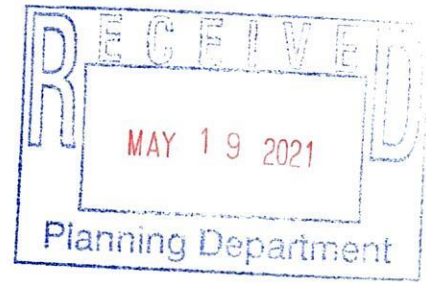


Date: 18 May 2021

Heather Richards
Planning Director
Community Development Center
231 NE Fifth Street
McMinnville, OR 97128



Reference: Arguments in Opposition to Parcel #2 of Minor Partition (MP 6-20) – 835 SW Hilary Street
Zoom meeting regarding withdrawal of VR 1-21

Dear Director Richards,

Ambiguous Language

The city has concluded VR 1-21 is not necessary and has resulted in the Allen's withdrawing their variance application. Your PowerPoint presentation illustrated documents signed in 2001 by city & county surveyors to include the now retired Planning Director. Per your presentation, signatures from these city and county officials authorized and deemed these easements for access & utilities sufficient, subject to and governed by driveway construction and maintenance agreements. Referenced Note #2, however ...perpetual and non-exclusive, does not constitute a right to develop tentative parcel #2 without restrictions and adherence to the city's safety engineering and other relevant municipal codes.

Access has been granted to the Allen's however, their Tentative Partition Plan not only identifies tentative parcel #2 but labels the area immediately south of tentative parcel #2 as "AREA ABOVE FLOOD 7,354 Sq. Feet .16 Acres". When asked if future developing in this area would require an access and easement variance, your answer was, "that's a good question". Jamie Fleckenstein's response was, perhaps not if the language noted on Partition 2001-03 stands?

The Partition easement label includes less precise language, stipulating as noted in your presentation (Exhibit 2b), "22' wide access & utilities easement to benefit that portion of Block "L" of COZINE THIRD ADD. lying westerly of Cozine Creek -see Note #2." The term 'to benefit', does not constitute limits on access or easements. This lack of clarity can be construed as the city's desire to accelerate development in this naturally sensitive area.

Clearly the Allen's development of this unparcelled available land will not be limited based on recently passed ordinance to take effect in January of 2022. The question is, how will the city defend the safety engineering of the private drive access overburdened by new initiatives, to permit construction of dwellings not previously authorized per existing zoning ordinances?

As Director, it would be most helpful if your pending Partitioning decision could address this issue in some detail, outlining what if any limits prevail considering the prior Surveyor's/Director's absence of clarity on the topic.

Public Right of Way

The 33' Public Right of Way adjoining the Tall Oaks Development with the proposed Allen Partition frontage has enriched many community lives and provided a natural green buffer for wildlife, flora and fauna alike.

My wife and I vigorously oppose developing over this Natural Public Right of Way. As citizens of McMinnville, we have a right to access this natural space and enjoy its bounty not the least of which is the magnificent canopy provided by the huge White Oak and Douglas Fir trees. This cherished public right of way was a positive legacy of the city's decision to vacate an earlier plotted street.

The Allen's insistence on removing the trees must be mitigated by city ordinances protecting "Public Trees" within the Right of Way. The Developers desire to remove these trees comes with unintended consequences, including the loss of shade, wind and temperature moderation for adjacent and adjoining properties. Notwithstanding the negative consequence of increasing residential density in a delicate natural setting; adding noise and congestion without sufficient provisions for emergent climate change issues in the form of fire hazards and soil erosion, further complicating existing Cozine Creek water quality issues due to surface runoff and contaminants.

Thank you in advance for your consideration in this matter.

Respectfully,



Earl & Sheryl Anderson
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EHA, SAA/eha

CC: Jamie Fleckenstein, Associate Planner, McMinnville Planning Department, 231 NE Fifth Street
McMinnville, OR 97128 Jamie.fleckenstein@mcminnvilleoregon.gov

Enclosure: Petition in Opposition to Parcel #2 of Minor Partition (MP 6-20) – 835 SW Hilary Street,
13 May, 2021

P.S. *"I should be glad if all the meadows on the earth were left in a wild state, if that were the consequence of men's beginning to redeem themselves."* Henry David Thoreau.

I have personally always been proud of my friends in McMinnville because it seems we really do care and hold the tenant to serve our community by preserving and cherishing nature and natural green spaces, the very thing that restores and nurtures our soul in these difficult times.