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## MEMORANDUM

Submitted Via Electronic Mail

**DATE:** July 23, 2019  
**TO:** Honorable Mayor Hill and Members of the City of McMinnville City Council  
**FROM:** Ron Pomeroy, AICP  
**SUBJECT:** Response Testimony relative to comments provided by Sandi Colvin dated July 22, 2019, regarding the Baker Creek Greenway Park (PDA 3-18, PDA 4-18 and S 3-18)

This communication is provided in response to written testimony submitted to the City Council by Sandi Colvin dated July 22, 2019, regarding the July 23, 2019 City Council Hearing.

On page 2 of the above referenced testimony Ms. Colvin states:

"Staff and developer have continually stated that the Parks Department WILL take over maintenance of the greenway parks in 2032. Planning Director stated empathetically at the last Planning Commission meeting (audio/video available online) that the Parks Department would take over maintenance in 2032 despite testimony from the Parks Department stating otherwise. How does one department head override the budget and testimony of another?"

Ms. Colvin's testimony also provides a quote from the McMinnville Public Works Department which was originally provided under Section IV. Agency Comments on page 59 of the April 18, 2019 Planning Commission packet. This quote from the Public Works Department states, in part:

"Based on those concerns, our recommendation would be that the proposed greenway remain privately owned until such time that resources are available to maintain and operate it as public open space."

Ms. Colvin appears to rely on this statement to claim that the Parks Department has continually stated that it won't guarantee that it will be willing to take over future maintenance of the Baker Creek greenway park (page 3 of Colvin testimony). Ms. Colvin misunderstands the Park Director's position.

On pages 181-182 of the April 18, 2019 Planning Commission packet contain a memorandum from McMinnville Parks and Recreation Director Susan Muir dated February 27, 2019 providing comments relative to PDA 3-18/PDA 4-18 and S 3-18. On page 182, Ms. Muir states, in part:

"Table 10 of the Parks Master Plan outlines underserved areas in our City related to parks, this property can be found in planning area 3 and specifically recommends acquiring a greenway "along Baker Creek connecting Tice/BPA Easement" as a first tier priority for the action plan. The Master Plan Map shows a multi-purposed trail along Baker Creek in this general area which is reflected in the development proposal, therefore this element of the Parks Master Plan appears to be met by the application as proposed." [emphasis added]

The greenway Ms. Muir refers to in the Parks Master Plan is a public greenway and not one privately held that could limit pedestrian access to only members of the governing homeowner's association and their guests. The Baker Creek greenway park proposed by Premier Development will be dedicated to the public and will be the first public greenway park space along Baker Creek between Tice Park and the BPA easement and achieves the Parks Master Plan goal for this site.

We understand that the McMinnville Planning Director and the McMinnville Parks Director internally discussed the public financial impact of maintaining this park space given current and near-term municipal budget constraints and considerations. The resulting agreed upon position of the City was that land use approval would be conditioned that the Baker Creek greenway park would be privately maintained until the year 2032 at which time the City of McMinnville would take over such financial responsibility in full. This understanding is clearly stated in recommended Condition of Approval 9 of PDA 4-18 (page 57 of the April 18, 2019 Planning Commission packet) which states in relevant part:

"The greenway, all pedestrian/bicycle access points, and trails shall be maintained by a Homeowner's Association (HOA) until 2032, at which time all maintenance responsibilities shall be transferred to the City. An agreement between the HOA and the City shall be signed memorializing the responsibilities of the HOA and the City."

Page 3 of Ms. Colvin's testimony states:

"Also, if the Parks Department says that the design makes it difficult to get machinery and equipment into the areas that need maintenance, how does the Planning Department of developer expect an HOA to do better?"

This question appears to be in reference to a statement from page 2 of Ms. Colvin's testimony where she provides a comment provided by the Public Works Department during the February, 2019, staff comment period of during the initial internal review of these applications where Ms. Muir stated:

"The site as proposed would present significant challenges to get equipment and or vehicles in to perform maintenance."

Since February, 2019, Premier Development has increased the number of public access pathways leading into this greenway park to provide additional ease of access for the Parks Department and the public at large. Additionally since this comment was first provided by the

Public Works Department, PDA 4-18 Condition of Approval 9 was created to include the following language to address this specific concern:

“Public pedestrian/bicycle access points shall be 20 feet in width, with a 10 foot wide concrete or asphalt path build to city specifications with a five foot buffer on each side, and a minimum of (1) public pedestrian/bicycle access point shall be improved to accommodate maintenance vehicles.”

This information has been in the public record since before the April 2019 Planning Commission packet was made available to the public and fully and sufficiently addressed these greenway park related objections, questions and concerns raised in Ms. Colvin’s July 22, 2019 submitted testimony.

All references provided above are found in the public record of these applications. This proposal by Premier Development, and the recommended Conditions of Approval as provided by the McMinnville Planning Department, fully satisfies and addresses all comments provided by the McMinnville Parks Director.



## Sarah Sullivan

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**From:** Jamie Fleckenstein  
**Sent:** Tuesday, July 23, 2019 2:16 PM  
**To:** Sarah Sullivan; Heather Richards  
**Subject:** FW: Oak Ridge Meadows  
**Attachments:** We sent you safe versions of your files; Rebuttal Tesitmony 7-23-2019.docx

### Jamie Fleckenstein, PLA Associate Planner

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**From:** Ron Pomeroy [mailto:[ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)]  
**Sent:** Tuesday, July 23, 2019 2:11 PM  
**To:** Jamie Fleckenstein <[Jamie.Fleckenstein@mcminnvilleoregon.gov](mailto:Jamie.Fleckenstein@mcminnvilleoregon.gov)>  
**Cc:** Wendie Kellington <[wk@klgpc.com](mailto:wk@klgpc.com)>; Lori Zumwalt <[loriz.premier@gmail.com](mailto:loriz.premier@gmail.com)>; Josh Wells <[jwells@westech-eng.com](mailto:jwells@westech-eng.com)>; Steve Ward <[sward@westech-eng.com](mailto:sward@westech-eng.com)>  
**Subject:** Oak Ridge Meadows

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Hi Jamie,

Please include the attached memo in the record of the Premier Properties Oak Ridge Meadows matters. Thank you. Ron Pomeroy

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