

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

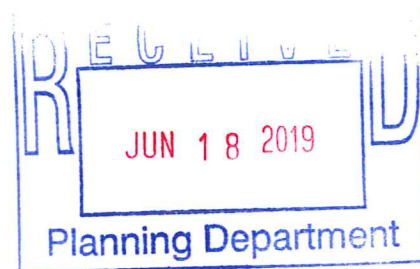
your concerns. As promised, the City Attorney and I did discuss your request to add the information you left with me to the record for the City Council to consider. Because the Planning Commission closed the record, as it stands right now, I am not able to share the items you provided with the Council. 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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JEFF TOWERY MEETING



Our group is not trying to block progress! And our claims are not false.

But approving a building project in a floodplain area is the opposite of what the comprehensive plan attempts to stop. And is clearly NOT progress.

I have included 8 pictures that we feel show that the Oak Ridge Meadows application really doesn't "technically" meet Comprehensive code requirements as the planning department strongly claims they do. But that Commissioners were basically bullied into supporting the application based on BS/unproven claim by both the applicant's attorney – and the city's own planning director that the actual facts we were presenting – were false and misleading. We truly want the city to look at all of the facts. And then make the best – and the safest decision.

1. EXHIBIT 1 -- FEMA map the applicant uses of the 11.47 acres that Premier is proposing to develop outlined in red and Toth's property in green. – both properties were buildable in 1983.
 - A. It is a 2010 picture/ – BUT, since the city's FEMA contact at that time (Ron Pomeroy) did not send FEMA 27 years of updated hydrology information (1983-2010) –
 - B. Since there were 8-9 developments built along Baker Creek road in that period – that directed All of their storm drainage to the Baker Creek Basin – it is obvious that the 100 and 500 year floodplains shown on the current FEMA map are totally incorrect.

2. EXHIBIT 2 -- 2nd FEMA map that also shows the quadrant 2-3 miles west of the lower 4722 property we are attempting to get removed from the Oak Ridge Meadows proposal.
 - A. Still 1983 hydrology info on a 2010 map – BUT it shows that the Baker Creek drainage covers a much larger area than the developer wanted Commissioners to realize.
 - B. Baker Creek drainage at bottom left. – And Berry Creek drainage at upper left.
 - C. Note that about ¼ mile east of where the two drainages combine – the Baker Creek bridge was in the 100 year floodplain even in 1983.

3. EXHIBIT 3 -- TIMELINE – OF DATES – AND MAJOR FLOODING EVENTS ON PREMIER'S AND TOTH'S PROPERTY.
 - A. This timeline chart shows that there were no major floods between 1996 and 2015.
 - B. BUT by 2015 – there had been enough development along Baker Creek Road – with so much additional storm drainage directed to the Baker Creek basin – that it only took 3.5 inches of rain to create the same approximate flooding as 12-14 inches did in 1996.

4. EXHIBIT 4 --- 2015 FLOOD PICTURES – LOOKING EAST FROM BROTT'S DECK - 12/8/15
 - A. Picture from Norma Brott's deck looking east – with Les Toth's barn at far right. And fence is on the property line.
 - A1. If you look at FEMA map – all the property east of fence is 500 year floodplain under 1s under 2-4 feet of water.

