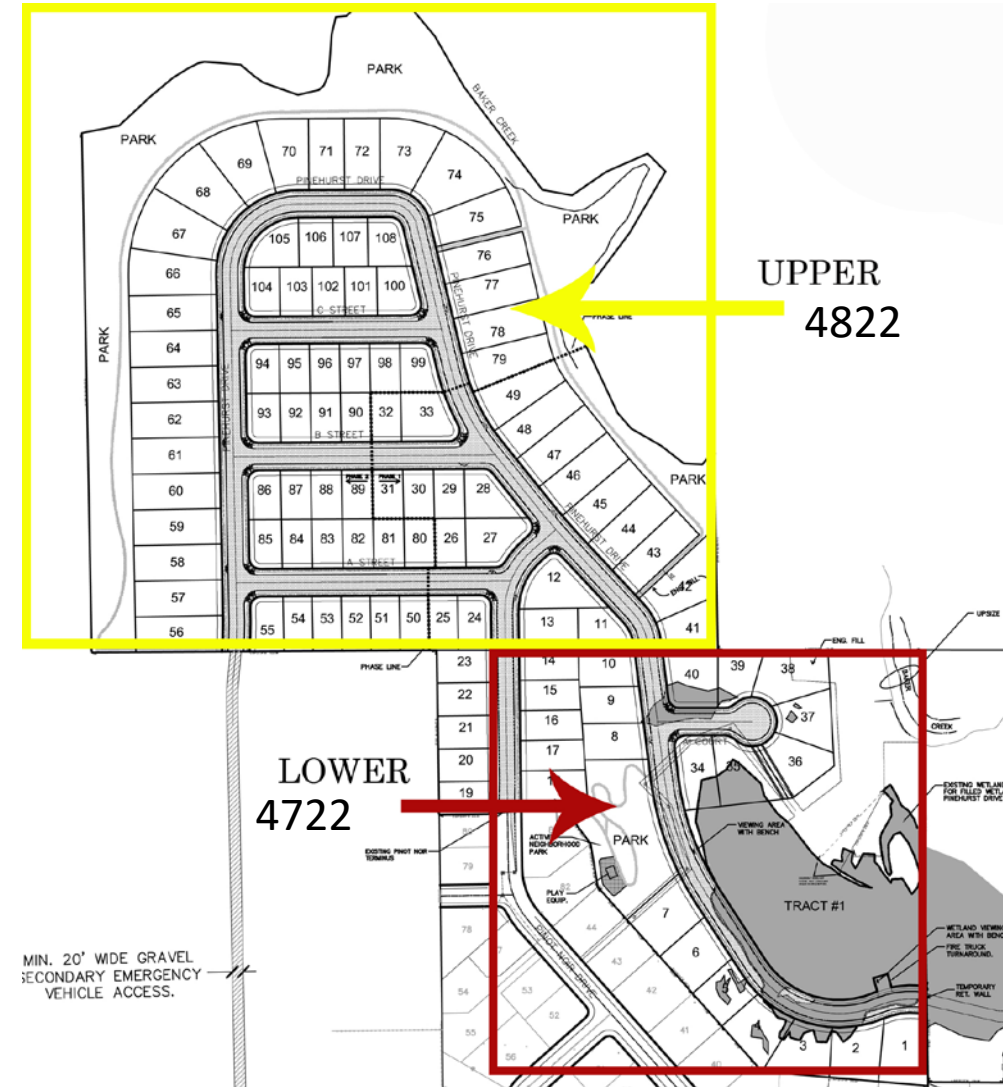


# EASE OF CLARIFICATION

In order to more easily identify the two separate plats, rather than stumbling over numbers which takes more time, we'd like to refer to each separate piece as “upper” indicating 4822, (Oak Ridge Meadows) and “lower” indicating the 11.47 acre parcel currently attached to the Oak Ridge Planned Development (4722).





# Friends of Baker Creek

Neighbors coming together to protect the integrity of the Baker Creek wetlands and flood plains.



