

5/8/20

To: Ashland Planning department
Planning Action: PA-T3-2019-0001

My Name is LeAnn Ahlbrecht, DVM. I own Animal Medical Hospital located at 1525 Hwy 99 N. I am writing in response to the apartment complex that is being proposed. I have significant concerns related to this project.

My first and main concern is the amount of traffic flow this new complex is going to create. If I am understanding correctly, there will be a sidewalk brought down all the way from town to connect to the existing sidewalk in front of the car dealerships. This means there will be curb cuts and all that traffic will now funnel through a single space. The new complex at a minimum will add over 800 trips per day in addition to As You Store It traffic and my business traffic. It is already quite difficult to exit the parking lot at peak times of the day. I have many elderly clients, clients who accidentally let their dogs off leash and children in my parking lot at any given time. Most likely 60% of the residents of the new complex will be working in Medford, which means they will cut across my parking lot.

Secondly, it is a blind corner coming down hwy99 from Ashland to Talent. People are often driving past the speed limit. We have seen many accidents over the years. I myself was hit on my motorcycle by someone making a left hand turn across the traffic in 2018. Looking at their diagram of where they are planning to exit and enter the complex, it is going to be of great concern. With the increase in traffic flow, there will be accidents due to the blind corner.

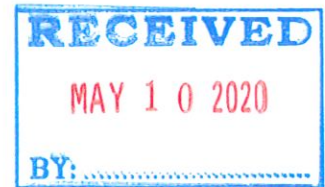
Lastly, the proposed amount of parking doesn't appear adequate for the most likely number of renters. This means that I will most likely get overflow parking in my lot. We already have issues with the number of spaces available for my own clientele. Getting delivery trucks in and out, having enough staff parking and ebb and flow of client vehicles will greatly be impacted by this development.

I strongly urge you to reassess the safety of the proposed ingress and egress. I have worked here for over 30 years. I have seen too many accidents. I know they will be greatly increased with the numbers of vehicles that will be using the same space.

Sincerely,
LeAnn Ahlbrecht
Animal Medical Hospital
541-482-2786



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May 8, 2020

planning@ashland.or.us

City of Ashland

Attn: Planning Dept.

RE: Written Objections and Comments

Grand Terrace Development PA-T3-2019-00001

Dear Commissioners:

I am the owner of Knox veterinary Properties LLC, 1525 Hwy 99 N. and Knox Storage LLC 1515 Hwy 99N. located adjacent to the subject property. I owned and operated Animal Medical Hospital at this location from 1988 until just recently and retained ownership of the veterinary Hospital building. I lease the hospital building to Dr.Ahlbrecht who now operates the practice and employs over 10 people. I also lease space to Land of Paws, a pet grooming business. In addition, I operate As U Stor It, a mini storage facility on my property. All three of these businesses are long standing, successful, growing enterprises.

I am not opposed to development in my area whether it be housing, homes or other businesses. I do however, believe development must be smart, well thought out and not cause an undue burden on surrounding businesses especially as it relates to their clients and patrons ability to safely and conveniently access these businesses.

I was not involved or consulted with the design of this project, nor was I initially notified of this proposed development. I have significant concerns with the ability of current and future clientele to safely access my properties, as well as those businesses who lease from me, my neighboring businesses and the potential apartment residents

I know that most or all of you visited the site a few months ago. I would encourage you to visit again with focus on how current business traffic of approximately 250 trips per day plus the proposed 1400 to 1800 trips (depending upon number of units built) can safely ingress and egress from Hwy 99N. Current traffic already slows down two to three times per day due to queuing at Maple St intersection and other issues. I understand that I, my clients, or the employees are not traffic engineers bur we all have experienced daily difficulties getting safely onto or off the highway in a safe and timely manner. This is of course without the additional 700 plus trips that will likely come through my business property. In addition, all three of these business experience much of their traffic during peak hours.

I understand that the entrance and egress through my property is represented to be a secondary access point but since the TIA indicates 60% of the traffic going north towards Medford, it is likely that a large percentage of the traffic in and out of the projects will prefer and use this North access. The apartment residents will of course use the access they choose no matter what the initial planning suggested. Due to this, I have personally suggested to the developer and planning staff that the entrance on my end be strictly used as an emergency access only.

