

From: [Heather Richards](#)
To: [Sarah Sullivan](#)
Subject: FW: Meeting - Oak Ridge Subdivision
Date: Thursday, June 27, 2019 1:59:57 PM

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From: Heather Richards
Sent: Tuesday, June 18, 2019 4:05 PM
To: Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>
Subject: Re: Meeting - Oak Ridge Subdivision

Thank you.

Heather Richards
Sent from my Iphone

On Jun 18, 2019, at 2:54 PM, Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov> wrote:

FYI

Jeff

From: Jeff Towery
Sent: Tuesday, June 18, 2019 2:54 PM
To: 'Mike Colvin' <mikecolvin49@gmail.com>
Subject: Meeting - Oak Ridge Subdivision

Mike,

Thank you for coming to meet with me today. I appreciate the time you took to lay out

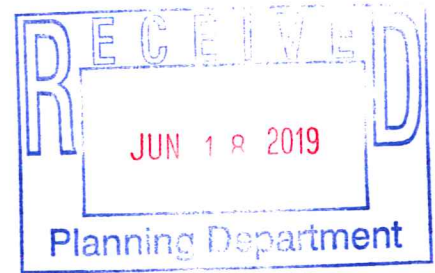
your concerns. As promised, the City Attorney and I did discuss your request to add the information you left with me to the record for the City Council to consider. Because the Planning Commission closed the record, as it stands right now, I am not able to share the items you provided with the Council. As I said, the Council does have the ability to schedule their own public hearing on this matter. If they do so, the information you shared with me will become part of the record. Thank you for understanding. Take care.

Jeff Towery – CITY MANAGER
503-434-7302



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TOWERY MEETING – SHADDEN ACCESS



In the first hearing, I thought that the goal post rule and a lack of time to clarify the dates and location of flooding kept the Commissioners from understanding just how severe the problem has become – so the failure to make the Commissioners understand the problem more clearly is on us.

BUT, on the issue of Shadden street --- the reason that Planning Commissioners did not name Shadden street an access street was clearly because the city planning staff – developed a sudden case of amnesia, and claimed they did not know the answer to 5-6 Commissioner questions about the availability of Shadden as an access street – that they clearly know. I feel strongly that “if” the Commissioners question had been answered honestly – that the commissioners would have voted to have Shadden street named the primary access street instead of a street that dead ends ¼ short of Pinehurst street.

Premier’s Exhibit 27 is the document that: 1) answers all the key questions that the Commissioners asked about the availability of Shadden street. And; 2) also shows that planning staff had taken part in at least two meetings on the availability of Shadden. So they knew that Stafford is developing Shadden Street in their Phase 1. And that Stafford is more than happy to let Premier use Shadden street as access in Phase 1 too. --- But, if so --- Premier would just have to pay to develop 50% of the Shadden extension between Baker Creek road, and the Oak Ridge Meadows property!!

So, Premier would rather inconvenience 600-700 people in three developments (Oak Ridge Meadows, Compton Crest, and Oak Ridge) for up to five years – than to pay to extend Shadden street to their property in phase 1. --- AND BECAUSE STAFF’S AMNESIA KEPT THE COMMISSIONERS IN THE DARK ABOUT STAFFORD’S WILLINGNESS TO MAKE SHADDEN STREET AVAILABLE – THAT LACK OF INFORMATION FORCED THE COMMISSIONERS TO VOTE FOR THE ONLY CHOICES OF ACCESS THAT THE PLANNING STAFF LEFT THEM. – Which was Pinot Noir as the only access for up to 5 years. ---

Please read my version of the questions that Commissioners did ask about the availability of Shadden street. – And the “nothing submitted”, “working on it”, and “no time frame” answers that staff gave to Commissioners on those questions. --- Then I ask you to confirm with the Commissioners that if their questions would have been answered with the information in Exhibit 27 --- that their vote on a Shadden street access would have been different.