***PBS was established in 1982 as a Portland-based professional services firm dedicated to assisting the public and private sectors with health & safety and environmental issues. Since that time, our firm has grown to nine locations across the Pacific Northwest***

Baker Creek Hydrologic Analysis  
McMinnville, OR  
PBS Project 71440.000

Hydrology summary letter from Justin Maynard Civil/Water Resources Engineer

***PBS Engineering and Environmental, Inc (PBS) was again ranked among the [Top 500 Design Firms](#) by Engineering News Record for 2019.***









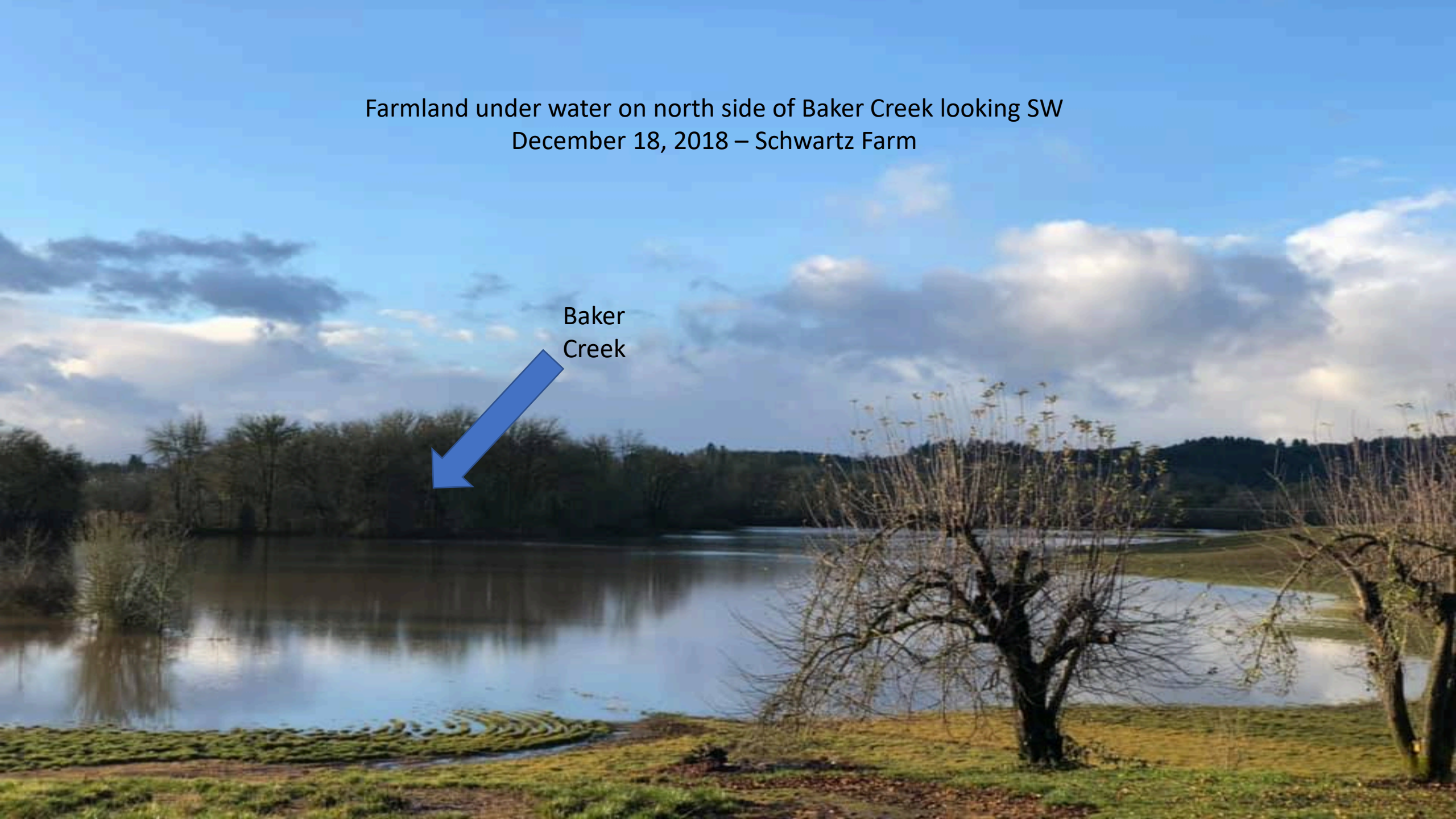






Farmland under water on north side of Baker Creek looking SW  
December 18, 2018 – Schwartz Farm