There have been numerous serious accidents on Hwy 99 in front of my properties as clients have tried to ingress or egress. These have usually been rear ending type accidents with extensive auto damage and injuries. I personally was hit from behind attempting to turn into the veterinary clinic. I sustained injuries and my truck

was totaled. These accidents in front of the veterinary clinic are not indicated in the TIA as apparently only intersection accidents are noted. With the level of projected development and traffic from this housing project, there will be extensive queuing in the turn lanes out in front of my property as well as my neighboring businesses to the south as clients attempt to turn off the highway. This will lead to more of the same type of accidents as the turn lane backs up and autos are coming downhill entering that lane.

With the queuing in the turn lanes on the highway, clients of the Animal Medical Hospital, Land of Paws, As U Stor It, and the apartment residents attempting to egress onto Hwy99 will que up on the business properties, jamming the Animal Medical Hospital Parking area and blocking access to AS U STor It and Land of Paws entrance. These factors will cause significant difficulties for patrons. This will no doubt result in loss of future business as clients do not feel safe or wish to wait in lines on an uncontrolled highway or in the chaos of a jammed parking or entrance area. This was not addressed in the TIA as this was not a part of the scope of their study. Those of us who work there and live with these challenges on a daily basis understand what this will mean as a daily burden and the impact on traffic safety and consequently loss of business.

Unfortunately, the recently submitted rendering of proposed sidewalks is very incomplete and does not reflect the reality of existing curb cuts there. The only curb cut shown is the entrance to the development. No other entrances and curb cuts are noted. The Animal Medical entrance, Paradise Supply, and Anderson Auto Body entrances are not indicated. This grossly oversimplifies the problems for vehicle, bicycle and pedestrian traffic. I understand that ODOT has indicated there is not enough pedestrian traffic to warrant a flashing crosswalk or signal. Having also lived on North Main Street for 20 plus years and attempted to cross the highway anywhere from TC Chevrolet into town on foot is quite a daunting and dangerous endeavor. Again, I understand that I am not a traffic engineer, but from years of experience in that area of Hwy 99, I have little to no doubt there will be significant serious pedestrian involved accidents without some type of controlled or lit crosswalk. I believe painted crosswalk lines on the pavement will not suffice for pedestrian safety.

The applicant has noted on several occasions that traffic will naturally calm with development. While this may be usually true, I do not believe it will happen in this area without significant intervention such as a traffic light. As autos travel north under the railroad bridge on Hwy 99 they will still have the impression they are leaving town due to expanse of hills and the farmland to the northeast and the topography of the highway with high berms to the south. The development will not be visible from the northbound traffic on highway 99 until vehicles are approaching Anderson Auto Body and the North entrance to the development. At this time with the nature of the steep downhill and the rural feel, speeds will naturally increase as they do now. As speeds naturally increase some vehicles will be slowing quickly to access the turn lanes that are frequently queuing up. Rear end type accident that could push the struck auto out into the southbound traffic are very likely to happen. This type of accident has happened in front of the Animal Medical Hospital previously and is quite violent. I understand, am not a traffic engineer but I have travelled this road daily or more for over 34 years and have experienced the current level of difficulty. Add 1400 to 1800 more trips daily plus additional pedestrians and cyclists and there inevitably will be serious accidents and injuries.

In conclusion, I am not opposed to development, but believe it must be well thought out, be safe and not cause undue burden on the existing businesses. I believe that common sense should prevail and decisions should not be made solely based on studies or models. The development as proposed, will cause a significant and undue burden on the existing business, nor does it provide for safe, sensible and adequate traffic, bicycle and pedestrian facilities. Therefore, I request that you not recommend the annexation and zone change.

Respectfully,

Scott G. Knox D.V.M.



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May 11, 2020

SENT VIA E-MAIL

City of Ashland
Attn: Planning Department
planning@ashland.or.us

**RE: SUPPLEMENTAL WRITTEN OBJECTIONS AND COMMENTS
GRAND TERRACE DEVELOPMENT PA-T3-2019-00001**

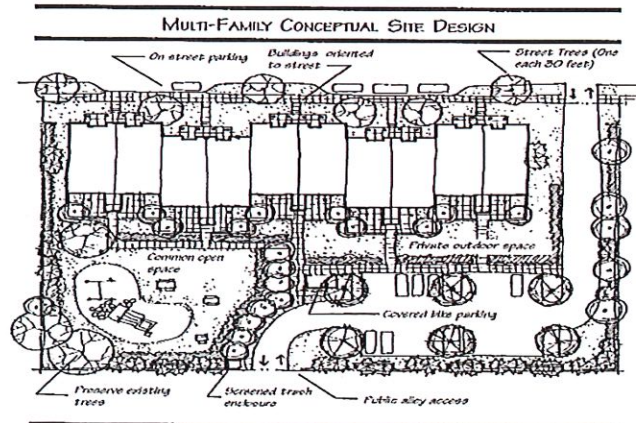
Dear Commissioners:

Our office represents Knox Veterinary Properties, LLC, and Knox Storage, LLC, the owners of properties located at 1515 and 1525 Highway 99N, adjacent to the subject property. My clients' properties are home to the following long-standing Ashland businesses: As-U-Stor-It Mini Storage; Animal Medical Hospital; and Land of Paws. The purpose of this letter is to provide supplemental written testimony for the Commission's consideration at its May 12 meeting.

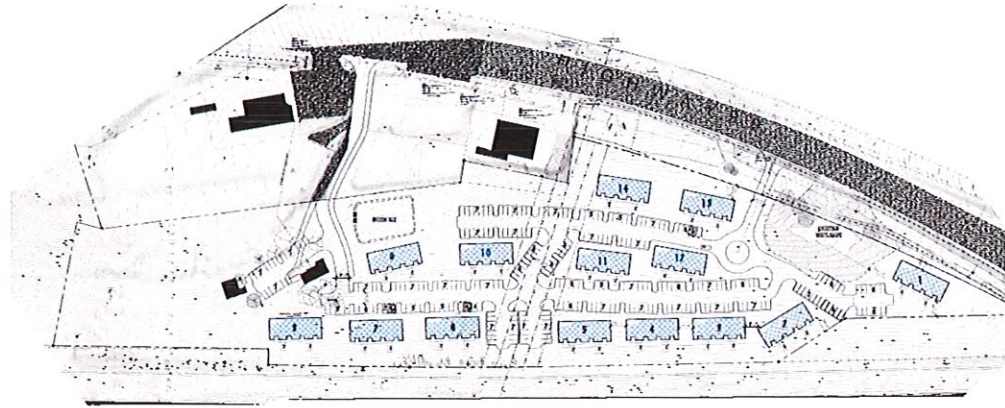
1. Access.

With respect to access, both staff and the applicant find that public streets are not required to access the subject property; a private 20-foot driveway is sufficient. As argued below, a 20-foot driveway is not the appropriate standard for the north access.

ALUO 18.4.3.080.C.3.d. provides that multi-family developments which generate greater than "250 vehicle trips per day shall provide **at least two driveway access points**" (emphasis added). An example of such access is depicted in Figure 18.4.2.030 Multi-Family Conceptual Site Design. As depicted, those "driveways" serve a project which abuts a public street or alley.



In contrast, the subject property does not abut a public street at its northern terminus; it takes access from the highway through intervening properties.



There are multiple factors which necessitate that the northerly access meet street standards. First, the code provides that a multi-family project should provide “at least two” driveway approaches for a project which will generate more than 250 trips. In this case, the application presents only two driveways for a project that will generate between 1448 – 1857 trips, well above the minimum standard of 250 trips. This project faces additional challenges in that the northerly access is lengthy (more than 165 feet), bisects existing commercial developments, is steep, and directs traffic to uncontrolled accesses onto a state highway through a busy commercial parking lot. Based on the nature and location of this project, a narrow private driveway is not consistent with the intent of the City’s access standards which is “to provide safe and effective access and circulation for pedestrians, bicyclists, and vehicles.” ALUO 18.4.3.010.

Similarly, ALUO 18.4.3.D.3 provides that access to parking areas of “**seven parking spaces**” shall be 20 feet in width and constructed to “facilitate the flow of traffic on or off the site, with due regard to pedestrian and vehicle safety...”. These are minimum standards for projects with as few as 7 parking spaces. The subject application will serve up to 1857 vehicle trips per day and provides parking for at least 196 units. It is difficult to understand how such a long narrow driveway, along steep terrain, through an existing busy parking lot for commercial businesses can adequately facilitate the flow of traffic “with due regard to pedestrian and vehicle safety.”

Lastly, allowing a northerly “driveway” is inconsistent with the City’s street standards and leads to an absurd result in that it allows a project generating up to 1857 trips to provide less adequate access than projects that generate far fewer trips. For example, a private drive, which is also 20-feet in width and has a maximum slope of 15%, can serve no more than 100 average daily trips, or 3 units

(Table 18.4.6.040.F fn4) but the north “driveway” can have up to 20% slopes, and can serve up between 196 - 251 units.

