

GRAND TERRACE

ANNEXATION AND SITE DESIGN REVIEW
FOR THE PROPERTY AT 1511 HWY. 99 N



1511 Hwy 99 N, Ashland

39 2E 32: 1700 & 1702

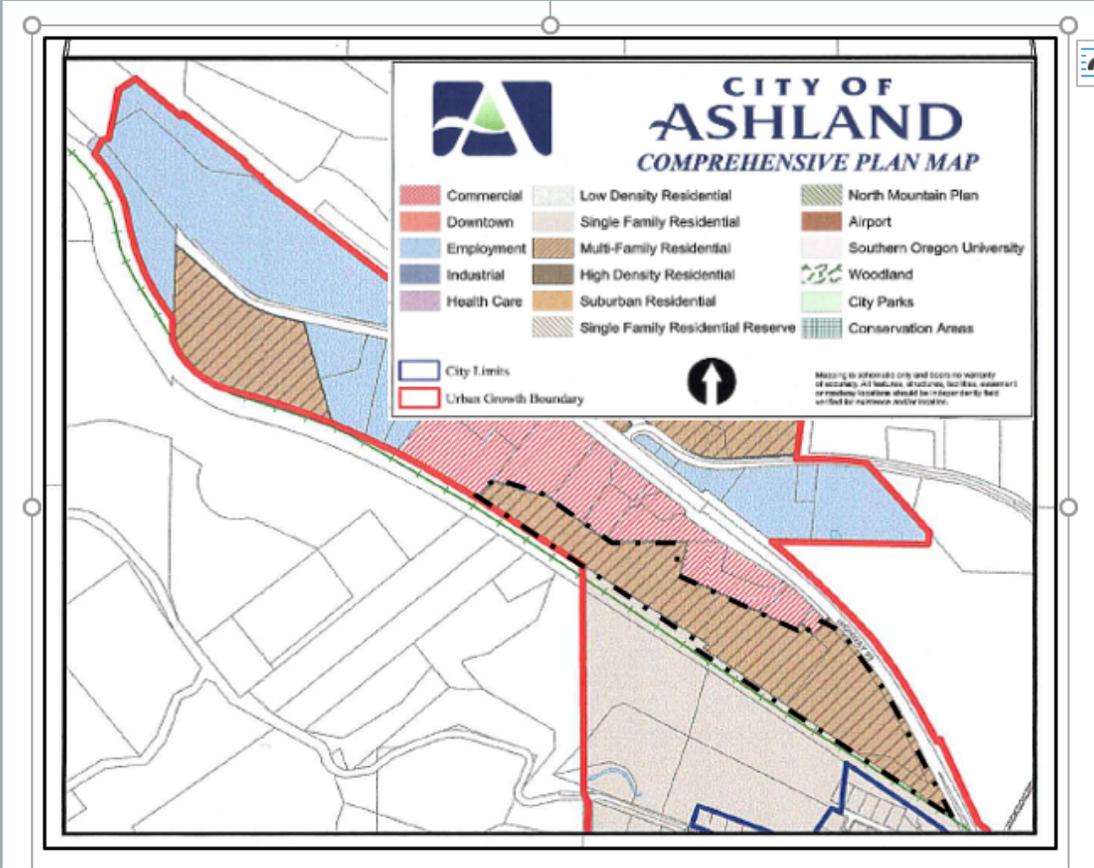


Google Earth

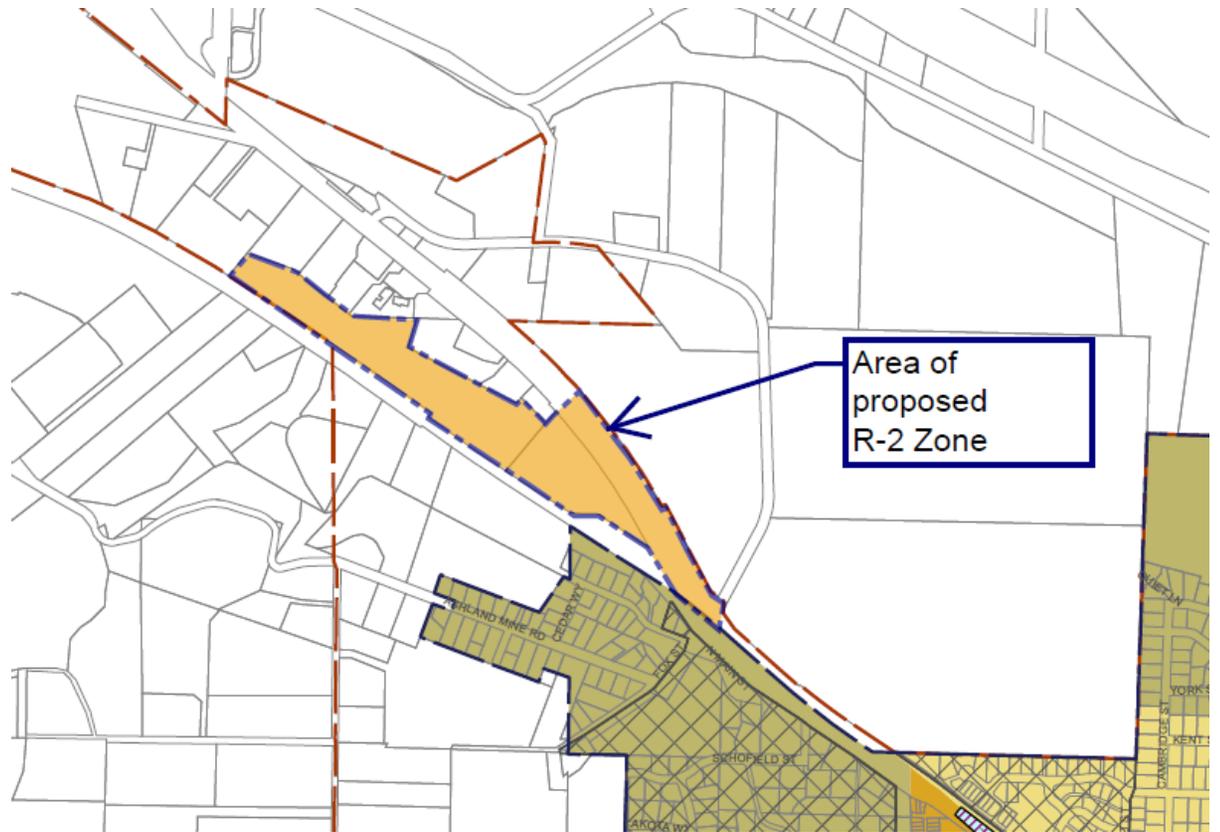
© 2018 Google

800 ft

ZONING AND COMPREHENSIVE PLAN



PROPOSED ZONING MAP



DENSITY

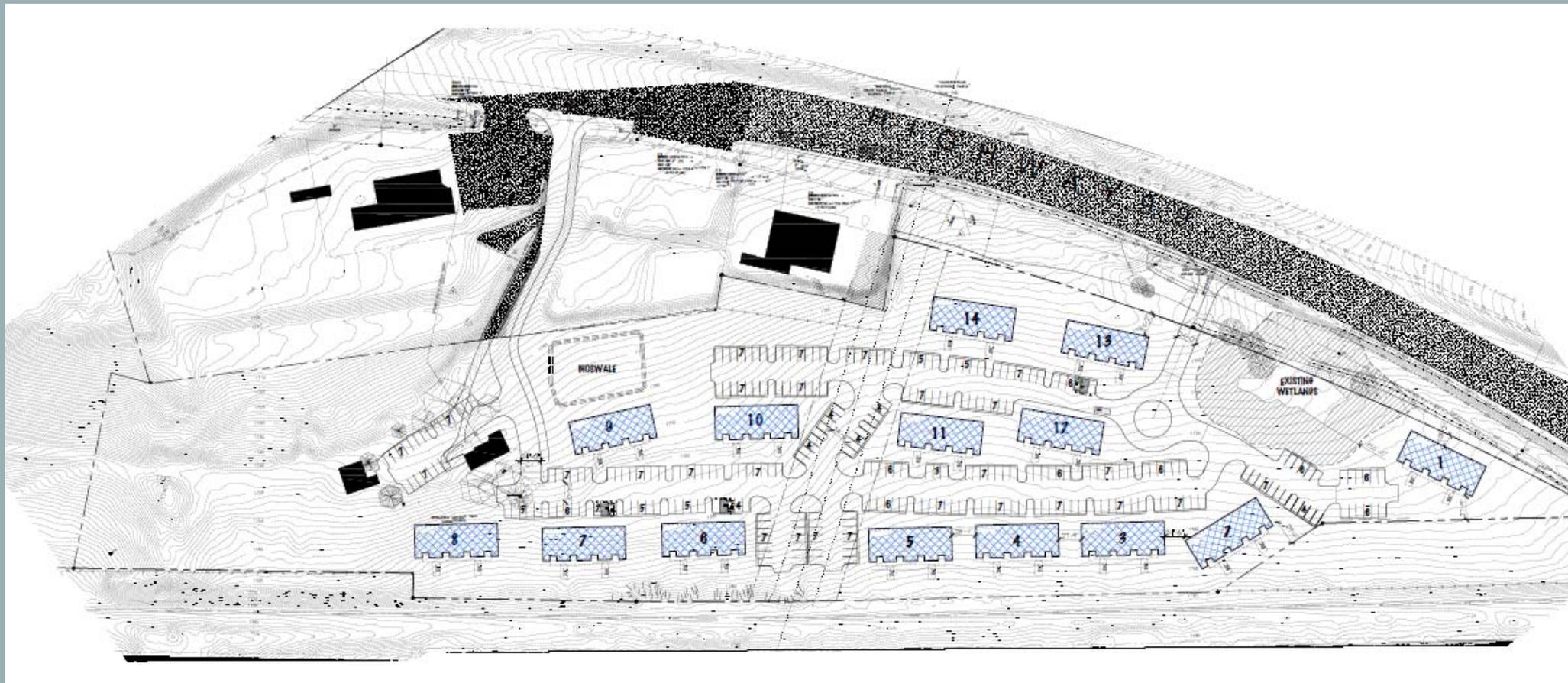
- 18.5.8.050 F. requires that all residential annexations provide a plan demonstrating that development occur at a minimum density that is 90 percent of the base density in the zone **unless a reduction in the total number of units is necessary to accommodate significant natural features, topography, access limitations, or similar constraints.**

The following section discusses the number of affordable housing units based on the base density. This section noted above though, provides that a reduction in the number of units is allowed due to physical constraints, and access limitations. Both of these apply to this property. The applicant argues that the density as described in 18.5.8.050.F determines the number of affordable units as described in the following section.

- G. Except as provided in 18.5.8.050.G.7, below, annexations with a density or potential density of four residential units or greater and involving residential zoned lands, or commercial, employment or industrial lands with a Residential Overlay (R-Overlay) shall meet the following requirements.
 - I. The total number of affordable units provided to qualifying buyers, or to qualifying renters, shall be equal to or exceed 25 percent of the base density as calculated using the unit equivalency values set forth herein.

The project team contends that it was not intended that the number of affordable housing units be determined based on a density standard that is not achievable due to physical and access constraints that restrict the actual number of dwelling units able to be constructed.

