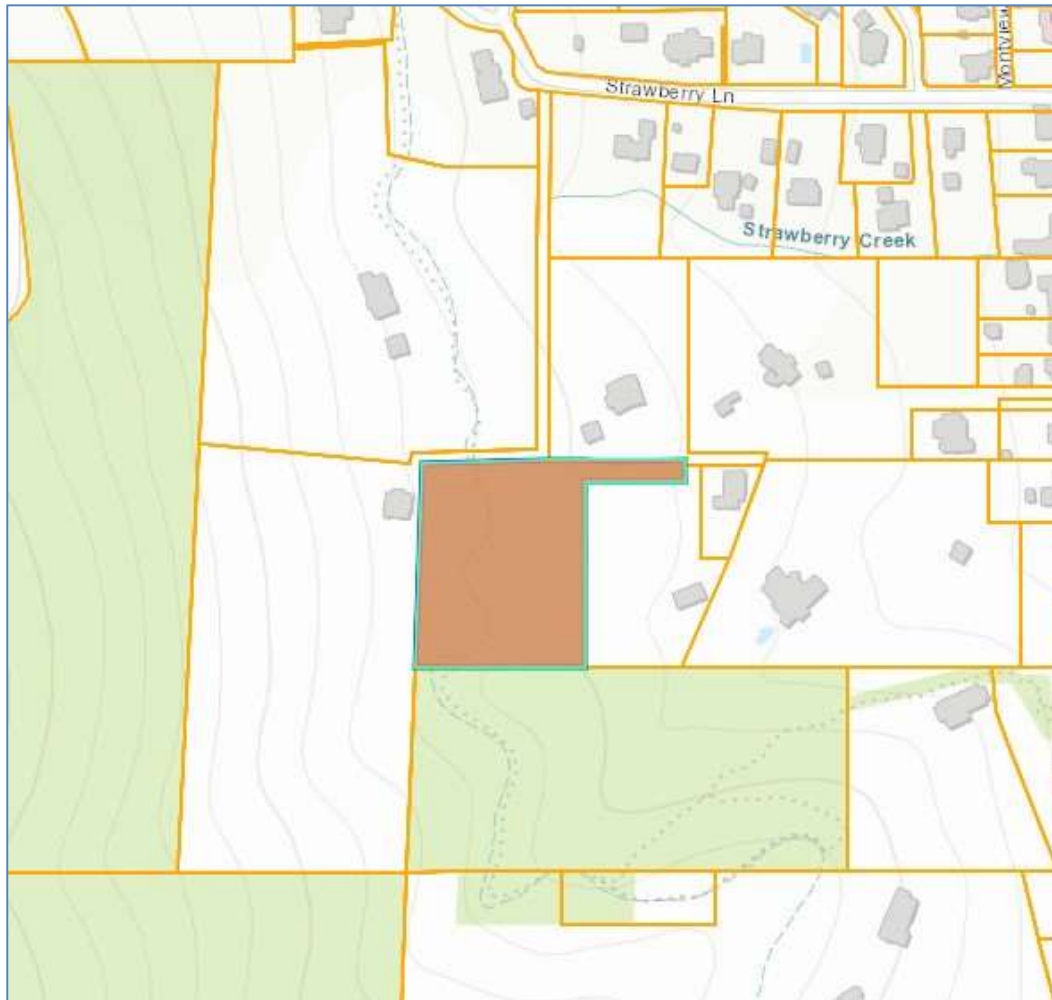
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NOTICE OF APPEAL HEARING

PLANNING ACTION: PA-APPEAL-2025-00021
SUBJECT PROPERTY: 231 Granite Street
PROPERTY OWNERS: Stephanie & Bryan DeBoer
APPLICANTS: Carlos Delgado, Architect
APPELLANTS: Len Eisenberg and Kent & Pamela McLaughlin
DESCRIPTION: An appeal on the record of the Planning Commission's approval of PA-T2-2024-00053, a Physical and Environmental (P&E) Constraints Review Permit to allow the construction of a new single-family dwelling on Hillside Lands/Severe Constraints Lands. The Planning Commission's original approval included an Exception to the Development Standards for Hillside Lands, a Variance to the length and grade standards for a flag drive in AMC 18.5.3.060.F, and a Tree Removal Permit to remove 74 trees, including nine significant trees. *(This appeal will be processed on the record according to AMC 18.5.1.060.I. The specific grounds for the appeal identified by the appellant are detailed in the attached.)*
COMPREHENSIVE PLAN DESIGNATION: Low Density Residential; **ZONING:** RR-5; **MAP:** 39 1E 08 DA; **TAX LOTS:** 1800

ASHLAND CITY COUNCIL MEETING: Tuesday June 17, 2025 at 6:00 PM, Ashland Civic Center, 1175 East Main Street



This appeal will be processed on the record according to AMC 18.5.1.060.I. The grounds for the appeal as identified by the appellant are listed below:

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Appellants' Grounds for Appeal (AMC 18.5.1.060.I.2.c)

- a. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.A.
- b. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.B.
- c. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a Physical Constraints Review Permit without addressing or demonstrating compliance with the requirements of 18.3.10.050.C.
- d. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving development of unbuildable slopes greater than 35% in violation of 18.3.10.090.A.1 and 2.
- e. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in concluding that the parcel has inadequate buildable area less than or equal to 35% under 18.3. 10.090.A. 1.a when much of the property is comprised of 25% to 30% slopes.
- f. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving the proposed development within a partition without the geotechnical study required by 18.3.10.090.A.4.
- g. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing terracing for purposes other than developing a building pad and vehicular access including landscaping, a pool and spa, and an outdoor kitchen and lounge contrary to 18.3.10.090.B.8.a.
- h. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the applicant to develop a pad for a swimming pool and spa contrary to 18.3.10.090.A.8.c.
- i. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a building envelope which is not located and sized to preserve the maximum number of trees on site as required by 18.3. 10.090.D.3.b.
- j. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving an exception to the wall height requirements at 18.3.10.090.E.2.c without addressing or demonstrating compliance with the requirements of 18.3.10.090.H.
- k. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing the driveway grade for the new driveway to exceed 20% contrary to 18.4.3.080.D.8.
- l. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance to allow an average flag drive grade over 20% when 18% is the maximum grade allowed for flag drive variances by 18.5.3.060.F.
- m. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a variance that allows the applicant to exceed the 15% maximum grade for a flag drive where the cumulative length of such variances exceeds 200 feet contrary to 18.5.3.060.F.

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- n. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by allowing an overlength flag drive without the turnaround required by 18.5.3.060.J.
- o. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in approving a variance to 18.5.3.060.F without addressing or demonstrating compliance with the requirements of 18.5.5.050.
- p. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in determining that the lot configuration, site topography and existing natural features are unique circumstances warranting a variance under 18.5.5.050.A.1.
- q. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposed variance is the minimum necessary variance under 18.5.5.050.A.2.
- r. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by relying on determinations made by a former Ashland planning director in place of the required findings under the variance provisions in section 18.5.5.050.
- s. The Planning Commission improperly construes 18.5.5.050.A.3 and makes a decision that is not supported by adequate findings or substantial evidence in holding that the proposal's benefits are greater than the negative impacts and will further the purpose and intent of the Ashland Land Use Ordinance and the Comprehensive Plan of the City when in fact the opposite is true.
- t. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by holding that the proposed variance under 18.5.5.050.A.4 was not the result of a self-imposed hardship.
- u. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by approving a tree removal permit without addressing or demonstrating compliance with each of the criteria set forth in 18.5.7.040.
- v. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to analyze the impact of tree removal within 200 feet of the property as required by 18.5.7.040.B.2.c.
- w. The Planning Commission improperly construes applicable law and makes a decision that is not supported by adequate findings or substantial evidence by failing to consider required tree protection measures as set forth under 18.4.5.030.C.1 and 18.4.5.030.C.6.
- x. The Planning Commission errs by adopting conclusory findings that do not address the relevant criteria or explain how the facts found demonstrate compliance with those criteria, and which improperly incorporates by reference materials which do not support the decision of approval and are internally inconsistent.
- y. The Planning Commission improperly construes the applicable law and makes a decision that is not supported by adequate findings or substantial evidence by imposing a condition requiring future development to conform to the requirements of the Ashland Fire Department where the applicant has not demonstrated such a condition to be feasible.

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TTY: 800.735.2900

Notice is hereby given that the ASHLAND CITY COUNCIL will meet to consider an Appeal on the Record for Planning Action PA-T2-2024-00053 on the meeting date and time shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

Review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Planning Commission in accordance with AMC 18.5.1.060.I. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open; recorded testimony; the executed decision of the Planning Commission, including the findings and conclusions. In addition, for purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding. The record and appeal materials are available for review at <https://ashlandoregon.gov/1094/231-Granite-PA-T2-2024-00053> or can be reviewed in the Planning Department offices at 51 Winburn Way at no cost. Copies will be provided at a reasonable cost, if requested.

Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten minutes for the applicant, ten minutes for the appellant, if different, and three minutes for any other party who participated in the original decision. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be received in the Planning Department on or before 4:30 p.m., June 6, 2025. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth above in this Notice of Appeal; similarly, oral argument shall be confined to the substance of the written argument. *Statements of support or opposition are not argument.* The record on this matter remains closed and no new evidence may be submitted. Argument may be submitted only by parties to the planning action and is to be directed to the Ashland Planning Department, Community Development and Engineering Services Building, 51 Winburn Way, Ashland, Oregon 97520 or e-mailed to PC-public-testimony@ashland.or.us. Submissions which do not constitute legal argument on identified issues in the notice of appeal will not be forwarded to City Council.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the assigned staff planner, Planning Manager Derek Severson in the Ashland Planning Department at 541-488-5305 or via e-mail to planning@ashlandoregon.gov. Participating parties wishing to provide their oral testimony electronically can contact the assigned staff planner to make arrangements.

PHYSICAL & ENVIRONMENTAL CONSTRAINTS REVIEW PERMIT (AMC 18.3.10.050)

An application for a Physical Constraints Review Permit is subject to the Type I procedure in section 18.5.1.050 and shall be approved if the proposal meets all of the following criteria.

- A. Through the application of the development standards of this chapter, the potential impacts to the property and nearby areas have been considered, and adverse impacts have been minimized.
- B. That the applicant has considered the potential hazards that the development may create and implemented measures to mitigate the potential hazards caused by the development.
- C. That 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. The Staff Advisor or Planning Commission shall consider the existing development of the surrounding area, and the maximum development permitted by this ordinance.

EXCEPTION TO THE DEVELOPMENT STANDARDS FOR HILLSIDE LANDS (AMC 18.3.10.090.H)

An exception under this section is not subject to the variance requirements of chapter 18.5.5 Variances. An application for an exception is subject to the Type I procedure in section 18.5.1.050 and may be granted with respect to the development standards for Hillside Lands if the proposal meets all of the following criteria.

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site.
2. The exception will result in equal or greater protection of the resources protected under this chapter.
3. The exception is the minimum necessary to alleviate the difficulty.
4. The exception is consistent with the stated Purpose and Intent of chapter [18.3.10](#) Physical and Environmental Constraints Overlay chapter and section 18.3.10.090 Development Standards for Hillside Lands.

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VARIANCE (AMC 18.5.5.050)

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
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.
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.

TREE REMOVAL PERMIT (AMC 18.5.7.040.B)

1. Hazard Tree. A Hazard Tree Removal Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard (i.e., likely to fall and injure persons or property) or a foreseeable danger of property damage to an existing structure or facility, and such hazard or danger cannot reasonably be alleviated by treatment, relocation, or pruning. See definition of hazard tree in part 18.6.
 - b. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.
2. Tree That is Not a Hazard. A Tree Removal Permit for a tree that is not a hazard shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.
 - a. The tree is proposed for removal in order to permit the application to be consistent with other applicable Land Use Ordinance requirements and standards, including but not limited to applicable Site Development and Design Standards in part 18.4 and Physical and Environmental Constraints in part 18.10.
 - b. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks.
 - c. 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.
 - d. Nothing in this section shall require that the residential density to be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures of alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with the other provisions of this ordinance.
 - e. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to section 18.5.7.050. Such mitigation requirements shall be a condition of approval of the permit.

ADDITIONAL PRELIMINARY FLAG LOT PARTITION PLAT CRITERIA (AMC 18.5.3.060)

The approval authority shall approve a preliminary plat application for a flag lot partition only where all of the following criteria are met.

- A. The criteria of section [18.5.3.050](#) are met.
- B. For the purpose of meeting the minimum lot area requirement, the lot area, exclusive of the flag drive area, must meet the minimum square footage requirements of the zoning district.
- C. Flag drives shall be in the same ownership as the flag lots served. Where two or more lots are served by the same flag drive, the flag drive shall be owned by one of the lots and an easement for access shall be granted to the other lot or lots.
- D. Except as provided in subsection 18.5.3.060.H, below, the flag drive serving a single flag lot shall have a minimum width of 15 feet and contain a 12 foot wide paved driving surface. For drives serving two flag lots, the flag drive shall be 20 feet wide, with a 15 foot wide driving surface to the back of the first lot, and a 12 foot wide driving surface to the rear lot. Drives shared by adjacent properties shall have a width of 20 feet, with a 15 foot paved driving surface. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.
- E. Curb cuts have been minimized, where possible, through the use of common driveways. No more than two flag lots are served by the flag drive.
- F. Flag drive grades shall not exceed a maximum grade of 15 percent. Variances may be granted for flag drives for grades in excess

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of 15 percent but no greater than 18 percent for not more than 200 feet. Such variances shall be required to meet all of the criteria for approval in chapter [18.5.5](#) Variances.

- G. Flag drives shall be constructed to prevent surface drainage from flowing over sidewalks or other public ways.
- H. Flag lots adjacent to an alley shall meet all of the requirements of this section, except that:
 - 1. Vehicle access shall be from the alley only where required as a condition of approval.
 - 2. No screening and paving requirements shall be required for the flagpole.
 - 3. A four foot pedestrian path shall be installed within the flagpole and improved and maintained with either a concrete, asphalt, brick, or paver block surface connecting the street to the buildable area of the flag lot.
 - 4. The flag pole width shall be no less than eight feet wide and the entrance of the pole at the street shall be identified by the address of the flag lot clearly visible from the street on a four-inch by four-inch post that is 3½ feet high. The post shall be painted white with black numbers three inches high running vertically down the front of the post. For flagpoles serving two or more dwellings, the addresses of such dwellings shall be on a two foot by three foot white sign clearly visible from the street with three-inch black numbers.
- I. Flag drives and fire work areas shall be deemed Fire Apparatus Access Roads under the Oregon Fire Code and subject to all requirements thereof.
- J. When required by the Oregon Fire Code, flag drives greater than 150 feet in length shall provide a turnaround (see Figure [18.4.6.040.G.5](#)). 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.
- K. Each flag lot has at least three parking spaces situated to eliminate the necessity for vehicles backing out.
- L. There shall be no parking within ten feet of the centerline of the drive on either side of the flag drive entrance.
- M. Flag drives serving structures greater than 24 feet in height, as defined in part 18.6, shall provide a fire work area of 20 feet by 40 feet clear of vertical obstructions and within 50 feet of the structure. The fire work area requirement shall be waived if the structure served by the drive has an approved automatic sprinkler system installed.
- N. Both sides of the flag drive have been screened with a site-obscuring fence, wall or fire resistant broadleaf evergreen site-obscuring hedge to a height of from four to six feet, except in the front yard setback area where, starting five feet from the property line, the height shall be from 30 to 42 inches in the remaining setback area. Such fence or landscaping shall be placed to ensure fire apparatus access is not obstructed by the encroachment of mature landscaping.
- O. The applicant has executed and filed with the Community Development Department an agreement between applicant and the City for paving and screening of the flag drive. Such an agreement shall specify the period within which the applicant, or agent for applicant, or contractor shall complete the paving to standards as specified by the Public Works Director and screening as required by this section, and providing that if applicant should fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the applicant. An agreement shall also provide for the maintenance of the paving and screening pursuant to this section, and assurance ongoing maintenance.
- P. Flag lots shall be required to provide a useable yard area that has a minimal dimension of 20 feet wide by 20 feet deep. As used in this chapter, the term "useable yard area" means a private yard area which is unobstructed by a structure or automobile from the ground upward.

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APPEAL OF TYPE II DECISION (AMC 18.5.1.060.I)

Appeal of Type II Decision. The City Council may call up a Type II decision pursuant to section 18.5.1.060.J. A Type II decision may also be appealed to the Council as follows.

1. **Who May Appeal.** Appeals may only be filed by parties to the planning action. "Parties" shall be defined as the following.
 - a. The applicant.
 - b. Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.
 - c. Persons who were entitled to receive notice of the action but did not receive notice due to error.
2. **Appeal Filing Procedure.**
 - a. ***Notice of Appeal.*** Any person with standing to appeal, as provided in subsection 18.5.1.060.I.1, above, may appeal a Type II decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection.
 - b. ***Time for Filing.*** The notice of appeal shall be filed with the City Administrator within ten days of the date the notice of decision is mailed.
 - c. ***Content of Notice of Appeal.*** The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.
 - d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.
3. **Mailed Notice.** The City shall mail the notice of appeal together with a notice of the date, time, and place to consider the appeal by the City Council to the parties, as provided in subsection 18.5.1.060.I.1, at least 20 days prior to the meeting.
4. **Scope of Appeal.**
 - a. Except upon the election to reopen the record as set forth in subsection 18.5.1.060.I.4.b, below, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Commission. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits, and materials submitted during the hearing or at other times when the record before the Commission was open; recorded testimony; (including DVDs when available), the executed decision of the Commission, including the findings and conclusions. In addition, for purposes of Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.
 - b. ***Reopening the Record.*** The City Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator together with the filing of the notice of appeal and the City Administrator determines prior to the Council appeal hearing that the requesting party has demonstrated one or more of the following.
 - i. That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that reopening the record before the Council is the only means of correcting the error.
 - ii. That a factual error occurred before the Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision.
 - iii. That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the

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period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.

- iv. Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the Council.

5. Appeal Hearing Procedure. The decision of the City Council is the final decision of the City on an appeal of a Type II decision, unless the decision is remanded to the Planning Commission.

- a. ***Oral Argument.*** Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten minutes for the applicant, ten for the appellant, if different, and three minutes for any other party who participated below. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be submitted no less than ten days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the notice of appeal; similarly, oral argument shall be confined to the substance of the written argument.
- b. ***Scope of Appeal Deliberations.*** Upon review, and except when limited reopening of the record is allowed, the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.
- c. ***Council Decision.*** The Council may affirm, reverse, modify, or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal. Upon recommendation of the Administrator, the Council may elect to summarily remand the matter to the Planning Commission. If the Council elects to remand a decision to the Commission, either summarily or otherwise, the Commission decision shall be the final decision of the City, unless the Council calls the matter up pursuant to subsection [18.5.1.060.J](#).

6. Record of the Public Hearing. For purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.

The public hearing record shall include the following information.

- a. The notice of appeal and the written arguments submitted by the parties to the appeal.
- b. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
- c. All materials considered by the hearings body including the application and all materials submitted with it.
- d. Documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open.
- e. Recorded testimony (including DVDs when available).
- f. All materials submitted by the Staff Advisor to the hearings body regarding the application;
- g. The minutes of the hearing.
- g. The final written decision of the Commission including findings and conclusions.

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7. **Effective Date and Appeals to State Land Use Board of Appeals.** City Council decisions on Type II applications are final the date the City mails the notice of decision. Appeals of Council decisions on Type II applications must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.

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Appeal on the Record Frequently Asked Questions

A recent land use decision of the Planning Commission has been appealed to the City Council. The appeal of a Planning Commission decision is handled according to the procedures found in AMC 18.5.1.060.I as “*An Appeal on the Record*.”

What is “An Appeal on the Record”?

An “*Appeal on the Record*” is an appeal of a land use decision where the City Council must consider the same facts and information (i.e. “the record”) that the Planning Commission saw. The City Council may not consider new facts or information.

Prior to 2008, City Council appeals were handled through a *de novo* hearing process and the City Council was able to consider new information during an appeal that was not previously included in the record upon which the Planning Commission based their decision. Since 2008, City Council appeals have been handled through an appeal on the record.

What are the steps to appeal?

Once the Planning Commission makes a decision on a land use matter, a party to the original decision may appeal that decision to the City Council. The appellant must identify, in writing, specific areas where they think the Planning Commission made a mistake. The mistake has to be an error in interpretation of a fact, an interpretation of a rule or regulation, or in procedure. The City Council will review only those specific issues raised as “errors.”

The Council will decide: 1) whether there is substantial evidence to support the decision of the Planning Commission, and 2) if the Planning Commission committed an error.

What will happen at the hearing?

At the City Council meeting, the only people who will be allowed to talk directly to the Council will be the City staff; the applicant; people who have filed the written appeal; and participants who provided oral or written testimony during the original Planning Commission hearing and who submit written arguments at least 10 days in advance of the City Council meeting. The applicant will be allowed 10 minutes and the people who have filed the written appeal will be allowed 10 minutes. Participants who have filed written arguments will be allowed 3 minutes to summarize their argument for the City Council. No one can introduce new information or facts.

What may the Council consider in reaching a decision?

Except when limited reopening of the record is allowed as provided in AMC 18.5.1.060.I.4.b., the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. City Council review is limited to the issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Planning Commission and the parties to respond.

Ultimately, the Council may:

- Affirm the decision of the Planning Commission and reject the appeal;
- Reverse the decision of the Planning Commission and support the written appeal;
- Modify the decision of the Planning Commission; or
- Send the decision back to the Planning Commission with instructions for further proceedings. In this case, subsequent actions by the Planning Commission will be the final decision of the City.
- The final decision of the City can be appealed to the State Land Use Board of Appeals (LUBA).

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April 23, 2025

Notice of Final Decision

The Ashland Planning Commission has approved the request for the following:

Planning Action: PA-T2-2024-00053

Subject Property: 231 Granite Street

Applicant: Carlos Delgado Architect

Description: A request for a Physical and Environmental (P&E) Constraints permit to construct a new single-family dwelling in steep slopes greater than 25% within the hillside overlay area, including exceptions to the hillside design standards. The proposal includes a Type 2 variance due to the proposed driveway grade exceeding 18%. The applicant also requests a tree removal permit to remove 67 trees, 63 of which are between 6” and 12” Diameter at Breast Height (DBH), 8 of which are dead, and 4 are significant trees which are larger than 12” DBH. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential; **ZONING:** RR-.5; **MAP:** 39 1E 08 DA; **TAX LOTS:** 1800

The Planning Commission’s decision becomes final and effective ten days after this Notice of Final Decision is mailed. Approval is valid for a period of 18 months and all conditions of approval identified on the attached Findings are required to be met prior to project completion.

The application, all associated documents and evidence submitted, and the applicable criteria are available for review at the Ashland Community Development Department, located at 51 Winburn Way. Copies of file documents can be requested and are charged based on the City of Ashland copy fee schedule.

This decision may be appealed to the Ashland City Council if a Notice of Appeal is filed prior to the effective date of the decision and with the required fee (\$325), in accordance with section 18.5.1.060.I of the Ashland Municipal Code, which is also attached. The appeal may not be made directly to the Oregon Land Use Board of Appeals.

If you have any questions regarding this decision, please contact Veronica Allen in the Community Development Department at (541) 488-5305.

cc: Stephanie & Bryan DeBoer
Parties of record





SECTION 18.5.1.060.I

I. Appeal of Type II Decision. The City Council may call up a Type II decision pursuant to section 18.5.1.060.J. A Type II decision may also be appealed to the Council as follows.

1. Who May Appeal. Appeals may only be filed by parties to the planning action. "Parties" shall be defined as the following.
 - a. The applicant.
 - b. Persons who participated in the public hearing, either orally or in writing. Failure to participate in the public hearing, either orally or in writing, precludes the right of appeal to the Council.
 - c. Persons who were entitled to receive notice of the action but did not receive notice due to error.
2. Appeal Filing Procedure.
 - a. *Notice of Appeal.* Any person with standing to appeal, as provided in subsection 18.5.1.060.I.1, above, may appeal a Type II decision by filing a notice of appeal and paying the appeal fee according to the procedures of this subsection.
 - b. *Time for Filing.* The notice of appeal shall be filed with the City Administrator within ten days of the date the notice of decision is mailed.
 - c. *Content of Notice of Appeal.* The notice shall include the appellant's name, address, a reference to the decision sought to be reviewed, a statement as to how the appellant qualifies as a party, the date of the decision being appealed, and a clear and distinct identification of the specific grounds for which the decision should be reversed or modified, based on identified applicable criteria or procedural irregularity.
 - d. The appeal requirements of this section must be fully met or the appeal will be considered by the City as a jurisdictional defect and will not be heard or considered.
3. Mailed Notice. The City shall mail the notice of appeal together with a notice of the date, time, and place to consider the appeal by the City Council to the parties, as provided in subsection 18.5.1.060.H.1, at least 20 days prior to the meeting.
4. Scope of Appeal.
 - a. Except upon the election to reopen the record as set forth in subsection 18.5.1.060.I.4.b, below, the review of a decision of the Planning Commission by the City Council shall be confined to the record of the proceeding before the Commission. The record shall consist of the application and all materials submitted with it; documentary evidence, exhibits, and materials submitted during the hearing or at other times when the record before the Commission was open; recorded testimony; (including DVDs when available), the executed decision of the Commission, including the findings and conclusions. In addition, for purposes of Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.
 - b. *Reopening the Record.* The City Council may reopen the record and consider new evidence on a limited basis, if such a request to reopen the record is made to the City Administrator





together with the filing of the notice of appeal and the City Administrator determines prior to the Council appeal hearing that the requesting party has demonstrated one or more of the following.

- i. That the Planning Commission committed a procedural error, through no fault of the requesting party, that prejudiced the requesting party's substantial rights and that reopening the record before the Council is the only means of correcting the error.
 - ii. That a factual error occurred before the Commission through no fault of the requesting party which is relevant to an approval criterion and material to the decision.
 - iii. That new evidence material to the decision on appeal exists which was unavailable, through no fault of the requesting party, when the record of the proceeding was open, and during the period when the requesting party could have requested reconsideration. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence is relevant to an approval criterion and material to the decision. This exception shall be strictly construed by the Council in order to ensure that only relevant evidence and testimony is submitted to the hearing body.
 - iv. Re-opening the record for purposes of this section means the submission of additional written testimony and evidence, not oral testimony or presentation of evidence before the Council.
5. Appeal Hearing Procedure. The decision of the City Council is the final decision of the City on an appeal of a Type II decision, unless the decision is remanded to the Planning Commission.
- a. *Oral Argument.* Oral argument on the appeal shall be permitted before the Council. Oral argument shall be limited to ten minutes for the applicant, ten for the appellant, if different, and three minutes for any other party who participated below. A party shall not be permitted oral argument if written arguments have not been timely submitted. Written arguments shall be submitted no less than ten days prior to the Council consideration of the appeal. Written and oral arguments on the appeal shall be limited to those issues clearly and distinctly set forth in the notice of appeal; similarly, oral argument shall be confined to the substance of the written argument.
 - b. *Scope of Appeal Deliberations.* Upon review, and except when limited reopening of the record is allowed, the Council shall not re-examine issues of fact and shall limit its review to determining whether there is substantial evidence to support the findings of the Planning Commission, or to determining if errors in law were committed by the Commission. Review shall in any event be limited to those issues clearly and distinctly set forth in the notice of appeal. No issue may be raised on appeal to the Council that was not raised before the Commission with sufficient specificity to enable the Commission and the parties to respond.
 - c. *Council Decision.* The Council may affirm, reverse, modify, or remand the decision and may approve or deny the request, or grant approval with conditions. The Council shall make findings and conclusions, and make a decision based on the record before it as justification for its action. The Council shall cause copies of a final order to be sent to all parties participating in the appeal. Upon recommendation of the Administrator, the Council may elect to summarily remand the matter to the Planning Commission. If the Council elects to





remand a decision to the Commission, either summarily or otherwise, the Commission decision shall be the final decision of the City, unless the Council calls the matter up pursuant to subsection 18.5.1.060.J.

6. Record of the Public Hearing. For purposes of City Council review, the notice of appeal and the written arguments submitted by the parties to the appeal, and the oral arguments, if any, shall become part of the record of the appeal proceeding.

The public hearing record shall include the following information.

- a. The notice of appeal and the written arguments submitted by the parties to the appeal.
 - b. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
 - c. All materials considered by the hearings body including the application and all materials submitted with it.
 - d. Documentary evidence, exhibits and materials submitted during the hearing or at other times when the record before the Planning Commission was open.
 - e. Recorded testimony (including DVDs when available).
 - f. All materials submitted by the Staff Advisor to the hearings body regarding the application;
 - g. The minutes of the hearing.
 - g. The final written decision of the Commission including findings and conclusions.
7. Effective Date and Appeals to State Land Use Board of Appeals. City Council decisions on Type II applications are final the date the City mails the notice of decision. Appeals of Council decisions on Type II applications must be filed with the State Land Use Board of Appeals, pursuant to ORS 197.805 - 197.860.





Council Business Meeting

Date: June 17, 2025

Agenda Item	Second Reading of Ordinance 3265 adopting the 2025 Economic Opportunity Analysis
Department	Community Development
From	Brandon Goldman, Director of Community Development

TIME ESTIMATE

10 Minutes

CATEGORY

Ordinance/Resolution - a motion is needed to adopt the ORD. or RESO.

SUMMARY

The City Council is requested to approve Second Reading of Ordinance No. 3265, and adopt written findings, relating to the 2025 Economic Opportunities Analysis (EOA), a technical support document to the Economy Element of the Ashland Comprehensive Plan. The City Council approved first reading of Ordinance 3265 on June 3rd, 2025.

POLICIES, PLANS & GOALS SUPPORTED

The adoption of the 2025 Economic Opportunities Analysis (EOA) is consistent with and supports the following local and state policies and regulatory frameworks:

- Ashland Comprehensive Plan
 - *Economy Element*: The EOA provides the technical foundation to inform updates to the City's economic development goals and policies.
 - *Land Use Planning Element*: Supports long-range planning decisions by aligning employment land needs with available capacity and future growth projections.
- Ashland Municipal Code (AMC)
 - *AMC 18.5.9.010 – Comprehensive Plan Amendments*: Establishes the process for legislative amendments to the Comprehensive Plan, including the adoption of technical support documents like the EOA.
 - *AMC 18.5.9.020 – Applicability and Review Procedure*: Identifies the Type III legislative process applicable to this action, including public hearings before the Planning Commission and City Council.
- State Planning Goals and Administrative Rules
 - *Statewide Planning Goal 9 – Economic Development*: Requires cities to provide adequate opportunities for a variety of economic activities through the maintenance of a sufficient supply of suitable employment land.
 - *OAR 660-009-0015 – Economic Opportunities Analysis (EOA) Requirements*: Specifies the required content, methodology, and use of EOAs in evaluating employment land needs and supporting Goal 9 compliance.
- Oregon Revised Statutes (ORS)
 - *ORS Chapter 197 – Comprehensive Land Use Planning Coordination*: Provides the statutory framework for comprehensive plan amendments and the inclusion of technical support documents to guide local planning decisions.

BACKGROUND AND ADDITIONAL INFORMATION

At the June 3, 2025 public hearing, the City Council reviewed and approved the 2025 Economic Opportunities Analysis (EOA) and Ordinance 3265 as presented. The ordinance amends the Ashland Comprehensive Plan to adopt the updated EOA as a technical support document to the Economy Element. There have been no changes





Council Business Meeting

to the ordinance or the EOA following the public hearing, and Ordinance 3265 is now presented for Second Reading by title only.

The written Findings of Fact and Conclusions of Law are also presented for Council review and approval. These findings address compliance with Statewide Planning Goal 9 and Oregon Administrative Rule 660-009-0015, which require cities to evaluate and plan for a 20-year supply of employment land. The findings demonstrate that the 2025 EOA meets these requirements by providing a data-driven analysis of local economic trends, projected job growth, and Ashland's capacity to accommodate future employment within its existing land supply.

The 2025 EOA replaces Ashland's outdated 2007 analysis and reflects significant changes in demographics, employment patterns, and land use conditions. It uses current labor market data, the City's 2024 Buildable Lands Inventory, and public input to provide a factual basis for future land use decisions, zoning updates, and economic development strategies. The EOA does not establish new policies or regulatory actions but serves as a foundation to guide future planning efforts consistent with state mandates and local goals.

FISCAL IMPACTS

Adoption of the Economic Opportunities Analysis has no direct fiscal impact on the City of Ashland Budget.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

A public hearing before the City Council was held on June 3, 2025, at which time the Council reviewed and approved the 2025 Economic Opportunities Analysis and Ordinance No. 3265 as presented. There have been no changes to the ordinance or the EOA since that hearing. Ordinance No. 3265 is now presented for Second Reading by title only, along with the written Findings of Fact and Conclusions of Law for Council approval.

Suggested Motion:

I move to approve Second Reading of Ordinance No. 3265, titled "*AN ORDINANCE ADOPTING THE 2025 ECONOMIC OPPORTUNITIES ANALYSIS AS A TECHNICAL SUPPORT DOCUMENT TO THE ECONOMY ELEMENT OF THE CITY OF ASHLAND COMPREHENSIVE PLAN,*" and to approve the accompanying Findings of Fact and Conclusions of Law.

REFERENCES & ATTACHMENTS

1. ORD3265_EOA_06022025
2. ORD3265_EOA_Findings_06172025
3. 2025 Economic Opportunity Analysis dated 06022025



ORDINANCE NO. 3265

AN ORDINANCE ADOPTING THE 2025 ECONOMIC OPPORTUNITIES ANALYSIS AS A TECHNICAL SUPPORT DOCUMENT TO THE ECONOMIC ELEMENT OF THE CITY OF ASHLAND COMPREHENSIVE PLAN

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

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

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

WHEREAS, The City of Ashland is required under Oregon Statewide Planning Goal 9 (Economic Development) and Oregon Administrative Rule (OAR) 660-009 to provide an adequate factual basis for employment land needs in its Comprehensive Plan.

WHEREAS, The City of Ashland's most recent Economic Opportunities Analysis (EOA) was completed in 2007, and a technical update is necessary to reflect current economic trends, employment projections, and land capacity over the next 20-year planning period.

WHEREAS, The City, with technical assistance funding from the Oregon Department of Land Conservation and Development (DLCD), retained Community Attributes Inc. (CAI) to prepare an updated Economic Opportunities Analysis. The final report, dated June 2, 2025, provides a comprehensive analysis of Ashland's employment land supply and demand and includes findings on demographic and economic trends, buildable lands capacity, and employment forecasts consistent with Goal 9 and OAR 660-009.

WHEREAS, The 2025 Economic Opportunities Analysis (EOA) does not establish new policies, zoning regulations, or land use designations. Rather, it is intended to serve as a technical support document to inform future amendments to the Ashland Comprehensive Plan and to support ongoing planning and policy development.

WHEREAS, The Ashland Planning Commission conducted a duly noticed public hearing on May 27, 2025 reviewed the EOA, and recommended the City Council adopt the 2025 Economic Opportunity Analysis a technical support document to the Comprehensive Plan and approve Planning Action PA-L-2025-00017.

WHEREAS, The Ashland City Council conducted a public hearing on June 3, 2025 and concluded that the 2025 Economic Opportunities Analysis is consistent with the requirements of Statewide Planning Goal 9 and OAR 660-009 and supports the long-range economic development objectives of the City.