- A2. At least 3.5 acres of the land on the 4722 property west of the fence classified “wetlands” – is flooded to the same depth as the 500 year floodplain property.
 - A3. The water to the furthest right and east of fence (in front of Toth’s barn) is in the route Of the proposed extension to Pinehurst. – it will be illegal to build on as soon as FEMA Map is updated --- So the several times that the Planning Directors forcefully promised The Commissioners that Pinehurst will eventually be connected WERE MISLEADING, IMPROPER, AND FALSE.
 - A4. An updated FEMA map will also classify some of the 4722 property proposed for Fill, a road, and houses is most likely 100 year floodplain too.
- B. EXHIBIT 5 -- Picture 2 --- LOOKING – NORTH FROM BROTT’S DECK – 12/8/15
- B1. The fence to the right shows how much of the 11.47 acres west of the fence floods Yearly now.
 - B2. The ground under the red X was 3-4 feet lower in a 2004 google map. So, has been Filled with a lot of non-permitted fill.
 - B3. Again, if the city will update its FEMA map in the next 5-6 months – much of the property that Premier wants to fill and build a road/houses on will be reclassified as floodplain or 100 year floodplain – which would be illegal if not for the goal post rule.
 - B4. ALSO, the goal post rule doesn’t count towards mitigation does it? This picture Clearly shows that the applications claims of only 3 acres of wetlands are Another “technical” misrepresentation involving delineation? From my untrained Eye, it looks like at least 85% of this 11.47 acres is either floodplain, 100 year floodplain, 500 year floodplain, or wetlands. And the application uses the 1983 map to claim NO floodplain. And totally misrepresents the amount of actual wetlands area – to lower the cost of mitigation by several acres.
- C. EXHIBIT 6 - 2018 FLOOD PICTURE FROM COLVIN’S DECK (one house east of Brott’s)- 12/8/18 after approximately 2 inches of rain. – So flooding similar to 2015 --- WITH 1.0 – 1.5 FEWER INCHES OF RAIN! -- obviously the increased flooding is tied to the increased amount of storm drainage from new infrastructure projects.
- C1. Again, all the 500 yr floodplain property east of the fence is flooded several feet deep.
 - C2. And much of the “wetland” property west of the fence is flooded. – This is 2nd time This “wetland” area flooded 2-4 feet deep in two years – obviously floodplain now.
 - C3. The little channel of water an inch in from the bottom right corner is in the fill/road Area. This area would certainly be classified as floodplain or 100 yr floodplain in An updated FEMA study – and illegal to build on “if” FEMA current.
- D. EXHIBIT 7 – 12/8/18 PICTURE FROM TIM ROBERTS HOUSE IN LOWER CRESTBROOK.
- D1. The gate in picture is Tim’s flood gauge. – And 2 inches of rain from 5am on 17th To 5am on the 18th - created the highest flood water on Tim’s gate post in 25 years.
 - D1. To us – this proves how much more storm drainage was added to the Baker Creek basin

Between 2015 and 2018.

D2. About all of the 500 year floodplain is flooded.

E. EXHIBIT 8 – 12/08/15 PICTURE FROM ROB STEPHENSON’S PROPERTY. – looking northwest at property that 1980’s urban growth boundary report listed as “BUILDABLE LAND INVENTORY INSIDE THE URBAN GROWTH BOUNDARY” – this property and the 7-8 acres west of it are obviously “why” McMinnville’s planning director has tried so forcefully to gain access to the Baker Creek Basin.

E1. – 3.5 inches of rain flooded all of that property 3-4 feet deep in 2015

E2. – With storm drainage still being added to the basin --- how much higher would
The water be from 3.5 inches of rain today?

CONCLUSION ON FLOODING - There has been so much storm runoff aimed at Baker Creek over the last 36 years that it now requires a very low amount of rainfall to threaten flooding in Crestbrook. It is time for the city to follow policy #143 – and not allow the filling and diking of a portion of the basin that is needed for overflow. Filling and diking will just increase the risk of flooding Crestbrook – and make the city a much easier target for the lawsuits that will certainly follow.

PLEASE ORDER A HYDROLOGY STUDY AND FEMA UPDATE TOMORROW. The benefits to the city are:

- 1) It will move the goal posts forward 36 years, so future development applications will be easier to rule on.
- 2) It will legally remove Pinehurst street as a possible access street – forever.
- 3) The floodplain property will be accurately classified – WHICH IS THE SAFE WAY TO ELIMINATE THE ACRES LISTED AS “BUILDABLE INVENTORY” FORTY YEARS AGO – FROM THE URBAN GROWTH CALCULATION WITHIN A YEAR.
- 4) It will save the city from unnecessarily trashing any more neighborhoods.



Change a Flood Zone Designation - Online Letter of Map Change

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Letter of Map Change ([letter-map-changes](#))

Letter of Map Amendment Information ([letter-map-amendment-letter-map-revision-based-fill-process](#))

Flood Map Revision Processes ([flood-map-revision-processes](#))

Tips To Minimize Delays to Your Application Process ([tips-minimize-delays-your-application-process](#))

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Guidelines and Standards for Flood Risk Analysis and Mapping ([guidelines-and-](#)

The following information describes FEMA's Online LOMC web application, which allows anyone to submit a Letter of Map Change (LOMC) request online. This page is intended for homeowners and other interested parties that wish to submit a LOMC application online instead of the paper form method.