CONCEPTUAL DEVELOPMENT PLAN



ADDITIONAL HOUSING IS NEEDED

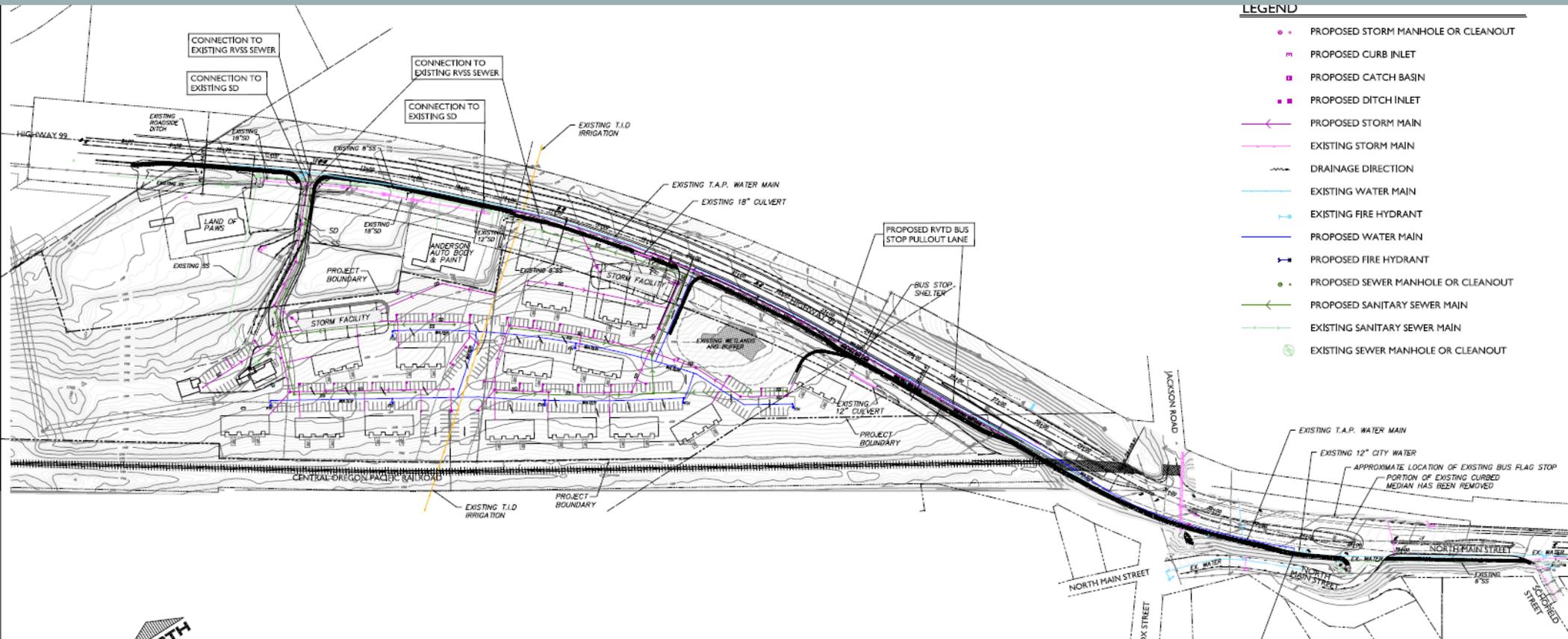








PUBLIC INFRASTRUCTURE



- LEGEND**
- PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - ← PROPOSED STORM MAIN
 - ← EXISTING STORM MAIN
 - DRAINAGE DIRECTION
 - EXISTING WATER MAIN
 - EXISTING FIRE HYDRANT
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE OR CLEANOUT
 - ← PROPOSED SANITARY SEWER MAIN
 - ← EXISTING SANITARY SEWER MAIN
 - EXISTING SEWER MANHOLE OR CLEANOUT

TRANSPORTATION IMPACT ANALYSIS

Kelly Sandow PE, of Sandow Engineering, LLC has evaluated the impacts of the proposal.

Key findings of the TIA include – these are addressed in the Technical Memorandum and the TIA Review Response Letter from ODOT dated May 7, 2020:

- The TIA shows all studied intersections (Hwy 99N at South Valley View, Highway 99N at Jackson Road, North Main Street at Jackson Road, North Main Street at Maple Street, and Hwy 99N at the project access points) will meet the mobility standards through the Year 2034 with the addition of the traffic associated with anticipated development of the subject property.
- The addition of development traffic will not substantially increase queuing conditions over the background conditions.
- All site driveways are projected to operate safely and efficiently.
- The TIA recommends that Highway 99N be restriped to include a left-turn lane for vehicles entering the site.
- The TIA review by ODOT concludes that the Transportation Planning Rule (TPR) has been met.

OREGON DEPARTMENT OF TRANSPORTATION



Oregon
Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

March 7, 2020

Mr. Derek Severson
City of Ashland – Community Development
51 Winburn Way
Ashland, OR 97529

RE: PA-T3-2019-00001, 1511 Highway 99 North

Dear Mr. Severson,

Thank you for providing the Oregon Department of Transportation (the "Department" or "ODOT") with the opportunity to provide comments associated with the zone change and annexation of approximately 16.87 acres at 1511 Highway 99 North ("Subject Property"). ODOT has worked with the City and the applicant to try to find solutions which work for all parties. Please find our comments below regarding this proposal.

- i. ODOT has reviewed the Traffic Impact Analysis ("TIA") prepared by the Sandow Engineering and believe that it satisfies the requirements of the Transportation Planning Rule (OAR 660-012).
- ii. The proposed southbound bus pullout has satisfactory width, striping, and exit taper. The entrance taper requires an 8:1 taper rate and should be extended slightly from the 65' on sheet C.4 to approximately 80'.
- iii. ODOT is amenable to the proposed median cut north of the intersection of N Main St. and Highway 99. A striped crosswalk would not be appropriate at this location given traffic speed and sight visibility.
- iv. ODOT will require a hydraulic report demonstrating the proposal will not adversely affect State facilities. We understand this will be conducted during the final engineering phase of the project, after Planning Commission. As such, approval of PA-T3-2019-00001 should be conditioned on written approval from ODOT of a satisfactory hydraulics report.
- v. ODOT is satisfied with the proposed sidewalk and bike facilities with the exception of the sidewalk under the trestle which should be at least 6' in width.
- vi. Approval should be conditioned on the applicant obtaining a reservation indenture, access permits and misc./utility permits from ODOT. The applicant may begin these processes by contacting Julee Scruggs at Julee.Y.Scruggs@odot.state.or.us.

Please feel free to contact me at Micah.HOROWITZ@odot.state.or.us or 541-774-6331 should you have any questions or concerns.

Sincerely,

Micah Horowitz

Micah Horowitz, AICP
Senior Transportation Planner



Oregon Department of Transportation

RIGHT OF WAY PROPERTY MANAGEMENT

APPLICATION TO USE OR PURCHASE REAL PROPERTY

Name:	Robert J Kendrick		
Company Name:	Casita Developments LLC		
Address:	153 Will Dodge Way		
Daytime Phone:	5419440131	Evening Phone:	same
Email Address:	bobk213@icloud.com		

Reason for applying: Please indicate what you intend to do with the property. Use additional pages and attach to the application if you need more space.

The subject property is elevated approximately 2-5 feet above the adjacent highway and in the areas we intend to install sidewalks and parkways alongside the highway. A driveway will be built that enters a new residential apartment community that is planned. The subject property is landlocked between the apartment community and the sidewalks. The subject property is less than 50 to 10 feet in width in these areas. We would like to reduce the height and landscape the area so it beautifies the highway & apartment community.

Please indicate your interest:

<input type="checkbox"/> Lease
<input checked="" type="checkbox"/> Buy or permit to beautify the area and landscape and maintain it.
<input type="checkbox"/> Short term rental
<input checked="" type="checkbox"/> Permit (limited uses, landscaping, grazing, access etc.)

❖ With this application, please attach a tax lot map, assessment information, and a copy of the last vesting deed. You may obtain this at any local title company or the county assessor's office. Highlight the boundaries of the property you are interested in. Also include deeds, other maps or any documentation that may assist us in determining the property you are seeking to use or buy.