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

SECTION 1. The City of Ashland hereby adopts the 2025 Economic Opportunities Analysis, prepared by Community Attributes Inc. and dated June 2, 2025, as a technical support document to the Economic Element of the Ashland Comprehensive Plan, amending Chapter 7 – Economy, 7.08 Technical Reports as follows:

The following reports are adopted by reference as part of the Economy Element of the Ashland Comprehensive Plan:

1. City of Ashland: Economic Opportunities Analysis. ~~(April 2007)~~ **(June 2025)**

SECTION 2. The adopted EOA shall serve as the factual basis for future amendments to the City’s Comprehensive Plan and land use regulations relating to employment land needs, economic development, and Goal 9 implementation.

SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

**BEFORE THE CITY COUNCIL
CITY OF ASHLAND, JACKSON COUNTY, OREGON
June 17, 2025**

In the matter of Planning Action PA-L-2025-00017,	)	
Ordinance 3265 adopting the 2025 Economic Opportunities	)	FINDINGS OF FACT
Analysis as technical support document of the City of	)	AND CONCLUSIONS OF
Ashland Comprehensive Plan’s Economy Element	)	LAW
	)	

I. PURPOSE

The purpose of Ordinance 3265 is to adopt the 2025 Economic Opportunities Analysis (EOA) as a technical support document to the Economic Element of the Ashland Comprehensive Plan. The EOA provides a current, data-driven assessment of Ashland’s employment land supply, projected land needs, and opportunities for economic development over the 2025–2045 planning period. It serves as a foundational resource to inform future policy updates, zoning amendments, capital planning, and economic development initiatives in compliance with Statewide Planning Goal 9 and related administrative rules.

II. PUBLIC HEARINGS

This action was reviewed through the City’s legislative land use process. A joint study session of the Planning Commission and City Council was held on April 29, 2024. Public engagement included a community survey (February 2024), stakeholder interviews and focus groups (March–April 2024), and a Southern Oregon University student forum (April 2024). A public hearing was held before the Planning Commission on May 27, 2025. The City Council is scheduled to conduct a public hearing for adoption on June 3, 2025. Public notices were issued in accordance with Ashland Municipal Code (AMC) Chapter 18.5.9 and applicable state statutes.

III. SUMMARY OF AMENDMENTS

Ordinance 3265 amends the text of the Ashland Comprehensive Plan by adopting the 2025 Economic Opportunities Analysis (EOA) as a technical support document to the Economic Element. The EOA is a data-driven analysis that establishes a factual basis to inform future policy decisions related to employment land supply, economic development strategies, and infrastructure planning.

Adoption of the EOA does not modify the Comprehensive Plan’s existing goals or policies, nor does it revise the Comprehensive Plan or Zoning maps. The EOA references the City’s adopted

2024 Buildable Lands Inventory (BLI) but does not itself amend or replace that inventory. Instead, it evaluates employment land demand and supply using the adopted BLI to assess Ashland's capacity to accommodate projected job growth over the 2025–2045 planning horizon.

This action ensures compliance with Statewide Planning Goal 9 and provides a legally sufficient foundation for future updates to the City's Comprehensive Plan, zoning regulations, and public facility planning efforts.

IV. EVALUATION AND COUNCIL FINDINGS

The City Council finds that adoption of the 2025 Economic Opportunities Analysis (EOA) complies with Ashland Municipal Code (AMC) 18.5.9.020, the Ashland Comprehensive Plan, applicable Statewide Planning Goals, and relevant provisions of Oregon Administrative Rules. While legislative amendments to the Comprehensive Plan are not subject to the same approval criteria as quasi-judicial land use decisions, the City must demonstrate consistency with these overarching legal and policy frameworks. Ordinance 3265 and the 2025 EOA meet these standards by providing a comprehensive, data-informed analysis of Ashland's economic conditions and projected employment land needs through 2045.

In accordance with OAR 660-009, which implements Statewide Planning Goal 9 (Economic Development), the EOA includes:

- A review of national, state, regional, and local economic trends (OAR 660-009-0015(1));
- Identification of site characteristics needed to accommodate forecasted job growth (OAR 660-009-0015(2));
- An inventory of suitable employment lands within the Urban Growth Boundary (OAR 660-009-0015(3)); and
- An assessment of the community's economic development potential (OAR 660-009-0015(4)).

The Council further finds that conditions have changed substantially since the adoption of the 2007 Economic Opportunities Analysis, necessitating a modernized analysis. Over the past two decades, Ashland has experienced notable demographic shifts, including an aging population, slower population growth than previously forecasted, increasing housing costs, and a transition toward remote and knowledge-based employment. Broader economic events, such as the 2008 recession and the COVID-19 pandemic, have further reshaped national, state, regional and local labor dynamics, employer needs, and the composition of Ashland's employment base.

Additionally, the City has seen measurable consumption of buildable land over the past 18 years as commercial and industrial development has progressed within the Urban Growth Boundary.

This reduction in available land, combined with a rising demand for infill and a growing emphasis on climate resilience and economic equity, has changed both the supply and character of sites suitable for future employment uses. The 2025 EOA responds to these conditions by incorporating updated forecasts, regional labor market data, and a parcel-level assessment of land availability and suitability. It replaces outdated assumptions with current, localized information and ensures that future planning and economic development decisions are aligned with evolving conditions and statutory obligations.

The EOA documents a 20-year employment land need of approximately 76 acres and identifies a net supply of 181 buildable acres within the city, indicating an overall surplus. The analysis also notes constraints in the availability of small, centrally located commercial parcels that are important for certain business types. Adoption of the EOA does not establish new policy or regulatory provisions but provides an updated factual and technical foundation for evaluating future land use decisions consistent with local comprehensive plan goals and Statewide Planning Goal 9. The following Statewide Planning Goal findings support this action:

Statewide Planning Goal Findings

Goal 1: Citizen Involvement

The EOA process included robust public involvement. Outreach efforts included a citywide survey (472 respondents), focus groups, stakeholder interviews, public forums, and study sessions and public hearings before both the Planning Commission and City Council.

Conclusion: Goal 1 is met.

Goal 2: Land Use Planning

The EOA supports a comprehensive, coordinated land use planning process by updating the factual basis for employment land decisions. It will inform future plan amendments and zoning changes, consistent with Goal 2's requirements for data-driven policy making.

Conclusion: Goal 2 is met.

Goal 3: Agricultural Lands

Not applicable. The EOA does not affect agricultural lands outside the UGB.

Conclusion: Not applicable.

Goal 4: Forest Lands

Not applicable. The EOA does not affect forest lands outside the UGB.

Conclusion: Not applicable.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

The EOA does not modify adopted natural resource policies.

Conclusion: Goal 5 is met.

Goal 6: Air, Water, and Land Resources Quality

The EOA does not affect existing policies or regulations related to resource protection.

Conclusion: Goal 6 is met.

Goal 7: Areas Subject to Natural Hazards

The EOA aligns with the City's acknowledged hazard mitigation planning and does not alter protections.

Conclusion: Goal 7 is met.

Goal 8: Recreational Needs

The EOA does not modify recreational land use policies.

Conclusion: Goal 8 is met.

Goal 9: Economy

The 2025 Economic Opportunities Analysis (EOA) fulfills the requirements of Statewide Planning Goal 9 by ensuring Ashland has an adequate supply of commercial and industrial lands within the Urban Growth Boundary (UGB) to accommodate anticipated economic growth over a 20-year horizon. Consistent with OAR 660-009, the EOA includes an evaluation of economic trends at multiple geographic scales, employment forecasts, an inventory of buildable employment lands, and an analysis of land suitability based on site characteristics. It further assesses Ashland's economic development potential based on the city's unique attributes, industry composition, and strategic location within the Rogue Valley.

The analysis projects Ashland's private employment to increase from 8,644 jobs in 2025 to 10,045 by 2045, with the most growth expected in Leisure and Hospitality, Healthcare, and Finance/Insurance/Real Estate (FIRE). The EOA identifies a net supply of 181 buildable acres of employment land and a total projected demand of 76 acres, resulting in a surplus. However, the analysis also notes limitations in specific site types, including a shortage of small, centrally located commercial parcels suited for visibility-dependent businesses. These findings are based on a parcel-level evaluation of site readiness, land use constraints, and market dynamics, particularly affecting areas like the Downtown Commercial District and opportunity sites such as the Croman Mill and Railroad District.

The EOA does not create or mandate new policies but provides a technical foundation to inform future zoning updates, infrastructure investment decisions, and economic development initiatives. By aligning Ashland's employment land capacity with projected demand and documenting both surpluses and constraints, the EOA supports strategic planning consistent with Goal 9 objectives to promote economic vitality, employment opportunity, and land use efficiency. Its adoption as a technical support document to the Comprehensive Plan enables the City to base future land use decisions on updated data and findings that reflect current and forecasted economic conditions.

Conclusion: Goal 9 is met.

Goal 10: Housing

The EOA does not directly propose changes to residential zoning or housing policy but acknowledges the interrelationship between employment growth and housing affordability. The City of Ashland allows mixed-use development in commercial and employment zones, enabling

upper-story residential uses above ground-floor commercial spaces. These mixed-use provisions help address housing needs within walkable, job-rich areas and contribute to balanced community growth.

Conclusion: Goal 10 is met.

Goal 11: Public Facilities and Services

The EOA informs infrastructure planning by identifying areas where lack of water, sewer, or transportation capacity may constrain employment development. Adoption of the EOA supports coordinated planning with utility and capital improvement efforts, consistent with the City's Goal 11 framework.

Conclusion: Goal 11 is met.

Goal 12: Transportation

The EOA does not propose specific transportation changes, but it will support future updates to Ashland's Transportation System Plan (TSP), scheduled for 2025–2026. The EOA provides a foundation to evaluate how projected employment growth, site types, and redevelopment areas will impact transportation demand, helping ensure consistency with the Transportation Planning Rule (OAR 660-012).

Conclusion: Goal 12 is met.

Goal 13: Energy Conservation

The EOA does not alter energy policies but supports compact, mixed-use development that reduces vehicle miles traveled and promotes energy efficiency.

Conclusion: Goal 13 is met.

Goal 14: Urbanization

The EOA supports efficient development within the existing UGB and identifies opportunities to accommodate employment growth without expanding the boundary.

Conclusion: Goal 14 is met.

Goals 15–19:

Not applicable. Ashland is not located near the Willamette River, ocean, coastal shorelands, dunes, or estuarine areas.

V. CONCLUSION

The City Council concludes that adoption of the 2025 Economic Opportunities Analysis (EOA) is consistent with all applicable approval criteria, including the procedural and substantive requirements of Ashland Municipal Code Chapter 18.5.9 for legislative amendments, Statewide Planning Goal 9 (Economic Development), and the implementing provisions of Oregon Administrative Rule (OAR) 660-009. The EOA was prepared in accordance with OAR 660-009-0015 and includes a comprehensive review of national, state, regional, and local economic trends; a forecast of employment growth; an inventory of buildable employment lands; and an

assessment of Ashland’s economic development potential based on site suitability and community priorities.

The Council finds that the EOA provides a robust, data-driven evaluation of Ashland’s capacity to accommodate projected employment growth over the 2025–2045 planning period. The document identifies both the quantitative sufficiency of employment lands and the qualitative challenges associated with site readiness, location, and zoning limitations. In doing so, the EOA offers valuable insights into land use patterns, infrastructure needs, and emerging market demands within Ashland’s urban growth boundary.

As a technical support document to the Comprehensive Plan’s Economy Element, the EOA does not establish new policy or regulatory actions, but rather serves as a factual basis for future planning decisions. It will inform updates to zoning, support targeted redevelopment efforts, and guide the coordination of infrastructure investments to promote economic opportunity and land use efficiency. Adoption of the 2025 EOA advances Ashland’s long-range planning goals by ensuring compliance with state mandates while supporting local priorities for economic resilience, equity, and sustainability.

Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the City Council hereby APPROVES the ADOPTION of the 2025 Economic Opportunities Analysis as reflected in the attached ordinance.

Ashland City Council Approval

_____	_____
Tonya Graham, Mayor	Date

Signature authorized and approved by the full Council this _____ day of June, 2025.

Attest:

Alissa Kolodzinski, City Recorder Date

Approved as to form:

Johan Pietila, City Attorney Date

Findings of Fact and Conclusions of Law

City of Ashland

Economic Opportunity Analysis

June 2, 2025

Prepared by:



Prepared for:





*Community Attributes Inc. tells data-rich stories about communities
that are important to decision makers.*

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EXECUTIVE SUMMARY

Ashland's Existing Conditions

- Ashland is a compact city of approximately 21,600 residents, characterized by its pleasant downtown, cultural amenities, and opportunities for outdoor recreation.
- The following sections bring forth key findings from this Economic Opportunity Assessment.

People and Housing

- Population growth has been relatively slow in Ashland, with a compound annual growth rate (CAGR) of 0.5% from 2010 to 2024—less than half of Medford's 1.2% CAGR.
- Compared to the region and its nearby peers, Ashland's population tends to be older, more educated, and more racially homogenous. Ashland's median age is 48.2 in 2022 compared to 42 in Jackson County and 39.5 in Medford.
- As of 2023, small households make up the majority of Ashland's community, with 78% of households consisting of one or two people.
- As of 2023, 45% of Ashland's households were homeowners and 44% were renters, while 11% of housing units were vacant or partially vacant—including those used as short-term rentals or second homes.
- Household income in Ashland (as well as in Medford and Jackson County) has seen a slight increase over time with Ashland increasing at a CAGR of 4% from 2010 to 2022.
- The proportion of households in Ashland experiencing cost burden (or spending more than 30% of their income on housing costs) decreased at a CAGR of -2% from 2010-2023.
- According to the U.S. Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) data, housing units are categorized by the maximum rent or home price affordable to households earning 30%, 50%, and 80% of area median income (AMI). For HUD CHAS data, the term "affordable housing" means that a household spends no more than 30% of its gross income on housing costs. In 2021, 26% of Ashland's households earned less than 50% AMI, but only 12% of housing units were affordable at that income level.
- As of 2023, Ashland's housing inventory includes 11,499 units, 59% of which are single-family homes.
- The median home sale price Ashland peaked at \$690,000 in September of 2024. It has since dropped to \$470,000 (as of last recorded data in March 2025).
- Homes also sell quickly in Ashland; as of March 2025, 43% of new listings in Ashland were sold within two weeks.

Land Use and Climate

- Commercial land comprises about 4% of Ashland’s land area, industrial land 1%, and employment-zoned land about 8%, with overlays and regulations limiting some development potential.
- The city faces multiple climate risks—wildfire, drought, and extreme heat were all rated as high-probability, high-vulnerability hazards in the 2024 hazard mitigation plan.

National and Regional Economic Trends

Macroeconomic Indicators

- National unemployment fell to 4.1% in 2024, returning to pre-pandemic lows, while labor force participation rebounded to 62.6%—still below early 2000s levels.
- Inflation rose sharply after 2020, with the Consumer Price Index (CPI) increasing 15% between 2020 and 2022; as of late 2024, CPI remained elevated at 175 (base 1999 = 100).
- The Federal Reserve’s policy response led to a sharp increase in the Secured Overnight Financing Rate (SOFR), which peaked at 5.31% in 2023 before easing slightly to 4.8% in 2024.

Southern Oregon and the Rogue River Valley

- Oregon’s overall population growth has been steady, but Jackson and Josephine Counties ranked mid-range among counties, with Medford growing faster than Ashland post-2020.
- The regional economy is service-oriented, with Services, Retail Trade, and Education and Health each accounting for about 21–24% of private jobs in the Jackson-Josephine region as of 2021. Private employment does not include public jobs like government or public school positions
- Since 2010, Jackson County added over 14,000 private jobs, growing at a CAGR of 1.5%, with the fastest growth in Construction (+5.4% CAGR), Education (+4.1%), and Resources (+4.0%). Private employment does not include public jobs like government or public school positions
- In Ashland, the share of total workers who report working from home grew from 13.3% in 2010 to 21.1% in 2023, maintaining a higher rate than Medford or the region.
- High-growth, specialized industries in Jackson County include Sporting Goods (LQ >10), Healthcare Services, and Food and Beverage establishments, with strong local employment and growth.

Local Economic Trends

Industry and Workforce

- Total employment in Ashland was 9,104 in 2022, with top sectors including Leisure and Hospitality, Retail, Education, and Health Care.
- The Employment Lands Sufficiency analysis uses private employment estimates and forecasts given by Oregon’s Department of Economic Development. Private employment does not include public sector jobs such as government or public school positions. From 2013 to 2023, private sector job growth was modest—growing at a 0.6% CAGR—with the fastest growth in Construction and related sectors (+9.9%), while industries such as Education and Wholesale Trade declined.
- Ashland’s private employment is forecast to grow from 8,644 in 2025 to 10,045 by 2045, with the most growth in Leisure and Hospitality (+654 jobs), Health Care (+422), and Finance, Insurance, and Real Estate (FIRE) (+165).
- Ashland’s workforce is highly educated: 62% of residents hold a bachelor’s degree or higher, compared to 28% in Medford.
- Commuting patterns show regional interdependence—only 37% of Ashland residents work in the city, while 69% of local jobs are filled by commuters from outside.
- Ashland’s jobs-to-housing unit ratio declined slightly from 0.78 in 2013 to 0.74 in 2023. This ratio is lower than the region’s and is likely explained by a relatively high share of senior and retired residents.
- The regional laborshed is highly dynamic, with workers often traveling to other cities for work.
- In 2022, industries with the highest net labor inflow included Accommodation and Food Services (+638), Educational Services (+596), and Retail Trade (+354), reflecting Ashland’s tourism and institutional economy.

Commercial Market

- Commercial real estate has seen uneven performance—retail lease rates fell from a 2018 peak of \$29.73/sqft to \$20.99 in 2024, while vacancy remains low at 2%.
- Downtown Ashland retail has rebounded post-COVID, with lease rates at \$17.00/sqft in 2024 and vacancy down to 1.6%, after a spike to 11.3% in 2021.
- Industrial vacancy increased sharply to 26.7% in 2024, due to new supply outpacing demand, while lease rates declined to \$10.47/sqft from a 2023 peak of \$13.59.

Employment Lands Sufficiency

- **Ashland’s Buildable Lands Inventory (BLI), adopted in 2024**, identified **181 net buildable acres of land** designated for employment uses, including commercial, industrial, and employment zones.
- This analysis finds that, with a total net buildable supply of 181 acres of “employment lands” and only **76 total acres of demand projected** for industrial and commercial uses, Ashland has a likely surplus of over 100 acres within the City and UGB urbanized area.
- However, **there may be a shortage of small, centrally located commercial sites**. While overall supply is sufficient, further analysis suggests a relative lack of small Downtown Commercial and mid-sized (1-5 ac) range commercial sites. Some of this demand could be absorbed by surplus E-1 employment lands; however, businesses that depend on visibility and foot traffic—such as those tied to the Oregon Shakespeare Festival—will continue to prefer prominent downtown locations. Improving pedestrian connectivity, signage, and branding between downtown and the northern E-1 node may help support business attraction in those areas.
- Ownership dynamics limit redevelopment of key opportunity sites. The Croman Mill and Railroad District properties represent the city’s largest groupings of buildable land, but lack of proactive ownership and incentives to sell have historically stalled redevelopment efforts.
- There is capacity to accommodate stronger-than-forecasted employment growth. If employment growth is greater than forecasts indicate in coming years, there will likely be sufficient land in Ashland to accommodate it given the surplus employment land supply identified within the City / UGB. In particular, certain segments within industrial – such as outdoor recreation manufacturing or craft food and beverage – may be worth consideration for targeted economic development efforts by Ashland to synergize with its evolving economic base.

Community Economic Development Priorities

- This EOA was informed by widespread engagement of Ashland’s community including; interviews, focus groups, public forums with Ashland’s stakeholders and a regional survey which captured responses from residents and business interests in Ashland. Engagement covered a diverse range of perspectives including city leadership, developers, landowners, institutional partners, SOU students, and major employers in Ashland.

Downtown Revitalization

- Community members across stakeholder groups expressed strong interest in revitalizing Downtown Ashland as a vibrant hub for retail, culture, and civic life.
- Priorities included activating ground-floor spaces, supporting local businesses, improving public safety and perception, and investing in streetscape upgrades.
- Public-private partnerships and strategic use of city-owned land were identified as key tools to catalyze redevelopment.

Economic Diversification

- Stakeholders emphasized the need to expand beyond a tourism-centered economy by supporting growth in health care, education, professional services, and the creative sector.
- There is interest in pursuing year-round employment opportunities and encouraging emerging industries suited to Ashland's workforce and values.
- Participants highlighted the need for supportive infrastructure and available land to accommodate diverse business types.

Housing Affordability and Workforce Retention

- Employers, institutions, and residents consistently identified housing affordability as a top barrier to retaining and attracting talent.
- Workforce instability was seen as a growing concern for local businesses, particularly in service and health care sectors.
- There is strong alignment between economic and housing goals, with support for policies that increase attainable housing options.

Barriers to Development

- Developers and business owners noted challenges related to infrastructure readiness, zoning flexibility, and the permitting process.
- Stakeholders expressed concern that the city's existing land inventory does not include enough large or easily developable sites.
- Suggestions included streamlining permitting and incentivizing redevelopment in already urbanized areas.

Regional Coordination and Partnerships

- Participants across sectors called for improved coordination between the City, Southern Oregon University, Ashland School District, and regional economic partners.
- Students and young adults expressed a desire for stronger career pathways and a more inclusive role in civic life.

- Better alignment between local education, housing, and economic development efforts was seen as essential to long-term success.

Ashland's Strengths and Opportunities

Distinctive Assets and Identity

- Ashland's cultural institutions, especially the Oregon Shakespeare Festival and Southern Oregon University, provide a unique identity and draw regional and national attention.
- The city's walkable downtown, access to parks and recreation, and small-town character are consistently cited as quality-of-life strengths.

Skilled and Engaged Workforce

- A highly educated population—62% with a bachelor's degree or higher—creates a strong talent base for knowledge-sector and creative economy jobs.
- Local institutions, including SOU, provide a foundation for growing partnerships around talent development and job pathways.

Economic Specialization and Tourism

- Strength in tourism, arts, and hospitality remains a key driver of local employment and business activity.
- Opportunities exist to build on creative economy assets and extend visitor spending into shoulder seasons or year-round models.

Health and Education Sectors

- Ashland's role as a hub for regional health care and education presents opportunities to grow jobs in these stable, high-value sectors.
- Investment in medical facilities and supportive services can further anchor the local economy.

Sustainable Growth and Redevelopment

- Compact urban form, transit access, and sustainability goals create a strong platform for infill development and adaptive reuse.
- Mixed-use zones and employment overlays provide a foundation for creative redevelopment and incremental land use change.

Regional Connectivity and Collaboration

- Ashland's location along I-5 and near Medford offers opportunities for cross-jurisdictional collaboration and regional market access.
- Stronger partnerships across public agencies, businesses, and institutions can align resources and expand economic opportunity.

INTRODUCTION

Background and Purpose

The City of Ashland requires an Economic Opportunity Analysis (EOA) as intended and funded by the Oregon Department of Land Conservation and Development (DLCD). A strategic planning document, the EOA ensures that there is enough available land and adequate public improvements to realize economic growth for the next 20-year horizon. This requirement originates from Oregon's Land Use program, established by Senate Bill 100 in 1973, which established the Land Conservation and Development Commission (LCDC) and the Oregon Department of Land Conservation and Development (DLCD) and mandated that Statewide Planning Goals serve as the basis for local Comprehensive Plans. This EOA serves to meet the first key element required by State Planning Goal Nine, which requires local governments to ensure adequate land is zoned for industrial and commercial activities to support economic growth, sustain living wage jobs, and maintain quality of life within established urban growth boundaries.

As the second-largest city in Jackson County, Ashland plays a unique role in the regional economy of the Rogue Valley. Home to both the Oregon Shakespeare Festival and Southern Oregon University, Ashland provides surrounding rural communities in Southern Oregon and Northern California with premier medical services, shopping centers, sports parks, access to two different airports, and a variety of tourism-based businesses. Through updating Ashland's EOA, the city works to align projected employment growth with land needs and availability based on current data and extensive community engagement.

Economic Opportunity Assessment Requirements

An Economic Opportunity Assessment (EOA), as outlined in [OAR 660-009-0015](#), is a technical study that compares projected demand for land for industrial and other employment uses to the existing supply of such land. It helps communities implement their local economic development objectives and forms the basis for industrial and other employment development policies in the comprehensive plan.

This rule requires inclusion of the following four interrelated elements:

1. Review of national, state, regional, county and local trends.
2. Identification of required site types expected to be needed to accommodate the expected employment growth
3. Inventory of industrial and other employment lands
4. Assessment of community economic development potential

5. There is also an optional fifth item, which is a strong encouragement for the EOA process to include a public visioning process (or similar).

Each of these five items are covered throughout this EOA report, either as standalone sections or integrated across multiple sections.

Methods

This EOA integrates qualitative and quantitative data collection and analysis to meet the requirements outlined in OAR 660-009-0015. Qualitative findings are informed by community engagement feedback and activities, including:

- Interviews and focus groups of local civic leaders and businesses ;
- Public forums, including a student forum at Southern Oregon University;
- Committee meetings (including the City’s Committee for Community Involvement, CCI, meetings with City Council and Planning Commission) and;
- A regional business and resident survey.

Quantitative analysis draws from publicly available data sources, such as the U.S. Census Bureau, Oregon Employment Department and many others; as well as private sector vendor sources such as Placer.ai, Esri and others. All data are sourced and referenced throughout the report.

Organization of Report

- **Overview of Existing Conditions in Ashland.** Describes the geographic setting of Ashland as well as outlines basic population, housing and land use information.
- **National, State, and Regional, Trends.** Describes contextual information on the larger economies affecting Ashland.
- **Local Characteristics and Trends.** Explores targeted employment, industry, workforce, and market data on Ashland and Jackson County.
- **Employment Lands Assessment.** Summarizes key findings and analysis based on Ashland’s commercial and industrial buildable lands inventory.
- **Community Economic Development Priorities.** Distills findings from stakeholder engagement.
- **Competitive Outlook and Anticipated Demand for Land.** Details land needed to accommodate local expressions of economic development trends using employment forecasts and economic development potential
- **Strategic Themes and Implications for Policy.** Synthesizes strategic themes from data collection and analysis, and refreshes Ashland’s goals and policies for economic development.

OVERVIEW OF EXISTING CONDITIONS IN ASHLAND

This section introduces the City of Ashland including its geographic setting, position and role in the Rogue Valley, and recent trends in community demographics, housing, land uses, and climate.

Geographic Setting

Ashland is located in the Rogue Valley of Southwestern Oregon. With approximately 21,600 residents, Ashland is the second largest city in Jackson County, behind Medford. Ashland is adjacent to Interstate-5, with other communities in the region including Medford, Phoenix, Talent, Central Point, and Grants Pass. Ashland is known regionally as a tourism hub—home to the Oregon Shakespeare Festival and an array of cultural, recreational, and culinary attractions. The city serves as a gateway to the surrounding mountains, offering access to walking and biking trails, winter recreation, and 17 city parks, including the iconic Lithia Park. Covering 4,256 acres, Ashland's land use is predominantly residential, with a built environment characterized by single-family neighborhoods surrounding a compact, vibrant downtown that features specialty retail, fine dining, seasonal events, and Southern Oregon University.

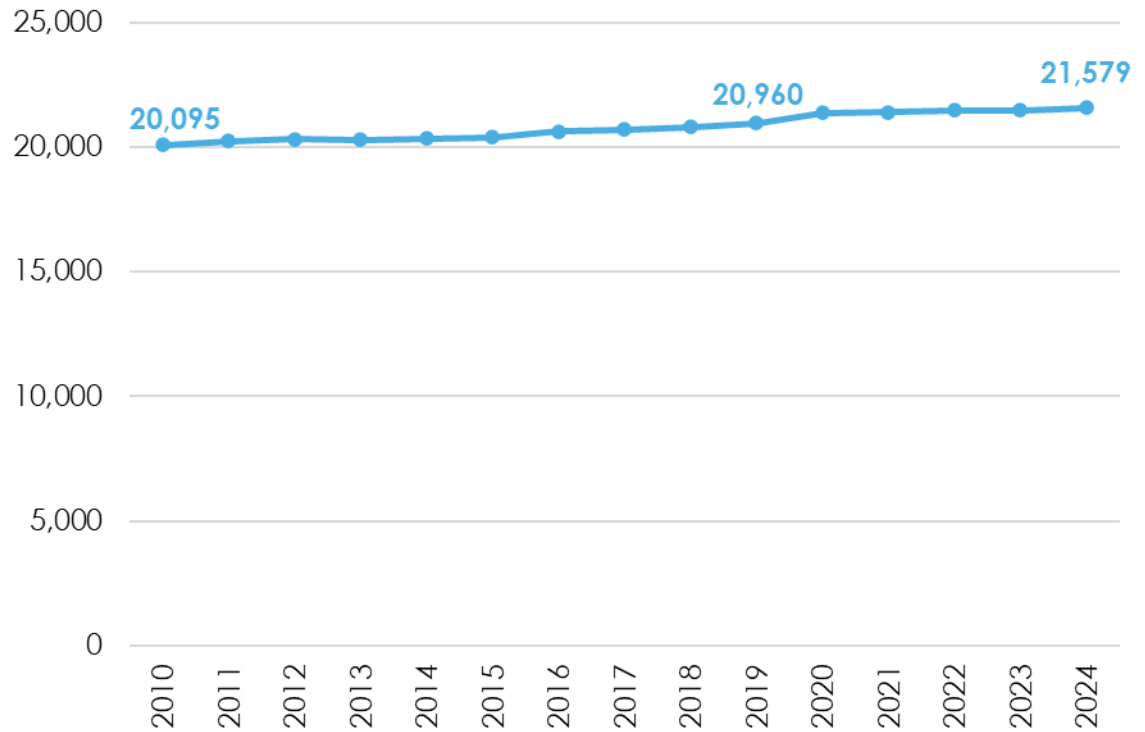
People and Housing

Community Demographics

Compared to the region and its nearby peers, Ashland's population tends to be older, more educated, and more racially homogenous. However, regional demographic shifts, seen in Jackson County, Medford and Ashland, include a growing population and a growing proportion of seniors. As of 2022, this aging trend is more pronounced in Ashland than in Medford, while Ashland population growth is less pronounced than Medford's.

According to the Population Research Center at Portland State University, Ashland's population grew from 20,095 in 2010 to 21,579 in 2024, reflecting a compound annual growth rate (CAGR) of 0.5% (**Exhibit 1**). Over the same timeframe, Medford saw a CAGR of 1.2%.

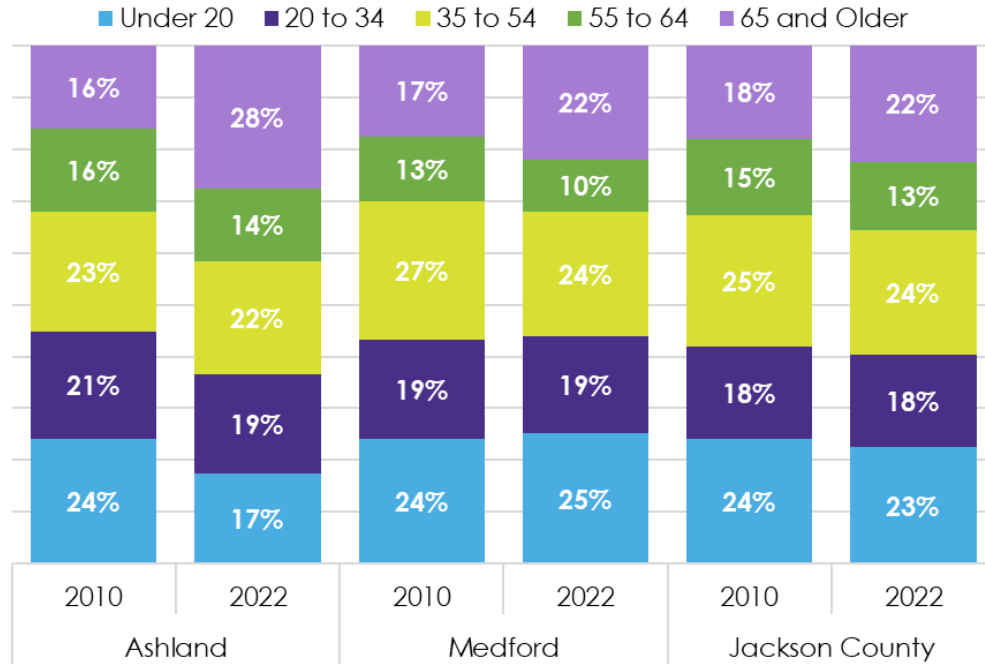
Exhibit 1. Historic Population, Ashland, 2010 – 2024



Sources: State of Oregon, Population Research Center at Portland State University, 2010-2023; CAI, 2025.

In 2022, Jackson County’s median age was 42 years old, while Medford’s was 39.5 and Ashland’s was 48.2. Ashland saw the 65+ population grow from 16% of the population in 2010 to almost 28% in 2022 (**Exhibit 2**). Over the same period, Ashland’s working-age population decreased by about 6% and the population 19 and under dropped by about 8%.

Exhibit 2. Change in Age Distribution, Jackson County, Medford, and Ashland, 2010 and 2022



Sources: American Community Survey (ACS), 2010 & 2022, CAI 2024.¹

Another demographic shift in Ashland's population is a slow increase in racial diversity in the population.

While 86% of Ashland's community identified as white only in 2010, this proportion decreased by 4% by 2022. Jackson County and Medford also both experienced an increase in racial diversity from 2010 to 2022 with Jackson County's white-only proportion decreasing by 6%, and Medford's by 9%. In all geographies the largest non-white racial cohort in 2022 identified as Hispanic and Latino, making up 18% of Medford's population and 10% of Ashland's.

Characteristics of Ashland's Households

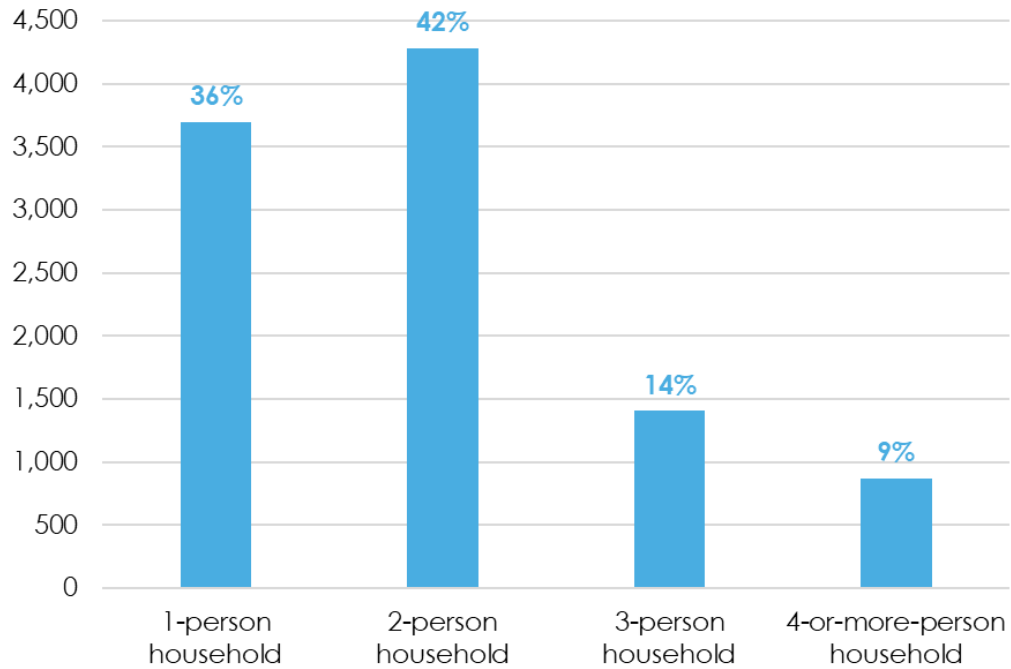
As of 2023, Ashland's households are largely small households, of 1-2 persons (78%) (**Exhibit 3**). The prevalence of small households suggests a higher

¹ The Census Bureau's ACS uses the "current residence" concept, meaning individuals are counted at the address where they live or stay most of the time. Following this, students are counted in these ways:

- a) Students living on-campus (e.g., in dormitories or residence halls) are counted at their campus address. These facilities are classified as group quarters.
- b) Students living off-campus (e.g., in rented apartments) are counted at their off-campus residence.
- c) Students living at their parents' or guardians' home while attending college are counted at that home address.

demand for smaller housing typologies which accommodate small households as opposed to larger structures.