Baker  
Creek







Bateman Seidel

Bateman Seidel Miner Blomgren Chellis & Gram, P.C.

Bill Kabeiseman





SANDI COLVIN  
Rebuttal

# LOWER PINEHURST DRIVE CONNECTION

- According to the County Planning Department, the road will **not** connect through the private land owned by Les Toth if he says it won't.
- According to the City Planning Department Staff, the connecting road through Les Toth's private property is not, and *never has been part of this development proposal*.
- Giving any weight to something that is not part of this proposal, and will likely never happen, we feel should not dismiss our qualifying objections to the road through the wetlands in the lower 11.47 acres.
- Les Toth has a letter stating that he will not allow this road to go through.



# Delineation Report

- According to a staff memorandum dated April 18<sup>th</sup>, there are currently 3 acres of wetlands.
- However, according to the Wet Land Use Notice Response, the Department of State Lands notes that the delineation report studies **only a portion** of the area proposed for development. Will that number change?
- In further conversation with Mike DeBlasi of the DSL, this delineation report has **not** yet been concurred with as of today, May 16, 2019.

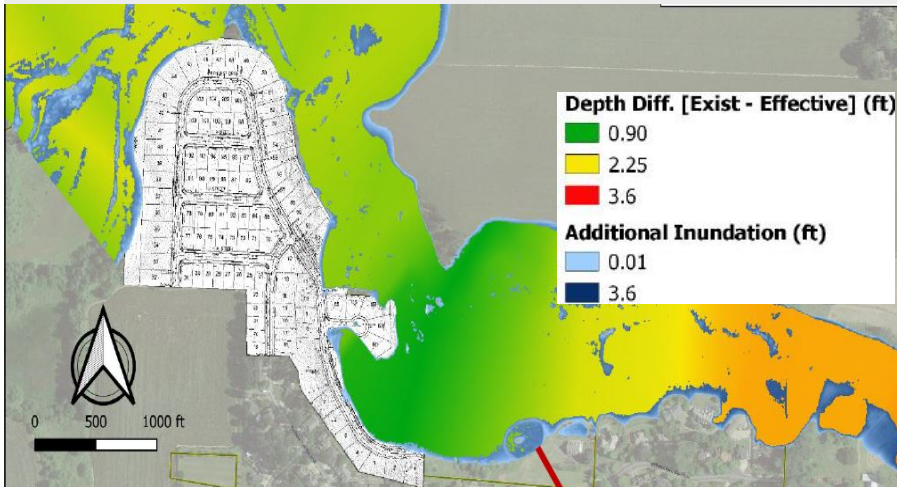
# FLOODING

- While we're aware that the Planning Commission can't deny the applications based on flooding, we believe they should be fully aware of current conditions:
- 1996 took more than 10" of rain to flood the 11.47 acres (the basin)
- 2015 took 3.52" of rain
- 2018 took 1.82" of rain
- 2019 took 2.02" of rain
- Notice a trend here?