Signature

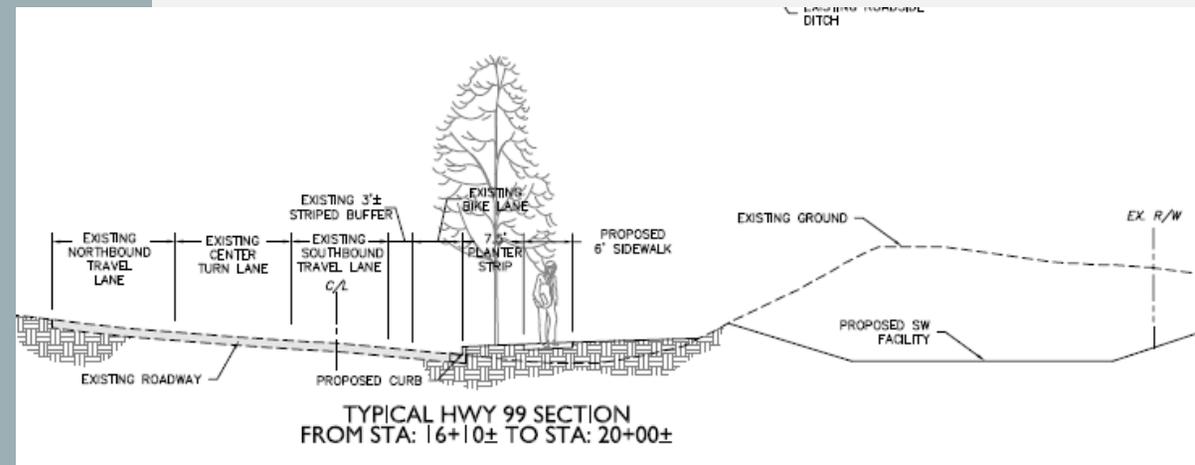
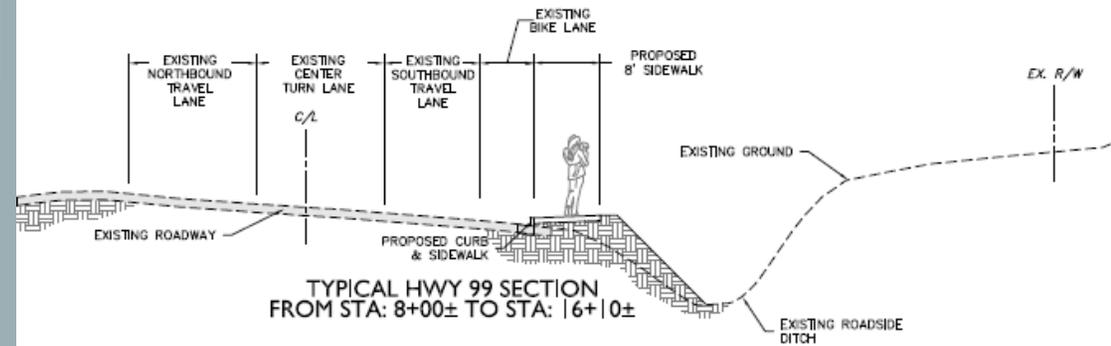
Date

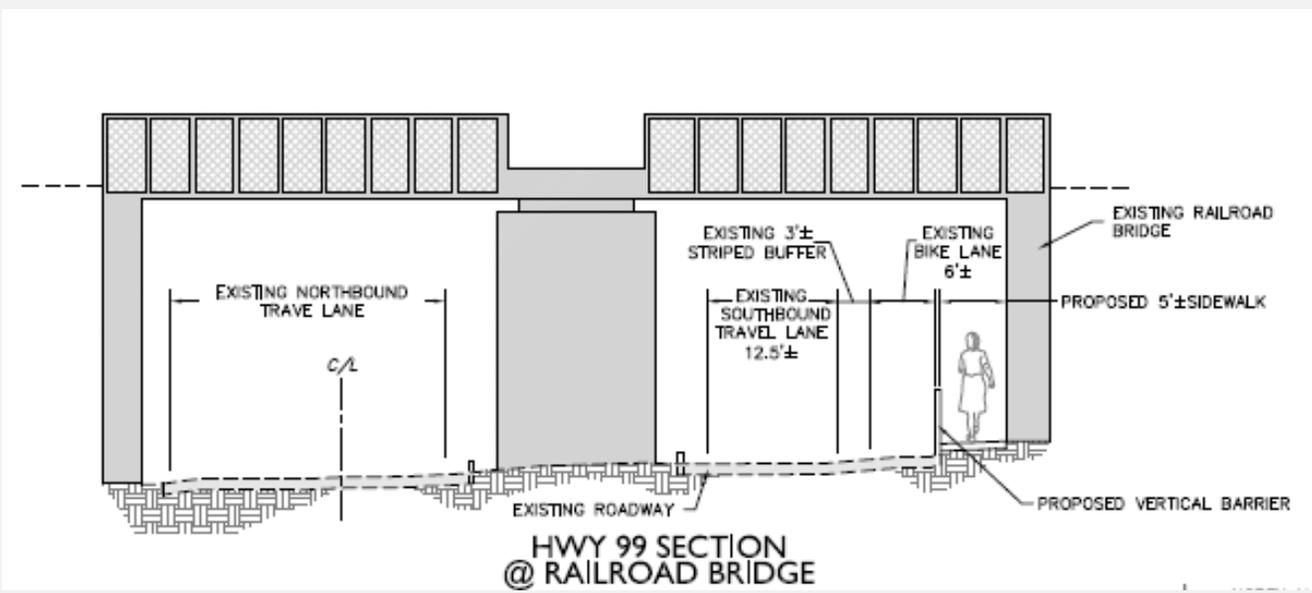
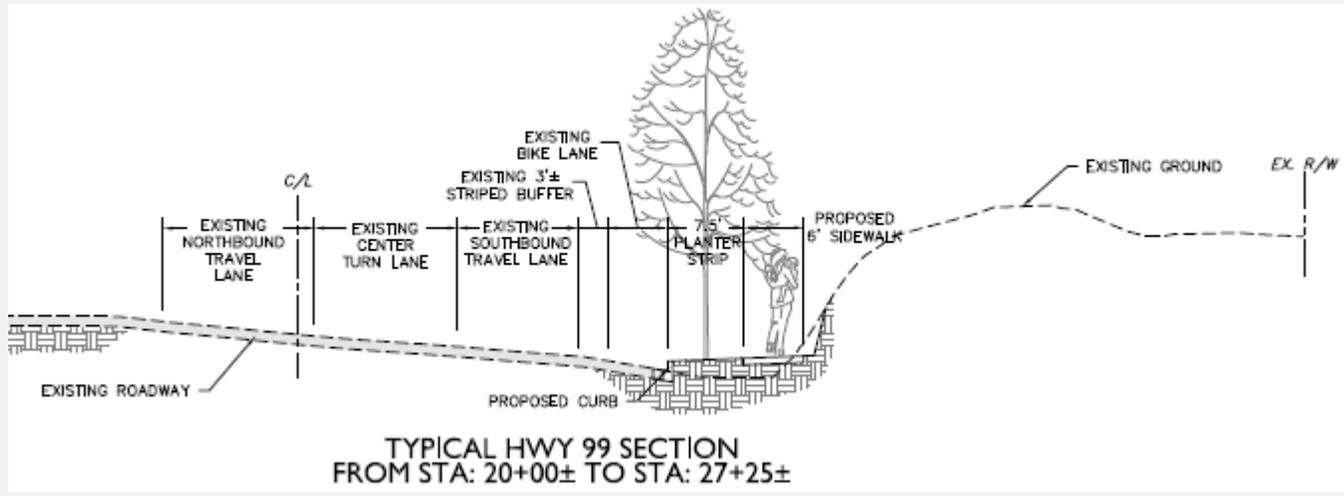
RETURN THIS SIGNED APPLICATION WITH ATTACHMENTS TO:
ODOT Technical Leadership Center
Attn Property Management Unit
4040 Fairview Industrial Dr SE MS#2
Salem, OR 97302

