

Planning Department
Jamie Fleckenstein, Associate Planner
231 NE 5th Street
McMinnville, OR 97128
jamiefleckenstein@mcminnvilleoregon.gov
June 14, 2021

Planning Department,

This letter is in response to the Staff Report and neighborhood comments about MP 6-20. The points we will address are

- * **Livability**
- * **Neighborhoods - Neighbor Principals - Center Housing Strategy**
- * **Right of Way**
- * **Questions**

Livability

We understand the anxiety that our Tall Oaks neighbors feel because of the proposed building site on parcel "2" MP 6-20. Our hope is that they will understand that this is a normal, consistent use of this land according to the McMinnville Planning departments goals. Every neighborhood has gone through or is going through growing pains. Growing up in McMinnville I rode my bike through the farm land where the Tall Oaks development is today. At that time Fellows Street ended just past Cozine Creek at the wheat field (now Tall Oaks Sub-Division). Since we built our home on this land in 1993-94 we have seen three houses built beyond our front and side yard. There was also another house built in 2001 to the north of our proposed parcel 2. We understand growth in neighborhoods happen.

Neighborhoods

Our goal for MP 6-20 is to maintain the atmosphere that makes this parcel a special and desirable place to live. This partition fits the criteria of the Great Neighborhood Principles from the McMinnville City Center Housing Strategy. We have owned this property for 30 years. We have cleaned out blackberries, dead trees, ivy and improved and maintained most of our 7 acres. We share an appreciation for nature and privacy. Only trees that are necessary to be removed will be removed. This Parcel 2 will blend in with the neighborhood and eventually be unnoticed and accepted by all. In 2000-2001 we coordinated with the city and installed water supply, gas and electric utilities and cable all with city approval for these lots on Parcel 2. We have met the Lot size and

shape and we continue to pay the fees, have the meetings, send out information packets to do our due diligence for this partition.

Right of Way

We have a concern that the city's "Right of Way" on the west border of our property is causing the opposition to this partition. This Right of Way should be returned to our property. The opposition letters to this partition seem to believe they are joint owners in our property because of the landlocked City Right of Way issue. The right of way is dedicated to travel and is not a city green way. Years ago 33' of this once 66' Right of Way was returned to the property owners/developers of Tall Oaks Sub Division. The remaining 33' of this city Right of Way was to guarantee our property access to our lots on the northwest end of our property. We have established a legal access through a private easement from Fellows Street. The remaining City Right of Way on our property is land locked. It serves no purpose. This land should be returned to the original property and rightful owners. Below is what we believe to be true about our property and this Right of Way.

"As a general rule, a city or county right-of-way is an easement for public travel. (An easement is a privilege or a right, distinct from ownership, to use in some way the land of another.) So, typically, a city or county does not own the fee title to the property underlying the public right-of-way; the abutting property owners have that fee title. . .

If the right-of-way has not been opened and so is not improved, obstruction of public travel is, of course, not an issue, and the property owner is not subject to the same restrictions as when it is open and improved. Typically, property owners can use the unopened, unimproved right-of-way as they can the rest of their property, but subject to the possibility of it being opened and improved at some point in the future"

Bob Meinig (Bob wrote extensively on the state Open Public Meetings Act, municipal incorporation and annexation, and a wide variety of other legal topics on MRSC. More info can be found on the website "MRSC" Public right of way)

We need clarification on the Right of Way for the neighbors of Tall Oaks. Tall Oaks Neighborhood Cozine Creek Advocates stated in their opposition letter that Parcel 2, "Develops over an existing 33' Public Right of Way utilized by the adjacent Tall Oaks Drive community as a natural green way for decades." and "Parcel 2 including the legacy 33' public right of way, a natural protected area within the city, subject to conditional use criteria ..." Our research shows that these statements are not true. We ask for the planning departments clarification-

Questions?

1. What are the purpose for these licenses listed below in the Staff Report?

Conditions for finding: "Applicant shall enter into a Revocable License and Right to use Public Right of Way, prior to the approval of the final partition plat, for the extension of the access easement driveway across the unimproved public right of way to Parcel 1.

Applicant shall enter into a Revocable License and Right to use Public Right of Way , prior to the approval of the final partition plat, for the extension of the access easement driveway across the unimproved public right of way to proposed Parcel 2".

2. Why is there a "waiver of rights" as listed in below paragraph?

"A condition of approval is included on the proposed land division to require a waiver of rights of remonstrance for future street improvements on Hilary Street prior to the approval of the final partition plat."

3. Trees?

Thank you for addressing our concerns,

Respectfully,

Steve and Mary Allen
835 SW Hilary Street
McMinnville, Oregon 97128
maryballen5@gmail.com