My personal belief is that staff “wanted” to keep Pinehurst alive as an access street to the “buildable inventory” property (that is now floodplain). Pinehurst makes absolutely no sense if the Commissioners were aware that Shadden is available. -- And that is why staff actively attempted to keep the Commissioners in the dark on the availability of Shadden Street.

I think that the intent of Oregon’s complex planning system is to end up with the best solution for the city – and its residents. BUT this situation shows that by controlling the amount of information that goes to Planning Commissioners – that they can manipulate the Commissioners into “technically” having one choice to vote for – even though that vote is not in the best interest of the city or its residents.

MY REASONS FOR THINKING THAT PLANNING STAFF KNEW THE ANSWERS TO THE QUESTIONS THEY AVOIDED ANSWERING.

On this page I listed the instances where the Planning Staff either avoided answering – or gave the Commissioners a misleading answer to a Commissioners questions. ---- AND then under the questions, I listed the evidence that to me – clearly shows the Planning staff knew the correct answers to those questions. – The result of those non-answers was – THAT THE COMMISSIONERS NEVER BECAME AWARE THAT STAFFORD DEVELOPMENT IS WILLING TO ALLOW PREMIER ACCESS TO SHADDEN STREET – WHICH “IF” COMMISSIONERS ARE ASKED – I BELIEVE AT LEAST 3-4 MORE WOULD HAVE VOTED TO MAKE SHADDEN STREET THE PRIMARY ACCESS TO OAK RIDGE MEADOWS (2 did vote no. That would have given us a majority).

1. COMMISSIONER QUESTION: DOES STAFF KNOW “WHEN” STAFFORD IS PLANNING TO DEVELOP THEIR PROPERTY? (that is between Oak Ridge Meadows and Baker Creek road). – that question was at 1:34:05 of the first hearing.
 - A. (For the record, I think that Jamie is a good guy who Heather put in a tough spot.) Anyway, Jamie is a terrible liar. He stuttered for a few seconds – while his face turned all red, and then looked to Heather for help. – Her answer was pure avoidance by an expert: “nothing submitted. Working on it. – No time frame”.
 - B. In a News Register article about westside development a few months ago, Heather bragged about how great Baker Creek E/W was going to be. – AND then stated that she had also been working with Stafford and Premier on the developments coming on the north side of Baker Creek road for over a year. – and they were going to be equally great for everybody. - -- So, she had admitted in public that she had been working hand in hand with both developers.
 - C. From working with Premier and Stafford, staff knew that Stafford had already held their neighborhood meeting. And that their development that was just 90 days behind the Oak Ridge Meadows app – which my wife and I attended. Sandi took a picture of Stafford’s proposed plan. – So in my testimony after Heather’s “no time frame” answer – I showed a slide of Stafford’s plan – matched up with the Oak Ridge Meadows plan (that picture included in this packet). Which clearly showed:
 - C1. Stafford had held their neighborhood meeting, so are only 90 days behind.
 - C2. That Shadden Street is obviously a primary access street in Stafford’s plan.
 - C3. That the far western end of Premier’s Pinehurst street – was simply an extension of Shadden Street. – And even though Premier WAS NOT claiming Shadden as an access Street – it was really that short section of Pinehurst (that was really Shadden) met ALL The Comp plan transportation claims in the application (3/4rs of Pinehurst that lies on The 4722 property does not meet any policies for circulation, connectivity, efficiency, emergency access, etc.)
 - D. Conclusion -- Since staff has been working with both developers for a year, they knew Stafford’s plans. And since she knew a public, neighborhood meeting had been held – was, “no time frame known” a true or honest answer to the commissioners question?