Source: US Department of Commerce  
National Oceanic & Atmospheric Administration  
National Environmental Satellite, Data &  
Information Service  
Station: McMinnville Municipal Airport

# FLOODING (cont.)

2" rainfall  
current flooding



- The 2010 FEMA map is, in truth, a 1983 FEMA map. 36 years old. The data used in 2010 to “update” the map was simply the 1983 available data combined with satellite topography and rainfall averages. 2010 is a misleading date. The developers are relying on a 36 year old FEMA map.
- Our Hydrologist’s report summary shows that parts of the basin are now in the flood plain. His summary letter uses words like “risk to life and property”.
- Staff report states that the area where the houses will go in the basin aren’t flooding.
- Let’s add the word, **currently**.
- Add a rainfall amount of 3” or 6” or heaven forbid, 10+” like in 1996. Where is the foresight? Who will be responsible when (not if) the flooding comes?
- There’s a lot more information in that report. The report should be taken in it’s entirety, not a small piece that supports the desired outcome.
- Testimony from Mr. Pomeroy yesterday states that should the PC deny this on the basis of new flooding evidence, the city might have to put a moratorium on all building until the flooding issues are fixed. And that’s a bad thing? When lives, property, and the city are at risk, I think fixing the problem would be worth the wait.



# SUMMARY

- The Friends of Baker Creek would respectfully ask that the lower plat (4722) not be joined with the upper proposed development. We ask that it stand on its own merits, requiring all of the rules and regulations to apply.
- We believe that allowing those 11.47 acres to hitch a ride on the upper parcel that does meet with the standards in place, is a disservice to all four neighborhoods, the wetlands, the farm fields on the north side of the property, and the City of McMinnville.
- If those 11.47 acres are left to stand on their own, we also request that before even one shovel of dirt is dropped in the basin, that an environmental impact study be required first.

# ALTERNATIVES

There are agencies actively seeking the purchase of wetlands should Premier wish to get out from under this (in our opinion) unbuildable 11.47 acres. They include:

- The Nature Conservancy
- Contact any Land Trust
- The Grand Rhode Tribe
- Oregon Watershed Enhancement Board (OWEB) has an acquisitions program
- Willamette Wildlife Mitigation Program (Bonneville Power Administration mitigation program)

# Mike Roberts Access

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## Concerns if Oak Ridge and Pinot Noir Drives are the only access to new development

Oak Ridge Drive and Pinot Noir Drive traffic will be seriously affected by **parking that is allowed** on the streets.

Two vehicles cannot pass each other if cars are parked on both sides of the street. **Large construction vehicles** and moving vans may not be able to fit between parked cars. **Photo NOT from narrow part of Pinot Noir Drive.**



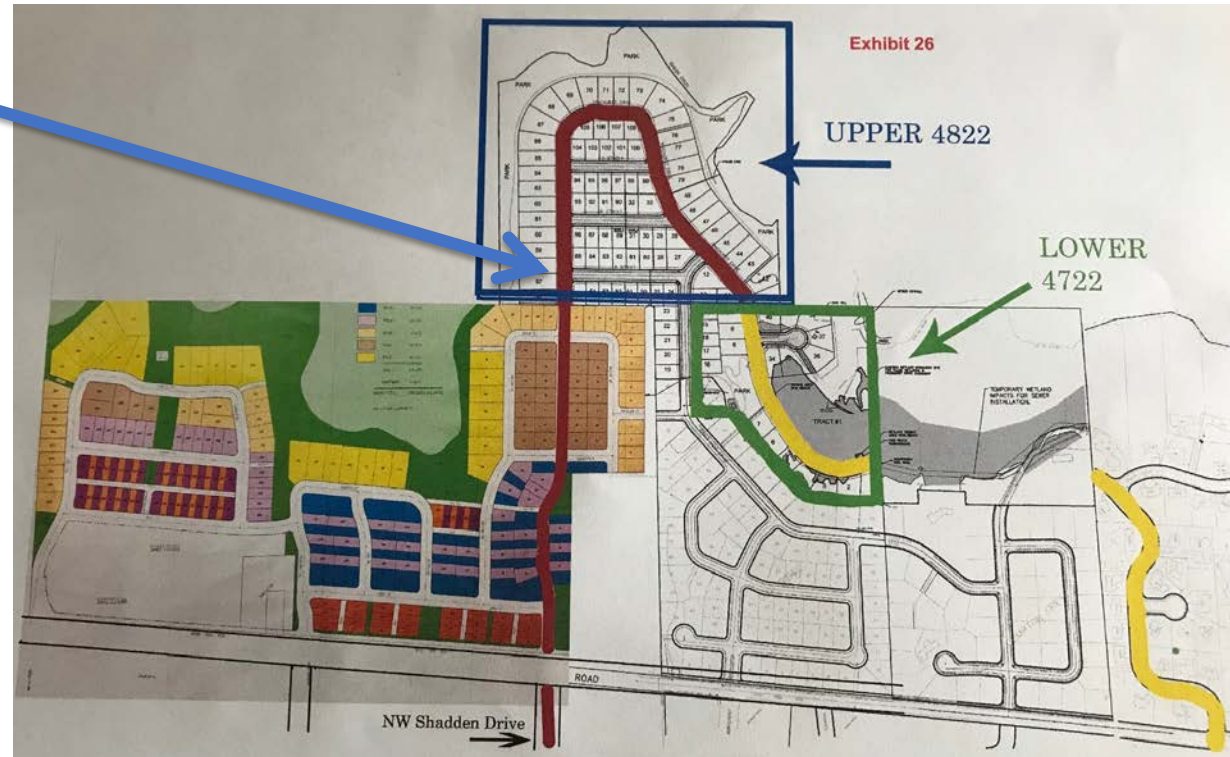
These backups will **affect emergency vehicles**, people who are moving in to the **new homes** in Premier's Meadows development, and those already living along these access streets.