Letter of Map Revision



(<https://hazards.fema.gov/femaportal/onlinelomc/signin>)

Access the Online LOMC application (<https://hazards.fema.gov/femaportal/onlinelomc/signin>) to start a new application or check the status of your submitted application. If you do not wish to submit your request online, you may submit through FEMA's other processes: eLOMA (https://hazards.fema.gov/femaportal/wps/portal/lut/p/a1/hY4_D4lwFMO_CONX-gBBdAMG_AOjiYPYxZRQCgZaUiqfX9AwkEi87V1-d-8wwwRkmgg41p7qWgjbTTbwh-Hbqbs_XOIT4kKRn62jBVyNwn4AVBfAvf8NkgUQ-RHYMoeVMHTOw_uKECW9k_pl7D0Tu-BwTxUqmmDjfarQrrbt-jwARk2ptlqyljpcDAiFI_h5C7nl27Q1AoWupfj7XsR3-RxV2bwdNthiQwjDfj8_AY/dl5/d5/LOIDU0IKSWdrbUNTUS9JUFJBOUlpQ2dBek15cXpHWUEHIS80SkNoRG9NZH-PC_Z7_082M67PSGBOGHLMKVI4000000000000_ContentData=%2Fresources%2Fwhatiseloma.htm#Z7_08) through the MT-EZ ([national-flood-insurance-program-flood-hazard-mapping/mt-ez-form-instructions](#)), MT-1 ([national-flood-insurance-program-flood-hazard-mapping/mt-1-application-forms-instructions](#)) or MT-2 ([national-flood-insurance-program-flood-hazard-mapping/mt-2-application-forms-and-instructions](#)), paper forms submitted through the mail.

Collapse All Sections

How To Request A Change To Your Flood Zone Designation

If you believe your property was incorrectly included in a [National Flood Insurance Program \(NFIP\)](#) ([national-flood-insurance-program](#)) identified Special Flood Hazard Area (SFHA), you may submit an application to FEMA for a formal determination of the property's location and/or elevation relative to the SFHA. The SFHA is the area that has a 1-percent or greater chance of flooding in any given year; this area is also referred to by some as the 1-percent-annual-chance floodplain, base floodplain or the 100-year floodplain. After FEMA reviews the map change request, it will issue a Determination Document, either approving or denying the map change. If FEMA grants the map amendment or revision request, the property owner may no longer be required to pay flood insurance. The property owner may send the Determination Document to their lender and request that the federal flood insurance requirement for the structure be removed.

What Is The Online LOMC Application?

Online LOMC is an internet-based tool that allows applicants to easily request an Amendment or Revision to a flood map. It is a convenient way for applicants to upload all information and supporting documentation and check the status of their application online. Users can submit LOMC requests and pay any associated fees, through this tool instead of filing the [MT-EZ](#) ([national-flood-insurance-program-flood-hazard-mapping/mt-ez-form-instructions](#)), [MT-1](#)

- standards-flood-risk-analysis-and-mapping)
- What's New (Whats-new-flood-hazard-mapping)
- Software (/software)
- Tutorials and Training (/online-tutorials)
- Technical Mapping Advisory Council (/technical-mapping-advisory-council)
- Living with Levees (/living-levees-its-shared-responsibility)
- Numerical Models Meeting the Minimum Requirements (/numerical-models-meeting-minimum-requirements-national-flood-insurance-program)
- User Groups (/user-groups)
- Coordinated Needs Management Strategy (/coordinated-needs-management-strategy)

(/national-flood-insurance-program-flood-hazard-mapping/mt-1-application-forms-instructions) or MT-2 (/national-flood-insurance-program-flood-hazard-mapping/mt-2-application-forms-and-instructions) paper forms submitted through the mail.

What Is The Difference Between ELOMA And Online-LOMC?

The eLOMA tool is a web-based application that provides licensed land surveyors and professional engineers (Licensed Professionals or LPs) and other FEMA approved Certified Professionals (CPs) with a system to submit LOMA requests that are not considered to be within a coastal zone (Zone V), an alluvial fan, or modified by fill to raise the elevation of the structure to FEMA. The eLOMA tool is designed specifically for registered LP and CP users to generate a determination from FEMA within minutes of submitting required information and data for the request. For more information on the eLOMA tool, [visit the eLOMA page](https://hazards.fema.gov/femaportal/wps/portal/%21ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gDCyNflPC_7_082M67P5C80C2G0BG64000000000000000000_ContentData=%2Fresources%2Fwhatiseloma.htm) (https://hazards.fema.gov/femaportal/wps/portal/%21ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gDCyNflPC_7_082M67P5C80C2G0BG64000000000000000000_ContentData=%2Fresources%2Fwhatiseloma.htm).