2. AFTER COMMISSIONERS BECAME AWARE THAT STAFFORD PLANS TO GO FORWARD SHORTLY AFTER OAK RIDGE MEADOWS – ONE COMMISSIONER ASKED IF STAFF KNEW IN – “WHAT PHASE” OF STAFFORD’S DEVELOPMENT THAT SHADDEN WAS GOING TO BE DEVELOPED? (I know that our group, and probably the commissioners were assuming it would be phase 3 or 4).
- A. I plead guilty here too. I thought I’d read everything. But missed Stafford’s easement letter to Premier in Exhibit 27. It holds the answer to the next 2-3 questions.
 - B. In the second paragraph, Mr. Root tells Lori, from Premier that – they will be developing a temporary gravel Shadden street extension in Phase 1 of their project.
 - C. In paragraph three – Mr. Root makes it clear that McMinnville’s planning staff had been involved in the negotiations over Shadden street access – and some changes had even been made at their request.
 - D. Conclusion --- Since staff had been involved in this agreement. And since Exhibit 27 is part of Premier’s application (public record) – I don’t see how this fact slipped from staffs memory. – The answer was pure avoidance. – AND I believe an honest answer to the commissioners – would have made a big difference in the decision they made.
3. ON COMMISSIONERS QUESTION OF – “IF” STAFFORD WOULD BE OPEN TO ALLOWING PREMIER TO USE THE TEMPORARY GRAVEL ROAD ACCESS FOR COMMERCIAL VEHICLES DURING THE INITIAL STAGE OF DEVELOPING ROADS/SERVICES. – This is the area of both Premier’s and the planning departments largest “whoppers”. The Oak Ridge Meadows application goes out of its way to point out several times that – this is an “emergency, fire truck access only.” And the easement ends at the end of construction phase.
- A. There had been a Stafford representative at both neighborhood meetings I attended (Oak Ridge Meadows and Stafford north?). And at both meetings, citizens asked him if Stafford would be open to making Shadden an available access to Oak Ridge Meadows. – BOTH times, that guy lit up (he’d been waiting for the question), and stated they would be happy to “work with Premier to make Shadden available.”
 - B. Also, in paragraph 2 of Exhibit 27 – Mr. Root stated:
 - B1. They’d be happy to make Shadden available.
 - B2. And, that it would be, “strong enough to support a fire truck in the rain”. – But, he certainly DID NOT LIMIT THE EASEMENT TO JUST A FIRE TRUCK like Premier claims.
 - C. And lastly, also in paragraph 2 Mr. Root states the reason “why” I think Premier has tried so hard to make Shadden street NOT available in Phase 1 of their development. – His statement is basically that the length of Stafford’s temporary road will vary depending “if” Premier chooses to use it in their phase 1 – or a later phase.
 - C1. If in Phase #1 – Stafford will only build/develop the road 50% of the way to the Oak Ridge Meadows property – SO, Premier would have to pay 50% of the cost of developing The gravel road on Stafford’s property. And rather than pay that cost – Premier would Rather unfairly penalize about 700 residents in 3 neighborhoods for up to five years.
 - D. Conclusion - So, certainly part of the reason that Premier has tried to avoid “naming” Shadden street an access street in their application – is because they want to avoid the cost of building 50% of Shadden street that lies on Stafford’s property (blackmail). So I

