

From: [Aaron Anderson](#)
To: [planning](#)
Subject: FW: Planning Acton PA-T2-2023-0041; Tax Lot 404 Clinton St.
Date: Monday, May 15, 2023 8:19:36 AM

All: Please see below.

This was sent directly to me and copied to mayor and (most of) council (it appears that she missed cc'ing to councilor Dahle).

Front office: please reply letting Betsy and all parties originally cc'ed that this has been received and placed in the record.

I will take care of forwarding to Gill and Amy.

Thank you.

Aaron Anderson CFM, Sr. Planner

From: Betsy A. McLane <clumb3@yahoo.com>
Sent: Sunday, May 14, 2023 6:17 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Cc: Bob Kaplan <bob@council.ashland.or.us>; Dylan Bloom <dylan.bloom@council.ashland.or.us>; Gina DuQuenne <Gina.DuQuenne@council.ashland.or.us>; Tonya Graham <tonya@council.ashland.or.us>; Eric Hansen <eric@council.ashland.or.us>; paula.hyab@council.ashland.or.us
Subject: Planning Acton PA-T2-2023-0041; Tax Lot 404 Clinton St.

[EXTERNAL SENDER]

Dear Aaron and Ashland City Council,

I am writing to urge that the Planning Commission reject the proposal submitted for building on the above referenced tax lot. I attended the Planning Commission meeting on this subject via Zoom and was appaled at the lack of clarity and information provided in the proposal.

The most simple google search reveals that the company proposing the development has almost no experience in successfully building anything and is run out of a private home This is reflected in lack of care evident in the proposal. Below are just some of the problems that were apparent to me:

The proposed development includes:

A plan for 11 buildable lots, for a total of 21 new residences with one lot size open space. The State of Oregon allows that land zoned for single family housing can have two dwelling units on it. The submitted proposal shows these to be three bedroom duplexes. The developer recently created a new business as a property rental firm. This could mean 80-132 rental occupants. These could be short term housing for air b&bs, tourists, or students and/or longer term rentals. In either case,

this could easily overwhelm streets with traffic and noise and completely change the character of the neighborhood.

The proposal includes plans to cut down at least four large significant trees, because the developer does not want to pay to build a retaining wall and handrail.

It also includes a requested waiver to change the normal sidewalk to be built on Clinton. If approved, there will likely be no parkrow as we now have in Riverwalk.

No plan for preservation of wetland or a riparian area. The proposal uses a temporary wetlands sample with no final ruling as to whether there is wetland here.

Since this property is adjacent to Bear Creek, special care should be taken to protect plants and wildlife.

No adequate drawings of the look of the housing

No mention of fire wise planning.

No study of traffic mitigation was presented. It appears that Briscoe would be most affected since the proposal includes extending Briscoe and Ann into the development and traffic would move to and from Mountain via Briscoe and to and from Hersey via Ann. Ann is already a dangerous very steep street. There is potential for up to 100 vehicles trips using Briscoe every day.

Complete disregard for the Riverwalk subdivision CC&R's which state that one of our goals is to preserve property value.

These are only the most obvious dubious elements of the proposal. During the meeting the Commission refused to address the issue of stop signs and street lighting stating that those questions "should be directed to the city department that deals with streets." Obviously, city departments are not sharing information in collegial ways.

Believing as I do that residents of Ashland have a right to transparency in our government, I find that the proposed project is the opposite of transparent. It seems that a development is somehow being ramrodded into a single family home community with no regard for community values. I ask that the City Council investigate this proposal more thoroughly and that the planning commission reject it.

I am an owner at 419 Clinton.

Most sincerely,

Betsy A. McLane, Ph.D.

Betsy A. McLane
clumb3@yahoo.com

From: [Aaron Anderson](#)
To: [planning](#)
Subject: FW: Magnolia Heights subdivision
Date: Tuesday, May 23, 2023 8:22:22 AM

Front Office please reply to Mr. Longhurst that we have received his email Thank you

Aaron Anderson CFM, Sr. Planner

-----Original Message-----

From: Gordon Longhurst <gordonlonghurst7580@gmail.com>
Sent: Saturday, May 20, 2023 12:55 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: Magnolia Heights subdivision

[EXTERNAL SENDER]

Hi Aaron,

I attended the public hearing on May 9th regarding the Magnolia Heights subdivision and spoke about a few concerns I had.

You and I spoke after the meeting about how the state mandate to allow duplexes on land zoned single family homes superseded local zoning restrictions.