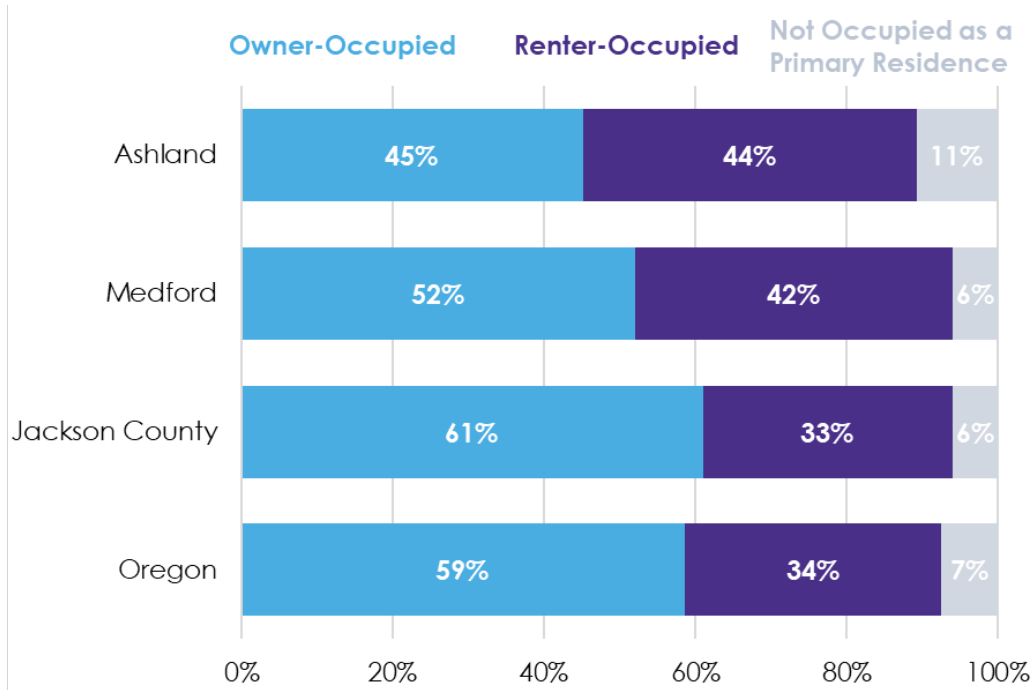
Exhibit 3. Households by Household Size, Ashland, 2023



Source: ACS 5-Year Estimates, 2023; CAI, 2025.

The majority of households in Jackson County (61%) and the state of Oregon (59%) are owner-occupied in 2023 (**Exhibit 4**). Ashland, however, shows a closer split between homeowners (45%) and renters (44%). The remaining 11% of units in Ashland are those which are not occupied as a primary residence, including second homes, short term rentals, or otherwise vacant properties. The higher proportion of units in Ashland which are not occupied as a primary residence, compared to other geographies, speaks to the impacts of short-term rentals and second homes in Ashland.

Exhibit 4. Housing Tenure, Oregon, Jackson County, Medford and Ashland, 2023

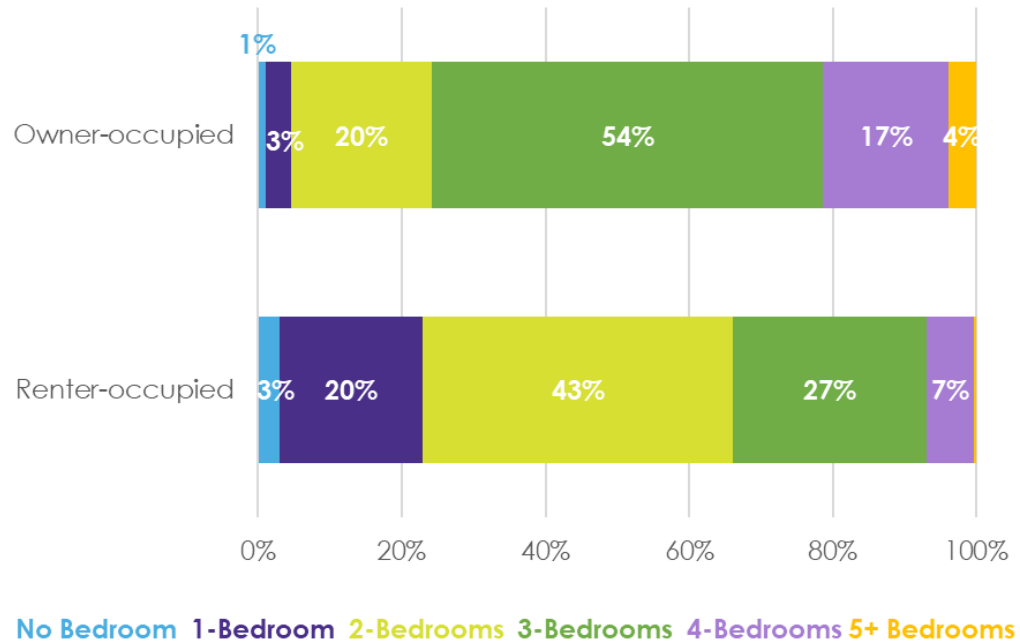


Sources: American Community Survey, 2023; CAI 2024.

The average household size for renters in Ashland was 2.22 people per household. For homeownership households, this value is higher at 2.56 people per household.

The size of housing units tends to be larger for owner-occupied housing units than for renter-occupied units (**Exhibit 5**). 75% of owner-occupied units in Jackson County have at least 3 bedrooms, compared to only 34% of renter-occupied housing units.

Exhibit 5. Housing Unit Size by Tenure, Jackson County, 2023



Sources: American Community Survey, 2023; CAI, 2025.

While Medford and Ashland’s median household income is lower than that of the county or the state, median household income increased at similar rates for all four areas from 2010-2023. The median annual household income in Ashland was \$71,800 in 2023. This is comparable to Jackson County’s median income of \$71,400, and lower than Oregon’s median annual income of \$80,400.

For HUD CHAS data, the term “affordable housing” means that a household spends no more than 30% of its gross income on housing costs. Housing costs include rent or mortgage payments plus utilities. The Area Median Income (AMI), a commonly accepted metric created by the US Department of Housing and Urban Development (HUD) used for assessing housing affordability, is used to evaluate housing affordability and determine eligibility for subsidized housing. HUD sets income thresholds categorized as extremely low, very low, low, and median for households ranging from one to eight members. These income limits are specified only for particular metropolitan areas. **Exhibit 6** shows the 2021 and 2025 income limits by household size in the Medford Metro Area, which includes Ashland and most of Jackson County. These metrics are used to understand the affordability of the existing housing stock in Ashland. For 1 person in Jackson County, the AMI for 2021 is \$51,150 while low income is designated as \$38,300 or less. By 2025, the median income for 1 person in Jackson County is \$64,700 while low income is designated as \$51,750 or less.

Exhibit 6. HUD Household Income Limits, Jackson County, 2021 & 2025

HUD Household Income Limits, Jackson County, 2021

Income Level	Household Size (Persons in Family)							
	1	2	3	4	5	6	7	8
Extremely Low (30% AMI)	\$14,350	\$17,420	\$21,960	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
Very Low Income (50% AMI)	\$23,950	\$27,350	\$30,750	\$34,150	\$36,900	\$39,650	\$42,350	\$45,100
Low Income (80% AMI)	\$38,300	\$43,750	\$49,200	\$54,650	\$59,050	\$63,400	\$67,800	\$72,150
Median Income	\$51,150	\$58,500	\$65,800	\$73,100	\$78,950	\$84,800	\$90,650	\$96,500

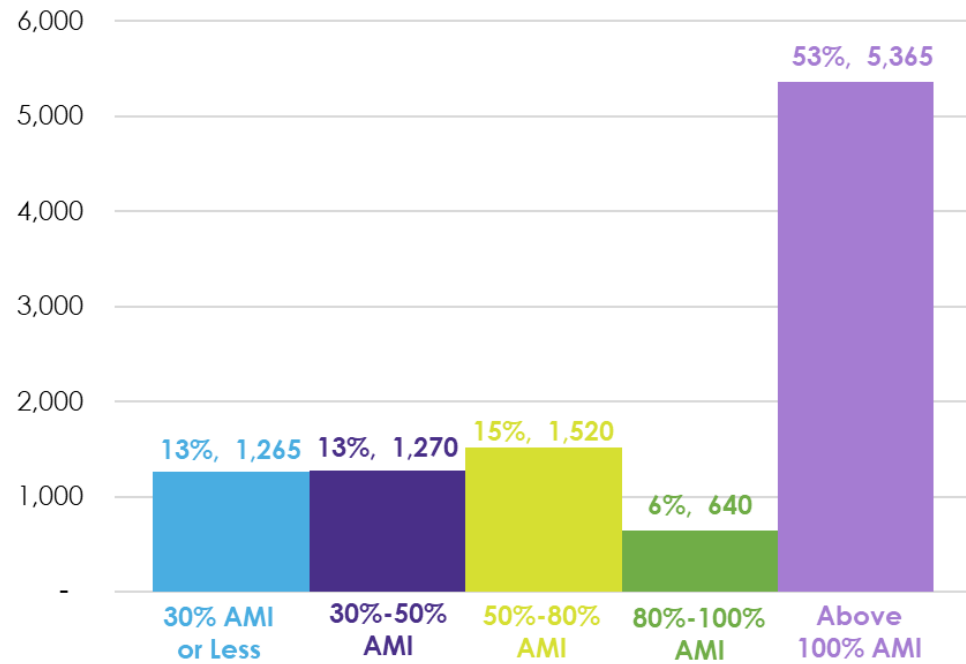
HUD Household Income Limits, Jackson County, 2025

Income Level	Household Size (Persons in Family)							
	1	2	3	4	5	6	7	8
Extremely Low (30% AMI)	\$19,400	\$22,200	\$26,650	\$32,150	\$37,650	\$43,150	\$48,650	\$54,150
Very Low Income (50% AMI)	\$32,350	\$37,000	\$41,600	\$46,200	\$49,900	\$53,600	\$57,300	\$61,000
Low Income (80% AMI)	\$51,750	\$59,150	\$66,550	\$73,900	\$79,850	\$85,750	\$91,650	\$97,550
Median Income	\$64,700	\$73,900	\$83,150	\$92,400	\$99,800	\$107,200	\$114,600	\$121,950

Sources: HUD, 2025; CAI, 2025.

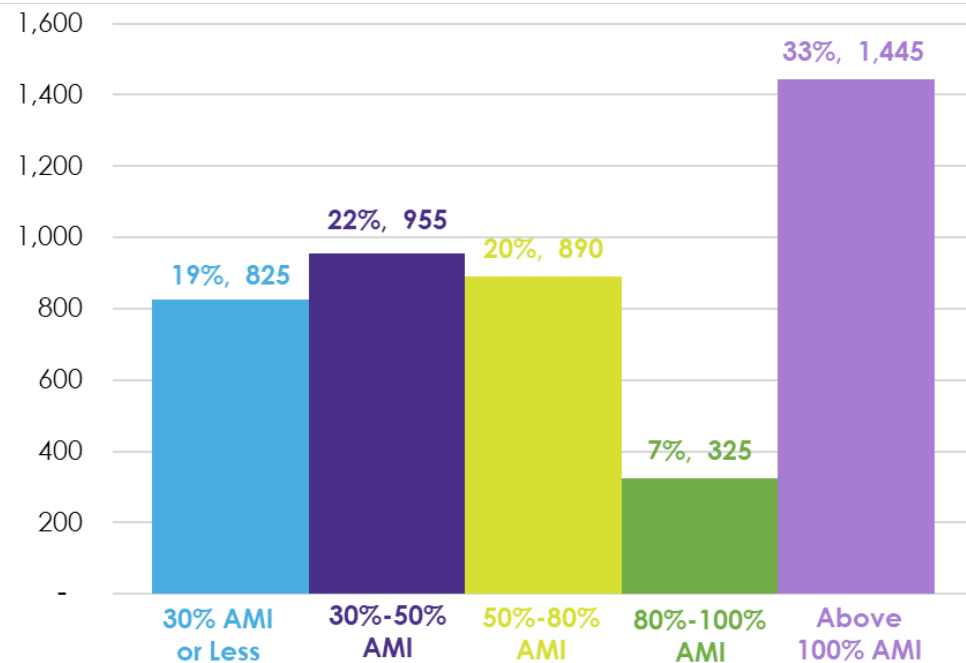
Exhibit 7 shows the proportion of households in Ashland by income segment in 2021. According to HUD, a slight majority of Ashland's households, (53%) in 2021 earned above 100% of Ashland's area median income (AMI) in 2021, which was \$73,100 for a household size of four persons (**Exhibit 6**). 28% of Ashland's households fell into the low income or very low-income categories (earning between 30%-80% the AMI), and 13% of Ashland's households fell into the extremely low-income category, (earning 30% AMI or less). In 2021, more homeowners (70%) in Ashland make incomes at or higher than the AMI than renters (33%) (**Exhibit 8 & Exhibit 9**)

Exhibit 7. Total Households by Area Median Income, Ashland, 2021



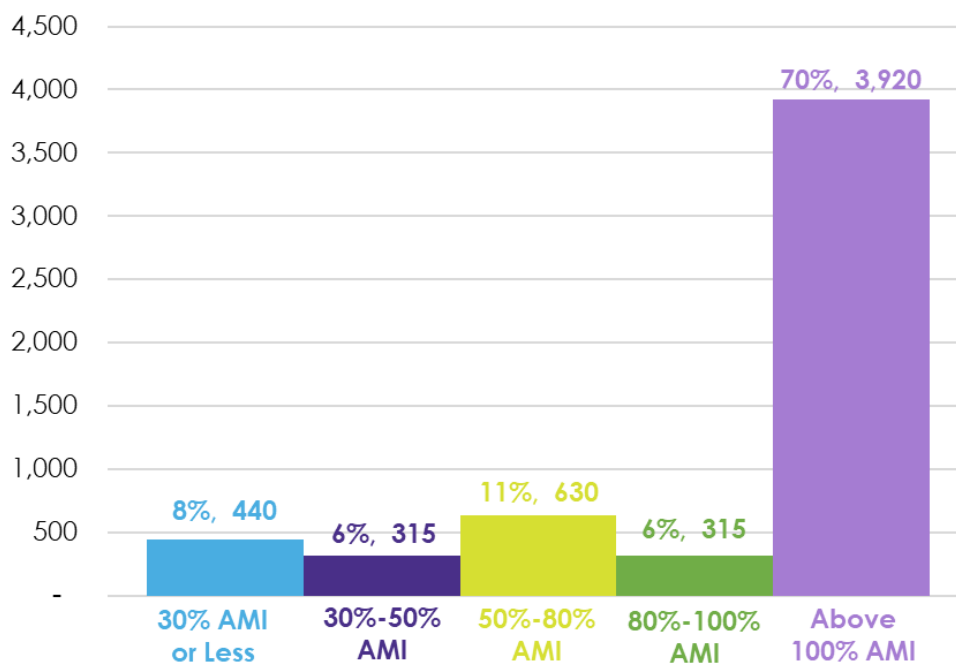
Source(s): CHAS 2017-2021; CAI 2025.

Exhibit 8. Renting Households by Area Median Income, Ashland, 2021



Source(s): CHAS 2017-2021; CAI 2025.

Exhibit 9. Homeowner Households by Area Median Income, Ashland, 2021



Source(s): CHAS 2017-2021; CAI 2025.

Cost burdened refers to a household that spends more than 30% of its income on housing costs, including rent or mortgage payments and utilities.

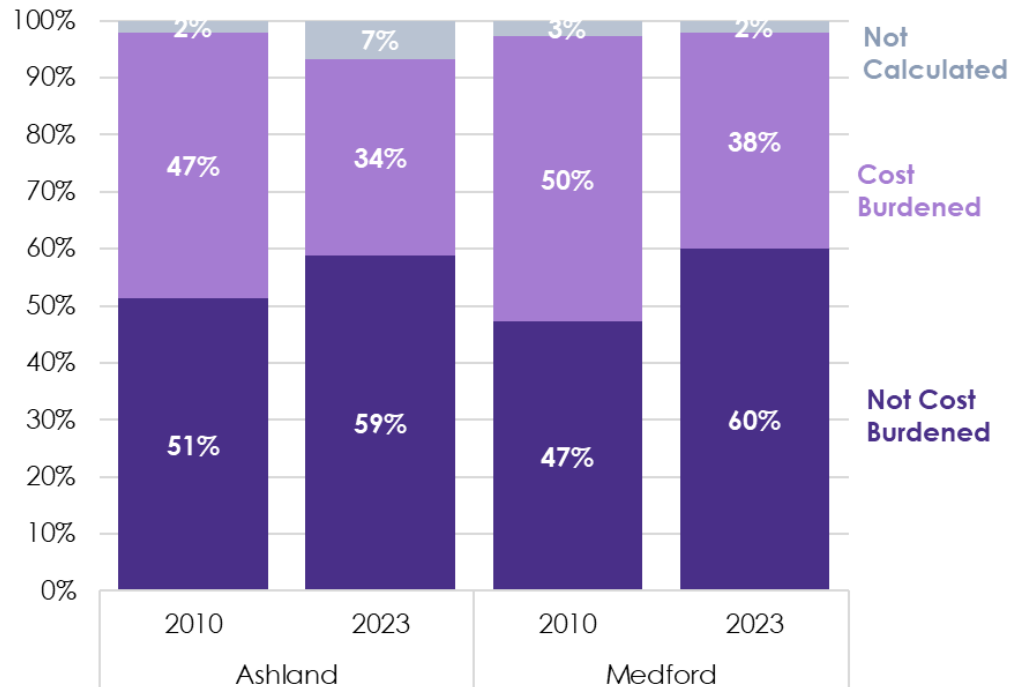
Since 2010, Oregon, Jackson County, Medford and Ashland have all seen household income increase while cost burden due to housing decreased. As of 2023, at least 34% of households in Ashland are experiencing cost burden due to housing (**Exhibit 10**). "Not calculated" means that the cost burden percentage could not be calculated for those housing units due to missing or unreliable income or housing cost data.² This value may be impacted by senior households who own their homes outright or report limited income by making affordability ratios difficult to calculate.

Renters face higher rates of cost burden than homeowners. As of 2023, 48% of renting households in Ashland experienced cost burden compared to 21% of households which own their home (**Exhibit 11**).³

² "Not Calculated" category includes units where reported income was \$0 (as this makes cost ratios unreliable), unusual or inconsistent values triggered data suppression to preserve accuracy, or the unit was occupied without payment of rent or mortgage.

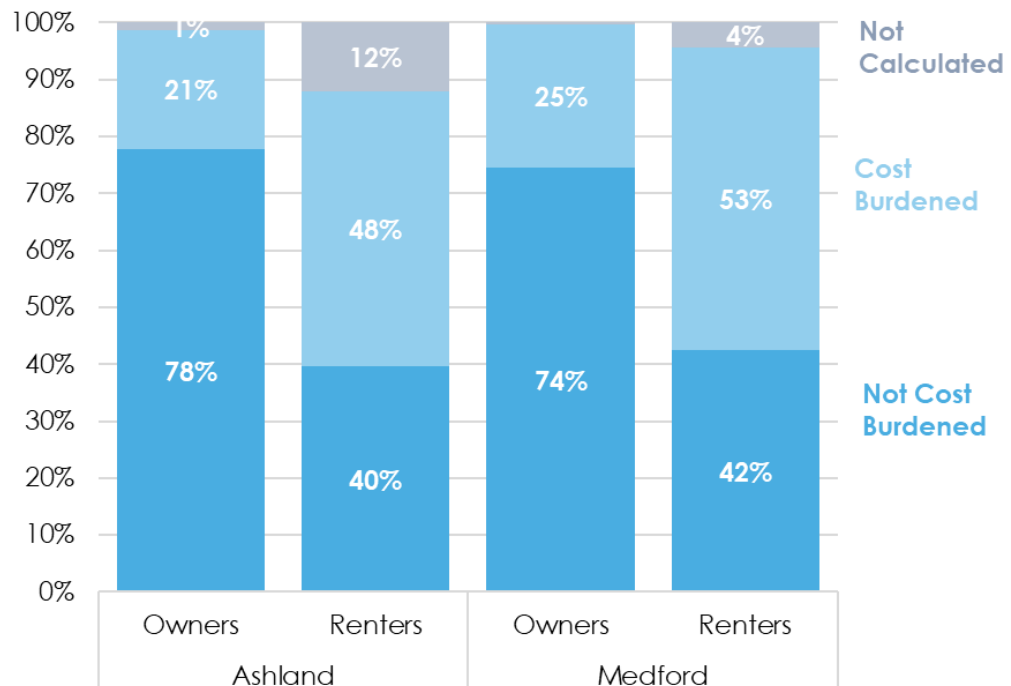
³ "Not computed" values are often higher among renters because: Income is more likely to be unreported, unstable, or very low, rent-free arrangements are more common, and housing and financial data may be less reliably reported

Exhibit 10. Housing Cost Burden, Ashland & Medford, 2010 & 2023



Sources: American Community Survey, 2010 & 2023; CAI 2024.

Exhibit 11. Housing Cost Burden by Tenure, Ashland & Medford, 2023



Sources: American Community Survey, 2010 & 2023; CAI 2024.

Housing in Ashland

Of Ashland's total housing stock (11,499 units in 2023), 10,264 or 89% are occupied. The remaining 1,235 units are classified as either vacant or partially vacant, which includes units for rent or sale that are not yet occupied at the time of the survey; units for seasonal, recreational, or occasional use (such as short-term rentals); and units intended for vacation or occasional use (such as second homes).

Single-family homes make up 59% of Ashland's total housing inventory (6,784 out of 11,499 units) (**Exhibit 12**). This is slightly lower than Oregon's proportion of single-family homes (62%). Multi-unit structures of five or more units make up approximately 17% of the housing stock.

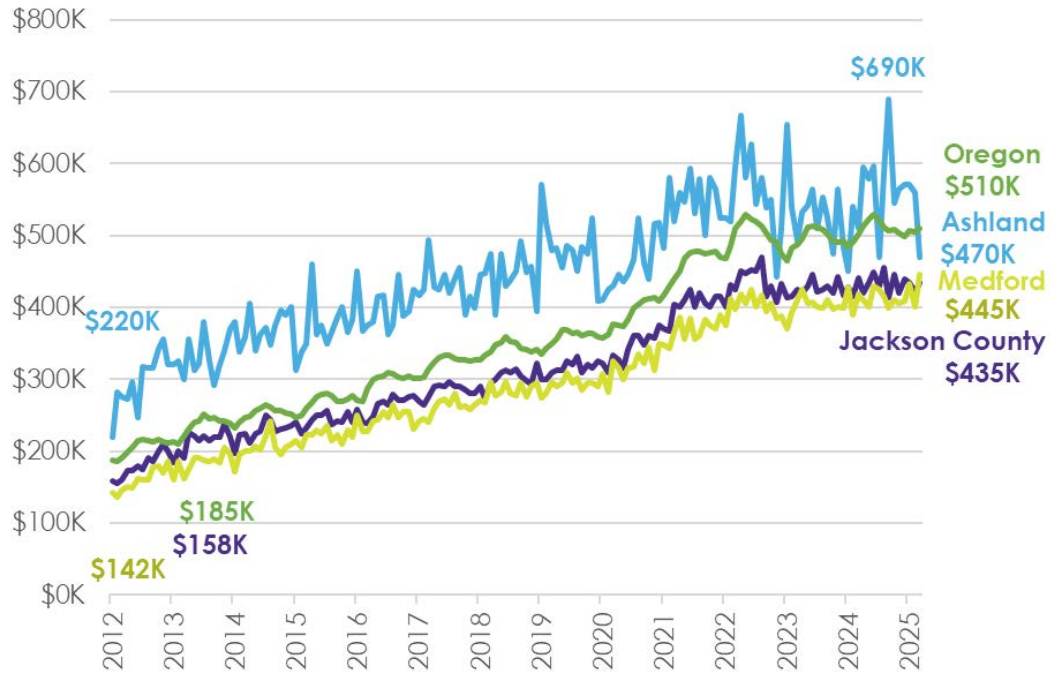
Exhibit 12. Housing Units by Structure Size, Ashland, 2023

Structure Size/Type	Count	% of Total
1 Detached Unit in Structure	6,784	59%
1 Attached Unit in Structure	1,521	13%
2 Units in Structure	499	4%
3 to 4 Units in Structure	706	6%
5 to 9 Units in Structure	545	5%
10 to 19 Units in Structure	309	3%
20 to 49 Units in Structure	443	4%
50 or More Units in Structure	516	4%
Mobile Homes	120	1%
Boat, RV, Van, Etc	56	0%
Total Units	11,499	

Sources: ACS 5-Year Estimates, 2023; CAI, 2024.

Median home sale prices have increased steadily in Medford, Ashland, Jackson County and Oregon since 2012 (**Exhibit 13**). Ashland's market, however, shows pronounced seasonal variation, with recurring peaks and troughs throughout the years. As of September 2024, Ashland reaches the highest median home sale price at approximately \$690,000. Outside of some low troughs occasionally appearing after 2022, Ashland's home prices have consistently exceeded the averages for Medford as well as regional and state averages. As of March 2025 (the most recent data collected), Ashland's median home price was \$470,000, compared to \$510,000 in Oregon, \$445,000 in Jackson County, and \$435,000 in Medford.

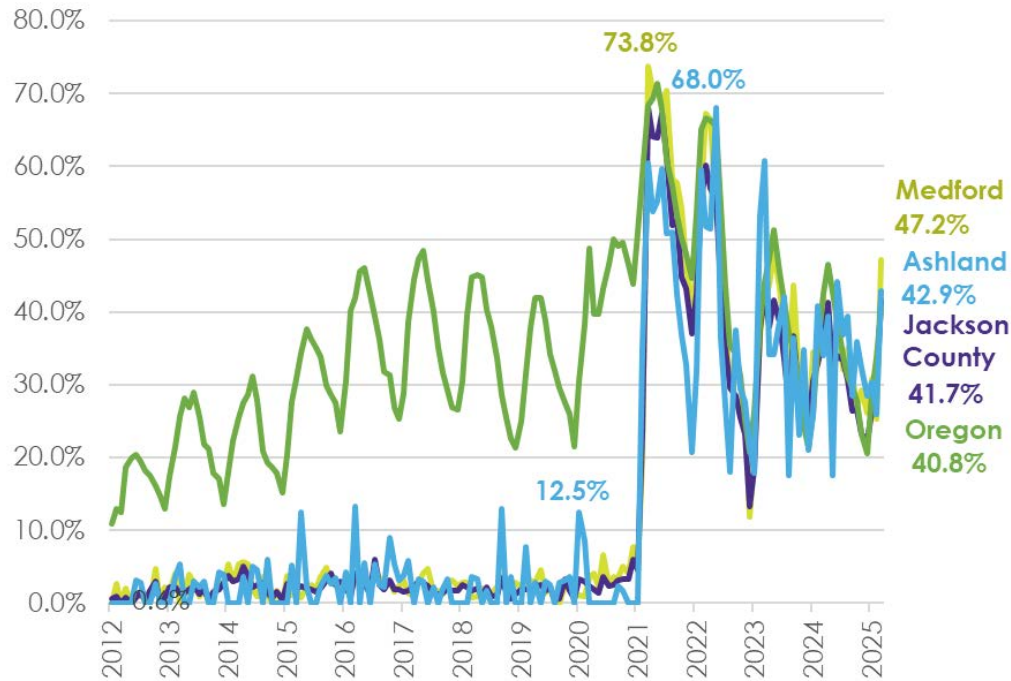
Exhibit 13. Median Home Sale Price, Ashland, Medford, Jackson County and Oregon, Jan 2012 – March 2025



Sources: Redfin, 2025; CAI, 2025.

The share of homes sold within two weeks of listing remained relatively low and stable across all areas from 2012 to 2020, when this indicator spiked sharply in all geographies, such that in Medford 74% of listings were removed within two weeks (**Exhibit 14**). Ashland's peak was 68%, recorded in May of 2022. Since then, the rate of two-week sales has declined somewhat but remains elevated compared to pre-2020 levels. As of May 2024, this value was 18%. Most recent data (March of 2025), shows that 47% of all of Medford's new listings and 43% of all of Ashland's new listings were sold within two weeks.

Exhibit 14. Housing Units off the Market within Two Weeks of Listing, Ashland, Medford, Jackson County and Oregon, Jan 2012 – March 2025

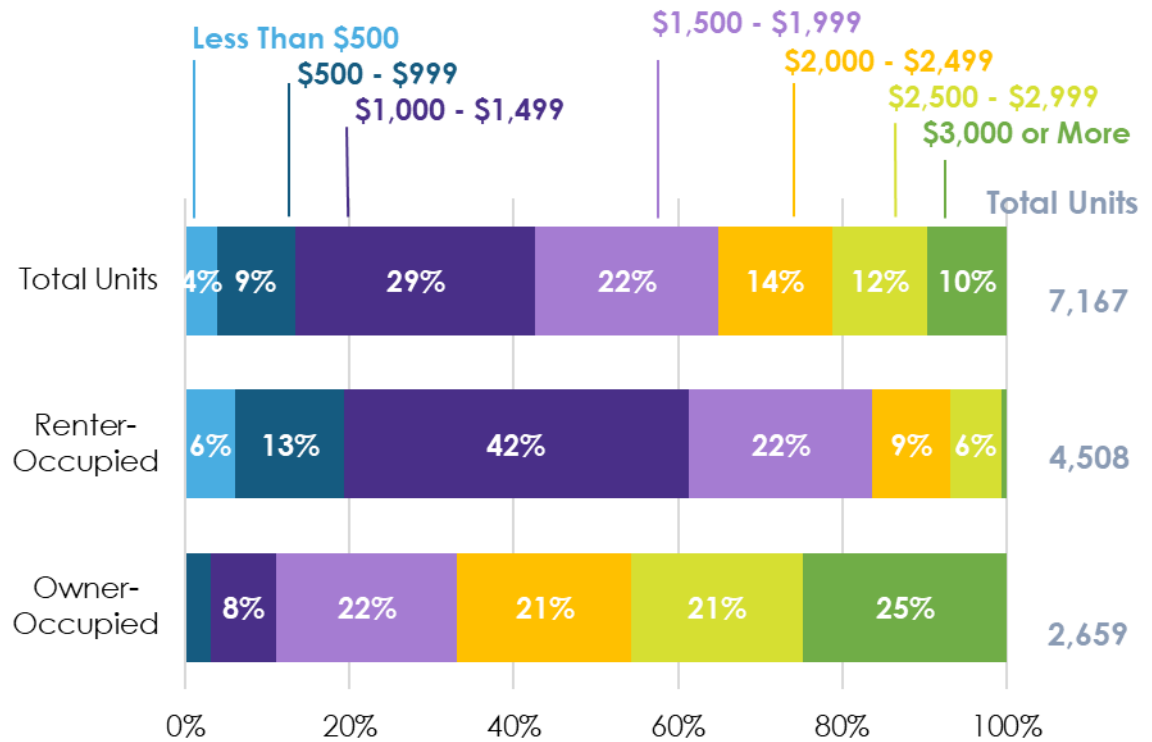


Sources: Redfin, 2025; CAI, 2025.

As of 2023, median housing costs per rental unit, including rent, utilities, or other costs, was \$1,367 per month, which is slightly lower than that of the state (\$1,450) (**Exhibit 15**). Housing costs for owner-occupied units however, were a median of \$2,398 monthly including mortgage, taxes, utilities, insurance, and HOA fees as applicable. This is over \$1,000 higher than the rental units and is slightly higher than the median monthly home cost for homeowners at the state level (\$2,080).

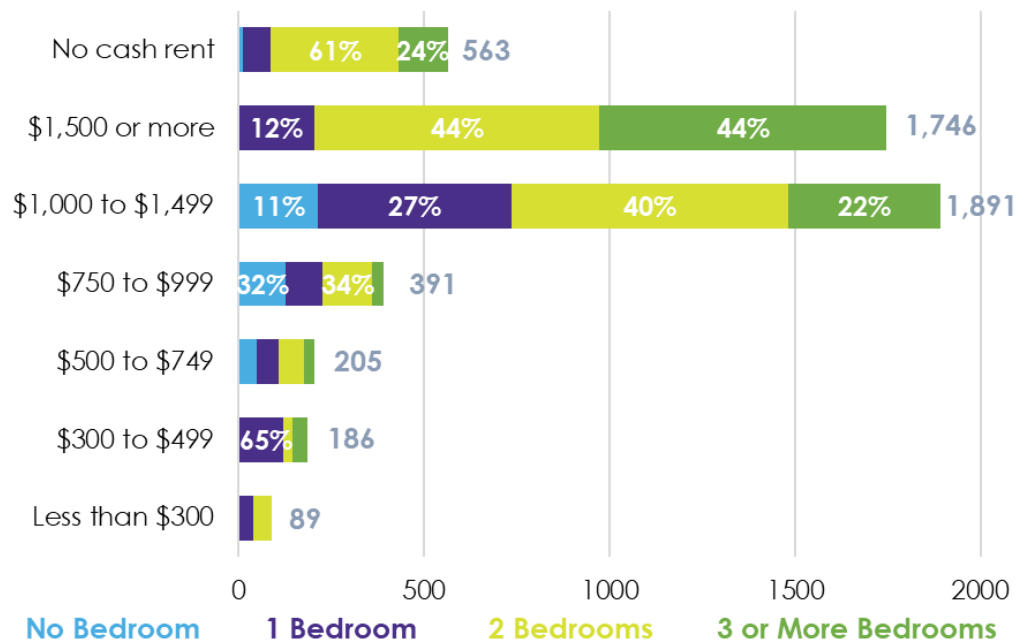
The majority of rental units in Ashland, at about 81%, cost more than \$1,000 a month (**Exhibit 16**). The largest grouping of rental units in Ashland (1,891) fall within the \$1,000 - \$1,500 rental range. Of these, most (62%) are large units with 2 or more bedrooms. The second largest range is housing units for \$1,500 or more in rent, with 1,746 units. 88% of these units have 2 or more bedrooms. A greater proportion of lower-cost rental units are also smaller in size. Among units with rents between \$300 and \$499, 65% are studios, or no bedroom units.

Exhibit 15. Monthly Housing Costs by Tenure, Ashland, 2023



Source: ACS 5-year Estimates, 2023; CAI, 2025.