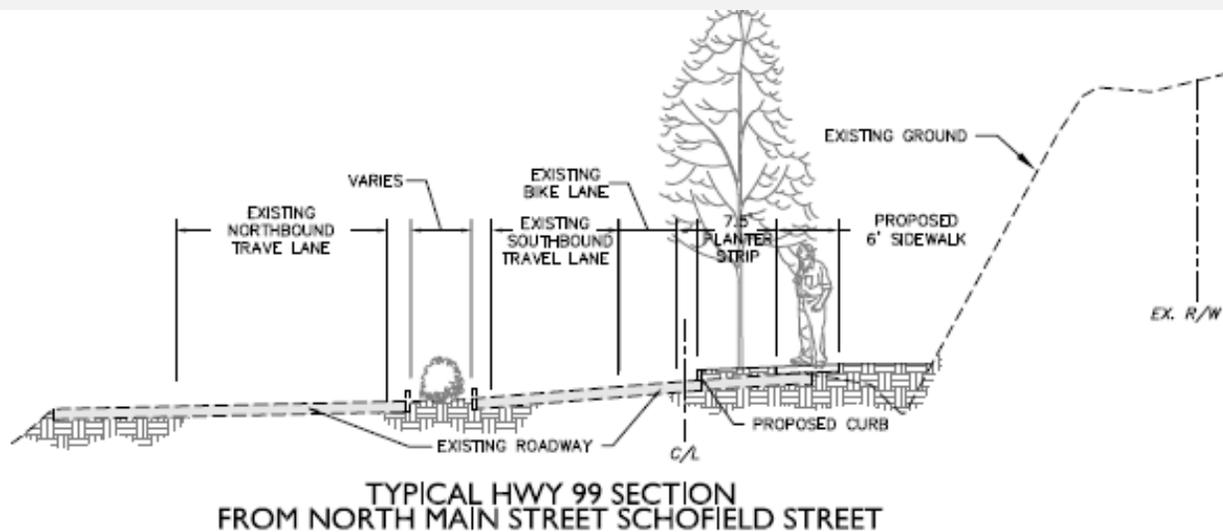
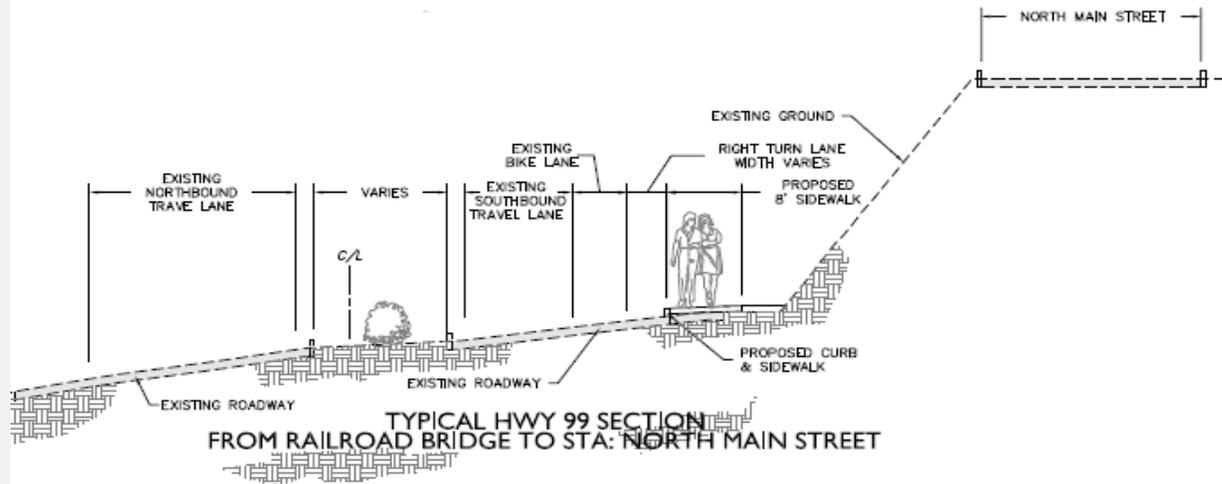
SIDEWALK, PARK ROW, BIKE LANE IMPROVEMENTS

There are numerous variations in the topography, roadside improvements, uses of the frontage, etc. along the frontage of the property and within the public right-of-way for the highway frontage

The proposal seeks to come as close to the City of Ashland Street Standards and comply with ODOT standards when considering the topography and adjacent improvements. The proposed improvements will provide additional measures of traffic calming and provide a safer pedestrian environment than presently found in the area.





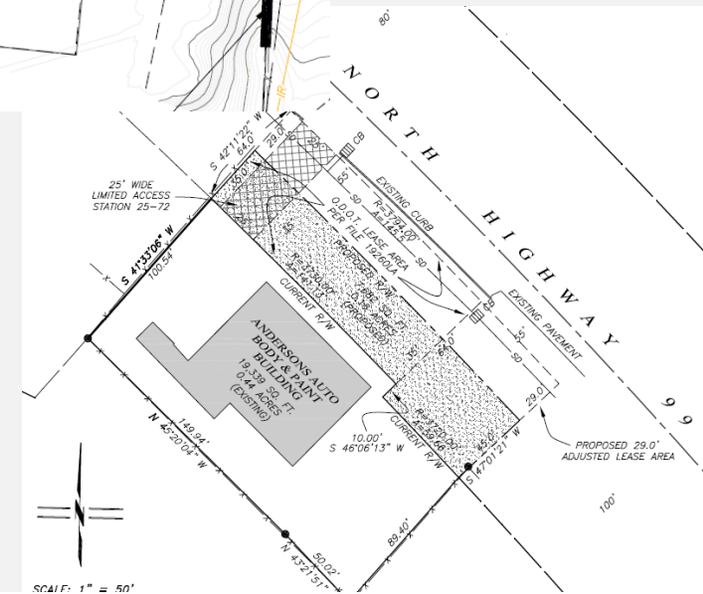


ANDERSON AUTOBODY FRONTAGE

Concern that the improvements were encroaching onto Anderson Autobody property were raised.