## Concerns if Oak Ridge and Pinot Noir Drives are the only access to new development

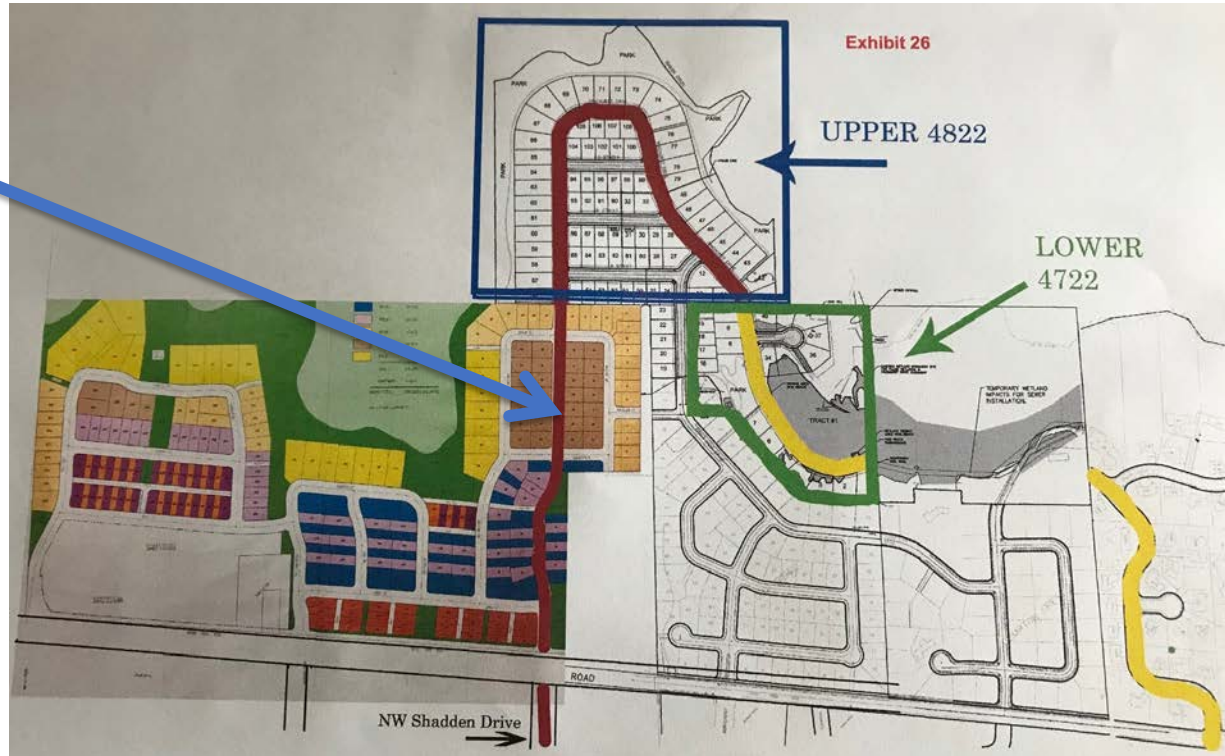
A secondary access to this new development (continuation of Shadden Drive north of Baker Creek Road) is planned for a future time.