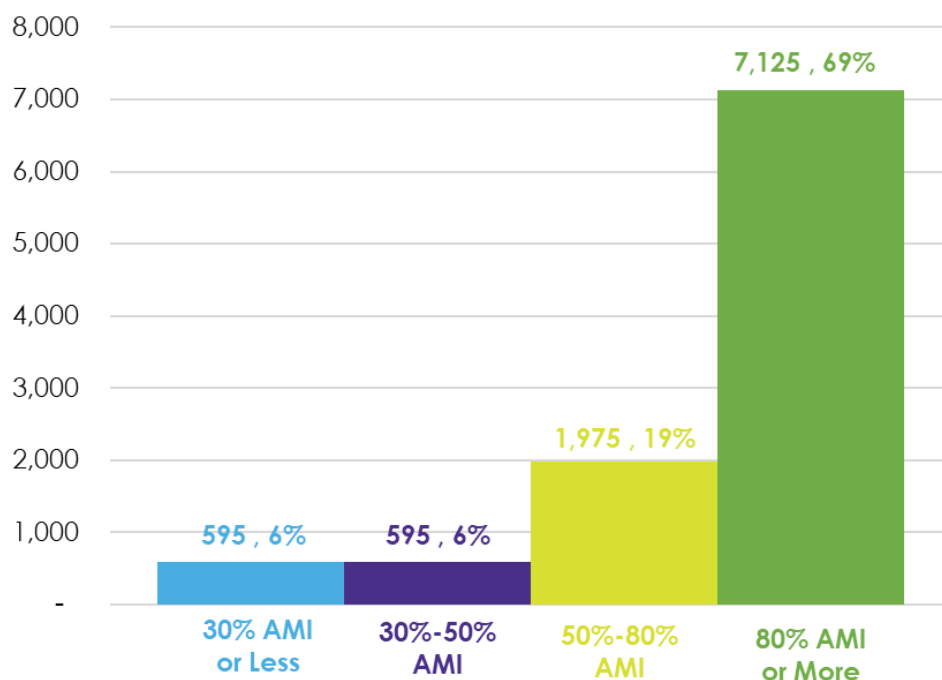
Exhibit 16. Housing Units by Rental Rate, Ashland



Source: ACS 5-Year Estimates, 2023; CAI, 2025.

According to the U.S. Department of Housing and Urban Development's CHAS data, housing units are categorized by the maximum rent or home price affordable to households earning 30%, 50%, and 80% of area median income (AMI).⁴ For HUD CHAS data, "affordable housing" means that a household spends no more than 30% of its gross income on housing costs. **Exhibit 17** shows the total number of housing units available at different income levels in Ashland. While 26% of Ashland's households earn less than 50% AMI (**Exhibit 7**), only 12% of Ashland's housing stock is affordable at that income level. Ashland has more housing units affordable at 50% - 80% AMI and 80% AMI and more than there are households that earn incomes at those levels.

Exhibit 17. Household Earnings Compared to Housing Affordability Levels, Ashland, 2021



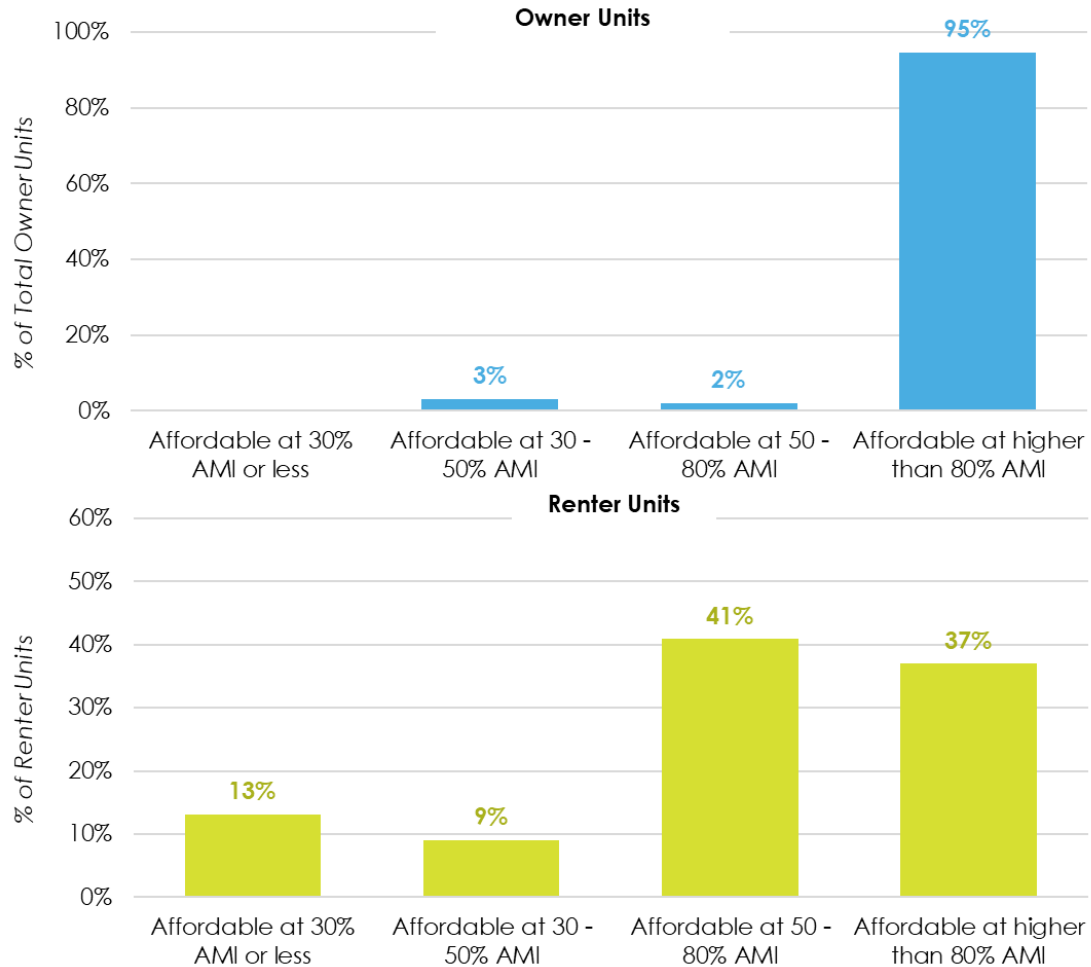
Source(s): CHAS 2017-2021; CAI 2025.

Exhibit 18 shows the availability of Ashland's housing stock at various levels of affordability. 95% of owner-occupied housing in Ashland is only

⁴ HUD CHAS data dictionary is available online for viewing at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.huduser.gov%2Fportal%2Fdatasets%2Fcp%2FCHAS%2F2007Data%2FDimensions.doc&wdOrigin=BROWSELINK>

available for households making 80% AMI or higher. Renter-occupied units, however, show some (13%) housing options affordable for households making less than 30% AMI, another 9% of units available at the 30%-50% AMI range, and 41% of units available at 50% - 80% AMI.

Exhibit 18. Housing Units by Tenure and Affordability Level, Ashland, 2021

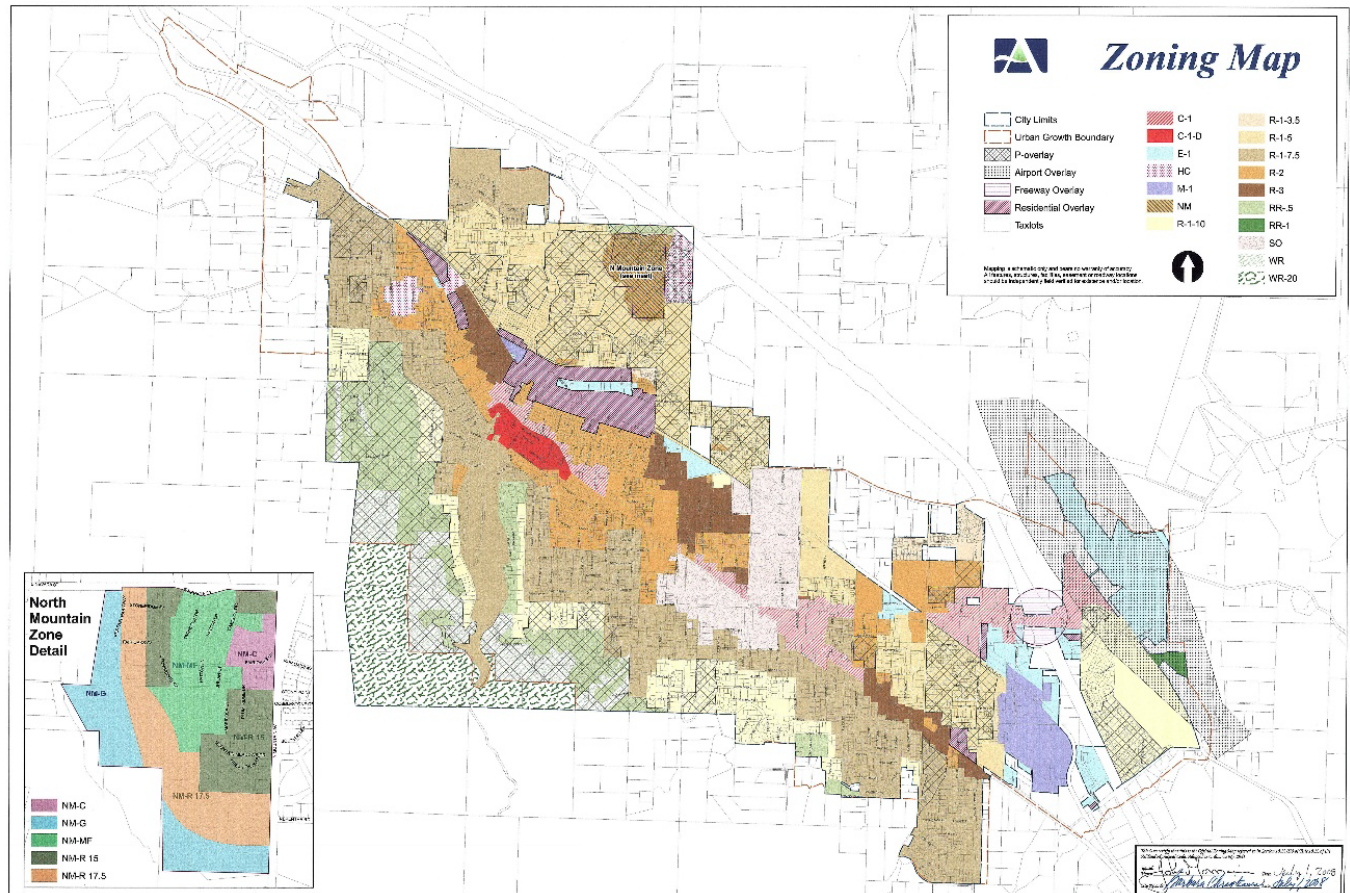


Source(s): CHAS 2017-2021; CAI 2025.

Local Land Use Setting

Ashland's total land area is 4,256 acres (gross land area, including all rights-of-way) (**Exhibit 19**). Ashland's land area net of rights-of-way is estimated to be 3,553 acres, of which 46% are zoned for single-family residential uses.

Exhibit 19. Ashland Zoning Map

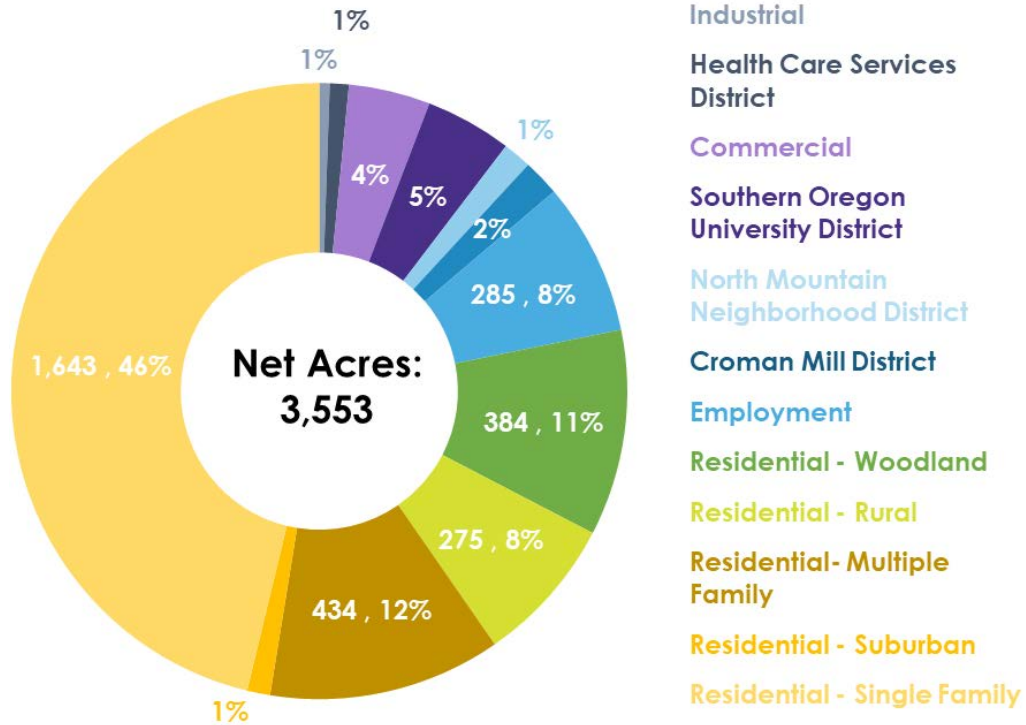


Sources: Ashland Open Data Portal, 2024.

Commercial-zoned land represents about 4% of Ashland's land area (net rights-of-way), while industrial land represents 1% (**Exhibit 20**). Ashland's Employment district makes up 8%, or 285 acres. Some of the land zoned for commercial, industrial, or employment uses are subject to overlays which may limit the uses or development potential on these parcels.

The Croman Mill District (68 acres) and North Mountain Neighborhood District (53 acres) each offer mixed uses, which includes employment potential, but are subject to development regulations.

Exhibit 20. Ashland Land by Zoning Designation, 2025



Source: Ashland Open Data Portal, 2025; CAI, 2025.

Climate

Ashland has a mild climate with four distinct seasons, influenced by its location on the West Coast and within the surrounding mountains. Situated at approximately 2,000 feet above sea level, the city is framed by Mt. Ashland to the south, rising to 7,500 feet, and the Cascade Range to the north and east. Ashland receives an average of 19.5 inches of rainfall annually, and less than 0.5 inches per year.

The City of Ashland completed and Addendum to Jackson County's Multi-Jurisdictional Natural Hazard Mitigation Plan in 2024. It describes Ashland's climate and describes hazard probability and vulnerability within the City. Climate related risks which have been rated as both high probability and high vulnerability for Ashland are Wildfire, Severe Weather (such as Extreme Heat, Windstorm, Winter Storm), Earthquake hazard, Drought hazard, and Air Quality (**Exhibit 21**). Air quality issues are linked to increased frequency and severity of wildfire smoke and climate change impacts, including higher ground-level ozone and fine particulate matter. These climate risks have impacts on public health and safety as well as impacts on economic activities and growth.

Exhibit 21. Climate Hazards Analysis, Ashland, 2024-2029

Hazard	History	Vulnerability	Maximum Threat	Probability	Total Threat Score	Hazard Rank	Hazard Tiers
Wildfire	18	45	100	70	233	#1	Top Tier
Extreme Heat Event	18	40	80	70	208	#2	
Emerging Infectious Disease	16	40	100	49	205	#3	
Earthquake - Cascadia	2	50	100	49	201	#4	
Winter Storm	20	50	60	70	200	#5	
Drought	20	50	60	63	193	#6	Middle Tier
Windstorm	20	50	50	70	190	#7	
Air Quality	18	40	60	63	181	#8	
Landslide	10	35	80	56	181	#9	
Flood	20	30	60	70	180	#10	
Earthquake - Crustal	2	25	70	21	118	#11	Bottom Tier
Volcanic Event	2	5	50	7	64	#12	

Sources: City of Ashland Addendum to the Jackson County Multi-Jurisdictional Natural Hazard Mitigation Plan, 2024.

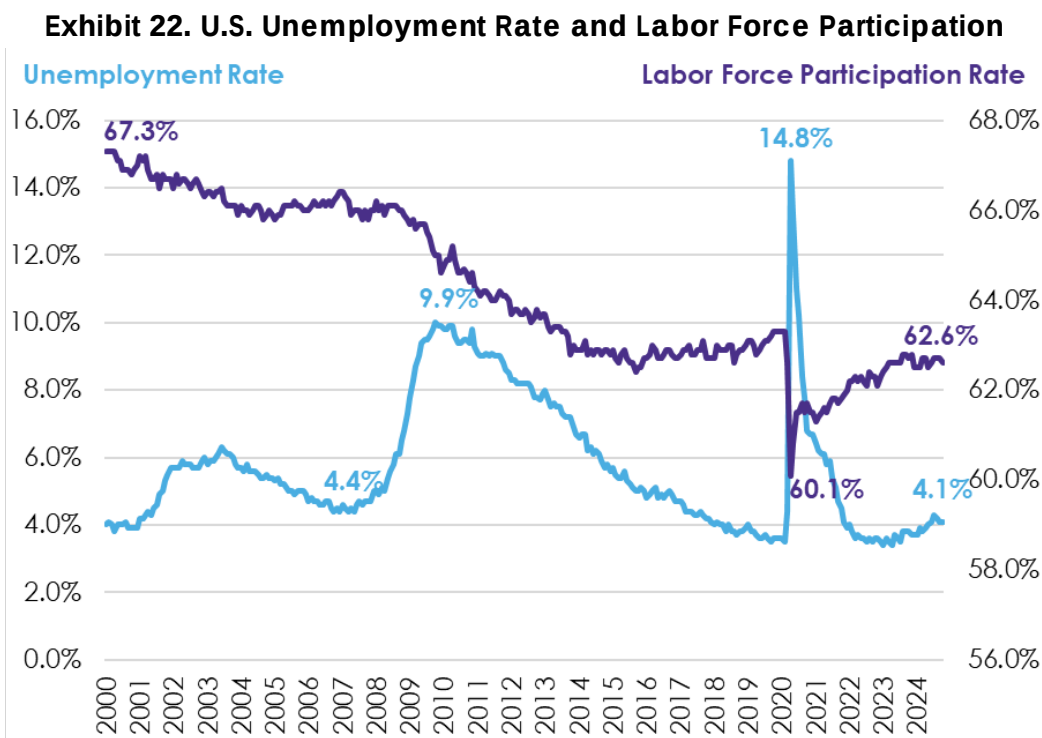
NATIONAL, STATE, AND REGIONAL ECONOMIC TRENDS

This section summarizes economic trends at the national, state and regional levels that influence local economic conditions in Ashland.

Macroeconomic Indicators

Nationally, the unemployment rate in 2024 matches pre-pandemic level lows.

The national estimate for labor force participation rate has steadily declined since 2000, falling from 67.3% and reaching a low of 60.1% in early 2020 amid the COVID-19 pandemic (**Exhibit 22**). The unemployment rate increased during two recent economic downturns, rising to 9.9% after the 2008 financial crisis and to 14.8% in April 2020 due partially to pandemic-related job losses. Since then, the unemployment rate has fallen lower than pre-pandemic levels, reaching 4.1% in 2024. As of October of 2024, labor force participation in the U.S. increased to 62.6%, though this remains lower than early 2000s levels.



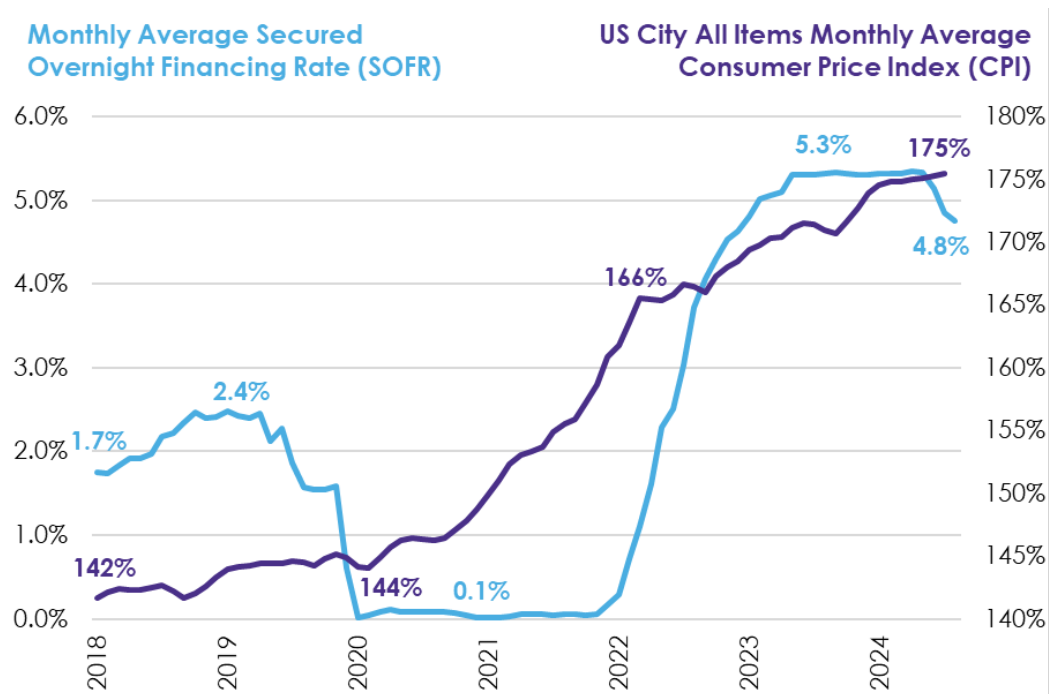
Sources: U.S. Bureau of Labor Statistics, 2024; CAI, 2024.

Meanwhile, the national Consumer Price Index (CPI) has consistently climbed upward since 2018, reaching a local high at the end of 2024.

In 2020, amid the pandemic, SOFR dropped to near-zero levels (0.1%) while the CPI began to increase (**Exhibit 23**). SOFR remained low until mid-2022,

when it increased to a peak of 5.31% in 2023 as the Federal Reserve tightened monetary policy. Concurrently, the CPI increased from 144% in the beginning of 2020 up to 166% by the end of 2022. This reflects an 15% average annual growth rate 2020-2022, signifying increased inflation. Following 2022, CPI continued to climb, though at a lower average annual rate of 5% from the end of 2022 to 2024. As of late 2024, CPI remains high compared to pre-pandemic levels, at 175%, while SOFR decreased to 4.8%.

Exhibit 23. Monthly Average Secured Overnight Financing Rate (SOFR) and Consumer Price Index (CPI), United States, (2018-2024)



Sources: U.S. Federal Reserve Bank, 2024; U. S. Bureau of Labor Statistics, 2024; CAI, 2024.
Note: CPI Base Period: December 1999 = 100

Southern Oregon and the Rogue River Valley

Population

Overall, Oregon has experienced steady population growth, with Jackson and Josephine Counties ranking near the middle in terms of population growth compared to other counties in the state.

From 2010 to 2023, Oregon experienced a 12% growth in statewide population. Jackson County's population grew by 10% in this timeframe, reflecting moderate but slower growth compared to rapidly expanding counties like Deschutes County (34%) and Crook County (26%). In contrast, Josephine County grew by 7%, below the statewide average.

Since 2020, the populations of both Medford and Ashland have grown more quickly than the state. Medford’s growth rate was the highest of these geographies (**Exhibit 24**).

Exhibit 24. Historic Population Growth Estimates, Jackson County, Josephine County, Medford and Ashland, 1980-2023

Geography	1980	2000	2020	2023	CAGR (2020-2023)
Oregon State	2,633,156	3,421,399	4,268,055	4,296,626	0.2%
Jackson County	132,456	181,269	223,240	222,762	-0.1%
City of Medford			83,115	90,887	3.0%
City of Ashland			21,105	21,457	0.6%
Josephine County	58,855	75,726	86,560	88,814	0.9%

Sources: University of Portland Population Research Center, 2023; CAI, 2024.

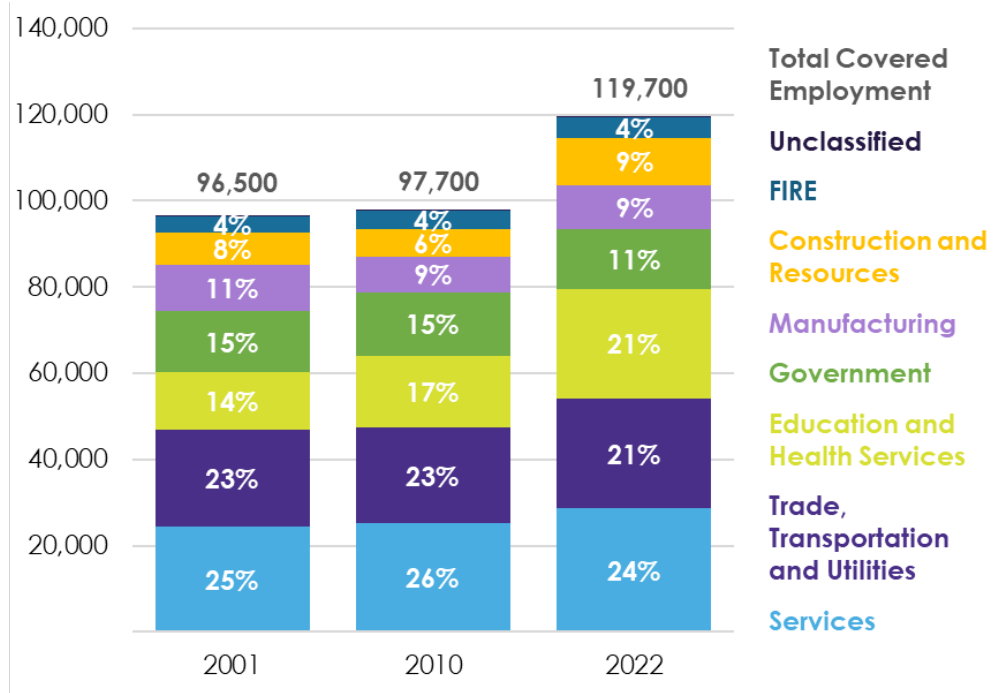
Industry Employment and Wages

Both Oregon and Jackson County economies are heavily reliant on the Services sector, making up nearly half of all jobs. Jackson County also shows an emphasis on Retail Trade, underscoring the presence of regional commercial hubs within the county.

Covered employment includes wage and salary jobs that are covered by state unemployment insurance. Covered employment includes most jobs, but excludes self-employed individuals, military personnel, and certain exempt sectors such as some agricultural or domestic work. It includes all part-time and full-time jobs. For the Jackson and Josephine 2-County region, the major industry sectors that account for the most covered jobs in 2022 are Services (with 24% of all jobs within the two counties); Trade, Transportation, and Utilities (21%); and Education Services⁵ and Health Services (21%) (**Exhibit 25**). A list of the 2-digit NAICS code industries that are included in each major industry sector is described in **Exhibit 26**.

⁵ Employment on public sector institutions, such as Southern Oregon University are included in Government.

Exhibit 25. Total Covered Employment by Major Industry Sector, Jackson and Josephine 2-County Region, 2001, 2010, & 2022



Sources: Oregon Employment Department; Bureau of Labor Statistics, Quarterly Census of Employment & Wages, 2001, 2010 & 2022; CAI 2024.

Note 1: FIRE industry group includes Finance, Insurance and Real Estate.

Exhibit 26. Major Industry Sectors by Corresponding NAICS Codes, 2022

Industry Aggregates	2-Digit NAICS	2-Digit NAICS Industry Description
Construction and Resources	11	Agriculture, Forestry, Fishing and Hunting
	21	Mining, Quarrying, and Oil and Gas Extraction
	23	Construction
Trade, Transportation, Utilities	22	Utilities
	42	Wholesale Trade
	44	Retail Trade
	45	Retail Trade
	48	Transportation and Warehousing
Manufacturing	49	Transportation and Warehousing
	31	Manufacturing
	32	Manufacturing
FIRE	33	Manufacturing
	52	Finance and Insurance
Education and Health Services	53	Real Estate and Rental and Leasing
	61	Educational Services
Services	62	Health Care and Social Assistance
	51	Information
	54	Professional, Scientific, and Technical Services
	55	Management of Companies and Enterprises
	56	Administrative and Support and Waste Management and Remediation Services
	71	Arts, Entertainment, and Recreation
	72	Accommodation and Food Services
	81	Other Services (except Public Administration)
Unclassified	99	Unclassified
Government	All Government	Federal Government
		State Government
		Local Government

Source: US Census, 2025.

Jackson County's covered employment has grown steadily since 2010, adding 14,350 jobs at a CAGR of 1.5% to reach approximately 89,800 total jobs in 2022 (**Exhibit 27**). The fastest growing 2-digit NAICS code industry sectors from 2010 to 2022 were Construction (adding 2,439 jobs with a CAGR of 5.4%), Education (+379, CAGR of 4.1%) and Resources (+1,343, CAGR of 4.0%) industries.

**Exhibit 27. Covered Employment Change Over Time by Industry,
Jackson County, 2010 & 2022**

Industry	NAICS Code	2010	2022	Net Change (2010-2022)	CAGR (2010-2022)	Employment Forecast* (2035)	Average Wages 2010	Average Wages 2022
Construction	23	2,789	5,228	2,439	5.4%	10,327	\$38,235	\$60,220
Educational Services	61	617	996	379	4.1%	1,673	\$24,597	\$39,183
Natural Resources and Mining	11, 21	2,258	3,601	1,343	4.0%	5,971	\$25,398	\$46,280
Professional, Scientific, and Technical Services	54	1,948	2,985	1,037	3.6%	4,740	\$38,935	\$74,399
Health Care and Social Assistance	62	11,806	16,561	4,755	2.9%	23,896	\$43,095	\$64,298
Transportation, Warehousing & Utilities	48	2,555	3,351	796	2.3%	4,495	\$40,163	\$64,346
Real Estate and Rental and Leasing	53	975	1,253	278	2.1%	1,644	\$23,209	\$45,359
Accommodation and Food Services	72	7,315	8,963	1,648	1.7%	11,170	\$15,268	\$24,771
Manufacturing	31-33	6,052	7,392	1,340	1.7%	9,180	\$40,386	\$60,222
Wholesale Trade	42	2,190	2,497	307	1.1%	2,878	\$42,815	\$62,535
Administrative and Support and Waste Management	56	3,109	3,530	421	1.1%	4,051	\$24,574	\$46,357
Retail Trade	44	12,574	14,010	1,436	0.9%	15,751	\$26,565	\$40,323
Arts, Entertainment, and Recreation	71	1,426	1,427	1	0.0%	1,428	\$22,187	\$32,805
Other Services	81	2,820	2,755	(65)	-0.2%	2,686	\$22,936	\$38,787
Finance and Insurance	52	2,216	2,140	(76)	-0.3%	2,061	\$45,957	\$82,652
Government	11,444	10,502	(942)	-0.7%	9,569	\$41,885	\$63,764	
Management of Companies and Enterprises	55	1,667	1,440	(227)	-1.2%	1,229	\$59,493	\$109,628
Information	51	1,677	981	(696)	-4.4%	549	\$39,820	\$80,218
Unclassified	99	11	188	177	26.7%	4,071	\$44,817	\$70,055
Total		75,449	89,799	14,350	1.5%	108,440	\$38,935	\$60,222

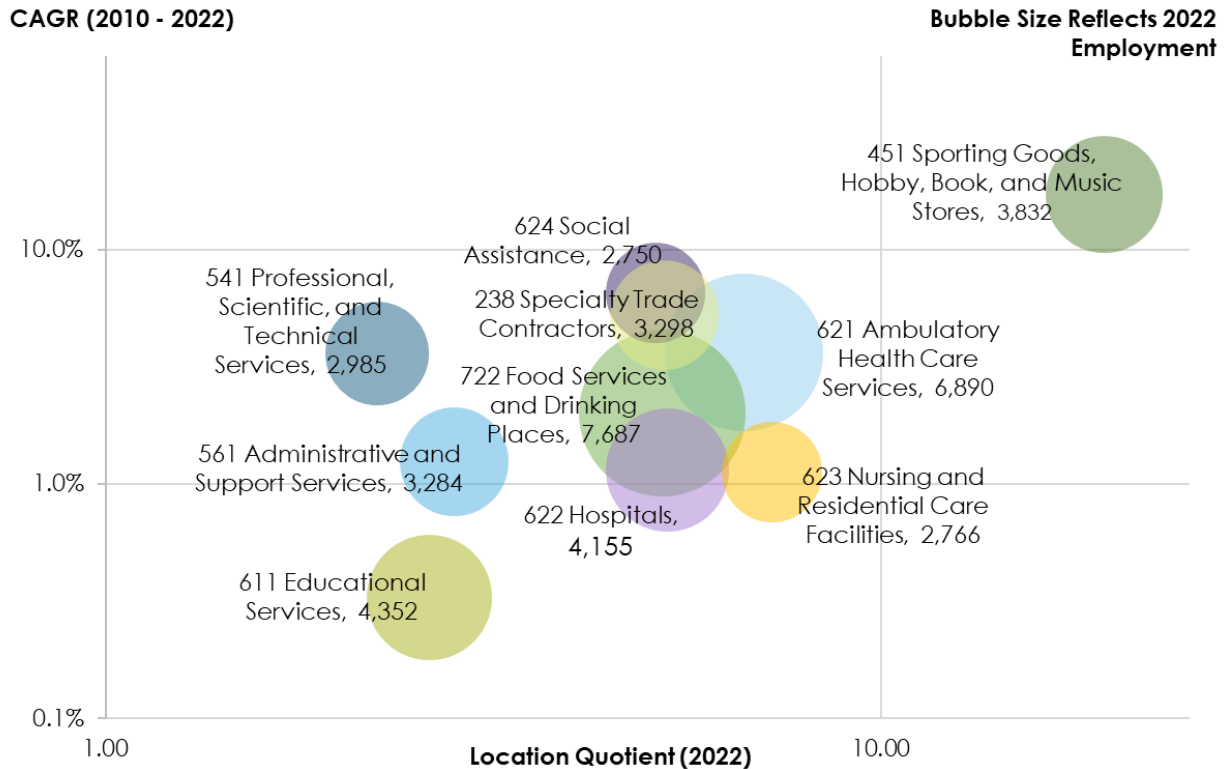
Sources: Oregon Employment Department, BLS, QCEW 2001, 2010 & 2022; CAI 2024.

Some more narrowly defined industries are concentrated and growing in Jackson County, such as Sporting Goods, Healthcare Services, and Food and Beverage Locations growing and providing jobs.

The Sporting Goods, Hobby, Book, and Music Stores industry, or NAICS Code 451, not only has seen significant growth since 2010 (with a CAGR greater than 10.0%), but it also has a high concentration of employment in Jackson County compared to the nation, with an LQ above 10.0 (**Exhibit 28**). Jackson County's other fastest growing industries from 2010-2022 are Social Assistance (NAICS Code 624) with a CAGR of 6.6%, and Specialty Trade Contractors (NAICS Code 238) with a CAGR of 5.3%.

Jackson County also specializes in Nursing and Residential Care Facilities (NAICS Code 623), which shows an LQ value of 7.24, and Ambulatory Health Care Services (NAICS Code 621), which has an LQ value of 6.66. This industry also has high employment, at around 6,900 workers. The Food Services and Drinking Places industry (NAICS Code 722) is significant in Jackson County as well, demonstrating a high LQ (5.23) along with the highest employment in the County with around 7,700 workers in 2022.