The Online LOMC tool is available to any applicant who would like to submit a LOMC request directly to FEMA and does not require a surveyor or engineer to submit. All types of LOMC requests may be processed through the Online LOMC tool and applicants may check the status of their application at any time. A determination resulting from information submitted via Online LOMC is not received until after FEMA reviews the supporting documentation and receives payment (if required). This process may take up to 60 days for amendment applications and up to 90 days for revision applications.

Benefits Of The Online LOMC Application

Applicants receive immediate benefits when applying through the online application versus applying by mail. These benefits include:

- Ability to save information and complete amendment or revision applications at the applicant's convenience
- Immediate receipt of a case number once the completed online application is submitted
- Real-time updates on the application status as well as an inventory of all in-progress and previous applications submitted online
- Convenient online payment of fees (if required)
- Frequent applicants can manage multiple LOMC requests online
- Clear and intuitive interface
- More efficient communications with LOMC processing staff

Who Can Submit An Online LOMC Application?

Community officials, property owners or lessees or designated authorized persons (e.g., agents, surveyors, engineers) can submit flood map change requests to FEMA.

Documents Required To Complete The Online LOMC Application

The Online LOMC application requires specific information regarding the property (parcels) of land or structure(s), including the location, legal description and use of fill. In accordance with NFIP regulations, FEMA uses the information required in the Online LOMC application process to make a determination on whether or not a property is located within a designated SFHA.

In certain instances, additional data may be required. A FEMA representative will notify the applicant of any additional requirements needed to complete the request.

Additional documents that may be required when requesting a LOMC:

- **Elevation Form or Existing Elevation Certificate*** - This document is located within the Online LOMC application
- **Subdivision Plat Map or Property Deed with Tax Assessor's Map or Other Suitable Map** - This document is located with the County/Parish Clerk, Recorder or Registrar of Deeds for the Community
- **Community Acknowledgement Form** - This document is located within the Online LOMC application
- **ESA Compliance Documentation**** - This documentation can be satisfied by contacting the National Marine Fishery Service, U.S. Fish and Wildlife Service, State Wildlife Agency Office or an independent biologist
- **Riverine Hydrology and Hydraulics Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).
- **Riverine Structures Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).
- **Overview and Concurrence Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).
- **Coastal Analysis Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).
- **Coastal Structures Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).
- **Alluvial Fan Flooding Form** - This document is located in the [FEMA Library \(/resource-document-library\)](#).

*** NOTE: If the request is to make a determination on the structure and an NFIP Elevation Certificate has already been completed for this property, it may be submitted in lieu of the Elevation Form. Check with your community to see if an Elevation Certificate is already on file for your property or structure.**

****NOTE: The purpose of the ESA is to conserve threatened and endangered species and the ecosystems upon which they depend. Go to the [Compliance with the Endangered Species Act for Letters of Map Change \(/national-flood-insurance-program-endangered-species-act\)](#) to receive more guidance on how to obtain this documentation.**

▼ Start The Online LOMC Application

Getting started is easy and simple. Visit the [Online LOMC application \(https://hazards.fema.gov/femaportal/onlinelomc/signin\)](#) and start the process today! To register, select "New User? Click here to Sign Up!"

Users of Internet Explorer 9 and 10 should take the following steps, so they may be able to access Online LOMC:

1. Open Internet Options under the Tools Menu
2. Click the Advanced tab
3. Scroll down to Security and confirm the following items are checked: "Use TLS 1.1" and "Use TLS 1.2"
4. Click OK to exit Internet Options

Valuable Online LOMC Resources:

- [Online LOMC Flyer](http://www.fema.gov/media-library/assets/documents/29954?id=6735) ([//www.fema.gov/media-library/assets/documents/29954?id=6735](http://www.fema.gov/media-library/assets/documents/29954?id=6735))
- [Online LOMC FAQ](http://www.fema.gov/media-library/assets/documents/29948?id=6734) ([//www.fema.gov/media-library/assets/documents/29948?id=6734](http://www.fema.gov/media-library/assets/documents/29948?id=6734))
- [Online LOMC Training Tutorial](http://online-lomc-training) ([/online-lomc-training](http://online-lomc-training))

To receive updates about the Online LOMC sign up for the [Flood Hazard Mapping mailing list](#) ([email](#)).