This letter is to request that traffic study be done (required?) to assess the impacts the added residences will have on neighborhood traffic and safety. The proposal states that no traffic study is required because there will be less than 50 trips, but does not indicate whether that estimate is based on 11 residences or 22. Even if the number of trips doesn't require a traffic study it would still be useful to determine how best to deal with two already problematic intersections that will be made moire so by increased traffic; Ann St at Hersey and Phelps at Patterson.

Please enter this letter in the record.

Thanks,
Gordon Longhurst
515 Ann St
Ashland 97520

From: [Aaron Anderson](#)
To: [planning](#)
Subject: FW: PLANNING ACTION: PA-T2-2023-00041
Date: Tuesday, May 23, 2023 8:23:37 AM

Front Office, Please reply to Dean below,
Thank you

Aaron Anderson CFM, Sr. Planner

From: Dean Ichikawa <deanichikawa@gmail.com>
Sent: Sunday, May 21, 2023 10:07 PM
To: Aaron Anderson <aaron.anderson@ashland.or.us>
Subject: PLANNING ACTION: PA-T2-2023-00041

[EXTERNAL SENDER]
PLANNING ACTION: PA-T2-2023-00041
SUBJECT PROPERTY: Tax Lot 404 Clinton St
OWNER: Magnolia Heights LLC

Hi Aaron Anderson,

My apologies, I missed the public hearing on May 9th, but hoping you can consider my concerns, if someone hasn't already raised them. When I read the application—unless I missed it—the applicant isn't taking into account anything regarding N Mountain Ave. I live right on N Mountain Ave (521) and I can tell you that it is already quite busy. It's also a pretty long stretch of road with no stop signs in between. This allows for cars to often go well above the speed limit. And with the park right across the street, I have an 11-year old daughter who crosses the street quite a bit and the majority of cars do not stop for her when she stands waiting at the crosswalk to cross the street.

This new development is likely to increase the number of cars traveling on N Mountain Ave and I'm concerned that the additional traffic will cause issues, especially as cars attempt to make a left turn on N Mountain Ave towards I-5 without any stop signs or traffic control. As it is, cars honk their horns at cars trying to turn in and out of the neighborhood and in and out of the park on an almost daily basis. I don't think they should be allowed to add so many new dwellings without addressing this issue by contributing to a new intersection or some type of traffic control.

Otherwise, they will just be adding to a problem and won't be responsible if an accident should happen or other disturbances result.

Thank you so much for hearing my concerns!

—Dean Ichikawa
(650) 703-9578

Eric Elerath
419 Clinton St.
Ashland, OR 97520
(310) 429-8093

May 23, 2023

Ashland Planning /Community Development
City of Ashland
51 Winburn Way
Ashland, OR 97520
(541) 488-5350

Douglas M. McGeary, City Attorney
City of Ashland
20 East Main Street
Ashland, OR 97520
(541) 488-5305

PLANNING ACTION: PA-T1-2023-00041
SUBJECT PROPERTY: Tax Lot 404 Clinton St.
OWNER: Magnolia Heights LLC

SUBJECT: **OBJECTIONS TO PLANNING ACTION
REQUEST FOR STAY OF DECISION**

Dear Ashland Planning / City of Ashland:

Mr. Elerath renews his objection to approval of the above Planning action on the grounds that such approval and development would be in violation of Mr. Elerath's rights under the takings clause of the 5th Amendment, and that approval of the proposed project would set an adverse precedent which could be nearly impossible to challenge or reverse. He now requests a stay of any decision by the Planning Commission and the City Council which would grant approval of the project as proposed, so as to allow prior judicial review.

Mr. Elerath specifically alleges:

Despite the terms of HB2001 and its effect on Oregon State law, the subdivision project as submitted violates Ashland Municipal Code §13.9.050 because it proposes the permitting of duplexes on property zoned R-1-5 in a unit density twice that of the unit density allowed under the ordinances. The result would be 22 dwelling units, apparently designed for shorter-term rental, instead of the 11 dwelling units currently allowable in R-1-5 and which are typically sold to owner-occupants. The proposed density and rental occupancy is intended for projects in zones designated for high density multifamily use, not the R-1-5 zone intended for single family dwellings.

One effect of the proposed development with that density increase and change of use will be to lower Mr. Elerath's appraised property value in a significant amount not yet determined and which can only be estimated now or determined by future appraisal after the fact.

Wherever the City's interest lies in controlling the cost of rental housing to end users and tenants, lowering the property values of owner-occupants who have made an investment in property for their own security during end-of-life years, and who have an established right to maintain those property values, is not a legitimate use of the city's police powers.

Mr. Elerath respectfully asks that approval for this project be stayed until review can be had in federal court.

Regards,



Eric Elerath
419 Clinton St.