Exhibit 28. Top 10 Industries (at 3-digit NAICS) by Employment, Location Quotient, and Growth, Jackson County



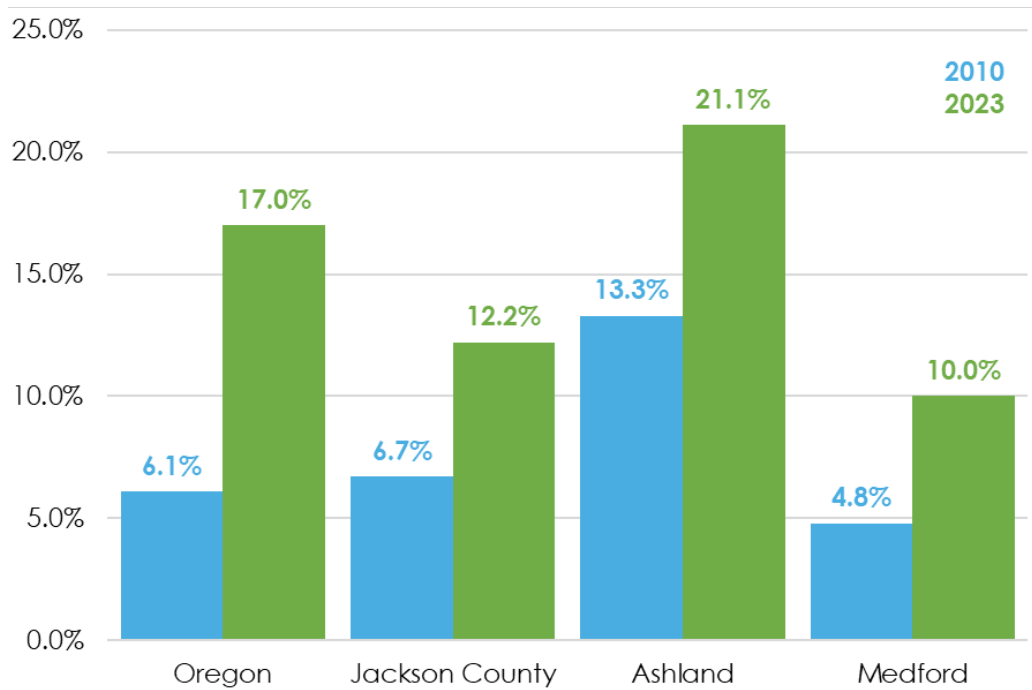
Sources: Oregon Employment Department 2010 & 2022; U.S. Bureau of Labor Statistics, 2022; CAI 2024.

Workforce and Wages

The proportion of working residents (16 and older) who report working from home has increased significantly across Oregon and Jackson County since 2010 (**Exhibit 29**). In 2010, 6.1% of Oregon's working residents reported working from home; by 2023, that figure had risen to 17.0%, representing a compound annual growth rate of 8.2%. Ashland had the highest share of at-home workers highest share among whom? All cities in Oregon? in 2010 at 13.3%, and experienced a similar growth trajectory, with a CAGR of 7.8% over the same period. By 2023, 21.1% of Ashland's residents who work reported working from home. Is this still the highest share?

The Census Bureau's American Community Survey does not differentiate between remote workers, home occupations or other work-from-home arrangements. However, the elevated proportion of workers reporting at-home work aligns with larger trends towards remote work following the pandemic. In Ashland, the higher share of residents working from home may reflect both the local shift toward remote jobs and the city's appeal to remote workers relocating from elsewhere in response to broader remote work trends.

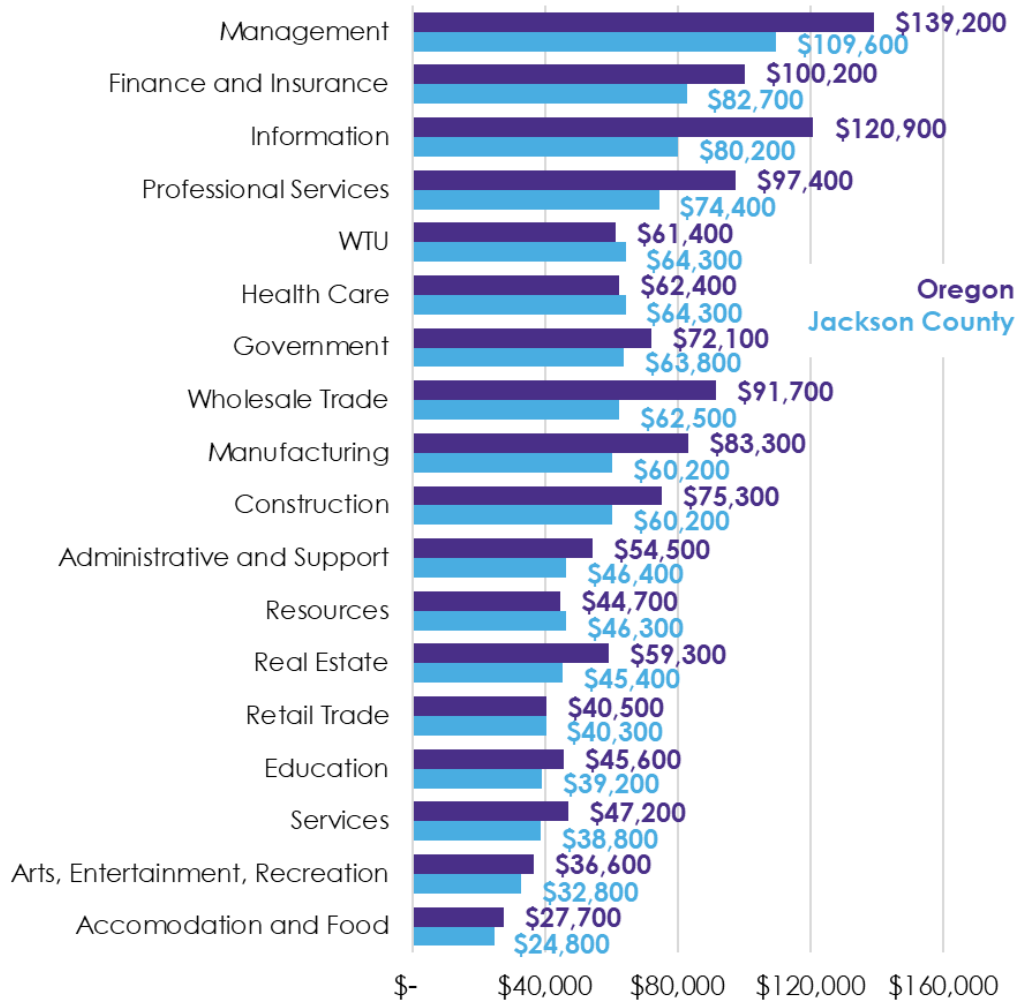
Exhibit 29. Proportion of Workers 16+ Who Work from Home, Oregon, Jackson County, Ashland & Medford, 2010 & 2023



Source: ACS 5-year Estimates, 2023; CAI, 2025.

Jackson County's top earning industries include Management (making an average annual wage of \$109,600), Finance and Insurance (\$82,700), and Information (\$80,200) (**Exhibit 30**). Average annual wages in Jackson County are generally lower than wages at the State level.

Exhibit 30. Average Annual Wages by Occupation, Oregon & Jackson County, 2022



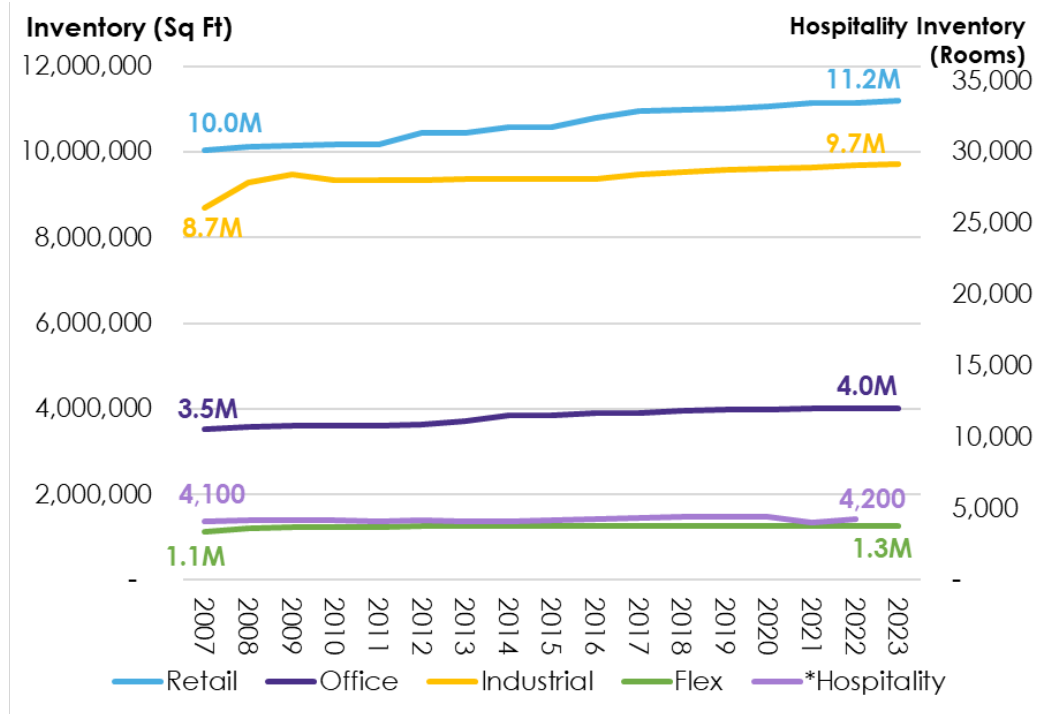
Sources: Oregon Employment Department, 2022; CAI 2024.

Commercial Real Estate

Retail consistently leads in real estate inventory in Jackson County, showing steady growth over time. Meanwhile, Office and Industrial inventories generally maintained moderate levels with slight upward trends.

Exhibit 31 shows Jackson County's retail inventory increasing from 10 million square feet in 2007 to 11.2 million square feet in 2023. Office inventory also grew steadily over the same time period, rising from 8.7 million square feet to 9.7 million square feet. Industrial inventory in Jackson County grew by about 1 million square feet from 2007 to 2023, reaching 4 million square.

Exhibit 31. Commercial Real Estate Inventory, Jackson County, 2007-2023



Sources: Costar, 2007-2023; CAI 2024.

LOCAL ECONOMIC CHARACTERISTICS AND TRENDS

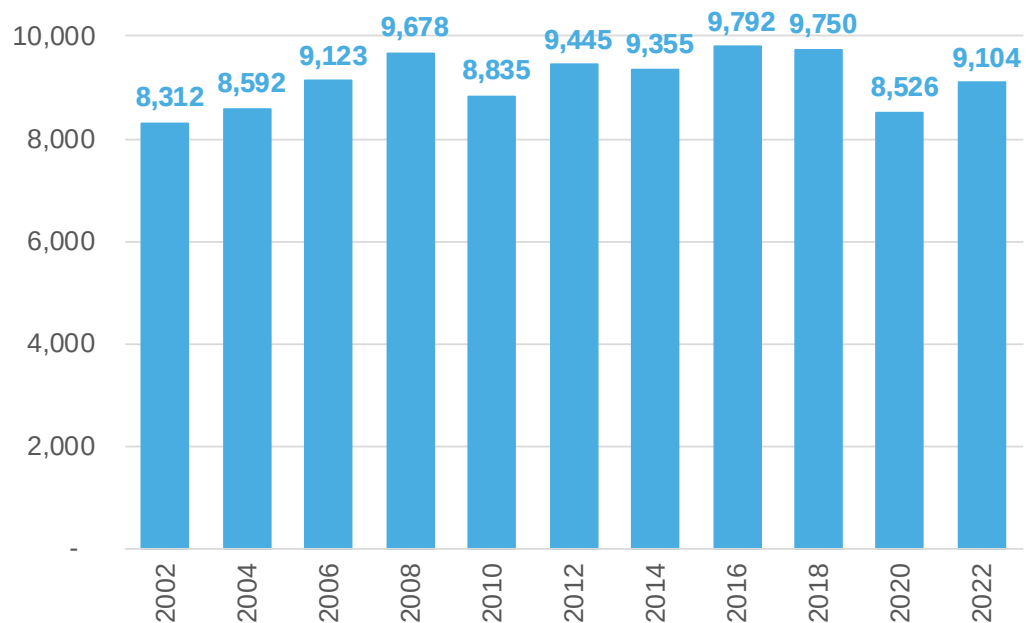
This section analyzes data on Ashland’s local economy—including industry composition, employment, workforce and commuting patterns, market conditions, and other key metrics—to describe local economic characteristics and trends.

Industry and Workforce

Ashland’s Industries and Employment

Local employment data are challenging to present, given the latency of publication and constraints among varying data providers. According to the US Census LODES data, total (private and public) employment in Ashland has experienced both growth and decline since 2002, ending with a total of 9,104 jobs in 2022, the most recent year available during report production (**Exhibit 32**).

Exhibit 32. Total Job Growth, Ashland, 2002 to 2022



Sources: LEHD Origin-Destination Employment Statistics Longitudinal Employer-Household Dynamics (LODES), 2002-2022; CAI 2025.

Ashland’s top private sector industries in 2023 by employment were Accommodation and Food Services (with 1,860 jobs), Retail Trade (1,471 jobs), and Health Care (1,354 jobs) (**Exhibit 33**). The different data sources (LODES in **Exhibit 32**, versus OED in **Exhibit 33**) result in different totals

for the city. OED-provided data exclude all public sector jobs, such as Southern Oregon University and other public sector jobs (SOU reports an estimated 650 employees, of which 150 are instructional faculty).

Top growing private industry sectors from 2013 – 2023 were Resources, Infrastructure and Enterprises, which expanded at a CAGR of 9.9% (+ 516 jobs), the Information sector, which grew at 1.8% CAGR (+31 jobs), and Real Estate, which also expanded by 1.8% CAGR (+20 jobs).

Private sector industries with declining employment included Wholesale Trade (-3.7% CAGR, -50 jobs), Education (-1.6% CAGR, -19 jobs), and Accommodation and Food Services (-1.1% CAGR, -72 jobs).

Exhibit 33. Private, Non-confidential Employment by 2-Digit NAICS Industry Sector, Ashland, 2013 & 2023

Industry	2-Digit NAICS	2013	2023	CAGR	Change
Construction, Resources & Enterprise*	11, 21, 22, 23, 48 & 49, 55	329	845	9.9%	516
Manufacturing (31-33)	31-33	511	546	0.7%	35
Wholesale Trade	42	161	111	-3.7%	-50
Retail Trade (44 & 45)	44-45	1,404	1,471	0.5%	67
Information	51	158	189	1.8%	31
Finance and Insurance	52	178	170	-0.5%	-8
Real Estate and Rental and Leasing	53	109	130	1.8%	21
Professional, Scientific, and Technical Services	54	339	398	1.6%	59
Administrative and Support and Waste Management	56	275	245	-1.1%	-30
Educational Services	61	124	105	-1.6%	-19
Health Care and Social Assistance	62	1,359	1,354	0.0%	-5
Arts, Entertainment, and Recreation	71	677	605	-1.1%	-72
Accommodation and Food Services	72	1,912	1,860	-0.3%	-52
Other Services (except Public Administration)	81	418	430	0.3%	12
Unclassified	99	0	11		11
Total		7,954	8,470	0.6%	516

Sources: State of Oregon Employment Department, 2013 & 2023; CAI 2025.⁶

Exhibit 34 summarizes projected employment growth within Ashland's Urban Growth Boundary (UGB) through the year 2045. These employment forecasts inform the **Employment Lands Sufficiency** section of the EOA.

Forecast employment in Ashland is based on estimates of covered employment from 2013-2023 provided by the State of Oregon Employment

⁶ Private employment does not include public sector jobs including government or public education services, such as workers at Southern Oregon University. As of 2025, Ashland School District self-reports an estimated 400 employees (per its website: <https://www.ashland.k12.or.us/page/about-the-district>) while SOU self-reports an estimated 650 employees, of which 150 are instructional faculty (<https://sou.edu/about/>).

Department (OED) (as shown above), as well as Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Workers (QCEW) covered employment estimates for Jackson and Josephine Counties. These were utilized to apportion the **OED published Rogue Valley Forecast for the period 2023-2033**. The resulting Ashland forecast adapts Jackson County's portion of projected regional growth to the city based on the trajectory of **sectoral shares of countywide employment projected into the future**. The Compound Annual Growth Rate (CAGR) represents resulting year over year growth for the twenty-year period 2025-2045.

Total private employment is projected to increase from 8,644 in 2025 to 10,045 by 2045, a total increase of 1,401 jobs. The Leisure and Hospitality sector is projected to add the most jobs (an estimated 654) over this time frame, representing a compound annual growth rate (CAGR) of 0.8%. Finance, Insurance and Real Estate (FIRE) is projected to grow the fastest from 2025-2045, with a CAGR of 2.2% and Health Care is the second fastest growing, with a CAGR of 1.4%. Information is projected to decrease the most over the period, with a projected loss of 53 jobs.

The Leisure and Hospitality sector is expected to see the largest absolute growth, adding approximately 654 jobs, with a CAGR of 0.8%. Finance, Insurance, and Real Estate (FIRE) is projected to grow the fastest, with a CAGR of 2.2%, followed by Health Care, at 1.4%. In contrast, the Information sector is expected to decline by 53 jobs over the same period.

These estimates reflect only private, non-confidential employment—defined as jobs in privately owned businesses and institutions. Public sector employment, including positions at public universities and government agencies, is not included. As such, the employment forecast is specifically intended to support land use planning and may not capture the full range of community economic priorities.

Industry categories used in the forecast correspond to 2-digit NAICS codes, as detailed in **Exhibit 35**.

**Exhibit 34. Private, Covered Employment Forecast Total and by Sector,
Ashland UGB, 2025 – 2045**

Industry	2013	2025	2035	2045	20 Year Growth	CAGR
Leisure & Hospitality	2,589	2,441	2,791	3,095	654	1.2%
Retail	1,404	1,485	1,456	1,443	(42)	-0.1%
Health Care	1,359	1,353	1,569	1,775	422	1.4%
Const, Resources & TWU	307	952	887	979	27	0.1%
Professional & Business Services	636	714	766	826	112	0.7%
Manufacturing	511	553	556	565	12	0.1%
Other Services	418	432	467	500	67	0.7%
FIRE	287	303	382	467	165	2.2%
Information	158	196	162	143	(53)	-1.6%
Wholesale	161	103	117	123	19	0.9%
Educational Services	124	102	111	116	15	0.7%
Unclassified	0	11	12	14	3	1.2%
Total	7,954	8,644	9,276	10,045	1,401	0.8%

Sources: BLS, 2024; Oregon Employment Department, 2024; CAI, 2025.

**Exhibit 35. Industry Groupings by 2-Digit NAICS, Ashland Employment
Forecasts, 2025**

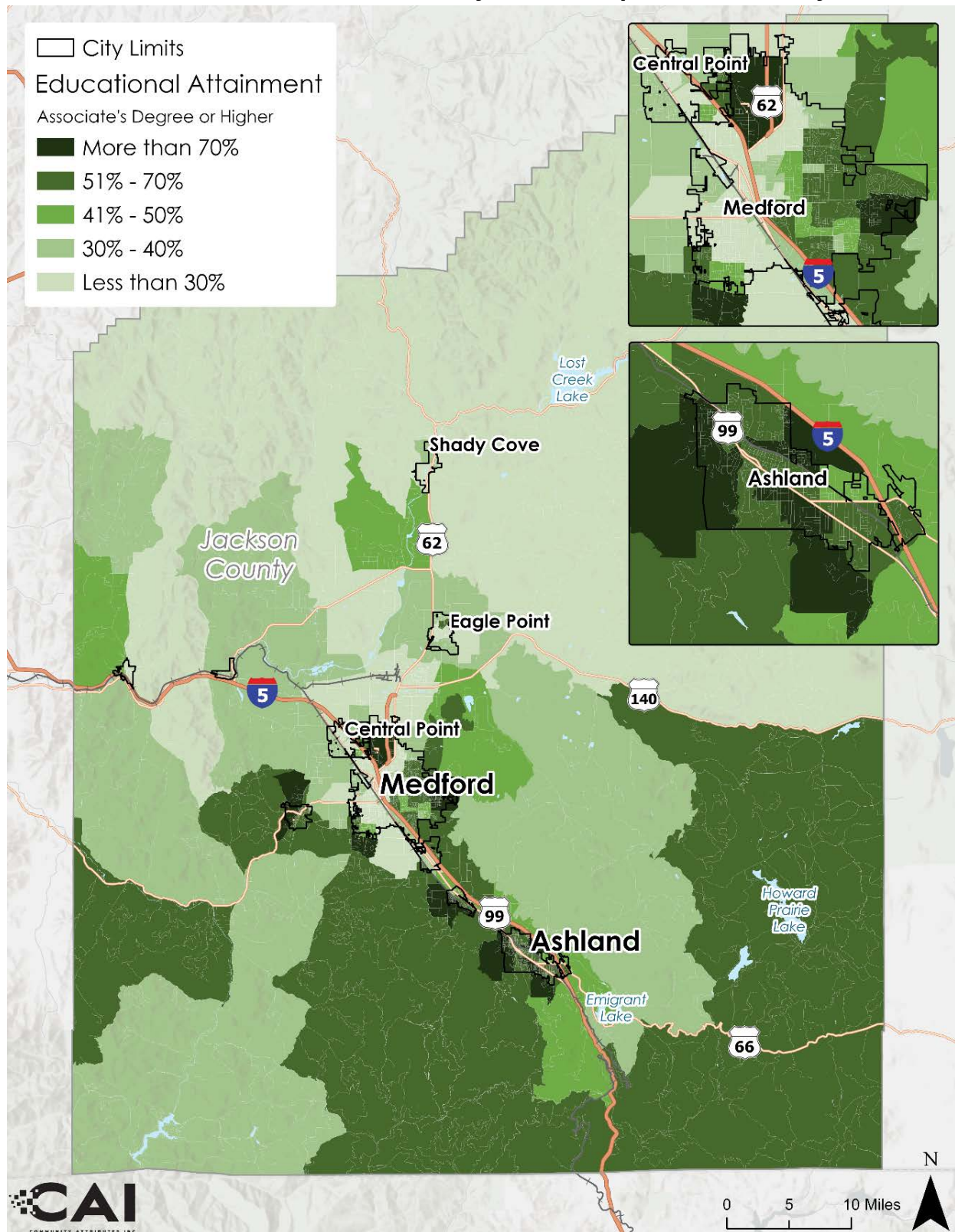
Industry Aggregates	Covered NAICS	Industry Descriptions
Construction, Resources & TWU	11	Natural resources and mining
	21	Mining and logging
	22	Utilities
	23	Construction
	48-49	Transportation & warehousing
Manufacturing	31-33	Manufacturing
Wholesale	42	Wholesale trade
Retail	44-45	Retail trade
Information	51	Information
FIRE	52	Finance and Insurance
	53	Real Estate and Rental and Leasing
	54	Professional, Scientific, and Technical Services
Professional & Business Services	55	Management of Companies and Enterprises
	56	Administrative and Support and Waste
		Management and Remediation Services
Educational Services	611	Private educational services
Health Care	62	Health care and social assistance
Leisure & Hospitality	71	Leisure and hospitality
	72	Accommodation and food services
Other Services	81	Other services

Sources: CAI, 2025.

Ashland's Labor- and Commute- Sheds

Ashland's residents are highly educated, contributing to a well-qualified labor pool. As of 2023, 62% of the population holds a bachelor's degree or higher, compared to 28% in Medford (**Exhibit 36**).

Exhibit 36. Educational Attainment by Block Group, Jackson County, 2022



Sources: Jackson County Open Data Portal, 2024; U.S. Census Bureau ACS 5-Year 2018-2022 Estimates; CAI, 2024.

However, the Rogue Valley’s labor and commute sheds are very intertwined. Ashland’s residents travel all over the valley to work, including to Medford, which serves as a primary employment hub in the Rogue Valley.

According to the Census Bureau’s 2022 commute data, Ashland had 5,783 employed residents in 2022 (**Exhibit 37**). Just 37% worked within the city, while 63% commuted to jobs outside of Ashland.

Ashland’s workforce, however, included 6,910 people. Of these, only 31% (2,158 individuals) both lived and worked in Ashland, while the remaining 69% commuted in from other communities.

Exhibit 37. Commuting Patterns of Ashland’s Workforce and Residents, Ashland, 2022

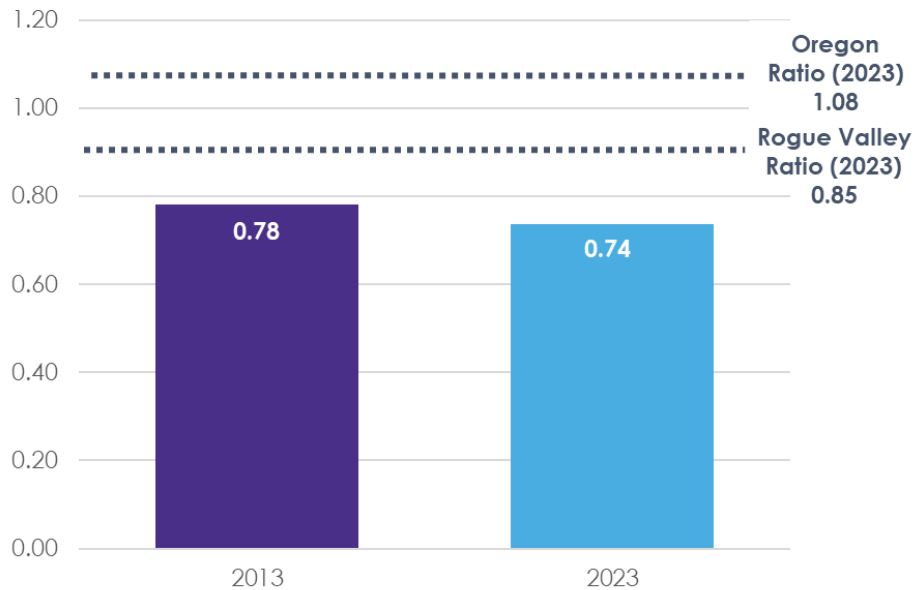
Metric	Count	Share of Ashland Residents	Share of Ashland Workers
Total Employed in Ashland	6,910		
Total Living in Ashland	5,783		
Net Inflow of Workers	1,127		
Both Live and Work in Ashland	2,158	37%	31%
Work in Ashland, Live Outside	4,752		69%
Live in Ashland, Work Outside	3,625	63%	

Sources: U.S. Census Bureau Longitudinal Employer-Household Dynamics (LEHD), 2021; CAI, 2024.

Considering that many of Ashland’s working residents commute elsewhere for employment, while a significant share of local jobs are filled by workers commuting into the city. This dynamic suggests a mismatch between the types of jobs available in Ashland and the skills or preferences of its resident workforce.

Ashland’s jobs-to-housing unit ratio is 0.74 in 2023, down slightly from 0.78 in 2013 (**Exhibit 38**). This modest decline points to a growing imbalance between local employment opportunities and housing availability. A ratio below 1.0 indicates there are fewer jobs than housing units, which may reflect demographic factors—such as a higher share of retirees—and regional commuting patterns. Compared to the Rogue Valley (0.85) and Medford (1.35), Ashland’s lower ratio is likely impacted by both a reduced labor force participation due to a high proportion of seniors (**Exhibit 2**) and the outflow of residents commuting elsewhere for work (as described in **Exhibit 37** above).

Exhibit 38. Job to Housing Unit Ratio, Ashland, 2013 and 2023



Source: American Community Survey, 2013, 2023; State of Oregon Employment Department, 2013, 2023; U.S. Bureau of Labor Statistics, 2013, 2023; CAI, 2025.

In 2022, these dynamics come together to result in a net inflow of 1,685 workers into Ashland (**Exhibit 39**). It's important to note that inflow/outflow values do not reflect the actual number of commuters; rather, they represent the net difference between the total number of jobs located in Ashland and the total number of Ashland residents working in each industry. As such, they do not account for residents who may commute elsewhere for similar jobs, and should be interpreted as a rough indicator of industry-level labor exchange.

In Ashland, industries with the highest net inflow include Accommodation and Food Services (+638), Educational Services (+596), and Retail Trade (+354). These patterns suggest relatively higher demand for labor in these sectors compared to the local workforce available to fill them.

**Exhibit 39. Total Employment Labor Inflow & Outflow by Industry,
Ashland, 2022**

Jobs in Ashland	Jobs in Ashland	Jobs of Ashland Residents	Inflow / (Outflow)
Accommodation and Food Services	1,620	982	638
Educational Services	1,362	766	596
Retail Trade	1,379	1,025	354
Arts, Entertainment, and Recreation	674	334	340
Manufacturing	589	423	166
Professional, Scientific, and Technical Services	480	349	131
Information	244	159	85
Other Services (excluding Public Administration)	377	293	84
Administration & Support, Waste Management and Remediation Services	320	315	5
Mining, Quarrying, and Oil and Gas Extraction	7	4	3
Real Estate and Rental and Leasing	118	120	(2)
Utilities	-	11	(11)
Wholesale Trade	143	163	(20)
Finance and Insurance	140	168	(28)
Management of Companies and Enterprises	51	96	(45)
Public Administration	188	271	(83)
Transportation and Warehousing	64	155	(91)
Agriculture, Forestry, Fishing and Hunting	40	172	(132)
Construction	179	322	(143)
Health Care and Social Assistance	1,129	1,291	(162)
	9,104	7,419	1,685

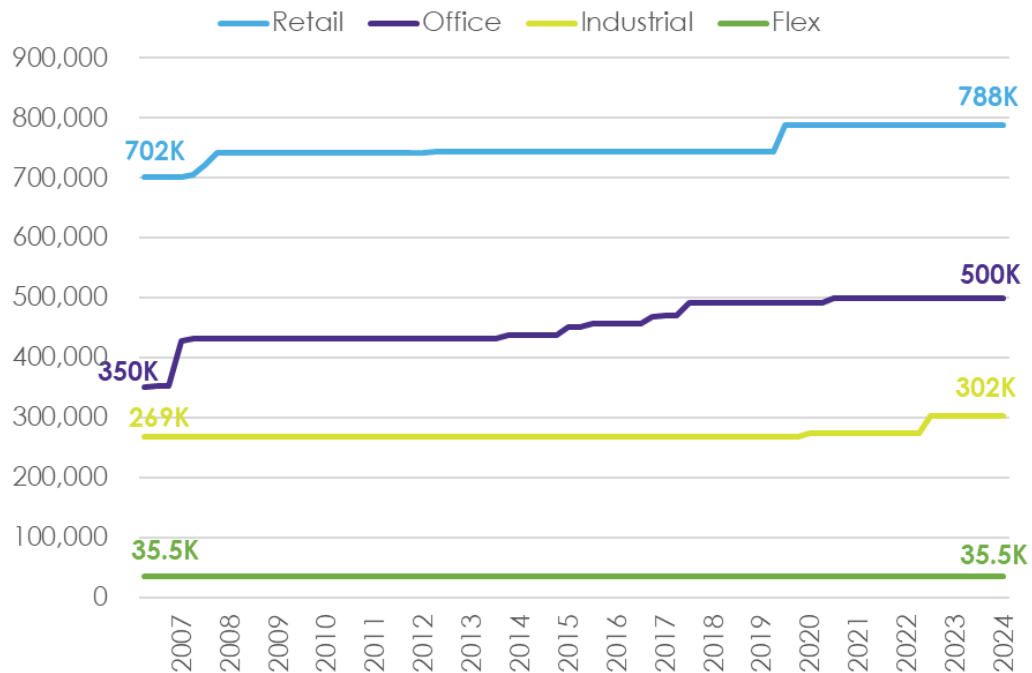
Sources: LEHD Origin-Destination Employment Statistics Longitudinal Employer-Household Dynamics (LODES), 2022; CAI 2025.

Ashland's Market Conditions

Commercial Real Estate Inventory

Ashland's retail inventory increased from 702,000 square feet in 2007 to 788,000 square feet in 2024, maintaining the largest share of commercial real estate inventory in the city (**Exhibit 40**). Office space grew from 350,000 square feet in 2007 to 500,000 square feet in 2024. Industrial inventory increased gradually, starting at 269,000 square feet in 2007 and reaching 302,000 square feet in 2024. Industrial inventory increased gradually, starting at 269,000 square feet in 2007 and reaching 302,000 square feet in 2024.

Exhibit 40. Square Footage of Inventory by Typology, Ashland, 2007-2024

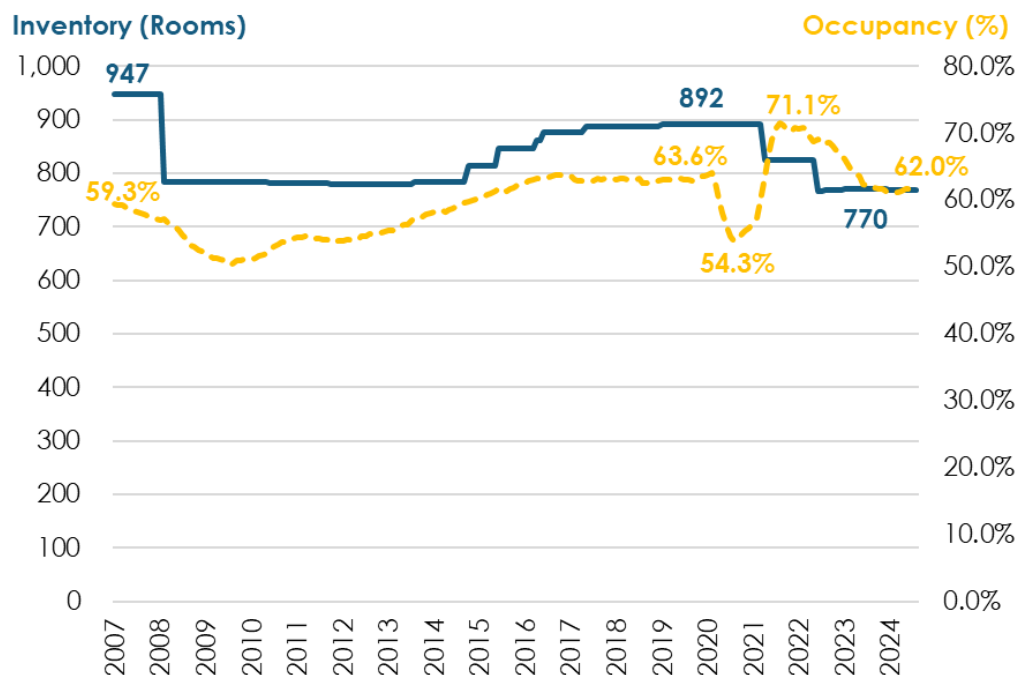


Source(s): Costar, 2024; CAI, 2025.

Hospitality

Hospitality real estate inventory in Ashland, measured by the number of rooms, decreased from 947 rooms in 2007 to 770 rooms in 2024 (**Exhibit 41**). After an initial decline in inventory in 2008, the number of rooms grew modestly, peaking at 892 rooms in 2020 before declining again. Occupancy rates began at 59.3% in 2007, peaked at 71.1% in 2019, and declined to 62.0% in 2024, with a significant dip to 54.3% in 2020. Despite some recovery in occupancy rates post-2020, both inventory and occupancy remain below their earlier peaks.

Exhibit 41. Hospitality Real Estate Inventory (by Rooms) and Occupancy (Annually-Smoothed), Ashland, 2007-2024



Source(s): Costar, 2024; CAI, 2025.