Allowing a north driveway is also inconsistent with standards for streets otherwise required in multi-family zones which, for example, would require a street with parking on both sides, and right-of-way width between 50-57 feet, with curb to curb paving width between 25-28 feet. ALUO 18.4.6.040.G.4. But here, the application proposes access along a 20-foot driveway, without requirements for parking or sidewalks. Such an interpretation is not consistent with the City’s access requirements, nor designed to ensure safe access for vehicles and pedestrians.

Reviewing these provisions in the context of the Figure 18.4.2.030 Multi-Family Conceptual Site Design above, a driveway approach was not likely contemplated in circumstances such as these where the project does not abut the public street at the northerly access. Allowing a “driveway” at the north access creates an absurd result in which smaller projects with better access to a street must comply with more stringent city street standards, but a large development with no northerly street frontage, can accommodate up to 1857 trips via a narrow private driveway. (See Johnson v. Star Machinery Co., 270 Or 694, 705 (1974) (“When, however, a literal application of the language [of a statute] produces an absurd or unreasonable result, it is the duty of the court to construe the act, if possible, so that it is a reasonable and workable law and not inconsistent with the general policy of the legislature.”))

Based on the foregoing the Planning Commission should find that given the topography, location and size of this project, a driveway would not provide adequate transportation to/from the subject property at the north access.

2. Easement.

For the record, the applicant argues that the intent of the grantor of the easement is irrelevant in part because the easement was granted in 1989, at which time the subject property was within the City of Ashland UGB as a future area for Low-Density, Multi-Family Residential land. In fact, the easement was originally granted in 1966, and recorded in the official records of Jackson County on January 1, 1966 as Document No. 66-01495.

Sincerely,

JARVIS, DREYER, GLATTE & LARSEN, LLP

s/ Sydnee B. Dreyer
SYDNEE B. DREYER

SBD:jas

Robert Kendrick,
Developer Casita Development LLC
May 12, 2020
Grand Terrace Development Hwy 99

Rebuttal to Knox Properties and Sydnee B. Dreyer, attorney for Knox

Part 1: Rebuttal to Knox Properties

Knox Properties LLC argues the project wasn't thought out or planned well and there will be a higher level of traffic, incur extensive queuing, and envisions greater traffic than reported in the Traffic Impact Analysis. Mr. Knox is unaware of the nature of high density "transit oriented" housing developments and the concerns Mr. Knox and his colleagues argued are fear based and unrealistic.

Through conscientious and deliberate planning, the Grand Terrace community is a 196-unit development enhanced with walking trails, pedestrian trails, bike paths, open space and parks, including a Heritage Center recognizing the historical nature of the past by incorporating a renewed Farm House and Barn on the property. Grand Terrace has 16.7 acres including some organic farmland, forested land, community gardens, open space allowing for biking and walking as a primary mode of transportation while underpinning a pastoral feel of the neighborhood along with beautiful open valley views.

In recognizing the past and rebuilding the existing Farm House and Barn we will be embracing the natural relationship between the environment and sustainable, healthy living. As a high density Transit Oriented Development RVTD is overjoyed with the opportunity to install a Bus Stop at the main entrance for South Bound travel, while two North Bound Bus Stops are easy walks away, one with traffic control lights. As a high density development Grand Terrace will have access to safe and convenient Rapid Transit that will rank this development with a high level of users, as one of the most accessible within the City.

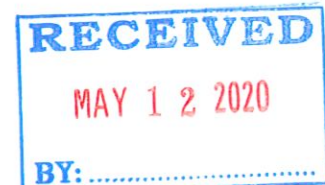
" transit-oriented housing will probably reduce total vehicle travel at the regional level, compared to the counterfactual where that housing was not built or was built in a more sprawling location. Granting reductions in trip generation for the transit-oriented nature of that housing is certainly a step in the right direction, but fundamentally it is misleading to think that such transit-oriented housing generates any trips at all at a regional scale. A more reasonable starting point is to consider that new development is just as likely to reduce traffic, air pollution, and greenhouse gas emissions as it is to increase them."

Adam Millard-Ball from the University of Santa Cruz

Mr. Knox also argues that it will be unsafe getting on and off the highway, and that the traffic will enter on and off his property, use his exit area, cause more accidents, cause him a loss of business and create difficulties for his clients.

