

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

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"

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 its 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 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.

Joan S. Werner

Planning Commission Approval

April 22, 2025

Date