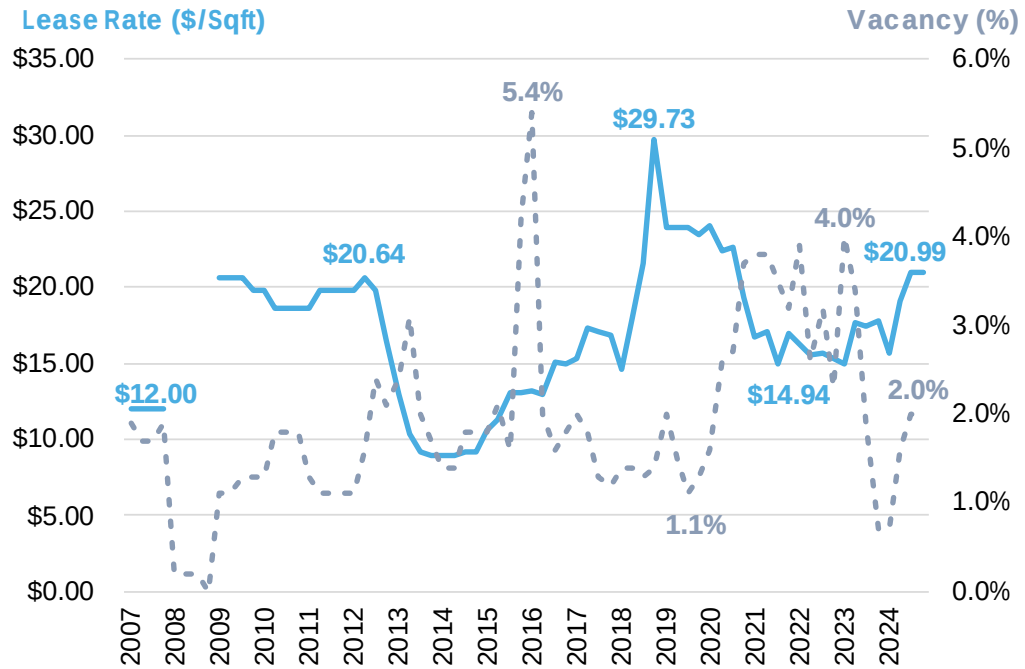
Retail

Exhibit 42 explores retail lease rates and vacancy trends in Ashland from 2007 to 2024. Retail lease rates started at \$12.00 per square foot in 2007, reached a peak of \$29.73 per square foot in 2018, and declined to \$20.99 per square foot as of 2024. Retail vacancy rates fluctuated, beginning at 5.4% in 2007, reaching a low of 1.1% in 2020, and ending at 2.0% in 2024, with a temporary increase to 4.0% in 2023.

This reflects a different trend to that seen in the Rogue Valley region. Annual average vacancy rates for retail in the Rogue Valley fluctuated from 2.4%-3.9% from 2009-2024, landing at 3.05% in 2024. Lease rates peaked in

the Rogue Valley in 2022, with \$17.06 per square foot, before dropping slightly to \$16.55 in 2024.

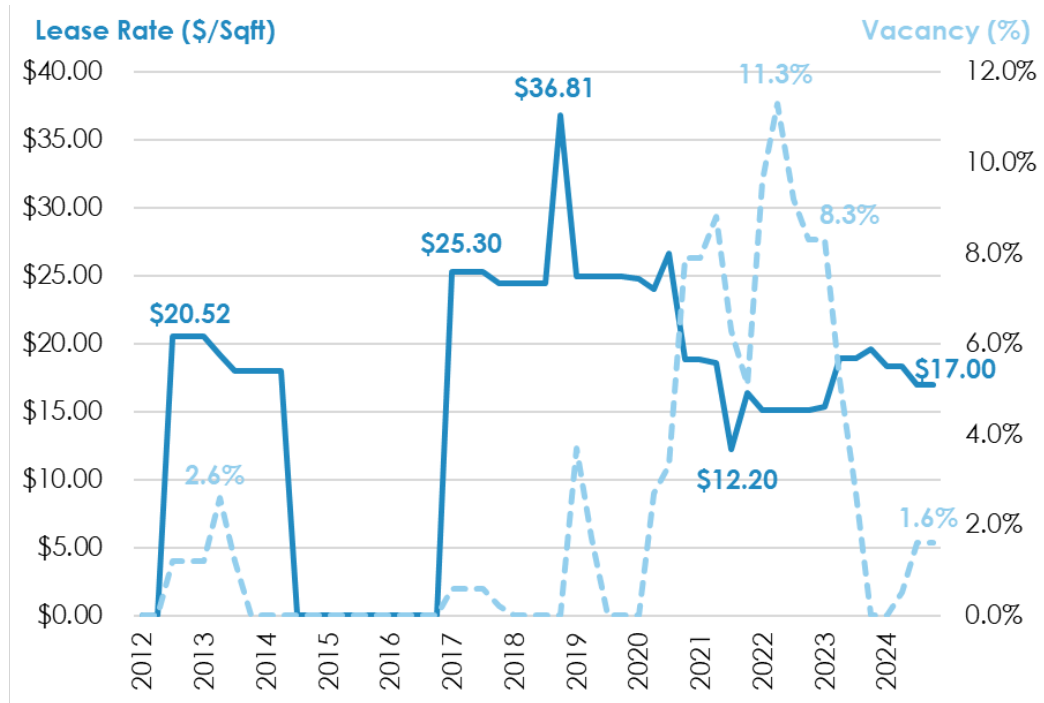
Exhibit 42. Retail Lease and Vacancy Rate, Ashland, 2007-2024



Source(s): Costar, 2024; CAI, 2025.

Retail lease and vacancy trends in Downtown Ashland have diverged from the citywide market somewhat (**Exhibit 43**). Downtown lease rates, like lease rates city-wide, peaked in 2019. However, its lease rates were more volatile than at the city level, with the peak very briefly reaching \$36.81. Downtown lease rates have decreased since, reaching \$17.00 in 2024. Similarly, downtown vacancy rates spiked sharply to 11.3% in 2021 before declining to 1.6% in 2024, whereas citywide vacancy has remained more stable. These patterns suggest that downtown Ashland experienced a more intense cycle of disruption and recovery, possibly reflecting its concentration of tourism-facing retail or greater exposure to pandemic-related impacts. Despite this, current downtown vacancy is low, signaling potential for a rebound in tenant demand.

Exhibit 43. Downtown Retail Lease and Vacancy Rate, Ashland, 2012-2024

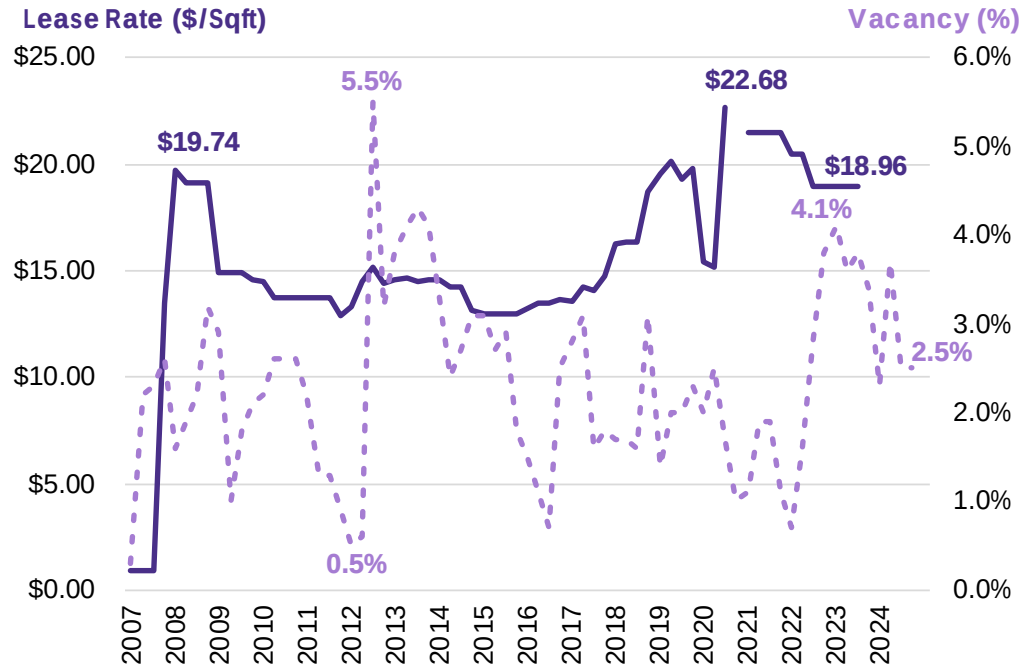


Source(s): Costar, 2024; CAI, 2025.

Office

Office lease rates peaked at \$22.68 per square foot in 2021 but declined to \$18.96 by 2023 (**Exhibit 44**). Vacancy rates fluctuated but remained low, ending at 2.5% in 2024. This is lower than the 2024 average vacancy rate for office space in the Rogue Valley region of 4.73%.

Exhibit 44. Office Lease and Vacancy Rate, Ashland, 2007-2024

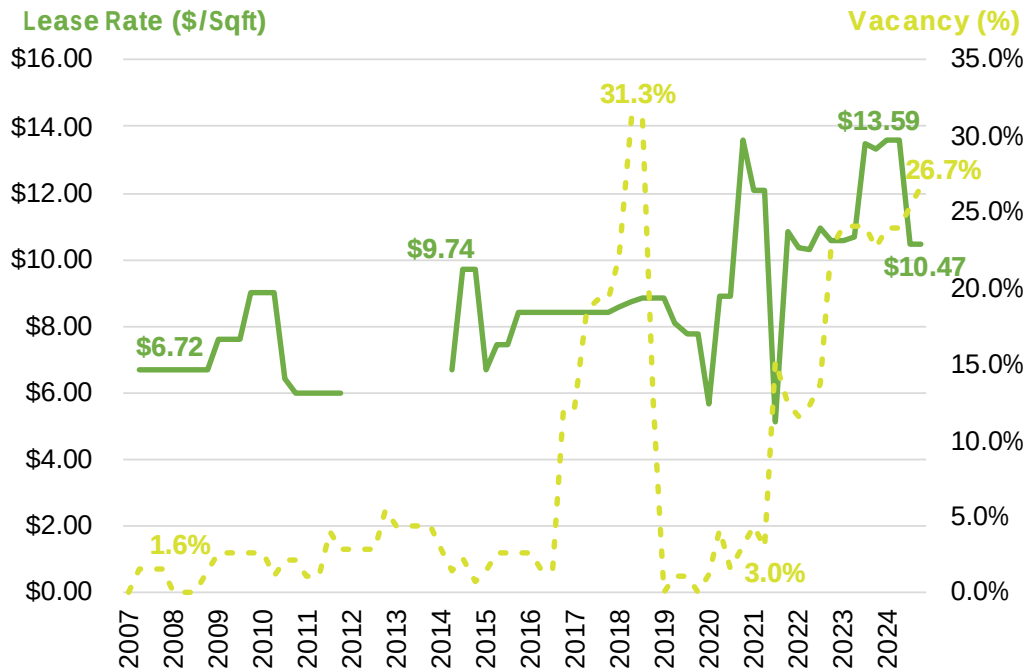


Source(s): Costar, 2024; CAI, 2025.

Industrial

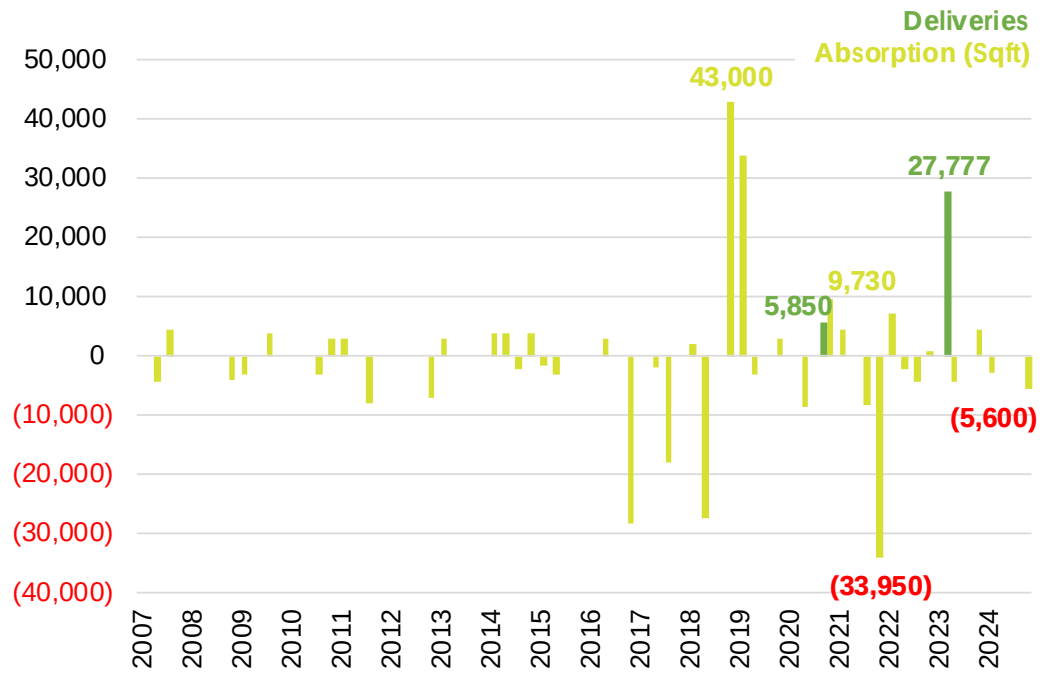
Industrial lease rates in Ashland peaked at \$13.59 per square foot in 2023 before declining to \$10.47 in 2024 (**Exhibit 45**). Industrial vacancy rates increased from near 0% in 2019 to 26.7% in 2024. The sharp rise in Ashland's industrial vacancy rate since 2019 may be attributed to a combination of new space deliveries outpacing tenant demand, pandemic-related business disruptions, and increased competition from nearby markets such as Rogue Valley, where vacancy rates remain comparatively low (**Exhibit 46**).

Exhibit 45. Industrial Lease and Vacancy, Ashland, 2007-2024



Source(s): Costar, 2024; CAI, 2025.

Exhibit 46. Industrial Absorption and Deliveries, Ashland, 2010-2023



Source(s): Costar, 2024; CAI, 2025.

EMPLOYMENT LANDS SUFFICIENCY ASSESSMENT

Background

Oregon law OAR 660-009-0015 requires that cities maintain a buildable lands inventory within the UGB sufficient to accommodate the residential, employment and other urban uses such as public facilities, streets, parks and open space needed for a 20-year planning period.

The City of Ashland's 2024 Buildable Lands Inventory (BLI) mapped net buildable land supply by Comprehensive Plan and Zoning categories for the City and Urban Growth Boundary (UGB). Along with the 2021 Housing Capacity Analysis, the BLI largely focused on residential land capacity and determined that sufficient supply exists to satisfy residential growth needs for housing units for the 20-year planning horizon.

This 2024-2025 Economic Opportunity Analysis update forecasts the demand for employment on commercial and industrial lands and utilizes BLI findings and further analysis to assess whether an adequate supply of land zoned for employment uses is available to meet this forecasted demand.

Methodology

Step 1. Supply

Isolate, extract, and further analyze the supply of buildable employment (commercial and industrial) land from the 2024 BLI.

Step 2. Demand

Using a detailed, customized employment data based on published sources including the Bureau of Labor Statistics (BLS) and Oregon Employment Department, forecast employment in aggregate and by industry / land use is modeled and utilized to estimate land demand by category.

Step 3. Reconcile Supply with Demand

Supply of employment land is reconciled with demand in aggregate and by category.

Step 4. Site Types

A range of site types required to meet Ashland's forecast demand for employment land are explored and characterized.

Buildable Land Segments

Oregon statutes define Buildable Lands as residentially and commercially designated **vacant**, **partially vacant**, and, at the option of the local jurisdiction, **redevelopable** land within the urban growth boundary that is

not severely constrained by natural hazards, (Statewide Planning Goal 7) or subject to natural resource protection measures (Statewide Planning Goals 5 and 15).”

Consistent with Ashland’s published 2024 BLI methodology, publicly owned land was generally not considered available for commercial or industrial use. Land with **slopes of 35-percent or greater** and land within the **100-year flood plain** was not considered buildable; for the purposes of this analysis, portions of otherwise buildable parcels intersecting with such constraints have had acreage deducted from the gross total, resulting in a **net buildable acreage** figure⁷.

For the buildable lands analysis conducted for this EOA, the following categories were defined and utilized:

Vacant: Vacant lots were those parcels that were free of improvements (structures) and were available for future commercial or industrial development. Alternative designations were assigned to those parcels that, although physically vacant, were **not** considered suitable for residential or commercial development.

- Vacant/Undevelopable: Unbuildable whole parcels due to physical constraints including:
 - o Slopes in excess of 35%
 - o Location within the floodway
 - o Location within the 100-year flood plain
 - o Location in resource protection areas
- Vacant/Airport: Land reserved for Ashland Municipal Airport uses.
- Vacant/Open Space: Land reserved as private open space
- Vacant/Parks: Land reserved as public parks and open space
- Vacant/Parking: Paved parking lots

Partially Vacant: In Commercially zoned lands, those parcels with additional undeveloped land area yet containing a building on a portion of the property were considered partially vacant.

In addition, commercial and industrial properties deemed “**redevelopable**” were included in “partially vacant” category. While “redevelopable” typically refers to parcels upon which there are structures valued at less than 30% of the combined value of the improvements and the land - the high land cost relative to building valuations in Ashland made thee standard calculation method a poor indicator of future supply of land for housing and commercial

⁷ Additional details on methodology may be found in the Quantifying Land Availability & Methodology section of the City of Ashland’s 2024 Buildable Lands inventory.

land needs. However, in mapping all such “redevelopable” properties utilizing the Jackson County Assessors Department’s Real Market Values (RMV) for Land Value (LV) and Improvement Value (IV) the City was better able to identify many properties that were underdeveloped and more appropriately defined as “Partially Vacant”.

Ashland Employment Comp Plan / Zoning Categories

This analysis extracts and examines net buildable acreage (vacant and partially developed) for these five “**employment land**” Comprehensive Plan land use categories:

- **Commercial (C-1)** This district is designed to stabilize, improve and protect the characteristics of those areas providing commercial commodities and services.
- **Commercial-Downtown (C-1-D)** This district is an employment zone that allows retail, office, and other uses.
- **Employment (E-1)** The district is designed to provide for a variety of uses such as office, retail, or manufacturing in an aesthetic environment and having a minimal impact on surrounding uses.
- **Industrial District (M-1)** This district is designed to encourage sound industrial development in the City by providing a protective environment exclusively for such development.
- **The Croman Mill zone (CM-X)** is a group of large parcels of land in south Ashland that have their own set of design elements and permitted, special permitted, and conditional uses. The redevelopment plan for this site was passed by the Ashland City Council in August 2010 and includes a Croman Mill site specific land use code.

Supply of Employment Land

Summary of Buildable Lands Inventory

The 2024 BLI found a combined total area within Ashland’s political boundaries (City + UGB) of **4,958 acres**. Of this, there was a total of **542 acres of “employment land”** (including Industrial, Commercial, Employment, Downtown Commercial, and Croman Mill Employment, Ind. & Mixed Use) found within the City and UGB.

A total of **630 net buildable acres** of land were found within the City and UGB that are developable across all Comprehensive Plan designations, out of a **gross buildable area of 985 acres**.

Exhibit 47. Total Net Buildable Acreage, Ashland and Urban Growth Boundary, 2024

Table 4 - Total Net Buildable acreage (V&PV) UGB & City Limits

BLI_STATUS	# of Parcels	Gross Acreage	Net Buildable Acres
Vacant	363	393	250
Partially Vacant	420	592.4	380.4
Vacant/Airport	10	115.2	per plan
Vacant/UnDevelopable	86	244.7	0
Vacant /Open Space or Park	411	619.1	0
Vacant /Parking	80	22.4	0

Source: Excerpted from Ashland Buildable Lands Inventory, 2024.

Public rights-of-way, parks/open space and civic uses accounted for 27.8% of the City’s total gross acreage. The remaining land is classified as Residential (60.1%), Commercial (11.4%), and Industrial (0.4%).

Total Supply

Total **net buildable supply** for all “**employment land**” categories was **181 acres** per the 2024 BLI analyzed for this work. Net buildable supply is exclusive of constrained areas, such as steep slopes, wetlands, and special flood hazard areas. Gross buildable supply, including constrained areas, totaled 267 acres across 140 parcels.

The 2024 BLI found that most land supply was in the Employment land use category, comprising around 50% of the total buildable acreage, and Croman Mill, comprising another 33%. The least constrained parcels were in the Industrial and Croman Mill designations. Industrial and Employment sites had the lowest built FARs generally. Downtown Commercial parcels represented a small fraction of supply, were heavily constrained, and had much higher FARs.

**Exhibit 48. Developable and Redevelopable Employment Lands by
Category, Ashland, 2024**

Comp Plan Category	Number of Parcels	Gross Acreage	Net Buildable Acreage	Percent Constrained
Croman Mill (Employment, Ind. & MU)	13	85.7	61.1	29%
Downtown (Commercial)	8	2.9	0.44	85%
Employment	89	136.7	90	34%
Commercial	24	25.3	15.2	40%
Industrial	6	16.3	14.6	10%
Total	140.0	266.9	181.3	32%

Sources: Ashland Zoning Map, 2024; Ashland Future Land Use Map, 2024; CAI, 2024.

Supply Location

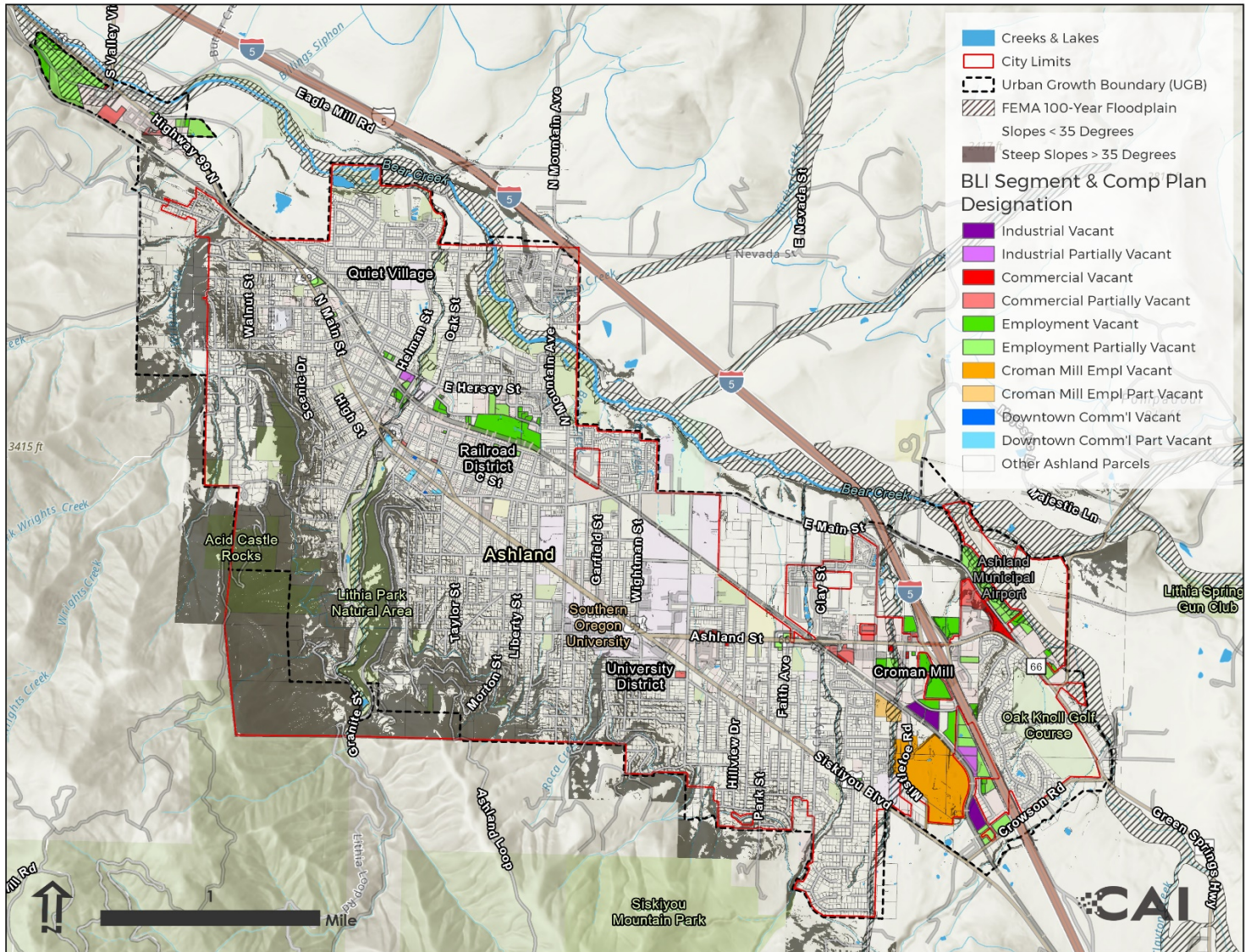
The 2024 BLI found that Ashland’s current buildable employment land supply was located mainly in the City limits (69%, by net buildable acreage).

Most was located in southeast Ashland, and/or adjacent to the Central Oregon & Pacific railroad right of way.

Major nodes were located:

- South of the airport on Main St.;
- Along I-5 and the railroad line from Croman Mill down to Crowson;
- North of the Railroad District in central Ashland, and;
- Around Jackson Rd. and Hwy 99

Exhibit 49. Commercial and Industrial Buildable Lands Map, Ashland, 2024



Sources: Ashland Zoning Map, 2024; Ashland Future Land Use Map; CAI, 2025.

Short Term Supply

The Goal 9 Administrative Rule (OAR 660-009) includes provisions that require that cities within a Metropolitan Planning Organization (MPO) account for and ensure an adequate short-term supply of industrial and other employment lands for near term growth needs. As Ashland is within the Rogue Valley MPO, it is subject to this requirement.

Short term supply, per the administrative rules, refers to land that can be ready for construction in one year based on “engineering feasibility.” For this assessment, CAI and the City of Ashland have interpreted this to include a

subset of sites within the above described overall employment land supply that:

- Have road access,
- Have minimal contamination or environmental constraints (or are undergoing remediation currently),
- And are served with basic infrastructure (stubbed at property or adjacent) including power, water, and sanitary sewer.

Per these criteria, the City of Ashland's **short term supply** of employment land sites amounts to a total of **21 parcels** comprising **101.3 acres** of land within the city and / or urban growth boundary. Key pieces of this short term supply include the Croman Mill employment sites, and the large Union Pacific E-1 site north of Downtown Ashland.

In particular, the Croman Mill employment sites identified in this inventory may satisfy this requirement, as all necessary utilities—water, sewer, and electricity—can be extended with the installation of internal streets and supporting infrastructure. While the site contains contaminated soil and requires environmental remediation, a cleanup proposal is currently under review by the Oregon Department of Environmental Quality (DEQ).

In addition to Croman Mill, the large E-1 site between A Street and Hersey owned by Union Pacific also meets the serviceability standard. It has an approved DEQ remediation plan, with cleanup expected to begin in the fall. Once completed, the site will support employment uses and potentially urban residential development. Approximately three acres of the property will remain under a vegetative cap due to residual contamination, which may require additional remediation if more intensive development is pursued.

All essential public facilities and services are available at the perimeter of both sites and can be extended through the properties as needed, which supports their classification as development-ready short term supply sites under Oregon's Economic Opportunity Analysis (EOA) framework.

For other industrial sites identified in the BLI south of the airport, no impediments were identified to the extension of infrastructure necessary to serve future development. Public facilities such as water, sewer, and transportation connections can be extended as needed in these locations to support employment uses.

In addition to current supply, the Rule requires cities within an MPO to make a commitment to provide a competitive short-term supply of land and establishes a target of 25% of total UGB employment land supply. As total employment land supply in Ashland amounts to 542 acres, a target of 25% would represent **136 acres**. A "competitive" short term supply refers to

having parcels in a range of sizes and designations to meet the needs of a variety of employers interested in locating or expanding in the city.

Forecasted Employment Land Demand

In this section, future commercial and industrial employment growth is modeled and converted into an approximation of land needed to accommodate this growth.

Total and industry sector growth is represented by a twenty-year private employment forecast for the Ashland UGB (2025-2045). This forecasted private employment growth is then mapped to generalized land use typologies (commercial and industrial) corresponding to Ashland's General Comprehensive Plan designations for employment land. Finally, demand for employment land is modeled based on local employment densities derived from existing land absorption patterns cross referenced with site-level employment data.

Forecasted Employment Growth

Forecasted employment growth by industry, given in **Exhibit 34**, is mapped to generalized land use types corresponding broadly to Ashland's employment lands Comprehensive Plan designations (**Exhibit 50**). By 2045, Ashland is forecasted to experience employment growth in the form of an estimated 1,343 jobs generally requiring commercial land and 59 jobs that generally require industrial land (**Exhibit 51**). Mapped land use categories are broad and site sufficiency is examined with greater precision in the subsequent section.

**Exhibit 50. Mapping Employment Forecasts to Generalized Land Uses,
Ashland, 2045**

Industry	20 Year Growth	Generalized Land Use
Leisure & Hospitality	654	Commercial
Retail	(42)	Commercial
Health Care	422	Commercial
Construction, Resources & WTU	27	Industrial
Professional & Business Services	112	Commercial
Manufacturing	12	Industrial
Other Services	67	Commercial
FIRE	165	Commercial
Information	(53)	Commercial
Wholesale	19	Industrial
Education	15	Commercial
Unclassified	3	Commercial
Total	1,401	

Sources: CAI, 2025.

**Exhibit 51. Forecasted Employment by Generalized Land Use Types,
Ashland, 2025 & 2045**

Generalized Land Use	2025 Employment	2045 Employment	Employment Growth
Commercial	7,036	8,378	1,343
Industrial	1,608	1,667	59
Total	8,644	10,045	1,401

Sources: CAI, 2025.

For absorption of vacant land, this analysis converts forecast growth by land use to land demand using locally-derived **assumptions for employment density**. These density figures, in terms of **Employees Per Acre (EPA)** were calculated by dividing summed **site-level employment data by total developed acres per category for Commercial, Commercial-Downtown, Employment, and Industrial sites**. Though the small number of developed industrial sites (8) renders this data less reliable as a reference, other comparables from Medford and recent report commissioned on Croman Mill (by Jonson Economic), demonstrate consistent density findings.

Exhibit 52. Employment Density Metrics by Land Use Category, Ashland, 2025

Employment Comp Plan / Zoning Categories	Total 2025 Site Employment (Employees)	Developed 2025 Site Acreage (Ac)	Employment Density (EPA)
Commercial (C-1)	1,963	103	19.1
Commercial-Downtown (C-1-D)	1,201	13	92.4
Employment (E-1)	1,932	114	16.9
Croman Mill (NC, MU, OE, CI)	153	2	76.5
Industrial (M-1)	142	13	10.9
Total	5,391	245	22.0

Source: Jackson County Assessor, 2024; City of Ashland, 2025; ESRI Business Analyst, 2025; CAI, 2025.

Note: 500 employees for the Oregon Shakespeare Festival, though technically based in Downtown Ashland, are in fact distributed and were removed from local employment totals.

Note: For additional reference, a 2023 report by Johnson Economics estimated an average employment density of 18 employees per acre (EPA) for the Croman Mill site with its projected mix of retail, office, industrial, and residential. The nearby Jackson County city of Medford was found to have an existing industrial employment density of 9.3 EPA across a much larger sampling of sites.

For **aggregate land demand**, 20-year employment growth (2025-2045) by generalized land use category (commercial and industrial) was converted using locally derived employment densities for generalized Commercial and Industrial use categories (**Exhibit 53**). Total aggregate land demand based upon this method was **76 acres** (net of any additional required acreage for ROWs, public facilities, etc.), including **70 acres of commercial** land and **5 acres of industrial** land.

Exhibit 53. Aggregate Land Demand Forecast, Ashland, 2045

Generalized Land Use	20 Year Growth	Employment Density (EPA)	Net Land Demand (Ac)
Commercial	1,343	19.1	70
Industrial	59	10.9	5
Total	1,401	-	76

Source: Jackson County Assessor, 2024; City of Ashland, 2025; ESRI Business Analyst, 2025; CAI, 2025.

Employment Lands Sufficiency

With a **total net buildable supply of 181 acres** of “employment lands”, and only **76 aggregate acres of demand** projected for industrial and

commercial uses, Ashland has a likely **surplus of over 100 acres** within the City and UGB urbanized area.

But does Ashland have the right kind of sites? The following section examines **supply versus demand by category** more closely and **characterizes needed site types** in Ashland based on existing and historic patterns of land absorption.

Land Needed for Economic Growth

Exhibit 54 models one potential distribution of land demand given existing shares of current employment by land use / zoning category as applied to employment growth for the 20-year planning period (forecast at 1,401 new jobs by 2045). Croman Mill is likely significantly underestimated given assumptions based on current employment as the site has largely not yet been redeveloped.

Discounting Croman Mill, which is likely to see much greater future development, there could be a small deficit of commercial lands but surpluses of employment and industrial lands in Ashland currently. Since the E-1 category can accommodate many commercial uses, it is possible that the city of Ashland has sufficient supply to meet demand in all categories, possibly excepting Downtown Commercial.

Exhibit 54. Estimated Demand for Employment Land by Land Use Type, Ashland, 2025-2045

Comp Plan Category	Supply	Demand				Surplus (Deficit)
	Net Buildable Acres	Current Employment (% of Total)	Share of 20-Year Job Growth	Employment Density (EPA)	Estimated Demand (Ac)	
Commercial	15.2	22.7%	318	19.1	16.7	(1.5)
Downtown (Commercial)	0.44	13.9%	195	92.4	2.1	(1.7)
Employment	90	22.4%	313	16.9	18.5	71.5
Croman Mill (Employment, Ind. & MU)	61.1	1.8%	25	76.5	0.3	60.8
Industrial	14.6	1.6%	23	10.9	2.1	12.5
Total	181.3	62%	874		39.7	141.6

Sources: Jackson County Assessor, 2024; City of Ashland, 2025; ESRI Business Analyst, 2025; CAI, 2025.

Note: Current employment totals do not sum to 100% because 38% of Ashland employment occurs outside of these zones, mainly on residential lands.

Land Sufficiency by Site Types

Exhibit 55 summarizes the number of vacant sites by size that are available for new development on employment lands in Ashland in 2025. In total, there

are 140 sites available to support future land demand through 2045. The largest grouping of these are small sites of less than 0.5 acres (56). The next largest grouping are sites sized 1-5 acres. Few sites are larger than 5 acres (8) and even fewer are needed at the 20 acres or larger range (2). The largest proportion of sites is in the Employment land use category (89) with the next largest categories being commercial (24) and Croman Mill (13). These findings inform the following discussion of demand by category.

Exhibit 55. Land Supply by Site Size and Designation, Ashland, 2025

Comp Plan Category	Number of Vacant Tax Lots					Total
	Less than .5 ac	.5 to 1 ac	1-5 ac	5-20 ac	More than 20 ac	
Commercial	13	5	5	1	0	24
Downtown (Commercial)	5	3	0	0	0	8
Employment	37	13	35	3	1	89
Croman Mill (Employment, Ind. & MU)	1	2	5	4	1	13
Industrial	0	0	6	0	0	6
Total	56	23	51	8	2	140

Source(s): City of Ashland, 2025; Jackson County Assessor, 2024; CAI, 2025.

Commercial Zone

Site Statistics

- Number of Developed Parcels: **178**
- Mean (Average) Parcel Size: **0.58 acres**
- Median (Most Frequent) Parcel Size: **0.23 acres**

Ashland's **Retail Commercial (C-1)** zone allows for a range of retail, food & beverage, and service uses, while generally speaking, manufacturing and industrial uses are not permitted unless they are small and contiguous to retailing. Mini-storage is not permitted. Office is permitted in commercial, employment, and industrial zones.

Three primary nodes of this zone encompass the area immediately surrounding Downtown Ashland, the highway commercial along Siskiyou / 99, and the larger format retail node around I-5 and Ashland / 66.