Mr. Knox is mostly accurate as to the existing danger, and the cause is from the non-conforming 50 foot paved entrance under his use. Grand Terrace and Mr. Knox's legal access entrance is blocked with landscaping and signage and is now too narrow for use coming off the highway. The favored entrance is the larger accessible non-conforming paved entry. The combination of U-Turns and regular traffic coming onto the Knox properties through the non conforming driveway makes this a very dangerous condition and encourages motorist to use the area for making U-Turns both from the North and the South.

With the installation and widening of the legal access point the dangerous situation that exist now will be removed and the newer development will make the access safer for all users, including those driving on the Highway.



Mr. Knox also mentioned the speed along the highway and how unsafe the highway will be by adding more cars exiting on and off the development. We asked ODOT if it was possible to reduce the speed limits but they said the traffic will slow down just by what they call Traffic Culture. From their experience with the installation of sidewalks, bike paths and people walking down the highway creates a culture of safety and that drivers will slow down when they see sidewalks and pedestrians.

Mr. Knox also argues the access easement is too steep and refers to the easement as his land but when splitting his lot and developing storage units he designed the entrance off the access easement driveway rather than designing a newer entry from his existing lot. He opted to maximize the remainder lot but sacrificed a steeper and narrower driveway instead. Concurrent with that development Mr. Knox encroached into the easement several feet with block walls. The entrance off the Highway was further narrowed by his installation of a Sign and a large Landscape mound, this came to our attention through our ALTA survey and our surveyor Polaris Survey notification.

The combinations of intentional encroachments and narrowing our access driveway and entrance, deliberately locating the Storage Complex access point within the easement rather than choosing a separate area then encouraging the use of a dangerous non conforming 50 foot driveway all runs contrary to his argument that "common sense should prevail" in lieu of studies and models in engineering the traffic on our development.

If we were to adopt the common sense approach Mr. Knox uses in developing, then his judging us as negligent would be appropriately called for.

The Grand Terrace development integrates work force housing on a transit route for Downtown Ashland to the South and Medford to the North where city jobs are an easy ride, walk, bike ride away making this Transit Oriented community an asset to our community and our environment.

Critical to creating transit-oriented communities is that ridership is highest among low to moderate income households, this promotes transit ridership, and creates a more vibrant, transit oriented community

It should be further noted that typical households in auto-dependent neighborhoods spend about 25 percent of their income on transportation costs, but this number drops to 9 percent in neighborhoods with a variety of mobility options. Although the TIA indicates volumes of traffic, this development will greatly reduce traffic within the Transit District.

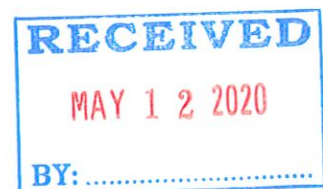
This is a Workforce Housing development and the savings from rent and traffic modes plus cost efficient housing designs allows these families to save, spend more money in the local economy, and spend on essential services such as healthcare. These benefits are not just individual, but societal as well, as they place less strain on social services and resources.

Mr. Knox has many fears but in all reality the benefits from this development will most likely rotate toward Mr. Knox and in the end he will become a happy beneficiary of the byproducts of this development and make him a real advocate for housing, even if it is in his neighborhood.

"Truth is stranger than fiction, but it is because fiction is obliged to stick to possibilities, Truth isn't." Mark Twain

Part II: Rebuttal to: Sydnee Dreyer

1. Ms. Dreyer argues that the driveway takes access from the intervening properties is incorrect and not a matter of fact. The driveway doesn't take access from other intervening properties but is a continuous route that is unrestricted and non exclusive and it takes access from the Highway which is a Public Right of Way.



The commercial properties belong to Knox LLC and the subject property all enjoy the rights to use a mutual access easement.

2. The argument that the northerly access should meet street standards because there are greater amount of car trips than written in the code which calls for projects that have greater than 250 trips be required "two" points of egress. The code doesn't add additional access points above two if the trips exceed the 250 mark, this is only a baseline for safety of ingress and egress. Is Ms. Dreyer arguing that for each 250 car trips a driveway should be added. It's a superfluous argument.

AMC 18.4.3.080.C.3.d. requires all multi-family developments which have a trip generation of 250 vehicles (~30 units) provide two driveway access points. The proposal complies. The code does not require a driveway access point for every 250 vehicle trips.

3. Ms. Dreyer argues the northerly driveway should meet Street Standards because it is more than 165 feet and too long. This access is a Shared Driveway as noted in Municipal Code Section 18.6.1.030 Definitions. A shared driveway is a driveway used to access two or more lots or parcels. The code requires driveways that are greater than 50-feet in length to be improved to flag driveway standards. The proposed improvements provide for street like features as required by AMC 18.4.3.080.B.4.