For questions about the Online LOMC, contact a FEMA Map Specialist by calling the FEMA Map Information eXchange (FMIX) at 1-877-FEMA-MAP (1-877-336-2627) or e-mailing FEMAMapSpecialist@riskmapcds.com (<mailto:FEMAMapSpecialist@riskmapcds.com>).

✓ How Do I Check The Status Of My Application?

If you submitted a LOMC application through Online LOMC, you may check the status of your application by logging into your [Online LOMC account](#) (<https://hazards.fema.gov/femaportal/oninelomc/signin>). The application status is listed on the homepage after you log in. For more information, view the application [status definitions](#) (</status-map-change-requests/status-map-change-requests/status-map-change-requests>).

If you submitted a request for a LOMC through the mail using the paper MT-1, MT-2, MT-EZ forms or used the eLOMA application process, visit the [Status of Map Change Requests](#) (</status-map-change-requests/status-map-change-requests/status-map-change-requests>) webpage for more information.

Last Updated: 11/30/2018 - 09:47

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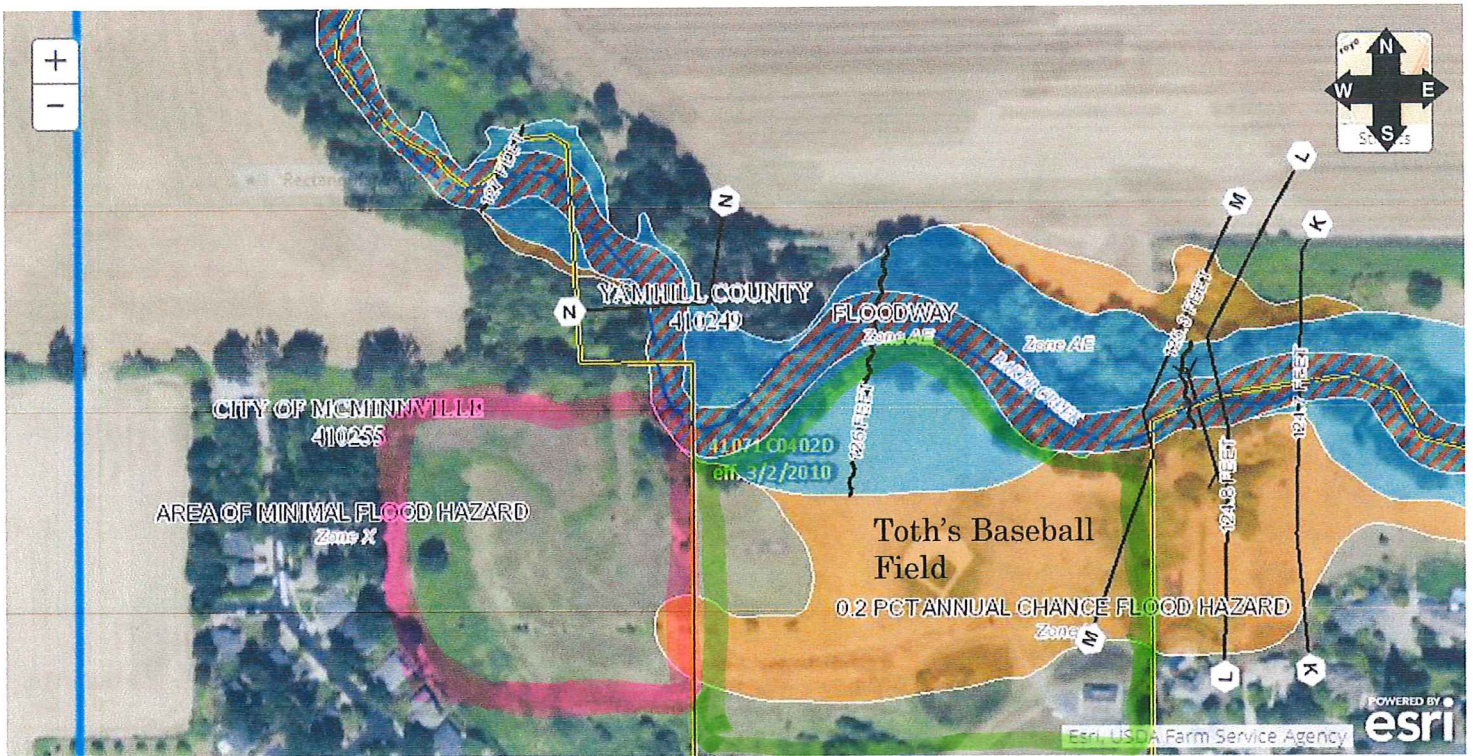
[Home](#) ([/](#)) [About Us](#) (</about-agency>) [Download Plug-ins](#) (</download-plug-ins>) [Doing Business with FEMA](#) (</industry-liaison-program>) [Privacy Policy](#) (</privacy-policy>) [Accessibility](#) (</accessibility>) [FOIA](#) (</foia>) [No Fear Act Data](#) (</no-fear-act-data>) [Office of the Inspector General](#) ([//www.oig.dhs.gov/](http://www.oig.dhs.gov/)) [Strategic Plan](#) (</strategic-plan>) [Whitehouse.gov](#) ([//www.whitehouse.gov/](http://www.whitehouse.gov/)) [DHS.gov](#) ([//www.dhs.gov/](http://www.dhs.gov/)) [Ready.gov](#) ([//www.ready.gov/](http://www.ready.gov/)) [USA.gov](#) ([//www.usa.gov/](http://www.usa.gov/)) [DisasterAssistance.gov](#) (<https://www.disasterassistance.gov/>)