All sidewalk improvements are outside of the private property area and are approximately six-inches outside of the easement that extends from Anderson Autobody into the ODOT ROW.

In the event that public utilities within the easements along the frontage of the property are impacted, they will be restored to pre-construction condition.



EASEMENT

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).”

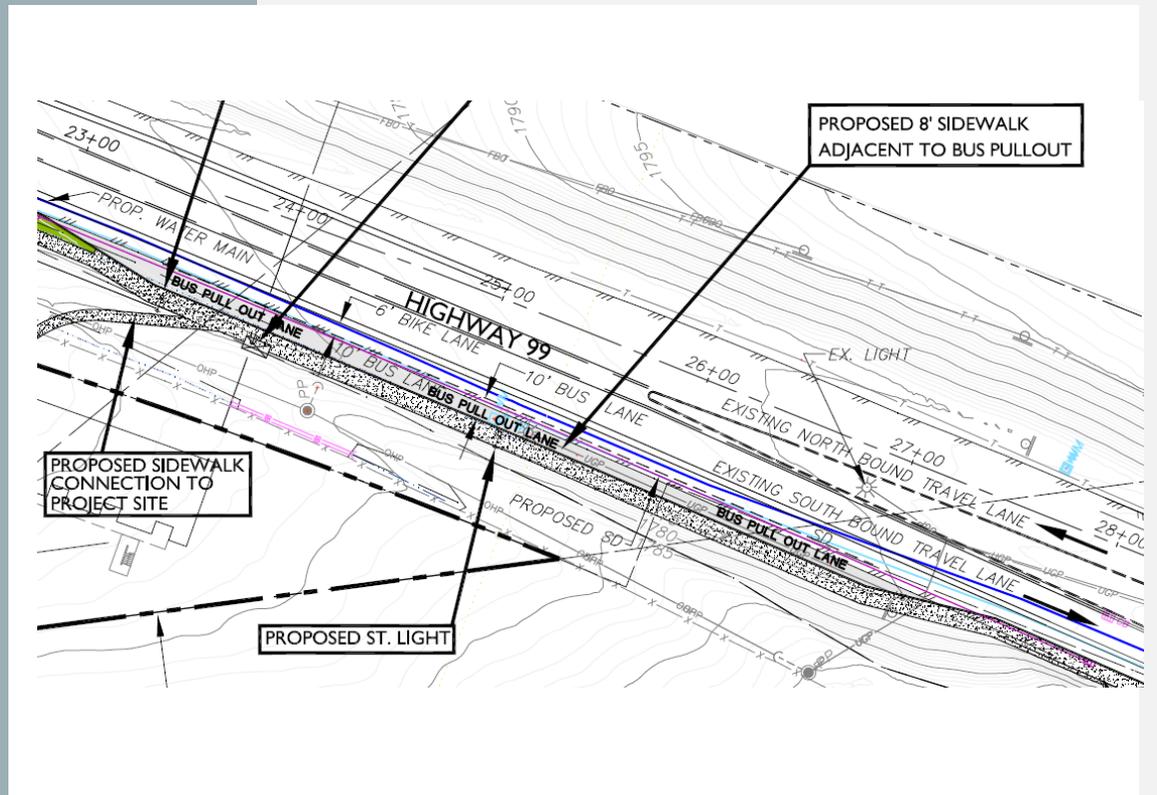
But he may not unreasonably interfere with the rights afforded applicant’s realty for ingress and egress purposes. His interest in using his land encumbered by the easement must give way if there is a conflict between Knox’s desired use of realty and the easement holder.

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

- The use of the existing easement by the proposed development is prohibited by the written word nor by the “intent” as expressed by the van Dijk’s. When the easement was granted the area was within the Comprehensive Planned Urban Growth Boundary and designated as multi-family. If the intent was to restrict the access to the single-family residence, that should have been recorded.
- Additionally, according to the property owner’s attorney, the Knox Property is not the owner of the easement and is the servient user.
- Staged photos should not be included in the record as evidence of the impacts of the proposed multi-family residential development of the subject property.

ROGUE VALLEY TRANSIT DISTRICT

The proposed south bound bus pull out area, the transit stop and the improvements were reviewed by RVTD and ODOT. The standards differ slightly between the two organizations and a minor modification is necessary, but overall, RVTD supports the proposal.





May 8, 2020

RE: 2019-0001_T3

Annexation and Zone Change for the Property at 1511 Hwy. 99 N
Grand Terrace

Dear Planning Commissioners and Planning Division Staff,

This letter is intended to provide additional information for the record addressing the information that has been received by the City of Ashland and is provided for the Planning Commission May 12 Hearing in lieu of a 15 minute applicant presentation.

Contiguous Property:

The contiguity issue is not resolved at this point. The applicant and the City of Ashland have been in communication with the representatives of Genessee-Wyoming, the track owners, and Central Oregon and Pacific Railroad (CORP).

Contiguity and the railroad is of major concern for the applicant and it should be a major concern for the City of Ashland as the Railroad's position could prevent Ashland's Long-Range Planning and Comprehensive Planning Efforts since the 1980s from ever being realized. If the Railroad refuses annexation, it appears that the Comprehensive Plan, the Housing Needs Analysis, Economic Development Plans, Regional Problem Solving efforts, Normal Avenue Neighborhood among others would need to be revised to alter Ashland's growth areas to not include out-of-city Railroad Properties.

The representative of the Railroad have requested detailed information as to what impacts there are to the railroad when their property is annexed. The attached map was shared with Genessee-Wyoming Real estate Division Manager in January 2020. This issue is still being worked through and should not impact the Planning Commission Recommendations since the City Council is the approval authority.

Access Easement and Driveway Construction:

One of the accesses to the property is provided by a 30-foot wide ingress access easement. This is the secondary access with the primary access directly from the highway.

Adequate transportation can be provided to the nearest public street (Hwy 99 N) via the use of the easement. The proposal does not include the creation of any new public rights-of-way, public or private streets, nor the creation of a private driveway. As per the code 18.5.8.050.E.1. the improvement of the public street (Hwy. 99 N) to city standards is requested.



The proposal seeks to improve the driveway within the easement area above and beyond the minimum improvement standards of a 20-foot paved width as required when driveways are greater than 50-feet in length and access more than seven parking spaces (AMC 18.4.3.080.D.3.) through the development of a driveway with street like features as required in AMC 18.4.3.080.4., which is most similar to a Shared Street standards. References to Shared Street are for illustrative purposes only because as stated in the application materials, no public streets or private streets are proposed nor is the dedication of public right-of-way, public streets or private streets or driveways required.