4. Ms. Dreyer argues that the driveway bisects existing commercial developments but that is not true, the driveway is an egress and ingress access point for the commercial developments vehicular traffic.

5. The argument the driveway is steep isn't relevant at this point since the developer will grade the driveway to the required code standards at development time. Additionally, the existing driveway grades are between 13 to 15 percent which is less than the maximum driveway grade allowed by code. The grade of the driveway will be altered some with the proposed construction and will demonstrate compliance with the grading standards at that time.

6. The suggestion that 1857 cars will be lined up on a tiny long driveway is a nothing but fiction and will never happen. If there are only 200 + parking spaces with cars where did the other 1600 cars come from?

7. AMC 18.4.6. speaks to the Public Facilities. Within this section of code, when and where the dedication of public streets are required is addressed. In this case, the public street is Hwy. 99. The proposed improvements are consistent with the public facility standards excepting the locations where street improvement exceptions are sought for the sidewalks along the Hwy.

AMC 18.4.6.040.D. speaks to connectivity standards for developments when there are no physical constraints, barriers to the development of connected streets. Due to the lack of adjacent public streets to connect too, topographical constraints and the railroad, public street dedication is not required within the development. Consistent with AMC 18.4.6.040. E.2. if public street dedication was required, they would not be connected to other public streets due to physical constraints and the adjacent developments.

8. Ms. Dreyer is arguing the Northern access should be "street" and not a driveway but a public street dedication is only required under AMC 18.4.6.040.C.1, Dedicated Public Streets Required. All streets serving four units or greater, and which are in an R-1, RR and WR zone, must be dedicated to the public and shall be developed to the Street Standards of this section.

Also: The parking area and the driveway accesses proposed are consistent with the standards of AMC 18.4.2.030 for the development of multi-family housing that is subject to the Site Design Review standards. The number of parking spaces proposed is based on the number of bedrooms. The parking lot and the driveway are designed in accordance with 18.4.3.080. AMC 18.4.3.080. B.4 The shared driveway that is a



legal point of driveway access via the easement and the driveway is proposed with street-like features but it is not a public street nor is it required to be a public street.

9. Easement: Ms. Dreyer argues the intent written by Mr. Van Dijk is relevant.

Review by Applicant Attorney:

Casita Developments llc
153 Will Dodge Way
Ashland Oregon 97520

Re: PA-T3-2019-00001, 1511 Highway 99 North
Grand Terrace Development
Mutual Access Easement

Dear Bob

With respect to the Mutual Access Easement and the letter submitted by Mr. Knox from Mr. Van Dijk.

“The easement at issue here is an express easement for ingress and egress.”

It is unambiguous and without any expression of any limitation on the extent of use to be afforded the realty benefitted by the easement.

Van Dijk executed recorded documents specifically reserving and benefitting the applicant’s property with the rights under the easement and made no mention of any limitation on any contemplated or proposed use of the created easement.

If the words of an easement, viewed in the context of the entire document, clearly express the purpose of the easement, then a court will look no further for its intended use. See *Watson v. Banducci*, 158 Or App 223, 230, 973 P2d 395 (1999).

Here the easement is clear-- ingress and egress which is exactly what applicant proposes.

Any statement to the contrary by Van Jijk, Knox or anyone else for that matter is inadmissible parol evidence and may not be considered. See generally “If the terms conveying an easement are unambiguous, the terms control the uses thereafter permissible, and parol evidence will not be considered. *Gorman v. Jones*, 232 Or 416, 375 P2d 821 (1962)”.

Knox may use his land burdened by the easement so long as it “is consistent with, and does not unreasonably interfere with, the rights of the easement owner. See *State, By & Through Dep’t of Fish & Wildlife v. Kortge*, 84 Or App 153, 158, 733 P2d 466, rev den, 303 Or 534 (1987).”

But he may not unreasonably interfere with the rights afforded applicant’s realty for ingress and egress purposes. His interest in using his land encumbered by the easement must give way if there is a conflict between Knox’s desired use of realty and the easement holder.

That is why the easement holder/applicant’s realty is deemed the dominate estate and Knox’s realty is deemed the servient tenement/estate.

Joseph E. Kellerman
Hornecker Cowling LLP
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Medford, OR 97501

Respectfully submitted by:
Robert Kendrick
Casita Development LLC
Grand Terrace Development
May 12, 2020