(<https://www.oig.dhs.gov/hotline>)

 Official website of the Department of Homeland Security

Exhibit #1

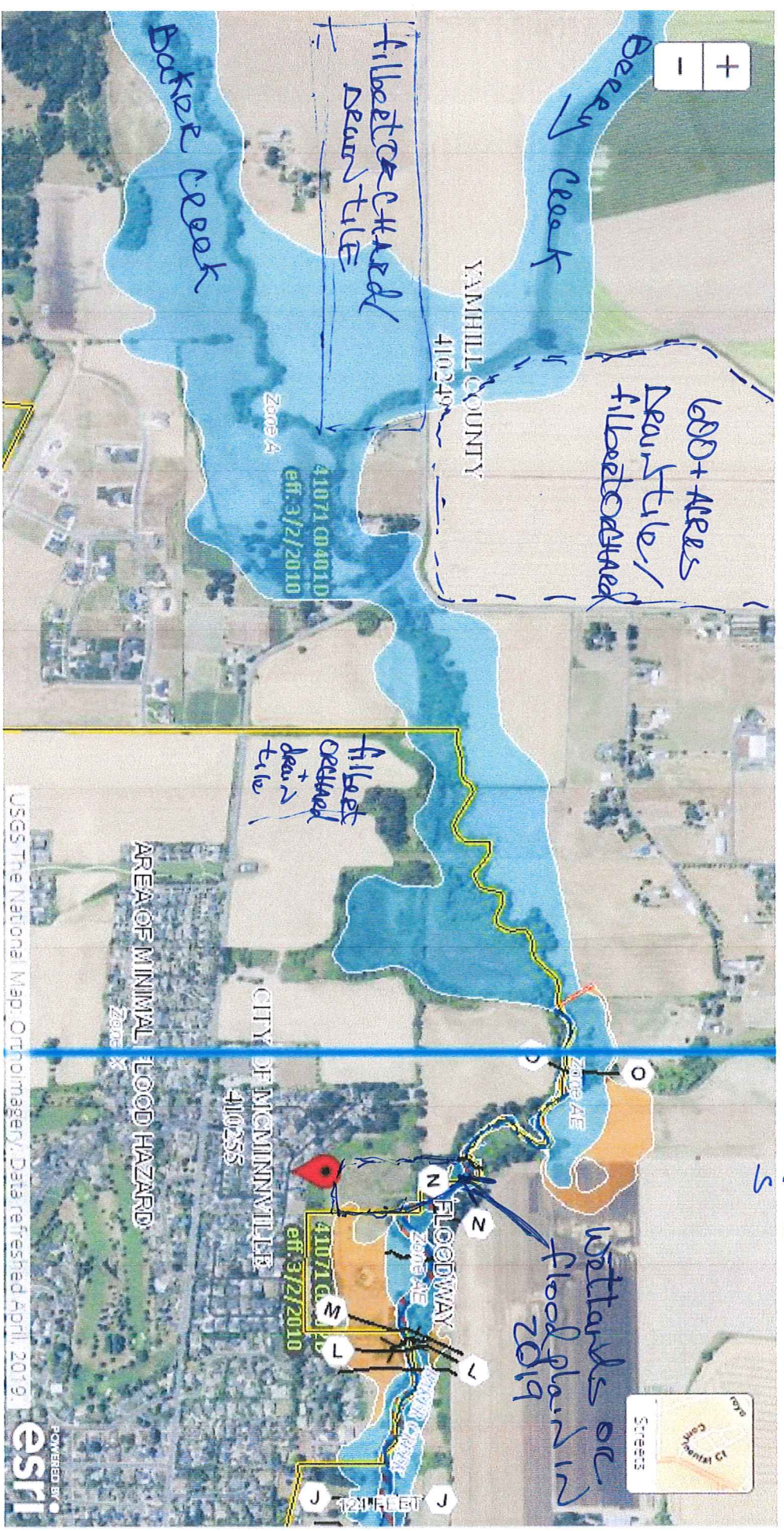


* 1983/2010 FEMA Map shows the brown area surrounding Totth's baseball diamond has only a .2% chance of flooding