Ashland's Retail Commercial (C-1) zone currently has a median (most frequent) developed site size of 0.23 acres. If current patterns of land consumption persist, this category will require around 17 aggregate acres of land, distributed across a range of site sizes, but predominantly small (less than 0.5 acre) size sites, which constitute 54% of all currently buildable Commercial sites.

Downtown Commercial Zone

Site Statistics

- Number of Developed Parcels: **77**
- Mean (Average) Parcel Size: **0.16 acres**
- Median (Most Frequent) Parcel Size: **0.12 acres**

Ashland's **Downtown Commercial (C-1-D)** zone aims to create a vibrant, pedestrian-friendly environment by permitting a mix of uses, including high-density housing, civic offices, and small-scale commercial, food and beverage, and retail businesses. It emphasizes mixed-use developments and encourages locally oriented professional and personal services. The zone is designed to foster a compact, transit-oriented area with public spaces, extensive landscaping, and shared parking.

This zone is the location of many of Ashland's Oregon Shakespeare Festival organizations (including the HQ of the festival itself) and supporting businesses and encompasses a compact zone in downtown Ashland.

Ashland's **Downtown Commercial (C-1-D)** zone currently has a median (most frequent) developed site size of 0.12 acres. If current patterns of land consumption generally continue, this category would require only around 2 more aggregate acres of land (given extremely small lot sizes and higher built FARs), distributed across a range of small site sizes, but predominantly less than 0.5 acre size sites, which constitute two-thirds of the eight currently buildable Downtown Commercial sites.

Employment Zone

Site Statistics

- Number of Developed Parcels: **214**
- Mean (Average) Parcel Size: **0.53 acres**
- Median (Most Frequent) Parcel Size: **0.26 acres**

Ashland's **Employment (E-1)** zone is designated to allow for various types of businesses, including office, retail, and manufacturing, while aiming for a visually appealing and minimally disruptive environment. Large nodes of E-1 exist along the railroad right-of-way (ROW) north of downtown, and south of the airport.

The **Employment category (E-1)** is more inclusive as it allows many commercial uses, in addition to office and some (lower impact) manufacturing and industrial uses. As such, the *E-1 zone could feasibly absorb demand for both commercial and industrial land.*

In E-1, retail is limited to 20,000 square feet (sf) per lot. Mini-storage is conditionally permitted. Marijuana retailing is conditionally permitted and limited to C-1 or E-1. Auto service and gas stations are permitted with conditions in C-1 and E-1.

Ashland's **Employment (E-1)** zone currently has a median (most frequent) developed site size of 0.26 acres and an average size of 0.53 acres. If current patterns of land consumption continue, this category will demand around 19 aggregate acres of land, distributed across a range of site sizes, but predominantly small and small-mid-size sites, which constitute 42% and 15% of currently buildable Employment sites.

Industrial Zone

Site Statistics

- Number of Developed Parcels: **8**
- Mean (Average) Parcel Size: **1.6 acres**
- Median (Most Frequent) Parcel Size: **1.6 acres**

Ashland has several industrial zoned areas and business parks designed to encourage business development. These areas offer a mix of infrastructure, zoning options, and potential for various industrial and commercial uses. Specifically, the Croman Mill Site, the Ashland Industrial Park, and IPCO Commercial Properties are key locations for industrial activity.

The **Industrial zone (M-1)** in Ashland allows for a range of general manufacturing, distribution, office and industrial uses, well-buffered from residential uses. Mini-storage is a permitted use here. Retail is limited to serving workers in the zone but restaurants are permitted.

Ashland's **Industrial (M-1)** zone currently has a median (most frequent) and average developed site size of 1.6 acres. If current patterns of land consumption continue, this category will demand around 2 more aggregate acres of land, most likely in the mid-size (1-5 ac) range, which constitute 100% of the currently buildable Industrial sites.

Summary of Findings

- This analysis finds that, with a **total net buildable supply of 181 acres** of "employment lands" and only **76 total acres of demand** projected for industrial and commercial uses, Ashland has a likely **surplus of over 100 acres** within the City and UGB urbanized area.
- However, **there may be a shortage of small, centrally located commercial sites**. While overall supply is sufficient, further analysis suggests a relative lack of small Downtown Commercial and mid-sized commercial sites. Some of this demand could be absorbed by surplus

E-1 employment lands; however, businesses that depend on visibility and foot traffic—such as those tied to the Oregon Shakespeare Festival—will continue to prefer prominent downtown locations. Improving pedestrian connectivity, signage, and branding between downtown and the northern E-1 node may help support business attraction in those areas.

- **Ownership dynamics may limit redevelopment of key opportunity sites.** The Croman Mill and Railroad District properties represent the city’s largest groupings of buildable land, but lack of proactive ownership and incentives to sell have historically stalled redevelopment efforts.
- **There is capacity to accommodate stronger-than-forecasted employment growth.** If employment growth is greater than forecasts indicate in coming years, there will likely be sufficient land in Ashland to accommodate it given the surplus employment land supply identified within the City / UGB. In particular, certain segments within industrial – such as outdoor recreation manufacturing or craft food and beverage – may be worth consideration for targeted economic development efforts by Ashland to synergize with its evolving economic base.

COMMUNITY ECONOMIC DEVELOPMENT PRIORITIES

Public Engagement

Following an inclusive engagement plan, reviewed by Ashland's Committee for Community Involvement, this project conducted several forms of engagement designed to speak directly with a diverse audience of stakeholders in Ashland and solicit insights into fundamental dynamics underlying the Ashland economy. These activities included interviews, focus groups, forums, a regional business and resident survey, and review of other engagement materials provided by the City of Ashland. This engagement summary reviews the findings identified through these activities.

Key Engagement Findings

Outreach Overview & Demographics

- Overall, the public survey received 472 responses from residents and businesses owners throughout Jackson County. 174 respondents live in Ashland, 125 work in Ashland, and 79 own or manage a business in Ashland. (Survey)
- The majority (67%) of Ashland respondents are over the age of 45, compared to 54% of total respondents. Only 4% of Ashland's respondents were 25 or younger. (Survey)
- 88% of respondents speak English only at home, while the remaining 12% speak some combination of English, Spanish, Mandarin and/or Russian. (Survey)
- 87% of respondents who identified as Ashland residents are permanent residents, while the rest have temporary housing, move often, or do not have stable housing in Ashland. (Survey)
- Of the 146 total businesses surveyed, 97 (66%) of them are small businesses with 4 or less employees. Of Ashland's businesses respondents (83), a similar majority (51 respondents, or 61% of Ashland's business respondents) also identified as small businesses (with 4 employees or less). (Survey)
- Just over half (52%) of Ashland's businesses represented in the survey have been in operation for over ten years. (Survey)
- 45% of Ashland business survey respondents report that their employees work full-time, 41% part-time and 14% seasonally. (Survey)
- The most common descriptors of the Ashland businesses surveyed were locally owned (91%), women-owned (48%), and family-owned (47%). (Survey)
- Interviews and focus groups included a diverse pool of stakeholders in Ashland, including City Councilors and Planning Commissioners, developers and property owners, major employers, the development

community, SOU students, and local business owners and residents. (Interviews)

Tourism and Economic Vitality

- Tourism is identified by Ashland survey respondents, and by interviewees, as Ashland's greatest economic asset (with an average rank of 4.0 out of 15), along with the Rogue Valley airport (4.4), Recreational Amenities (4.9), and Southern Oregon University (5.7). Tourism was also ranked highly in open-ended survey questions, with residents citing the Oregon Shakespeare Festival (OSF) and outdoor recreation as popular attractions. (Survey, Interviews)
- While survey respondents believe in the strength of Ashland's arts and tourism offerings, they hope for less focus to be paid to tourism and instead hope investment goes into lowering cost of living and supporting small businesses for year-round stability. (Survey)
- Both survey respondents and interviewed stakeholders believe tourism has a place in Ashland's economic future, but that more work needs to be done to diversify the tourism industry and create an economy that supports Ashland locals – in terms of livability and wages as well as service offerings. (Survey, Interviews)
- Ashland stakeholders are actively working to expand and refine a marketing approach which moves beyond the Oregon Shakespeare Festival to promote the city as a year-round destination that leverages its natural beauty, events, and quality of life. Stakeholders highlighted efforts to brand Ashland as a basecamp for Southern Oregon tourism, and one idea gaining traction is the concept of "Storytown USA," which aims to build on the city's narrative and cultural assets. This effort also includes expanding year-round events, targeting families and younger audiences, and promoting outdoor recreation and other cultural assets. (Interviews)
- Post-COVID changes in tourism also includes a shift to younger, outdoors focused visitors and away from traditional cultural institutions like the Oregon Shakespeare Festival. (Interviews)
- Wildfire smoke, rising costs, and housing availability continue to pose significant threats to tourism viability and workforce stability. (Interviews)

Business Priorities

- There was strong consensus that Ashland must diversify its economy beyond tourism by supporting small-scale manufacturing, remote work, and creative industries. Stakeholders highlighted the need to leverage regional partnerships, underutilized infrastructure like AFN, and redevelopment sites such as Croman Mill to attract a broader mix of employers and improve economic resilience. (Interviews, Survey)

- Almost half (49%) of Ashland businesses respondents to the survey have plans to expand to additional locations, while 29% have no expansion plans, and 12% plan to expand their current location. (Survey)
- When Ashland business owners were asked in the survey to rank business challenges in order of importance, business owners, on average, ranked inflation, qualified employees, increased labor cost and unaffordable rents highest. (Survey)
- When asked about workforce challenges, Ashland's business owner survey respondents largely cited talent pool offerings (35%), wage expectations (32%) and skills gaps (28%) as primary employment discrepancies. (Survey)
- Ashland's survey respondents who are employers mentioned inflation (48%), real estate costs (32%) and labor costs (32%) as economic factors with the most significant impacts on their business. (Survey)
- When asked about Ashland's economy of the future, Ashland survey respondents describe support for local businesses and arts (29% of responses), a diversified economy (24%), and a lower cost of living (28%). (Survey)

Housing Affordability and Workforce

- Ashland's quality of life is a compelling draw for remote workers, entrepreneurs, and leadership talent; however, high housing costs, elevated development expenses, and a perceived resistance to growth limit the city's ability to attract and retain businesses. (Interviews)
- These same housing challenges affect workforce recruitment, prompting many employees to live in neighboring communities, forcing Ashland-based businesses to offer higher wages to offset commuting burdens. (Interviews)
- High housing costs, and lack of housing stock in Ashland was identified by stakeholders as a major barrier to attracting and retaining younger residents, SOU graduates, and essential workers, especially in healthcare, education, and service sectors. (Interviews)
- Workers state that Ashland is not perceived as accessible to families or moderate-income earners and that this effect is felt across many areas, such as school enrollment and neighborhood services. Similarly, when asked about barriers to equal access for economic opportunity in Ashland, 42% of survey responses cite cost of living and 21% of responses cite a lack of employers and opportunity. (Interviews, Survey)
- When prioritizing investments for economic development, Ashland survey respondents ranked jobs with livable wages and upward mobility as the top priority (receiving an average score of 8.1 out of the

possible 11, in which a higher number indicated higher priority), followed by small business support (7.7). (Survey)

- Major employers recommended increasing alignment between local institutions and industry to build workforce pipelines and support economic mobility. (Interviews)
- Ashland's AFN fiber-optic infrastructure was highlighted as a powerful but underutilized asset to support remote work and entrepreneurship in the tech sector. (Interviews)

Community Development and Future Growth

- Stakeholders broadly called for greater regional collaboration to leverage Ashland's unique cultural, educational, and natural assets as part of a cohesive Southern Oregon strategy. (Interviews)
- Stakeholders emphasized the importance of balancing Ashland's unique identity with the need for innovation and growth. Future development should honor Ashland's identity and support values expressed by the community. (Interviews)
- Ashland is widely perceived as a difficult place to develop, largely due to historic barriers such as unreliable permitting, high fees, and restrictive land use policies. While some stakeholders noted recent improvements, the city's historical reputation for regulatory hurdles and community resistance continues to deter investment, especially compared to more flexible neighboring cities. (Interviews)
- About half (53%) of Ashland survey respondents believe the local government to be "somewhat supportive" in helping businesses thrive, while 32% believe it is "not supportive" and 15% believe it is "very supportive". (Survey)
- Stakeholders envision a more vibrant, accessible, and visually cohesive downtown, but note the need for infrastructure investment and long-term planning. (Interviews)
- When asked if there was a different city Ashland might take lessons from, Ashland survey respondents cited locations across the globe including Boulder, Colorado (5 mentions) and Davis, California (5 mentions). However, over half of responses described other cities in Oregon, with 27 (about 30% of all mentions) listing Bend, Oregon as a city Ashland should work to emulate. (Survey)

SOU and Student Feedback

- Similar to other groups, students feel affordability in Ashland is a great barrier to their staying and succeeding in the community post-graduation. (Student Forum)
- Students value Ashland's walkability and natural beauty, but find entertainment and retail options limited—especially for those without cars or under 21. (Student Forum)

- Students desire a greater connection to the city of Ashland (and the region) through improved public transportation, expanded attractions, and inclusive, affordable events and activities that cater to younger, sober, and under-21 audiences. (Student Forum)
- The lack of high paying jobs and career development opportunities further discourage SOU students from envisioning careers in Ashland. (Student Forum)

STRATEGIC THEMES AND IMPLICATIONS FOR POLICY

Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis

This SWOT analysis assesses Ashland's internal strengths and weaknesses, as well as external opportunities and threats. This list has been informed through data analysis completed as part of this EOA and further vetted and augmented through engagement with Ashland's stakeholders and community, and, finally, is supplemented by recent planning work surrounding Ashland economy including the 2022 Ashland Chamber of Commerce's Economic Diversification Study and Ashland's 2023 Housing Production Strategy.

Strengths

Strengths highlight internal advantages and positive attributes that contribute to Ashland's economic success.

- **High Quality of Life** – Natural beauty, walkability, safety, and strong cultural identity attract visitors, remote workers, and established professionals.
- **Vibrant Arts and Tourism Brand** – The Oregon Shakespeare Festival, Cabaret Theatre, First Friday, and other arts/cultural assets position Ashland as a unique regional destination.
- **Educated, Engaged Community** – A highly educated resident base with strong civic pride and community involvement.
- **Strong Institutions** – Presence of SOU, high-performing public schools, and community-oriented organizations like Ashland's Chamber and Travel Ashland.
- **Fiber-Optic Infrastructure (AFN)** – Advanced internet infrastructure provides a solid base for remote work and digital entrepreneurship.
- **Distinctive Small-Town Character** – Ashland's historic charm and walkable downtown create a welcoming and vibrant atmosphere for residents, businesses, and visitors.

- **Strategic Interstate Access** – Location along Interstate-5 offers regional connectivity and logistical advantages for businesses, visitors, and talent movement.
- **Abundant Outdoor Recreation** – A well-loved park system, access to Bear Creek, mountain biking and ski trails, and nearby vineyards enhance quality of life and attract tourism and recreation-driven business.
- **A Niche Manufacturing Sector** – Local firms in medical devices, agricultural products, and green technology provide a foundation for light industry and economic diversification.
- **Publicly Owned Land Offers Additional Development Potential** – While not included in the formal buildable lands inventory, city- and SOU-owned properties present valuable opportunities for strategic development, partnerships, and community-serving projects.

Weaknesses

Weaknesses identifies internal challenges or limitations that hinder Ashland’s economic progress.

- **High Cost of Living and Limited Housing Options** – Housing affordability limits workforce attraction and retention, student stay rates, and business growth.
- **Perceived Difficulty in Development** – Perceptions of regulatory complexity, high fees, and limited available land deter business expansion and investment in Ashland.
- **Over-Reliance on Tourism** – Seasonal fluctuations and vulnerability to external shocks (e.g., wildfire smoke, pandemics) threaten economic stability.
- **Weak Talent Retention Pipeline** – Disconnect between SOU, Ashland’s school district, and local employers reduces youth retention and career pathway development.
- **Fragmented Economic Coordination** – Efforts across sectors and institutions are often siloed, making regional and intra-city collaboration harder to sustain.
- **Limited Investment in Infrastructure and Downtown Revitalization** – A lack of recent development and public or private reinvestment in the downtown core and key infrastructure assets may weaken Ashland’s economic competitiveness and long-term vitality.
- **Insufficient Childcare Availability** – A shortage of affordable, accessible childcare options creates barriers to workforce participation and family retention.
- **Lack of Diversity in Ashland’s Community** – Ashland’s high cost of living contribute to limited racial, economic, and age diversity in the

city's population. Without housing and job options for younger residents, Ashland risks demographic and economic stagnation.

- **Cultural Resistance to Growth** – Some opposition among locals to new development, including housing and commercial uses, constrains progress and deepens barriers to affordability and economic renewal.
- **Declining School Enrollment** – Shrinking student populations are reducing funding and limiting the school district's ability to maintain robust academic and extracurricular offerings.
- **Limited Availability of Small and Mid-Sized Commercial Sites** – While some demand may be absorbed by surplus Employment (E-1) lands, there is a shortage of centrally located, smaller-scale commercial spaces with strong visibility and foot traffic—particularly for businesses serving the tourism and cultural sectors who might need a space in downtown.
- **Inactive Ownership of Key Redevelopment Sites** – The Croman Mill and Railroad properties represent Ashland's largest developable land holdings, but disengaged ownership and speculative holding patterns have stalled redevelopment and limited the city's ability to activate these strategic sites.

Opportunities

Opportunities explore external factors or trends that could be leveraged for growth or improvement in Ashland's economy.

- **Redevelop Strategic Sites** – Sites at Croman Mill, the Railroad, University District, and Downtown all have unique opportunities to develop in such a way as to add to Ashland's vibrancy.
- **Expand and Diversify Tourism Offerings** – Build on Ashland's arts and culture foundation by promoting year-round tourism through events like the Mystery and Comedy Festivals, expanded winter activities, and outdoor recreation experiences such as skiing, biking, and hiking. Strategies for Economic Diversification can also be found in Ashland's Chamber of Commerce's Economic Diversification study (2022).
- **Leverage Agritourism and Culinary Assets** – The Rogue Valley wine region, farm-to-table culture, and local food production industries offer growth opportunities in culinary tourism, food entrepreneurship, and value-added agriculture.
- **Diversify Beyond Tourism** – Encourage growth in Ashland's non-tourism sectors including education, healthcare, creative entrepreneurship, and niche manufacturing to build a more resilient local economy.
- **Grow Creative and Cultural Industries** – Support sectors that complement Ashland's identity, including film, digital arts, visual

arts, and culinary arts, to attract talent and expand economic opportunities.

- **Capitalize on Outdoor Recreation Economy** – Enhance Ashland’s brand as an outdoor destination by investing in assets like Mt. Ashland Ski Area, trail systems, and nature-based events that can draw visitors beyond peak tourist seasons.
- **Support Expansion in Health and Wellness Sectors** – Advance growth in healthcare-adjacent industries, such as senior care, functional medicine, and integrative wellness, in alignment with regional trends and demographics.
- **Deepen Regional Partnerships** – Collaborate with neighbors, including Talent, Phoenix, and Medford, and with regional partners like SOREDI, to align workforce development, transportation, and infrastructure investment.
- **Engage Younger and Diverse Populations** – Expand housing, employment, and civic opportunities for families, students, and younger professionals to foster long-term community vitality.
- **Elevate Ashland’s Brand and Marketing Reach** – Leverage Ashland’s identity to attract new residents, businesses, and investment through targeted branding and promotion focused on lifestyle, creativity, and inclusivity.
- **Attract Remote Workers and Lifestyle Migrants** – Position Ashland as a high-quality living destination for professionals and retirees relocating from urban areas, bringing investment, civic engagement, and economic stability.
- **Coordinate Housing and Employment Land Strategies for Mutual Benefit** – As the City continues to implement policies from the 2023 Housing Production Strategy, identify opportunities to simultaneously advance goals for commercial and employment land. Strategies such as increased residential allowances in employment zones, adaptive reuse, and tools like land banks or MUPTE can help support both housing production and vibrant, flexible mixed-use areas that contribute to Ashland’s economic vitality.
- **Enhance Connectivity Between Downtown and E-1 Employment Areas** – Improve pedestrian access, wayfinding, and branding between the downtown core and northern commercial nodes to increase customer flow and visibility for businesses located outside the traditional retail core.
- **Expand Retail Flexibility Within Employment Zones** – Reevaluate retail use caps in select E-1 areas—such as the Oak Street/Clear Creek corridor—to allow for greater integration of customer-facing businesses and support mixed commercial activity near downtown.

Threats

Threats examine external challenges or risks that could negatively impact Ashland's goals.

- **Stagnant Population Growth** – Persistently low or negative population growth limits workforce availability, school enrollment, and the long-term sustainability of city services and local institutions.
- **Impacts from Climate Change** – Wildfire risk, poor air quality, extreme heat, and declining water availability threaten public health, economic activity, outdoor-oriented quality of life, and Ashland's appeal as a destination.
- **Regional Competition** – Neighboring communities offer lower costs of living, lower costs of development, easier permitting, and more industrial space, attracting businesses and talent that Ashland could lose.
- **Competition from Peer Communities** – Other small, arts-driven cities like Bend and Santa Fe compete with Ashland for tourists, arts funding, and business investment.
- **Limited Economic Resilience** – A narrow economic base anchored in tourism and cultural institutions leaves the city vulnerable to external shocks.
- **SOU Enrollment Has Not Recovered Post-COVID** – Southern Oregon University continues to experience lower student enrollment, reducing its economic and cultural contributions to the local community.
- **Rising Housing Costs from In-Migration** – An influx in high-income residents from out-of-state can further inflate housing prices and risk displacing local families.

Strategic Themes

1. Strengthen Economic Resilience Through Diversification

Ashland's economy is heavily reliant on tourism and service sectors, leaving it vulnerable to seasonal fluctuations, wildfires, cost of living challenges, and broader economic disruptions. There is interest expanding Ashland's tourism economy to attract more visitors at different times of the year, as well as to expand the sectors which are most active in Ashland. This could include light manufacturing, tech, food production, wellness, and specialty industries—particularly those aligned with Ashland's lifestyle values and small-town character.

2. Foster an Inclusive, Forward-Looking Community

Ashland's strong sense of place and cultural identity are major assets, but there is a tension between preserving what exists and adapting to future needs. Residents recognize the need to welcome new residents, businesses, and ideas to avoid economic and social stagnation. Embracing thoughtful growth—especially that which supports families, younger residents, and diverse voices—is seen as essential to keeping Ashland vibrant and relevant for future generations.

3. Unlock the Potential of Local Talent and Institutions

There is untapped opportunity to better connect local educational institutions—particularly SOU and Ashland High School—to economic development goals. Strategies could include efforts to build career pipelines, host internships, develop networking programs, and support entrepreneurship, especially in partnership with regional organizations.

4. Make Space for Business Growth

Ashland's built environment and development patterns could act as barriers to expansion. It is important to have flexible, ready-to-develop commercial and industrial space, as well as reasonable permitting costs and consistent regulations, to support economic growth. Sites such as the Croman Mill and the railroad properties are of strategic priority.

5. Build Regional Partnerships to Scale Impact

Ashland's economic future is closely tied to the broader Southern Oregon region, and stakeholders highlighted the need for deeper collaboration with neighboring cities, SOREDI, the SBDC, and workforce partners. Stronger alignment is needed on land use planning, workforce development, business support, and infrastructure investment—particularly to access larger labor pools, grow entrepreneurship, and compete for state and federal funding.

6. Activate Ashland's Lifestyle Advantage

Ashland's greatest strengths—its natural beauty, safety, walkability, cultural amenities, and robust fiber infrastructure—are clear economic assets that position the city to attract remote workers, lifestyle-driven entrepreneurs, and talent seeking high quality of life. By strategically leveraging these assets, Ashland can better align its economic development efforts to attract the types of businesses, visitors, residents, and workers that reflect its long-term vision and values.



Council Business Meeting

Date: June 17, 2025

Agenda Item	Second Reading of Ordinance 3264 Creating Section 13.40 of the Ashland Municipal Code Establishing Recreational Immunity Protections
Department	Legal
From	Johan Pietila

TIME ESTIMATE

5 minutes

CATEGORY

Ordinance/Resolution - a motion is needed to adopt the ORD. or RESO.

SUMMARY

This is the second reading for an ordinance adopting Municipal Code language opting in to certain recreational immunity protections as allowed by SB 1576 (2024), modifying ORS 105.668. ORS 105.668 provides immunity against negligence claims arising from personal injury or property damage from the use of a trail or structures in an unimproved right of way or public easement. However, the immunity offered by ORS 105.668 does not automatically apply to cities with populations of 500,000 or less, so the City must choose to opt in to receive those legal protections.

POLICIES, PLANS & GOALS SUPPORTED

None.

BACKGROUND AND ADDITIONAL INFORMATION

Under Oregon law, recreational immunity generally protects property owners who have made their land available to the public without charge for recreational purposes. Recreational immunity was originally created by the Oregon Legislature to encourage landowners to make their lands available to the public for recreation, by providing tort immunity for liability that might result from that access.

However, in recent case law, most notably *Fields v. City of Newport*, 326 Or App 764 (2023), the Oregon appellate courts have chipped away at the legislatively-created recreational immunity. *Fields* determined that an individual who fell while walking along a trail to the beach with her dogs, socializing with a friend, was not “recreating” at the time of her injury because she had not yet reached the beach. This case had serious implications for every jurisdiction where recreational trails may arguably serve as transportation routes to other recreational areas, such as parks or beaches.

Earlier this year, the Oregon Legislature responded with SB 1576. That bill made certain legislative changes which affect all public entities without the need for an opt-in (such as adding “walking, running, and bicycling to the list of “recreational purposes” which previously had included activities such as boating and hiking). However, there is one provision that requires an affirmative opt-in, at least for cities of under 500,000 residents. Cities may opt in to a provision that specifically addresses liability for use of “trails,” “unimproved right of ways,” and similar areas.

Many public entities in Oregon, such as Medford, Bend, Oregon City and Troutdale have, or are currently working on, opt-in ordinances or resolutions, all using similar language to take full advantage of the legislative remedy of SB 1576. Jackson County adopted a functionally identical opt-in provision on May 1, 2024 via Order 87-24. Adoption into Code is not necessarily required. A mere resolution would trigger the immunity provisions of SB 1576—but City staff recommend adopting the opt-in as Code language to better give permanency to the opt-in and notice to stakeholders.



Council Business Meeting

FISCAL IMPACTS

There are no direct budget impacts with regards to opting into ORS 105.668. Opting-in could result in a reduction of future expenditures related to risk management or litigation, the amount of which cannot be predicted in advance.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Suggested motion:

“I move to approve Second Reading of Ordinance 3264 as presented.”

REFERENCES & ATTACHMENTS

1. ORD 3264 Recreational Immunity



ORDINANCE NO. 3264

AN ORDINANCE CREATING SECTION 13.40 OF THE ASHLAND MUNICIPAL CODE ESTABLISHING RECREATIONAL IMMUNITY PROTECTIONS

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, under Oregon law, recreational immunity generally protects property owners who have made their land available to the public without charge for recreational purposes. Recreational immunity was originally created by the Oregon Legislature to encourage landowners to make their lands available to the public for recreation, by providing tort immunity for liability that might result from that access;

WHEREAS, the Oregon Legislature enacted SB 1576 in its 2024 Legislative Session, which amended ORS 105.668 to provide immunity for liability to all local governments for the use of trails and associated structures in public easements and unimproved rights-of-way; and

WHEREAS, SB 1576 amended ORS 105.668 to extend the immunity to all local governments that elect to opt-in; and

WHEREAS, the City of Ashland desires to opt-in to the immunity provided by ORS 105.668; and

WHEREAS, Senate Bill 1576 made some legislative changes which affect all public entities without the need for an opt-in. However, a provision of SB 1576 requires affirmative opt-in to address liability for use of “trails”, “unimproved rights-of-ways”, and similar areas; and

WHEREAS, adopting the opt-in as code language will provide better permanency to the opt-in and notice to stakeholders; now, therefore,

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

SECTION 1.– Due to liability immunity arising from the use of trail or structures in public easement or right of way, Chapter 13.40 is hereby created to read as follows:

- (1) **Pursuant to ORS 105.668(3)(a) and (b), on behalf of the City and its elected officials, officers, employees and agents, the City opts in to the immunity from liability for injury or property damage arising from the use of trails or structures in public easements and/or unimproved rights of way as provided for and authorized by ORS 105.668.**
- (2) **Pursuant to ORS 105.668(3)(c) and (d), the City opts to extend the immunity described in subsection (1) to:**
 - a. **The owner(s) of land abutting public easements and unimproved right of ways located within the City; and**

- b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the City.
- (3) As applicable, to comply with State statutes, administrative rules or local ordinances, and to act in the best interest of the City, and without further action by the City Council, the City Officials are hereby authorized, directed, and responsible for fulfilling the ministerial, intergovernmental, technical, compliance, procedural or promotional functions as required for the effective administration and implementation of this ordinance, and to take any other action as may be advisable, convenient, necessary, or appropriate, and the execution thereof by any such City Official shall be conclusive as to such determination.
- (4) Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

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

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 3rd day of June, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney



Council Business Meeting

Date: June 17, 2025

Agenda Item	A Resolution of the City of Ashland Clarifying Certain Conditions of Employment for Management, Confidential, and Non-Represented Employees and Repealing Resolution 2022-26.
Department	Human Resources
From	Molly Taylor, Director

TIME ESTIMATE

5-10 minutes

CATEGORY

Ordinance/Resolution - a motion is needed to adopt the ORD. or RESO.

SUMMARY

The City outlines certain employment conditions for non-represented employees in a Resolution adopted by the City Council. The Resolution is updated periodically to reflect changes and convey details about compensation and benefits for employees not otherwise covered by a labor agreement. The current Resolution will expire June 30, 2025.

POLICIES, PLANS & GOALS SUPPORTED

Excellence in governance and city services.

BACKGROUND AND ADDITIONAL INFORMATION

Adjustments to pay and benefits are an essential tool for the retention and recruitment of talented staff. The City negotiates collective bargaining agreements with six bargaining groups. Unrepresented employees of the City are not an organized group who can pursue collective bargaining agreements. Therefore, the City Manager's Office, in conjunction with the Human Resources Department, makes recommendations to the City Council for wage and benefit adjustments to conditions of employment adopted by Resolution. This Resolution includes positions such as clerical support, administrative coordinators, park and recreation employees, supervisors, and directors. Currently, our park and recreation employees are unionizing, so in order to maintain the "status quo", they are included in the Management Resolution until such unionization is finalized.

Effective July 1 of this year, we are recommending a wage adjustment as proposed by the comp & class study where employees will be placed in the new salary schedule on the step closest to their current salary without a decrease. All employees whose placement into the new salary schedule results in an increase of less than 3% will automatically be moved up one additional step. For July 1, 2026, we are recommending a 2% COLA as well as a 2% COLA for July 1, 2027.

FISCAL IMPACTS

The budget that was approved for the upcoming biennium included the recommended wage and benefit adjustments.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve Resolution number 2025-22.

REFERENCES & ATTACHMENTS

1. 2025 Management Resolution_FINAL



Council Business Meeting



RESOLUTION NO. 2025-22

A RESOLUTION OF THE CITY OF ASHLAND CLARIFYING CERTAIN CONDITIONS OF EMPLOYMENT FOR MANAGEMENT, CONFIDENTIAL AND NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION 2022- 26.

Recitals:

- A. The City of Ashland has negotiated collective bargaining agreements with all employees who are members of labor unions;
- B. The management, confidential and non-represented employees of the City are not members of a labor organization established for the purpose of collectively negotiating the terms and conditions of their employment; and
- C. It is in the best interest of the City and efficient and effective government to clearly set forth the City's expectations for the performance of its management, confidential and non-represented employees;

The mayor and council resolve as follows:

- 1. **Scope of Resolution.** This 2025 resolution shall apply to all management, confidential and non-represented employees of the City of Ashland as set forth in Appendix "A", dated July 2025. This resolution does not apply to any employee who is a member of any collective bargaining unit.
- 2. **Definitions.**
 - 2.1. **Confidential employee.** As defined in ORS 243.650(6), a confidential employee is one who assists and acts in a confidential capacity to a person who formulates, determines, and effectuates management policies in the area of collective bargaining. Confidential employees are paid hourly for work performed and they are subject to payment for overtime according to the Fair Labor Standards Act. Confidential employee includes those classifications in Appendix "A" under "Confidential."
 - 2.2. **Department head.** A person directly responsible to the City Manager for the administration of a department. Department heads are exempt from overtime payment. Department heads include those Management classifications in Appendix "A" under "Department heads."
 - 2.3 **Exempt Supervisor.** A person directly responsible to a department head or the

City Manager for the operational functions of a city department or division. Exempt supervisors do not qualify for payment of overtime on the basis of job duties, salary, or other exemptions under the Fair Labor Standards Act (FLSA). Division supervisors include those Management classifications in Appendix "A" under "division supervisors."

- 2.4 Non-Exempt Supervisor. A person reporting to a division supervisor or department head who may receive overtime payment for work outside their normal scope and duties. Non-Exempt supervisory positions require autonomy, independent decision making, planning, and may provide supervision to other personnel.
- 2.5 Employee. A person in any of the classifications listed in Appendix "A" who works for the City full-time or part-time in a regular or temporary position and who is not performing work as a principal, employee, or agent of an independent contractor.
- 2.6 Management or Manager. Those classifications included in Appendix "A" under the title "Executive Management" including Department Heads and some Exempt Supervisors.
- 2.7 Probationary Employee. A person appointed to a regular position but who has not completed a probationary period during which the employee is required to demonstrate fitness for the position by actual performance of the duties of the position.
- 2.8 Regular Position/Regular Employee. A regular position is one with an ongoing defined or recurring work schedule and is not a temporary position. A regular employee is a person with hired by the City to fill a regular position.
- 2.9 Supervisor. Any person responsible to a higher divisional or departmental level authority who directs the work of others and who is not in a collective bargaining unit.

3. Purpose. The purpose of this resolution is set forth generally in the preamble. More specifically, the resolution has three fundamental purposes:

- 3.1. To clearly establish which classifications in the City service are management or confidential.
- 3.2. To clearly set forth the functions of management and to establish criteria for the evaluation of managerial performance.
- 3.3. To establish the personnel policies governing the conditions of employment of management, confidential and non-represented employees.

4. Managerial Performance.

- 4.1. Goal Setting. Overall goals for the City of Ashland are set by the Mayor and City Council. Operational goals and short- range objectives are set by the City Manager working with department heads. Resources for achieving all goals and objectives are provided via the annual budget.
- 4.2. Managerial Responsibilities. Each of the City's managers at a minimum have the following responsibilities:
 - 4.2.1. Complete tasks and assigned work properly and on time,
 - 4.2.2. Maintain a safe and healthy work environment,
 - 4.2.3. Encourage teamwork, and foster cooperation, collaboration and communication among employees and departments,
 - 4.2.4. Develop employee skills; both technical and interpersonal,
 - 4.2.5. Keep accurate records and reports, and
 - 4.2.6. Actively promote equity, diversity and inclusion at all levels of the organization.
- 4.3. General Expectations Regarding Management Employees. In addition to the managerial responsibilities mentioned above, there are also general City expectations of its managers.
 - 4.3.1. Job Commitment. All management employees are expected to have a high degree of commitment to the City of Ashland and to their jobs. When a new manager is hired, the City expects a commitment of continued service of at least three years unless unforeseen circumstances warrant earlier resignation or termination.

Management employees are expected to devote whatever hours are necessary for the accomplishment of their duties as part of their normal work week. Overtime will only be paid as set forth in section 14.3. Consistent with administrative policy, exempt management employees may flex their schedules as long as their absence does not unreasonably interfere with the City's operations.