The driveway on the north end of the development (accessed via the existing driveway) would be widened within the easement area to accommodate the proposed improvements. The driveway is not proposed as the primary access as presented in the letter from Mr. Knox's attorney. The northern driveway is intended to be a secondary access. The Ashland Municipal Code 18.4.3.080. Access Regulations for Multi-Family Developments, C. 3.d. requires that all multi-family developments which will have automobile trip generation in excess of 250 vehicle trips per day shall provide at least two driveway access points to the development. There are more than 250 vehicle trips per day thus two driveways are required. In the event that it would be allowed, the applicant would be willing to reduce access to the north driveway to emergency vehicle or emergency vacation of the property by the tenants. Further, the municipal code requires driveways be shared (AMC 18.4.3.080.C.4) for developments where access to arterials is limited and for multi-family developments.

Joe Kellerman, Hornecker Cowling LLP provided the attached assessment of the easement. The issues raised by Mr. Knox and his Attorney appear to be moot points as the Knox property is the servient easement holder and the encroachments into the easement that at present restrict the width are created and maintained by Mr. Knox.

The "intent" of the easement expressed in the letter from the Van Dijk's is not founded in the actual easement language. Additionally, in 1989, the subject property was within the City of Ashland Urban Growth Boundary Area as a future City of Ashland, Low-Density, Multi-Family Residential Comprehensive Plan area.

Traffic Impact Analysis:

ODOT has provided a preliminary review of the Transportation Impact Analysis (TIA) and has provided formal review comments to the project team and to the City of Ashland. There are some minor suggestions and considerations to be made, for example the barrier and five-foot sidewalk under the trestle will be six-foot sidewalk with no barrier and the bus pull out taper needs to be increased. Both of these items will be addressed on the Civil Engineering documents that get submitted with the Site Design Review of the apartment complex development.

Both driveways will be permitted as full movement driveways. This means Right in and Right out / Left in and Left out turning movements are allowed and no restrictions will be imposed.



Frontage Improvements:

The proposal makes every attempt to provide sidewalk and landscape park row to the city of Ashland and ODOT standards from the connection at Schofield to and through the property that demonstrates compliance.

Public sidewalk, landscape park row, bicycle lane and other physical improvements to the Hwy. 99 right-of-way have been reviewed by the Oregon Department of Transportation (ODOT), and the Public Works Department. Where the Ashland standards need exception is to not provide landscape parkrow for the entirety of the sidewalk improvements, ODOT standards require an eight-foot curbside sidewalk, which is proposed.

An email was received by Mr. Brian LeBlanc of Anderson Autobody regarding the frontage improvements along his street frontage and questioning their location on his property. Based on a review by the project surveyor (Polaris Land Surveying, surveyed subject property, Anderson Autobody property and Mr. Knox's property) there is no encroachment of the proposed sidewalks and right-of-way improvements encroaching upon Anderson Autobody property.

Conclusion:

The project team finds that the continuity issue needs to be further explored and seeks legal advice from the city on the validity of the comprehensive plan maps when there is no connection to the city limits due to the presence of the railroad.

The proposal demonstrates compliance with the standards for annexation of the last, large acre multi-family residentially zoned land provided on in the city's urban growth boundary. The proposed conceptual plans are generally consistent with applicable standards, and other than minor considerations with respect to the street standards, it can be found that with the requested exception to the street design standards as addressed in the application Findings of Fact and the Staff Report. The project team believes that it can be found that adequate vehicle, pedestrian, bicycle and transit facilities can be provided to service the annexed area.

Many of the annexation criteria require concurrence of the Public Works Director, additionally, there has been verbal agreements regarding the extension of services and how to address the overlapping service district for the disposal of sanitary sewer and stormwater sewer. It is the property owners desire to have staff from Public Works present at the hearing to address any concerns regarding the proposed public infrastructure.

Thank you,

Amy

Amy Gunter



Rogue Planning & Development Services, LLC

Amygunter.planning@gmail.com

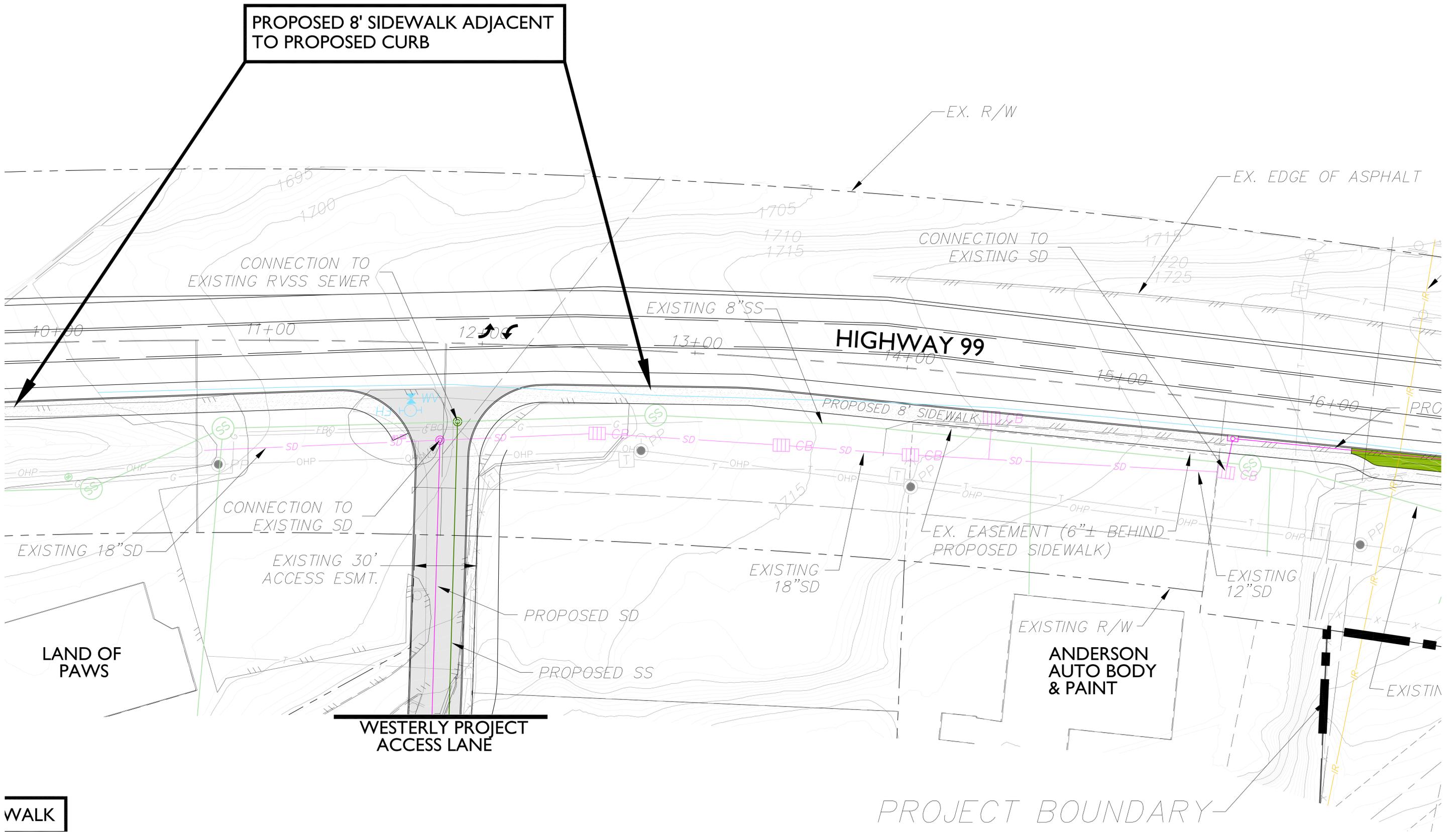
ATTACHMENTS:

EXHIBIT A: Powerpoint presentation

EXHIBIT B: Joe Kellerman, Attorney with Hornecker Cowling LLP letter regarding easement (attached as Exhibit D to letter)

EXHIBIT C: ODOT TIA Review, Dated May 7, 2020

PROPOSED 8' SIDEWALK ADJACENT TO PROPOSED CURB



WALK

PROJECT BOUNDARY

PROPOSED LAND SALE

LYING SITUATE IN
 SOUTHWEST QUARTER SECTION 32
 TOWNSHIP 38 SOUTH, RANGE 1 EAST
 WILLAMETTE MERIDIAN
 JACKSON COUNTY, OREGON

FOR
Dave Anderson
 1383 North Highway 99
 Ashland, Oregon

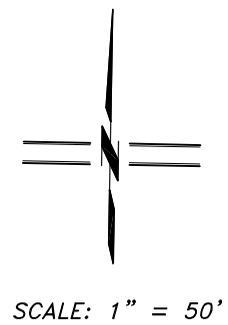
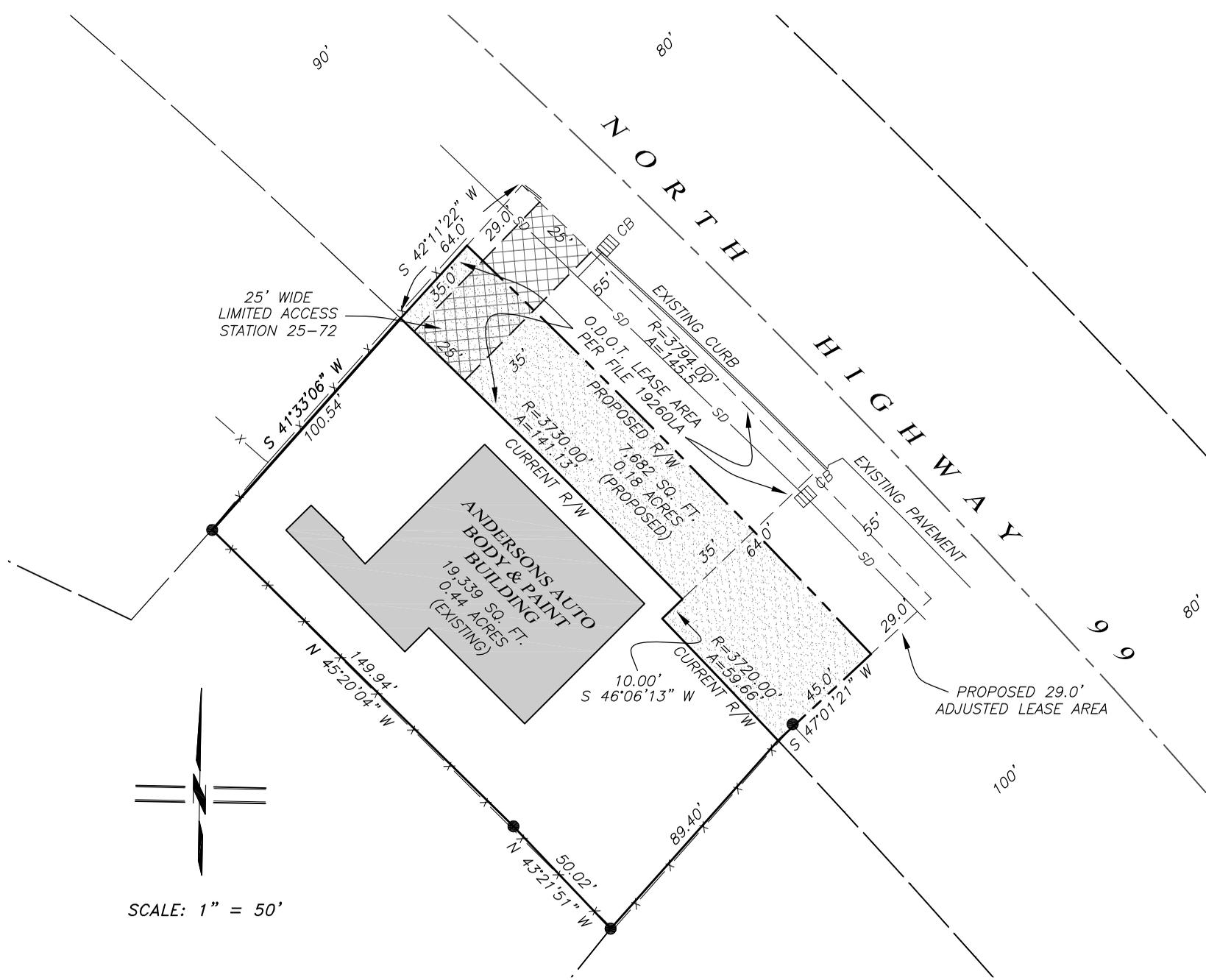
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1998
 SHAWN KAMPMANN
 02883 LS

RENEWAL DATE: 6/30/2017

SURVEYED BY:
POLARIS LAND SURVEYING LLC
 P.O. BOX 459
 ASHLAND, OREGON 97520
 (541) 482-5009

DATE: NOVEMBER 20, 2015
 PROJECT NO. 226-04





Oregon

Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming
100 Antelope Drive
White City, Oregon 97503
Phone: (541) 774-6299

March 7, 2020

Mr. Derek Severson
City of Ashland – Community Development
51 Winburn Way
Ashland, OR 97529

RE: PA-T3-2019-00001, 1511 Highway 99 North

Dear Mr. Severson,

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Sincerely,

Micah Horowitz, AICP
Senior Transportation Planner