Developer states, however, that this road will be gravel and will be locked. It will thus not be possible to be used for homeowner traffic or construction vehicles, nor will it be "safe and rapid access" for emergency vehicles.



# Suggestions

Make permit **contingent** on the prior construction of a permanent public street from Baker Creek Road on the Shadden Drive continuation into the Meadows development for construction equipment and subcontractor access. This will **allow more direct access to Meadows construction sites** and keep these vehicles off residential streets.



The city plans to install center turn lanes on Baker Creek Road to allow easier access during rush hour. We request the city **move up the timeline for revision** of Baker Creek road to before construction on Meadows homes begins. This will ease traffic during the transition.





Mike Colvin  
Comprehensive Codes as  
they relate to each  
individual parcel.



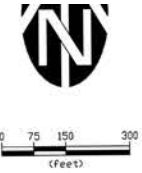


Exhibit 26



UPPER 4822

LOWER 4722

Toth Property



NW Shadden Drive



TEMPORARY WETLAND IMPACTS FOR SEWER INSTALLATION.

WETLAND VEGETATION WITHIN THE 100' BUFFER ZONE OF THE PROPOSED SEWER ALIGNMENT.

TEMPORARY E.T. WALL.





Catherine Olsen  
Wetlands as a Nature Preserve



A photograph of a sunset over a forest. The sky is filled with soft, horizontal bands of color, transitioning from a pale yellow and white near the horizon to deep oranges, pinks, and purples. In the foreground, the dark silhouettes of trees are visible against the bright sky. A prominent, large tree with a complex, spreading canopy is on the right side. The overall mood is serene and peaceful.

Worth Protecting

GOAL VII 3: TO  
PROVIDE PARKS  
AND RECREATION  
FACILITIES, OPEN  
SPACES, AND  
SCENIC AREAS FOR  
THE USE AND  
ENJOYMENT OF  
ALL CITIZENS OF  
THE COMMUNITY.

160.00 The City of McMinnville shall encourage the improvement of existing parks and recreation facilities as a priority consideration.

161.00 The City of McMinnville shall encourage cooperation between public and private recreation agencies and groups to provide a full complement of recreational and leisure time activities, to share existing facilities, and to discourage duplication of expenditures and programs.

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

164.00 The City of McMinnville shall continue to acquire floodplain lands through the provisions of Chapter 17.53 (Land Division Standards) of the zoning ordinance and other available means, for future use as natural areas, open spaces, and/or parks.

166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.





# Residential Design Policies

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- 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible

# Parks & Rec

- 29.00 The City of McMinnville should continue to monitor the location and size of lands acquired through the parkland (subdivision) ordinance. Methods of developing and maintaining the smaller parks in a manner less expensive to the City should be encouraged and explored



# STORM DRAINAGE

- 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
- 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.
- Municipal Codes:
- **17.48.005 Purpose.** The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).



Plans for a housing development will significantly impact the health of the wetlands.  
Preserve this jewel as a natural legacy for future generations.