*AND the "wetland" field west of the 500 year flood plain has a zero percent chance of flooding

* This view from several thousand feet in the air - and 36 years into the past, looks very non-threatening

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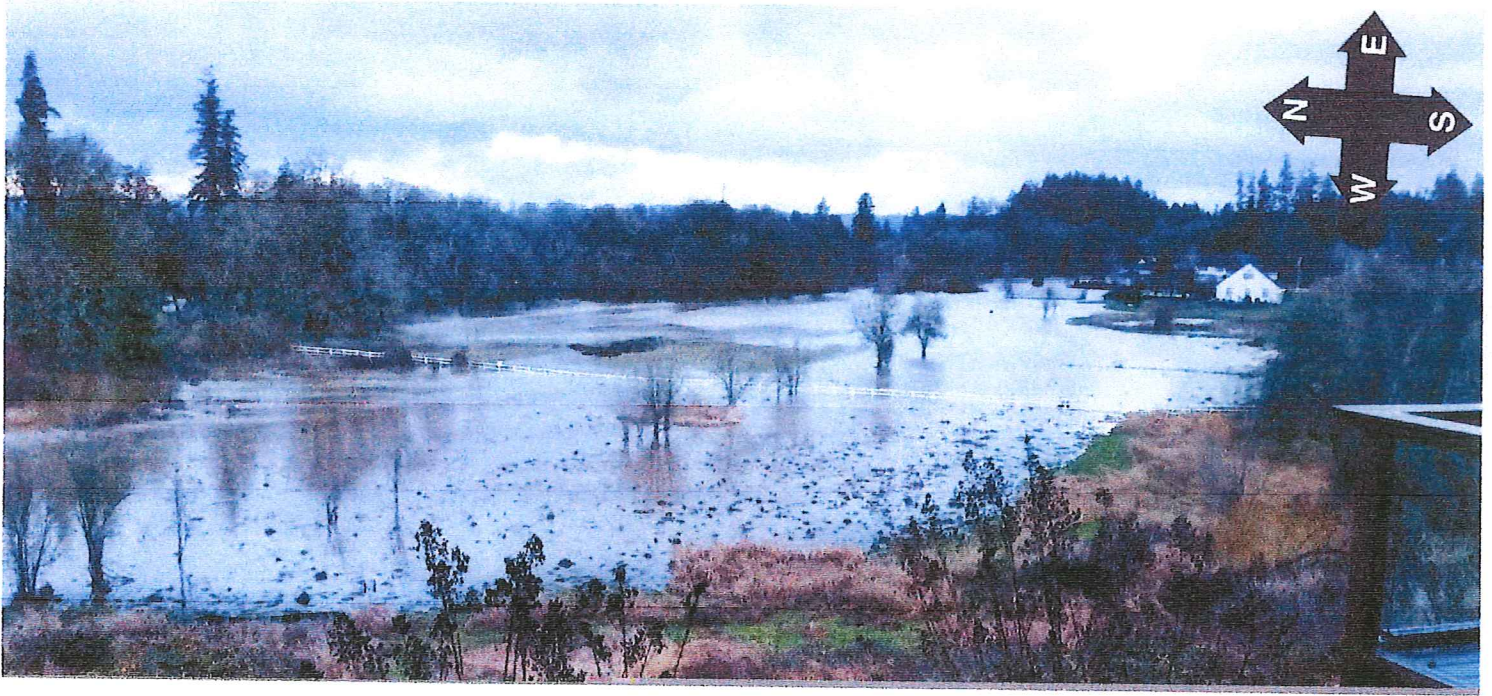