- B. Any path of the proposed extension road east through Toth's property – would have to pass through at least 200 yards of property that was listed as 500 year floodplain in 1983 (so legal to develop). --- But in the winter 2018 and 2019 – that area flooded a couple of feet deep twice (Dec 18, and Feb 12) – and was standing water much of the time. – SO, AN UPDATED FEMA STUDY WILL CLEARLY CLASSIFY THIS PROPERTY FLOODPLAIN TODAY – WHICH WILL MAKE A CONNECTING ROAD ILLEGAL.
 - C. By the end of the 2nd hearing, I think that Heather realizes this property is now floodplain, and won't be legal to build on (as soon as FEMA study done). – UNFORTUNATELY, the fill and road down from the high 4822 property to the west – also gives her great access to the basin area for the park and trails they are proposing. If true, that tells you that her priorities for trail/park access is much higher than:
 - C1. Her cost concerns for the maintenance, update, and security issues the city will be taking over – for a very limited use (7 homes) dead end road that will be partially build on 100 year floodplain property. And,
 - C2. Several million dollars in potential civil liability – from lawsuits from two groups of people when houses begin flooding – and the city wakes up to the fact that they allowed filling and diking in a floodplain area --- that additional volumes of storm runoff are still increasing!! -- I still can't imagine that the city hasn't immediately ordered a FEMA update after seeing out flooding pictures.
 - D. CONCLUSION ON PINEHURST – I believe city leaders have been convinced that we are just a bunch of NIMBY's – and that Pinehurst street (and the lowlands) do not have a flooding problem – so are safe to build on proposed lots from 40 years ago. And the road will also gain citizen access to a great park and walking basin.
 - D1. We agree that the basin should be converted to a park/trails – but it would be much less expensive, and the park approximately 3 acres larger "if" they started the trail in the higher 4822 property. And they didn't tear up 3 acres of the basin to build what should be an illegal road.
 - D2. And believing a road will ever connect to Pinehurst is pure fools gold. And will lead to millions of dollars in lawsuits (see Johnson Creek property repurchase page included).
 - D3. And by far the safest and best way to solve the problem of that property counting against the city's "buildable inventory" – IS TO DO A DAMNED FEMA UPDATE. – that will reclassify all the 1983 buildable inventory to floodplain property – that can then be removed from the list of buildable inventory in the urban growth boundary computation – so strengthen the city's case for expanding the UGB to property that is much safer to build on.
2. SHADDEN STREET – IT APPEARS THAT THE MAJORITY OF THE REASON THAT PREMIER DOES NOT WANT TO BUILD SHADDEN IN THEIR PHASE 1 – IS THAT THEY DON'T WANT TO PAY TO DEVELOP 50% OF THE SHADDEN EXTENSION THAT IS ON STAFFORD'S PROPERTY. – So they are willing to penalize the convenience and safety of about 700 people in three neighborhoods (Oak Ridge Meadows, Compton Crest, and Oak Ridge) for up to five years to avoid that cost. – BUT "WHY" DID THE PLANNING DEPARTMENT GO TO SUCH LENGTHS TO HIDE THE AVAILABILITY OF SHADDEN STREET TO THE PLANNING COMMISSIONERS? I can think of three answers – none good.

Exhibit 27

From: gordonroot@aol.com

Subject: Re: Baker Creek North and Oak Ridge Meadows connection

Date: July 9, 2018 at 3:03:24 PM PDT

To: loriz.premier@gmail.com, gordon@staffordlandcompany.com

Cc: morgan@staffordlandcompany.com, ryanobrien1@frontier.com

Hi Lori:

In our pre-app meeting for Baker Creek North, in which all departments were represented, we told them that we are preparing to grant you a temporary secondary access easement over our property in order for you to proceed. We discussed the possible alignment and they preferred an alignment which follows the future alignment of Shadden Drive.

Basically, they would like to see a road base laid down that can support a fire truck in the rain. Depending upon your timing, the length of such will vary, as if you develop concurrent with our first phase, the temporary access road will be shorter, as we would be putting in the portion from Baker Creek Road to a point about 50% of the way to your project.

We have made many revisions to our site plan since I last sent you one based upon City Planning Staff input, and attached is a more recent version. Our final version is now being drawn in CAD. I will forward it to you once we have the plan back.

Morgan/Ryan, please confirm and make adjustments as necessary.

From what I can see, it looks as if we miss the tree.

Thank you,

Gordon Root | Principal

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- Below - picture taken at Stafford North neighborhood meeting - matched up to Oak Ridge Road's map.
- Stafford is developing Shadden IN Step 1
- Stafford States Premier IS welcome to use a Shadden access IN Exhibit 27.