# Scott Wellman Wetlands Habitat







































































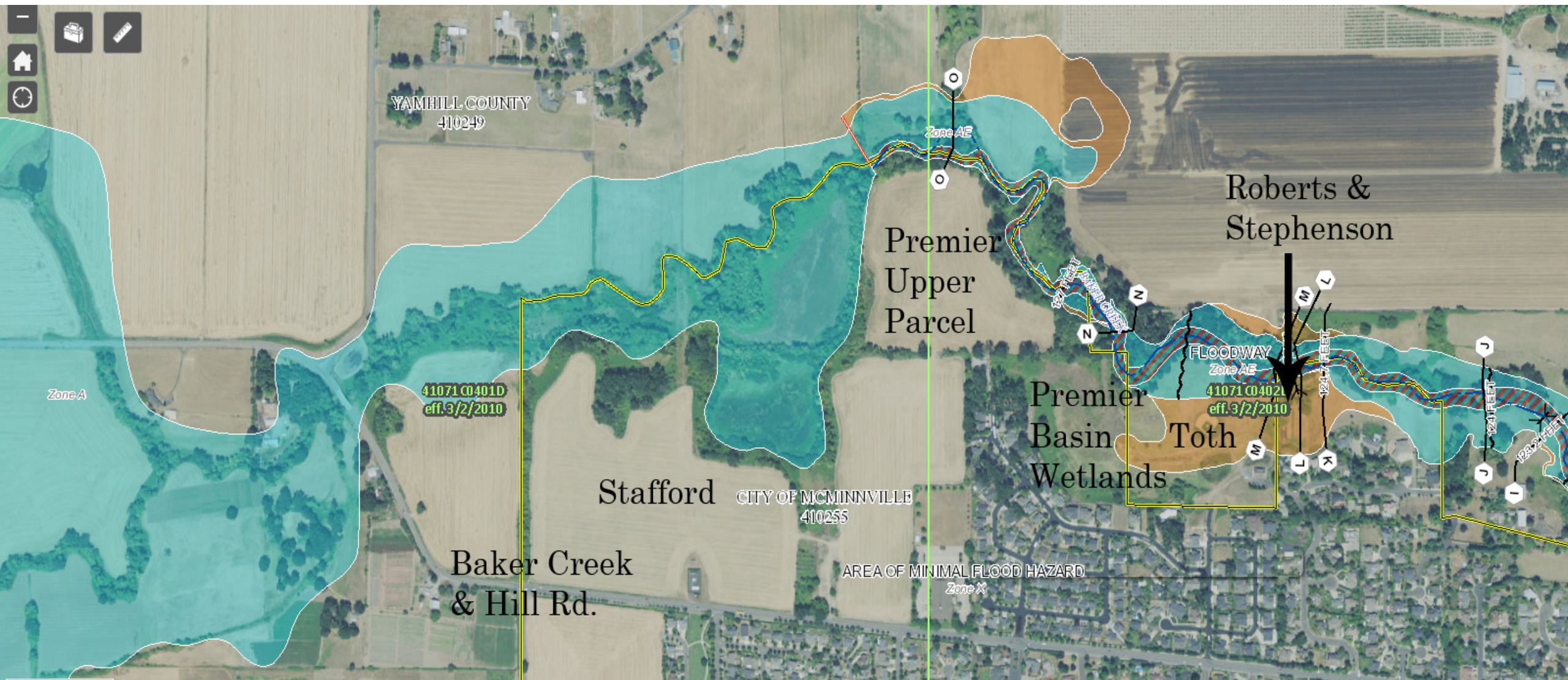
# Cathy Goeckler Summary





























1. Approve development of the 24 acres with Shadden being the primary access for all construction. Great Neighborhoods don't have 1000-1200 trucks and vehicles shatter a quiet residential street year after year after year after year, after year. I could do that 19 times, but you get the point.





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2. Deny request to amend Ordinance 4722 by moving it from the Oak Ridge Development





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3. Leave the 11.47 acres under the HOA of Oak Ridge





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2. Deny request to amend Ordinance 4722 by moving it from the Oak Ridge Development
3. Leave the 11.47 acres under the HOA of Oak Ridge
4. Save that lone oak tree.







# Friends of Baker Creek

Neighbors coming together to protect the integrity of the Baker Creek wetlands and flood plains.