- This FEMA MAP ALSO SHOWS 1983 INFORMATION
- But from 2-3 miles west - which shows a lot more water comes down out of the least Rowse
- That Beer Creek drainage also adds to the Baker Creek flow
- And where approx 1200 acres of farm field drain tile has also increased the volume of drainage

Exhibit #3

| Year | Date of Flood | Amount of Precipitation | Time between Major Floods |
|------|---|-------------------------|---------------------------|
| 1996 | | 12"-14" | ? |
| 1997 | | | |
| 1998 | | | |
| 1999 | | | |
| 2000 | | | |
| 2001 | | | |
| 2002 | | | |
| 2003 | <p>NOTE: We Agree that the Risk of flooding was very low until 2015 - when enough Storm runoff had been directed to the basin in 19 years - That it only took 3.50 inches of rain to flood the basin Equal to what 12-14 inches did in 1996</p> | | |
| 2004 | | | |
| 2005 | | | |
| 2006 | | | |
| 2007 | | | |
| 2008 | | | |
| 2009 | | | |
| 2010 | | | |
| 2011 | | | |
| 2012 | | | |
| 2013 | | | |
| 2014 | | | |
| 2015 | Dec. 8, 2015 | 3.52" | 19 Years |
| 2016 | | | |
| 2017 | | | |
| 2018 | Dec. 18, 2018 | 2" | 3 Years |
| 2019 | Feb 12, 2019 | 2" | 2 Months |
| 2020 | ? | ? | ? |
| 2021 | | | |
| 2022 | | | |

Exhibit # 4



By 2015 there was enough additional storm drainage from road and new housing developments, that as little as 3.52 inches over a three day period was enough to flood:

- * All of the 500 year flood plain
- * Most of the basin and wetland areas
- * AND almost flooding the homes in Crestbrook

NOTE: East of fence = 500 year flood plain
West of fence = Wetlands and basin on 1983 and 2010
FEMA maps

note: Proposed Extension Road to Pinetrest is under 2-3 feet of water (Right side of Picture towards white GARAGE/BARN)



December 2015 Flood from Lot #41 EX: 26 Map

* This is another picture from Norma Brott's deck aimed more northward that shows just how much of the 1983 wetlands and basin floods regularly.

NOTE: The western tip of flood water is just under the proposed cul-de-sac in the Oak Ridge Meadows proposal.

ALSO: X = Shows an island of approximately one acre of fill five to six feet in depth that we couldn't find any permit for. It appears that applicant has already narrowed the drainage way at least once.



December 18, 2018 Flood picture from Colvin Deck
(Lot 40 Exhibit 26)

* After less than 2 inches of rain in 24 hours!

Our point is that our 1983 “wetland and basin” now floods almost annually. It does so with probably one quarter of the rainfall required to do the same thing in 1983!

NOTE: Additional storm drainage since 2015 likely comes from:

- West Wind development
- The rebuild of Hill Road
- Baker Creek East/West (Stafford)
- At least 1000 acres of new farm drain tile within 1-3 miles upstream of the basin and wetlands installed in the summer of 2018

Note: Just since 2017/2018 - at least 3-4 acres of 4722 property has flooded once or twice per winter. - so proposed fill house/road area is now likely in 100 yr floodplain - If City will order an updated FEMA Report



December 2018 flooding in Crestbrook

Tim Roberts gate where he stated that the water was the highest in 25 years after only 1.75 inches of rain in a 24 hour period.

There has obviously been much more storm drainage directed to the Baker Creek drainage since 2014/2015 period when the following projects were started:

- Hill Road Rebuild
- West Wind
- Baker Creek East/West - Stafford - 125 acres
- At least 1000 acres of drain tile installed in 2018 under newly planted filbert orchards within 1-3 miles of the basin and wetlands.



December 2015 flooding in Crest Brook.

- This picture from Rob Stephenson's property
- Toth's Sport Court is NW of Stephenson's
- Water is 2.5-3.0 ft high on side wall of shed
- The Area of the Sport Court and West - is the property that is listed as "buildable inventory" in McMinnville's Urban Growth Boundary.
- An updated FEMA "LOMR" study would take approximately 6 months - and would get the 10-15 acres currently listed as buildable - and Pinehurst Street removed from buildable inventory.