In the event of voluntary termination, management employees are expected to give a minimum of 30 calendar days' notice in order to give the City adequate time to recruit a qualified replacement.
 - 4.3.2. Professionalism. Management employees are expected to maintain the standards of their individual profession. This includes remaining current with new developments, maintaining memberships in professional societies, and attending meetings with professionals in their field. Where

professionals have codes of ethics or standards of performance, these should also be followed in the managers' work for the City of Ashland.

4.3.3. Termination. If at any time an exempt, or supervisory employee's performance is deemed unacceptable, the City Manager or appropriate department head may ask for the employee's resignation. In most cases, reasonable time will be given to the employee to find other suitable employment. Depending on overall circumstances, the City, in its sole discretion, may or may not provide severance pay in the event of resignation or involuntary termination.

4.3.4. Residency. Residency within the Urban Growth Boundary is strongly encouraged for the City Manager and for department heads. Existing City employees promoted into the position of department head will not be required to move as a result of a promotion but are strongly encouraged to move within the Urban Growth Boundary once appointed as a department head.

Management employees within the following job classifications shall establish their residences to enable them to report for emergency duty within 40 minutes of notification, including "get ready" and travel time:

Deputy Public Works Director of Operations
Street Supervisor
Wastewater and Water Reuse Supervisor
Water Quality and Distribution Supervisor
Water Treatment Plant Supervisor
Electric Operations Superintendent
Fire Division Chief (Forestry, Fire and Life Safety) Divisions
Deputy Police Chief
Police Lieutenant
Police Sergeant
Computer Services Manager
AFN Operations Manager
Network Administrator
Senior Information Systems Analyst
Maintenance and Safety Supervisor

Residence shall be established by new employees in these classifications within these boundaries or limitations within a period of twelve months of hire or promotion. Department heads may identify other positions which require emergency response within 40 minutes to meet operational requirements.

4.4. Essential Management Functions. The following are the essential functions of all City management positions and the expected standards for their performance:

- 4.4.1. Planning. Anticipates future needs and makes plans for meeting them; recognizes potential problems and develops strategies for averting or resolving them; makes long- and short-range plans to accomplish City and departmental goals.
- 4.4.2. Organizing. Efficiently and economically organizes and carries out assigned operations; carries out responsibilities in a sound and logical manner; operates the unit smoothly and in a well-organized manner; effectively delegates authority and establishes appropriate work rules.
- 4.4.3. Coordinating. Coordinates all activities related to work objectives; maintains coordination and cooperation with other departments and divisions; maintains good communication with employees and empowers employees to make significant contributions to the accomplishment of objectives.
- 4.4.4. Leadership Motivation. Creates a climate providing challenge and motivation to employees.
- 4.4.5. Decision Making/Problem Solving. Analyzes situations and problems, weighs the pros and cons of alternative solutions, exercises logical thinking and good judgment, is creative, and can make timely decisions.
- 4.4.6. Employee Relations. Equitably adjusts grievances among subordinate employees, properly administers union agreements, and administers discipline in a fair, equitable and progressive manner; trains and develops subordinate employees.
- 4.4.7. Public Relations. Maintains a high level of contact with the public, maintains a sensitivity to the public's needs, and meets the needs of the public within available resources. Develops proactive communication strategies and actions.
- 4.4.8. Budgeting. Prepares operational and capital budgets to meet the goals of the City Council and expends funds within adopted budgeted limits.
- 4.4.9. Safety. Maintains a safe, clean, effective work environment, and supports the City's overall safety program.
- 4.4.10. Self-Development. Stays current with new ideas, technology and procedures in the manager's field of responsibility.
- 4.4.11. Adherence to City Policies. Ensures that work activities are performed in conformance with requirements of the Ashland Municipal Code and adopted administrative policies.

5. **Holidays.** Recognized holidays are set forth in AMC §3.08.080. For convenience they are listed here:

New Year's Day (January 1st)
Martin Luther King Day (3rd Monday in January)
President's Day (3rd Monday in February)
Memorial Day (last Monday in May)
Juneteenth National Independence Day (June 19th)
Independence Day (July 4th)
Labor Day (1st Monday in September)
Veteran's Day (November 11th)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving (4th Friday in November)
Christmas Eve (December 24th)
Christmas Day (December 25th)

- 5.1. If an employee is on authorized vacation or other leave with pay when a holiday occurs, such holiday shall not be charged against such leave.
- 5.2. Employees working an alternate work schedule will receive compensation for 8 hours. Employees working four 10-hour days will receive (8) hours compensation for any holiday that falls in their regular workday. Employees may use accrued vacation or compensatory time (if applicable) to make up the extra two hours, or they may be permitted to flex their schedule during a week which contains a holiday to ensure they receive full pay. In no event shall an exempt employee receive pay for more than 40 hours/week due to a holiday or alternate work schedule arrangement.
- 5.3 Employees covered by this Resolution shall be paid no more than 96 hours/year for recognized city holidays. If an employee works on a designated City Holiday, he or she may take the equivalent holiday off on another date.

6. **Vacations for Management and Confidential Employees.**

- 6.1. **Eligibility.** Management employees shall be eligible for vacation with pay in accordance with the following schedule:
- 6.1.1. Employees with less than four (4) full years of continuous service shall accrue five (5) hours of vacation per pay period.
- 6.1.2. Employees with more than four (4) but less than nine (9) full years of continuous service shall accrue six (6) hours of vacation per pay period.
- 6.1.3. Employees with more than nine (9) but less than fourteen (14) full years of continuous service shall accrue seven (7) hours of vacation per pay

period.

6.1.4. Employees with more than fourteen (14) but less than nineteen (19) full years of continuous service shall accrue eight (8) hours of vacation per pay period.

6.1.5. Employees with more than nineteen (19) full years of continuous service shall accrue ten (10) hours of vacation per pay period.

*There are 26 pay periods per year, however benefits accrue in only the first and second pay periods of the month.

6.2. Use of Vacation Time During First Six (6) Months. To aid in the transition to City employment, upon approval by the employee's supervisor, new hires can use their anticipated vacation accruals for the first six (6) months of employment starting from the time of hire. After six (6) months of employment, vacation time may be taken only to the extent such vacation has been accrued. In the event a new employee leaves prior to completing six (6) months of employment, the employee's final paycheck will be reduced by an amount equivalent to pay for the hours the employee took as paid vacation time off in excess of vacation actually accrued (see example below). The opportunity in April to cash out a portion of earned vacation hours as provided in Section 6.5 only applies to vacation actually accrued and not used.

Example: New hire is granted 60 hours of vacation at time of hire. They accrue 5 hours of vacation per month. During month 2 they use all 60 hours of vacation and resign after 4 months on the job. The City would deduct 20 hours from the employee's final paycheck because only 4 months of vacation accrual has been earned at the time of the employee's resignation.

6.3 Utilization. Vacation leave shall not be taken in excess of that actually accrued. However, the City Manager has the discretion to authorize any management employee to take vacation in advance of accrual when warranted by special circumstances.

6.4. Continuous Service. Continuous service, for the purpose of accumulating vacation leave credit, shall be based on the employee's last date of hire. Time spent by the employee on City-authorized, City-paid absences shall be included as continuous service. Time spent on unpaid absences shall not be counted as service, provided that employees returning from such absences shall be entitled to credit for service prior to the leave. Vacation leave shall not accrue during any leave of absence without pay during a pay period.

6.5. Accrual Limitation. Management and Confidential employees are encouraged to take at least 75% of their annual vacation accrual as time off each year. All

Management and Confidential employees may elect to receive up to 80 hours as cash on the first paycheck in April each year. The balance not elected for cash payment will be added to their cumulative vacation accrual. In no event shall the employee's total vacation accrual exceed twice the amount of the employee's annual accrual without written approval from the employee's department head.

- 6.6. Scheduling. Vacation times shall be scheduled based on the City Manager's or department head's judgment as to the needs of efficient operations.
- 6.7. Payment on Termination. An employee terminated after six-months employment shall be entitled to prorated payment for accrued vacation leave at the rate as of the date of termination. In the event of death, earned but unused vacation leave shall be paid in the same manner as salary due the deceased employee is paid.
- 6.8. Administrative Leave. Exempt management employees may be granted up to one week of Administrative Leave each July at the discretion of their department head or the City Manager. The purpose of Administrative Leave is to recognize the extra hours required of exempt managers for which no overtime compensation is afforded. No cash payment will be made for Administrative Leave, and it can only be taken as time off during the year in which it is granted. Administrative Leave must be used by June 30th each year or it will be forfeited. In the event of termination or retirement, no cash payment will be made for Administrative Leave. In the event of a termination, the City may require prorated repayment of Administrative leave at the rate of 3.3333 hours for each calendar month remaining in the year after the date of termination.

7. Hours of Work for Confidential Employees.

- 7.1. Workweek. The workweek, to the extent consistent with operating requirements, shall normally consist of five consecutive days as scheduled by the department heads or other responsible authority. By mutual agreement between the supervisor and the employee, a schedule of ten-hour days, four days per week, may be adopted. Either party may withdraw the agreement to that schedule, in which case a five-day schedule will be reestablished.
- 7.2. Hours. The regular hours of an employee shall be 8 1/2 consecutive hours, including 1/2 hour for a meal period, which shall not be paid.
- 7.3. Work Schedules. All employees, to the extent consistent with operating requirements, shall be scheduled to work on a regular work shift, and each shift shall have regular starting and quitting times. It shall be the responsibility of the department head to notify employees of their scheduled shifts, workdays, and hours.
- 7.4. Rest Periods. A rest period of 15 minutes shall be permitted for all employees during each half shift, which shall be scheduled by the City in accordance with its

determination as to operating requirements and each employee's duties.

- 7.5. Meal Periods. To the extent consistent with operating requirements of the respective department, meal periods shall be scheduled in the middle of the work shift.

8. Sick Leave.

- 8.1. Purpose. Sick leave is provided for the sole purpose of providing financial security to employees and their families.
- 8.2. Accumulation. New employees will be credited with six (6) months accrued sick leave upon hire for their immediate use. Upon completion of six months, sick leave shall be earned for the purpose stated herein, by each employee at the rate of eight (8) hours for each full calendar month of service. Sick leave shall not accrue during any leave of absence without pay during a pay period to the extent that the City remains in compliance with Oregon sick leave laws. The maximum accrual cannot exceed 960 hours.
- 8.3. Utilization. Employees may utilize their allowance for sick leave when unable to perform their work duties by reason of illness or injury of a qualifying family member under applicable state or federal family medical leave laws. In such event, the employee shall notify the department head or City Manager of absence due to illness or injury, the nature and expected length of the absence, as soon as possible prior to the beginning of the scheduled regular work shift, unless unable to do so because of the serious nature of injury or illness. For absences longer than 24 hours, employees must notify their department head on a daily basis. A physician's statement of the nature and identity of the illness, the need for the employee's absence and the estimated duration of the absence, may be required at the option of the City for absences over three (3) consecutive work days. Sick leave taken shall not be in excess of that accrued at the time it is taken.
- 8.4. Integration with Worker's compensation. When injury occurs in the course of employment, the City's obligation to pay is limited to the difference between any payment received under workers' compensation laws and the employee's regular pay. In such instances, pro-rata charges will be made against accrued sick leave until sick leave is exhausted. Thereafter, the only compensation will be workers' compensation benefits, if any.
- 8.5. Sick Leave - Without Pay. Upon application by the employee, sick leave without pay may be granted by the City for the remaining period of disability after accrued sick leave, vacation leave, and compensatory time (where applicable) have been exhausted. The City may require that the employee submit a certificate from a physician periodically during the period of such disability, and before returning to work.

- 8.6. Pay for Unused Sick Leave. All Management and Confidential employees may elect to receive 1/3 of their unused annual sick leave accrual (maximum of 32 hours) as cash on their first paycheck in December. If cash payment is not elected, the unused portion of sick leave will be added to cumulative sick leave balance or converted to accrued vacation at the option of the employee.

Employees who use 40 hours of sick leave or less in a calendar year shall be entitled to the full cash out as stated in 8.6 above in compliance with Senate Bill 454 which requires all employers to allow employees up to 40 hours of protected sick leave each year.

Examples of how the payment for unused sick leave is calculated:

Annual Accrual:	96	96	96	96
Sick leave hours used by employee during the year:	100	30	10	152
All employees are entitled to use up to 40 hours without impacting their sick leave incentive.	40	40	40	40
Hours used up to 40/year are added back for the purpose of calculating the sick leave incentive:	$96 - 100 = -4 + 40 = 36 / 3 = 12$	$96 - 30 = 66 + 30 = 96 / 3 = 32$	$96 - 10 = 86 + 10 = 96 / 3 = 32$	$96 - 152 = -56 + 40 = -16 / 3 = -5.33$
Balance that can be cashed out (Max 32):	12	32	32	0

- 8.7. Purposes for Sick Leave. Employees are entitled to use the City's sick leave benefit for the following purposes. Reference to "family members" means an employee's spouse, biological, adopted or foster parent or child, parent-in-law, sibling, grandparent, grandchild or a person with whom the employees was or is in a relationship of in loco parentis, any other relationship identified in the City's Employee Handbook as a "family member" for the purpose of using sick leave.

- For an employee's or family member's mental or physical illness, injury or health condition or need for medical diagnosis of these conditions or need for preventative medical care.
- To care for an infant or newly adopted child under 18, or for a newly placed foster child under 18, or for a child over 18 if the child is incapable of self-care because of mental or physical disability.
- To care for a family member with a serious health condition.
- To recover from or seek treatment for a serious health condition that renders the employee unable to perform at least one of the essential functions of the employee's job.

- To care for a child of the employee who is suffering from a non-serious illness, injury or condition.
- To deal with the death of a family member by attending the funeral or alternative, making arrangements necessitated by the death of a family member, or grieving the death of a family member.
- To seek medical treatment, legal or law enforcement assistance, remedies to ensure health and safety, or to obtain other services related to domestic violence, sexual assault, harassment or stalking incidents to the employee or employee's minor child or dependent.
- To donate sick time to another employee for qualifying purposes if the employer has a policy allowing such donations.
- For certain public health emergencies including closure by public official of the employee's place of business, school or place of care of the employee's child, or a determination by a public health authority or health care provider that the presence of the employee or a family member presents a health risk to others.

9. **Bereavement Leave**. An employee may be granted five (5) calendar days' bereavement leave (40 hours) with regular pay in the event of death in the immediate family of the employee. For purposes of this benefit, an employee's immediate family shall include spouse, parent, children, sibling, parent-in-law, sibling-in-law, grandparent, grandchild, grandparent-in-law or other relatives living in the same household. Leave with pay, for up to four hours may be granted when an employee serves as a pallbearer. The City will grant additional unpaid leave bereavement leave consistent with state and federal laws (OFLA/FMLA or Oregon Sick Leave).

10. **Other Leaves of Absence**

10.1. **Criteria and Procedure**. Leaves of absence without pay not to exceed ninety (90) calendar days may be granted upon request by the employee where it is determined that the operation of the department and/or division will not be negatively impacted by the temporary absence of the employee. Requests for such leaves must be in writing and submitted to the Department Head or City Manager thirty (30) days prior to the requested leave date. The employee must utilize accrued vacation and compensatory time (where applicable) before applying for a leave of absence without pay. If the leave of absence lasts two (2) calendar weeks or more, the employee must pay the pro-rated premiums for health insurance coverage. Any other payroll obligations of the employee will be deducted from the paycheck for the next pay period or may be paid directly to the City. Such leave will not be approved for an employee for the purpose of accepting employment outside the service of the City.

10.2. **Jury Duty**. Employees shall be granted leave with pay for service upon a jury. Employees may keep any payment for mileage, but all other stipends for service must be paid to the City. Upon being excused from jury service for any day an

employee shall immediately contact the supervisor for assignment for the remainder of their regular workday.

- 10.3. Appearances. Leave with pay shall be granted for an appearance before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority; provided, however, that the regular pay of such employee shall be reduced by an amount equal to any compensation received as witness fees.
- 10.4. Required Court Appearances. Leaves of absence with pay shall be granted for attendance in court in connection with an employee's officially assigned duties, including the time required for travel to the court and return to the employee's headquarters.
- 10.5. Family Medical Leave. Leave in accordance with any federal and state family & medical leave laws shall be granted to employees eligible under those acts and for the purposes described in those acts. Leave may be unpaid or paid as provided in these acts.
- 10.6. Military Leave. Military leave shall be granted in accordance with ORS 408.290.
- 10.7. Failure to Return from Leave. Any employee who is granted a leave of absence and who, for any reason, fails to return to work at the expiration of said leave of absence, shall be considered as having resigned their position with the City, and the position shall be declared vacated; except and unless the employee, prior to the expiration of the leave of absence, has furnished evidence of not being able to work by reason of sickness, physical disability or other legitimate reason beyond the employee's control.
- 10.8. Personal Days. Regular employees shall receive three (3) personal days (24 hours) each July. No cash payment will be made for personal days and they can only be taken as time off during the fiscal year in which they are granted. Personal days must be used by June 30 of each year, or they will be forfeited. In the event of termination, resignation, or retirement, no cash payment will be made for Personal Days.

11. Discipline and Discharge. The following section applies only to those employees subject to this resolution who do not have a written individual employment agreement with the City.

- 11.1. Discipline. The City shall abide by the legal requirements of due process prior to taking disciplinary action. Disciplinary action may include the following:
 - (a) Oral reprimand
 - (b) Written reprimand
 - (c) Demotion

- (d) Suspension
- (e) Discharge

Disciplinary action may be imposed upon any employee for failing to fulfill responsibilities as an employee. Conduct reflecting discredit upon the City or department, or which is a direct hindrance to the effective performance of city functions, shall be considered good cause for disciplinary action. Such cause may also include misconduct, inefficiency, incompetence, insubordination, misfeasance, the willful giving of false or confidential information, the withholding of information with intent to deceive when making application for employment, willful violation of departmental rules or this management resolution, commission of any matter listed in AMC §3.08.030.B or for political activities forbidden by state law.

- 11.2. Discharge. An employee having less than twelve months of continuous service shall serve at the pleasure of the city. An employee having continuous service in excess of twelve months may be discharged only for cause.
- 11.3. Due Process. Due process procedures shall be followed before a suspension without pay, demotion or discharge is imposed upon an employee.

Employees, other than those appointed by the Mayor and confirmed by City Council, may appeal a suspension without pay, demotion or discharge to the City Manager. The City Manager's decision shall be final.

12. Probationary Period.

- 12.1. New Employee Probationary Period. The probationary period is an integral part of the employee selection process and provides the City with the opportunity to upgrade and improve the departments by observing a new employee's work and training, by aiding new employees in adjusting to their positions, and by providing an opportunity to reject any employee whose work performance fails to meet required work standards. Every new employee shall serve a continuous probationary period of twelve (12) full months of work performed after which, upon recommendation of the department head, the employee shall be considered a regular employee. The probationary period may be extended upon request of the department head if an adequate determination cannot be made at the end of the probationary period.
- 12.2. Promotional Probationary Period. An employee promoted into a management or confidential position will be required to serve a continuous promotional probationary period of twelve (12) full months of work performed. . The City may at any time demote an employee on promotional probationary status to the employee's previous position with or without cause.

13. General Provisions.

- 13.1. Non-Discrimination. The provisions of this resolution shall be applied equally to all employees without discrimination as to race, color, religion, marital status, age, national origin, sex, sexual orientation or disability.
- 13.2. Other/Outside Employment. Outside employment shall be permitted only with the express prior written approval of the department head or City Manager. Such written approval shall be documented in the employee's Personnel File. The general principles to be followed by the City in permitting or restricting such outside employment shall be:
1. The need for mentally and physically alert City employees;
 2. Insulating employees from potential conflict of interest situations;
 3. Maintaining efficiency unimpaired by other employment, particularly for those City positions requiring employees to be available for duty 24 hours a day. In the event the above principles are violated, the department head or City Manager may revoke previously granted permission to hold outside employment.
- 13.3. Worker's compensation. All employees will be insured under the provisions of the Oregon State Workers' Compensation Act for injuries received while at work for the City. Compensation paid by the City for a period of sick leave also covered by workers' compensation shall be equal to the difference between the Workers' compensation pay for lost time and the employee's regular pay rate.
- 13.4. Liability Insurance. The City shall purchase liability insurance in the maximum amounts set forth in ORS 30.270 for the protection of employees against claims against them incurred in or arising out of the performance of their official duties.

14. Compensation

- 14.1. Pay Periods. Employees shall be paid on a bi-weekly basis, on every other Friday. In the event a regularly scheduled pay date falls on a holiday, the preceding workday shall be the pay date.
- 14.2. Compensation - Pay Schedule. When any position not listed on the pay schedule is established, the City Manager shall designate a job classification and pay rate for the position in accordance with City policies.
- 14.3. Overtime. Exempt management employees are expected to devote whatever time is necessary to accomplish their jobs. For all non-exempt employees, the City has the right to assign overtime work as required in a manner most advantageous to the City and consistent with the requirements of municipal service and the public interest.

14.4. Form of Compensation. The City Manager, City Attorney, department heads and exempt supervisors are not eligible for paid overtime but are allowed compensatory time off at their own discretion depending on the operating requirements of the City. Non-Exempt supervisors and confidential personnel shall be compensated at the rate of time and one-half the regular rate of pay for all work performed in excess of 40 hours in a workweek. Overtime work may be paid in the form of compensatory time off at the applicable rate, subject to supervisor approval.. No employee shall have more than 40 hours of compensatory time on the records at any time.

14.5. Administration of Pay Plan. Employees shall be entitled to pay in accordance with the current salary resolution. In the event of a vacancy, the City Manager may appoint a new employee at any appropriate step within the pay range.

14.6 Cost of Living Adjustment (COLA). The salary schedule for all positions covered by this Resolution shall be adjusted annually as follows:

- July 1, 2025 – Wage adjustment per the City’s comp & class study where employees will be placed in the new salary schedule on the step closest their current salary without a decrease. All employees whose placement into the new salary schedule results in an increase of less than 3% will automatically be moved up one additional step.
- July 1, 2026 – 2%
- July 1, 2027 – 2%

14.7 Longevity Pay: Employees shall be entitled to an annual bonus to be paid on the first pay date in December as outlined below in recognition of their service to the City.

- Upon 5 year anniversary annual bonus of \$1000
- Upon 10 year anniversary annual bonus of \$1250
- Upon 15 years anniversary annual bonus of \$1500

14.8 Executive Recruitment

The City Manager may negotiate Executive Level recruitments and terminations within budgeted amounts for the purposes of:

- Staying competitive
- Internal equity
- Diversification of workforce
- Organizational continuity
- The transition to an at-will workforce under a City Manager form of government

15. Health, Welfare and Retirement.

The City agrees to provide health, welfare, and retirement benefits in accordance

with Appendix "B" for employees subject to this resolution.

16. Compliance with FLSA.

This resolution shall be interpreted in a manner to preserve the exempt status of the City's bona fide administrative, executive, and professional employees, as those terms are used in the Federal Fair Labor Standards Act (FLSA). Such exempt employees shall not have their pay docked or reduced in any manner that would be inconsistent with the salary test set forth in the FLSA, and they are not subject to disciplinary suspensions of less than a week except for major safety violations.

17. Effective Date. This resolution shall be effective from **July 01, 2025 to June 30, 2028.**

This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090

duly PASSED and ADOPTED this _____ day of June, 2025.

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of June, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Johan Pietila, City Attorney

APPENDIX "A" Classification in the Management and Confidential Employee Groups and Non-Represented

New Pay Grade	RECOMMENDED JOB TITLE	New Pay Grade	1	2	3	4	5M	6	7	8
			\$22.69	\$23.37	\$24.07	\$24.79	\$25.53	\$26.30	\$27.09	\$27.90
			\$47,195.20	\$48,609.60	\$50,065.60	\$51,563.20	\$53,102.40	\$54,704.00	\$56,347.20	\$58,032.00
	No Position									
		300	\$24.50	\$25.23	\$25.99	\$26.77	\$27.58	\$28.41	\$29.26	\$30.14
			\$50,960.00	\$52,478.40	\$54,059.20	\$55,688.26	\$57,366.40	\$59,092.80	\$60,860.80	\$62,691.20
300 Parks	Park Technician I	300 Parks								
		305	\$26.46	\$27.25	\$28.07	\$28.92	\$29.78	\$30.67	\$31.59	\$32.54
			\$55,036.80	\$56,680.00	\$58,385.60	\$60,143.32	\$61,942.40	\$63,793.60	\$65,707.20	\$67,683.20
305 NU	Administrative Assistant	305 NU								
305 Parks	Park Technician II	305 Parks								
		310	\$29.11	\$29.98	\$30.88	\$31.81	\$32.76	\$33.74	\$34.75	\$35.79
			\$60,548.80	\$62,358.40	\$64,230.40	\$66,157.65	\$68,140.80	\$70,179.20	\$72,280.00	\$74,443.20
310 NU	Executive Assistant	310 NU								
310 Parks	Park Technician III	310 Parks								
310 Parks	Program Coordinator	310 Parks								
		315	\$31.44	\$32.38	\$33.35	\$34.35	\$35.38	\$36.44	\$37.53	\$38.66
			\$65,395.20	\$67,350.40	\$69,368.00	\$71,450.26	\$73,590.40	\$75,795.20	\$78,062.40	\$80,412.80
		320	\$33.95	\$34.97	\$36.02	\$37.10	\$38.21	\$39.36	\$40.54	\$41.76
			\$70,616.00	\$72,737.60	\$74,921.60	\$77,166.28	\$79,476.80	\$81,868.80	\$84,323.20	\$86,860.80
320 NU	Accounting Specialist	320 NU								
320 NU	Procurement Specialist	320 NU								
320 NU	Senior Executive Assistant	320 NU								
		325	\$36.67	\$37.77	\$38.90	\$40.07	\$41.27	\$42.51	\$43.79	\$45.10
			\$76,273.60	\$78,561.60	\$80,912.00	\$83,339.58	\$85,841.60	\$88,420.80	\$91,083.20	\$93,808.00
325 NU	Fire Community Coordinator	325 NU								
325 NU	Fire & Life Safety Specialist	325 NU								
325 NU	IS Analyst/Programmer	325 NU								
325 Parks	Parks Supervisor - Recreation	325 Parks								
325 NU	Accounting Analyst	325 NU								
		330	\$39.60	\$40.79	\$42.01	\$43.27	\$44.57	\$45.91	\$47.29	\$48.71
			\$82,368.00	\$84,843.20	\$87,380.80	\$90,006.75	\$92,705.60	\$95,492.80	\$98,363.20	\$101,316.80
330 NU	Administrative Coordinator	330 NU								
330 NU	Customer Service Supervisor	330 NU								
330 NU	Facilities Supervisor	330 NU								
330 NU	Human Resources Coordinator	330 NU								
330 NU	Junior Network Administrator	330 NU								
330 NU	Maintenance Supervisor	330 NU								
330 Parks	Parks Supervisor - Parks Operations	330 Parks								
330 NU	Senior Information Analyst	330 NU								
		335	\$42.77	\$44.05	\$45.37	\$46.73	\$48.14	\$49.58	\$51.07	\$52.60
			\$88,961.60	\$91,624.00	\$94,369.60	\$97,207.29	\$100,131.20	\$103,126.40	\$106,225.60	\$109,408.00
335 NU	Administrative Supervisor	335 NU								
335 NU	Asset Management Technician	335 NU								
335 NU	Communications Coordinator	335 NU								
335 NU	Development Services Supervisor	335 NU								
335 NU	Division Manager - Recreation	335 NU								
335 NU	Housing Program Administrator	335 NU								
335 NU	Senior Planner	335 NU								
335 NU	Sr Human Resources Coordinator	335 NU								
335 NU	Utility Technician Supervisor	335 NU								
335 NU	W/WW Refuse Supervisor	335 NU								
335 NU	Water Plant Supervisor	335 NU								
335 NU	Water Quality Supervisor	335 NU								
335 NU	WW Collections Supervisor	335 NU								

New Pay Grade	RECOMMENDED JOB TITLE	New Pay Grade	1	2	3	4	5M	6	7	8
		340	\$46.18	\$47.57	\$49.00	\$50.47	\$51.99	\$53.55	\$55.16	\$56.81
			\$96,054.40	\$98,945.60	\$101,920.00	\$104,983.87	\$108,139.20	\$111,384.00	\$114,732.80	\$118,164.80
340 NU	Accounting Manager	340 NU								
340 NU	Division Manager - Parks Operations	340 NU								
340 NU	Finance Manager	340 NU								
340 NU	Network Administrator	340 NU								
		345	\$49.88	\$51.38	\$52.92	\$54.51	\$56.15	\$57.83	\$59.56	\$61.35
			\$103,750.40	\$106,870.40	\$110,073.60	\$113,382.58	\$116,792.00	\$120,286.40	\$123,884.80	\$127,608.00
345 NU	City Recorder	345 NU								
345 NU	Emergency Operations Coordinator	345 NU								
		350	\$53.88	\$55.50	\$57.16	\$58.87	\$60.64	\$62.46	\$64.33	\$66.26
			\$112,070.40	\$115,440.00	\$118,892.80	\$122,453.19	\$126,131.20	\$129,916.80	\$133,806.40	\$137,820.80
350 NU	Assistant to the City Manager	350 NU								
350 NU	Building Official	350 NU								
350 NU	GIS Manager	350 NU								
350 NU	IT Manager	350 NU								
350 NU	IT/AFN Manager	350 NU								
350 NU	Planning Supervisor	350 NU								
350 NU	Senior Engineer	350 NU								
		355	\$58.18	\$59.93	\$61.73	\$63.58	\$65.49	\$67.45	\$69.47	\$71.55
			\$121,014.40	\$124,654.40	\$128,398.40	\$132,249.44	\$136,219.20	\$140,296.00	\$144,497.60	\$148,824.00
355 NU	Deputy Finance Director	355 NU								
355 Parks	Deputy Parks Director	355 Parks								
355 NU	Deputy Public Works Director	355 NU								
355 NU	Deputy Technology Director	355 NU								
355 NU	Fire Division Chief	355 NU								
355 NU	Fire Marshal	355 NU								
		360	\$62.84	\$64.73	\$66.67	\$68.67	\$70.73	\$72.85	\$75.04	\$77.29
			\$130,707.20	\$134,638.40	\$138,673.60	\$142,829.40	\$147,118.40	\$151,528.00	\$156,083.20	\$160,763.20
360 NU	Assistant Attorney	360 NU								
360 NU	Deputy Fire Chief	360 NU								
360 NU	Deputy Police Chief	360 NU								
		365	\$67.86	\$69.90	\$72.00	\$74.16	\$76.39	\$78.68	\$81.04	\$83.47
			\$141,148.80	\$145,392.00	\$149,760.00	\$154,255.75	\$158,891.20	\$163,654.40	\$168,563.20	\$173,617.60
365 NU	Director of Community Development	365 NU								
365 NU	Director of Finance	365 NU								
365 NU	Director of Human Resources	365 NU								
365 NU	Director of Innovation & Technology	365 NU								
365 Parks	Director of Parks & Recreation	365 Parks								
		370	\$73.30	\$75.50	\$77.76	\$80.09	\$82.50	\$84.98	\$87.53	\$90.16
			\$152,464.00	\$157,040.00	\$161,740.80	\$166,596.21	\$171,600.00	\$176,758.40	\$182,062.40	\$187,532.80
370 NU	Director of Electric	370 NU								
365 NU	Director of Public Works	365 NU								
370 NU	Fire Chief	370 NU								
370 NU	Police Chief	370 NU								
		375	\$79.16	\$81.53	\$83.98	\$86.50	\$89.10	\$91.77	\$94.52	\$97.36
			\$164,652.80	\$169,582.40	\$174,678.40	\$179,923.91	\$185,328.00	\$190,881.60	\$196,601.60	\$202,508.80
375 NU	Deputy City Manager	375 NU								
		375	\$83.12	\$85.61	\$88.18	\$90.83	\$93.55	\$96.36	\$99.25	\$102.23
			\$172,889.60	\$178,068.80	\$183,414.40	\$188,920.10	\$194,584.00	\$200,428.80	\$206,440.00	\$212,638.40
380 NU	City Attorney	380 NU								
		AA	\$88.66	\$91.32	\$94.06	\$96.88	\$99.79	\$102.78	\$105.86	\$109.04
			\$184,412.80	\$189,945.60	\$195,644.80	\$201,514.78	\$207,563.20	\$213,782.40	\$220,188.80	\$226,803.20
AA	City Manager	AA								

APPENDIX "B"
Health, Welfare, and Retirement Benefits

The city agrees to provide health, welfare and retirement benefits in accordance with this appendix for employees subject to this resolution.

1. Health Insurance.

The City will pay 90% of the total monthly health premium (Medical, dental and vision) for the base plan CIS Copay H, with the employee paying the remaining 10% on a pre-tax basis. The employee will have the option to buy-up to a lower deductible plan, CIS Copay F. Employees will be responsible for paying the difference in premiums between the base plan and the premium plan each month by payroll deduction. Employees may choose between Willamette Dental with Ortho or Delta Dental III with Ortho.

The City reserves the right to make funding decisions regarding our health benefit program. We will strive to retain equivalent benefit offerings wherever feasible.

2. Life Insurance. Premiums for life insurance for each employee at one times annual salary (Up to a maximum \$100,000).
3. Dependent's Life Insurance. Premiums for \$1,000 life insurance policy for each qualified dependent of an employee.
4. Retirement. As required by law, the City will contribute to the Oregon State Public Employees Retirement System for each employee. Enrollment will commence six months from the date of employment for new employees, unless that person was in PERS immediately before coming to work for the City. Upon retirement, one-half of unused sick leave earned will be applied to retirement as provided in statute. The City will also assume or pay the employees' contributions for employees at a uniform rate of six (6) percent.
5. Medical Insurance for Retirees. All employees retiring from City employment and their eligible dependents will have the option of continued participation in the City's medical insurance program at the same monthly group premium as active employees. The retiree must be actively covered under the City's group plan at the time of retirement to be eligible for continued retiree coverage. Retirees must make their health insurance payment to the City or designated Third Party Administrator as agreed upon each month to continue health coverage. The right to participate and medical coverage ceases when the retiree or his or her eligible dependent(s) become Medicare-eligible at age 65.

Any employee retiring in a position covered by this resolution with 15 or more years of consecutive service shall be provided with a payment equivalent to the Blue Cross Preferred Choice 65/ Plan C when he or she reaches age 60. Payments will be made directly to the employee on a quarterly basis. Qualifying employees may elect direct

deposit of this payment. No payment will be made after the qualifying employee's death.

Any employee hired on or after July 1, 2008, or hired into management on or after July 1, 2008 will not be eligible to receive retiree benefits under this provision. Employees hired on or before June 30, 2008 will continue to be eligible as long as the criteria for benefit eligibility are met.

6. Deferred Compensation. Deferred compensation in the amount of \$100.00 per month in matching funds per employee enrolled in a City deferred compensation program.
7. HRA/VEBA. The City will contribute an amount equal to 3.5% of salary for each employee covered by this resolution to HRA/VEBA.

7.1. HRA/VEBA for Retirees. Upon retirement, employees covered by this resolution shall receive a percentage of their unused sick leave balance credited to their individual HRA/VEBA account. Credit will be paid at the employee's wage rate at retirement in accordance with the following schedule:

UNUSED SICK LEAVE HOURS	PERCENTAGE OF CREDIT
100-399	30%
400-599	40%
600-960	50%

Employees must provide, to the City, ninety (90) days' written notice of their intent to retire to be eligible for this benefit.

No compensation for unused accrued sick leave shall be provided if an employee is terminated for any other reason.

8. Mercy Flights. The City agrees to pay the premium for household membership in Mercy Flights for combined air and ground ambulance transport service.