

The Law Firm Of  
**Haugeberg, Rueter, Gowell,  
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June 18, 2021

Heather Richards  
Planning Director  
McMinnville Planning Department  
231 NE 5<sup>th</sup> Street  
McMinnville, Oregon 97128

Re: Written Submittal by Steve and JacElaine Macy for MP 6-20

Dear Heather:

In reviewing proposed Condition of Approval # 1 for the Docket MP-6-20, it appears to conflict with the City approved Easement Agreement referenced as Plat Note #2 on Partition Plat 2001-03, which requires the widening of the access easement driveway into applicant's proposed lot West of the Cozine, to a 15 foot paved surface upon the development of Applicant's property accessed by the easement.

The condition of approval as presently drafted appears to require a 12-foot paved surface reflecting the requirement for Lots 1, 2 and 3 of Partition Plat 2001-03, but not the additional requirement for a 15 foot paved surface if the easement serves an additional lot.

I have attached for the record of the above Docket three letters, dated September 20, 2000, January 5, 2001, and January 10, 2001, between the Fire Marshall Shannon Thorson and Mary Bernards Allen, and between Mary Bernards Allen and Deland Smith clearly setting out this requirement. As referenced in the Staff findings the 15-foot paving requirement was incorporated into the recorded Driveway Construction and Maintenance Agreement between the property owners and was noted on Partition Plat 2001-03 as Plat Note 2 reading as follows:

***“The easement for access and utilities granted by the recording of this plat shall be perpetual, non-exclusive and subject to and governed by the provisions of that Driveway Construction and Maintenance Agreement recorded in instrument No. 200100600.”***

Mr. and Mrs. Macy respectfully request, that if the Planning Commission approves Applicant's request for the partition, that in order to avoid confusion, Proposed Condition # 1 be revised to read:

- “1. *All conditions of land-use decisions Minor Partition MP-7-00 and Ordinance No. 4741, as modified and amended by Partition Plat 2001-03 Note # 2 incorporating requirements of Driveway Construction and Maintenance Agreement recorded in instrument No. 200100600 shall remain in effect.*”

Mr. and Mrs. Macy respectfully request that this additional submittal be considered in connection with the Planning Commission's review of this matter.

Respectfully Yours,

Walter R. Gowell



**Steve & Mary B. Allen**

835 S. W. Hilary

503-472-8812

McMinnville, OR 97128

January 10, 2001

Shannon Thorson  
McMinnville Fire Department  
Fire Marshall

Dear Shannon,

I would like to confirm the information that you gave me concerning the driveway that will serve our property located to the south of Gilson Street in Block L of the COZINE THIRD ADDITION described in Exhibit B.

As per our conversation on January 5, 2001 you have indicated that the private easement crossing the property described in Exhibit A will meet fire code for access to our property if it has been paved with 15 foot in width of pavement. You indicated that this would be adequate to serve 4 homes.

Thank you for taking the time to review and sign this letter, confirming my understanding of our conversation.

Sincerely,

*Mary Bernards Allen*

*Steve Allen*

Mary Bernards Allen  
Steve Allen

I am in agreement with the above information.

*Shannon Thorson*

Shannon Thorson  
Fire Marshal

Date 1-10-01

(B)

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## Steve & Mary B. Allen

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835 S. W. Hilary

503-472-8812

McMinnville, OR 97128

January 5, 2001

Mr. Delane Smith,

These are the few changes that we see necessary on the Construction, Maintenance Agreement. We would like to have changed in the 4<sup>th</sup> paragraph of the first page. "The easement **will** provide access to one and possibly 2 parcels located in block L of the Cozine Third Addition as described in the attached Exhibit B."

Any additional width requirement to the existing driveway to meet fire code standards can be of compacted rock only. 15 width foot must be paved to meet fire code standards. No asphalt or concrete requirement for the extension of width beyond 15 ft.

Allen's or current owner of the parcel to the south can at any time construct a rock driveway on the easement to their parcel to the south of and across parcels 1,2 and 3. Upon completion of a house or houses on the south parcel (Exhibit B) this driveway must be paved.

Thank you for your time.

Sincerely,

*Mary Bernards Allen*  
*Steve Allen*

Mary Bernards Allen  
Steve Allen



Jay Lilly, Fire Chief  
Scott Magers, Assistant Chief  
Shannon Thorson, Division Chief

175 East First Street • McMinnville, Oregon 97128 • Phone: (503) 434-7305 • FAX (503) 434-7458

September 20, 2000

Delane Smith  
1300 NW Elm Street  
McMinnville, Oregon 97128

RE: Delane Smith property located on Fellow Street, McMinnville, Oregon

Dear Mr. Smith

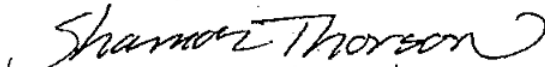
As we have discussed the Delane Smith property located on Fellows Street currently exists as 2.26 acres. We have been informed that you wish to divide the property into three building lots. Road requirements specify that driveways serving three lots or less require 12' travel width, 6" base rock, adequate grade and an approved fire department turnaround. The turnaround is needed at the time of construction.

Additionally, one fire hydrant is required. Due to topography of the driveway our department has approved the hydrant to be located at the intersection of Fellows Street and the current Delane Smith property driveway.

If you have any questions or concerns, do not hesitate to contact our office.

Thank you.

Sincerely,

  
Shannon Thorson



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