



City of McMinnville
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MEMORANDUM

DATE: April 17, 2019
TO: McMinnville Planning Commission
FROM: Heather Richards, Planning Director
SUBJECT: News Register Articles re: PDA 3-18, PDA 4-18 and S 3-18

The following two articles from the News Register are being submitted into the record for the land-use applications PDA 3-18, PDA 4-18 and S 3-18.

These may have been viewed by one or more planning commissioners and are being entered into the record to address any concerns that might arise regarding ex-parte contact.

- Viewpoints Editorial by Mike Colvin, April 12, 2019.
- "Neighbors Object to Part of Baker Creek Road Development", April 15, 2019.

Attachments:

Viewpoints Editorial by Mike Colvin, News Register, April 12, 2019

"Neighbors Object to Part of Baker Creek Road Development", News Register, April 15, 2019



Guest writer

Mike Colvin, whose McMinnville roots extend back generations, serves as vice-president of Friends of Baker Creek. The nonprofit was created to protect the wetlands and flood plains on the portion of Baker Creek bordered by the Crestbrook, Compton Crest and Oak Ridge neighborhoods, which are directly affected by plans for a large-scale subdivision development. Before retiring, he owned and operated Colvin Auto. He and his wife, Sandi, have two grown children, Erin & Christopher.

Development threatens Baker Creek wetlands

"We want to preserve this beautiful wetlands area for a future nature park and walkway."

Growth inevitably triggers impacts that ripple through the community. Executed unwisely, it can significantly reduce the quality of life in older, established neighborhoods and inflict damage on important community assets and resources. That's the concern Friends of Baker Creek has with the Oak Ridge Meadows application, which locally based Premier Home Builders has pending with the city of McMinnville.

The McMinnville Planning Commission has a hearing scheduled for Thursday night

on the Oak Ridge application, lending urgency to the issue.

Wilsonville-based Stafford Homes and Land has planned a major subdivision for adjacent land on the north side of Baker Creek Road. When fully built out, the two northside developments would feature more than 500 dwelling units.

That is similar to the number projected for full build-out of Stafford's Baker Creek East and West developments, currently underway on the south side of Baker Creek Road.

However, the northside properties border Baker Creek itself. Already, ripar-

ian zones have been damaged in clearing preparatory to development — something prohibited on the other side of the creek, which remains under county jurisdiction.

Much of Premier's property is part of Baker Creek's wetlands and floodplain area. The company proposes to fill much of the southeast section of that low lying acreage with five to eight feet of fill dirt, enabling it to build a road and squeeze in 12 to 15 more houses.

Our group has formed a committee to represent residents of the Crestbrook, Compton Crest and Oak Ridge

neighborhoods in dealing with the city planning department.

The Oak Ridge and Compton Crest neighborhoods lie adjacent to the wetlands Premier proposes to fill or dike. The lower-lying Crestbrook neighborhood abuts a downstream floodplain area which has flooded three times in just the past five years.

We support the larger, upper section of the proposed Oak Ridge Meadows subdivision, accommodating approximately 97 homes. However, we want to protect against future flooding by saving the wetlands area, rich in bird and wildlife habitat, for a future westside

nature park and foot path.

It seems obvious that diking or narrowing the upstream wetlands would create unacceptable risks of flooding in Crestbrook. There is no justification to infill precious wetlands just to include a few more houses.

Many goals and policies established in the McMinnville Comprehensive Plan address issues related to houses, parks and conservation in wetlands and floodplain areas. Part 17.48.005 sums up the situation most clearly:

"The purpose of a flood-

See **WETLANDS, B3**



Looking out over Baker Creek wetland where developer is proposing fill to create 12-15 additional homesites. Photo by Sandi Colvin

Wetlands

Continued from B1

plain 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.”

To be fair, the area in question is not officially listed as a floodplain by the Federal Emergency Management Area — not yet at least. However, since this wetland and the downstream 500-year floodplain both have flooded three times in the past five years, we are asking FEMA to review and reclassify the Baker Creek drainage as floodplain as well.

The action was first suggested in 2004, but never acted on. That’s why we find ourselves in this mess today.

Ironically, increased water flow contributing to the frequency and severity of the flooding originates in part from earlier road and home construction over the past 10 years. Another factor is drain tile installed in 2018 beneath more than 600 acres of hazelnut orchards just upstream.

In recent times, even limited rainfall has trig-

gered flooding. That makes it incumbent on the city to play an active role in investigating the overall water situation.

On appeal of a 2005 application, the city council granted approval of housing development on the affected acreage on 28 conditions. One was securing “all required state and federal permits,” including those governed by the Oregon Division of State Lands, Oregon Department of Environmental Quality and U.S. Army Corps of Engineers.

Premier has had 14 years to fulfill those requirements by securing the appropriate state and federal permits. To our knowledge, it has only submitted paperwork for a Division of State Lands permit for a sliver measuring 10 feet by 20 feet.

It now appears the developer is trying to keep the project moving on schedule with a much more expansive amended filing featuring 200 pages of narrative and exhibits.

Premier’s argument seems to be that city approval of such development back in 2005 sets a precedent requiring only rubber-stamping today. That ignores the fact that the permit requirements established then have not been met in the new application.

A plan amendment being sought by Premier fails to acknowledge the fact that the risk of flooding has increased greatly during the intervening 14 years. That wasn’t such an issue until westside development began routing storm drainage into Baker Creek while farm drain tiling added to the problem.

We have proposed modifications to Premier’s application designed to protect established neigh-

“When the city gets it wrong, the citizens end up paying for the mistakes.”

borhoods and enhance the community as a whole. The decision is up to city leaders, and we are hopeful they will agree after hearing all the evidence.

We urge other citizens interested in voicing their opinions to attend the Thursday planning commission hearing, set for 6:30 p.m. in the McMinnville Civic Hall, downtown at 200 N.E. Second St.

For more information, we invite people to visit a

website we created at www.friendsofbakercreek.com.

In addition to background information, it features pictures both of recent flooding and of the bird and wildlife habitat we are trying to save, along with its resident osprey population.

We are not trying to limit or alter Premier’s main development, which is proposed for higher ground.

Our aim is protecting Crestbrook from flooding caused by the filling of wetlands to accommodate a dead-end road and additional tract of housing. We want to preserve this beautiful wetlands area for a future nature park and walkway.

When the city gets it wrong, the citizens end up paying for the mistakes.



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By [Tom Henderson](#) • Staff Writer • April 15, 2019 

Neighbors object to part of Baker Creek Road development

Proposed subdivision along Baker Creek heads to planning commission

By TOM HENDERSON

Of the News-Register

Builders want to complete a long-planned development between Baker Creek Road and Baker Creek, but neighbors contest a road and some homes planned could damage nearby wetlands.

The two sides will clash during a public hearing before the McMinnville Planning Commission at 6:30 p.m. Thursday, April 18, in the city council chambers.

Planning Director Heather Richards and her staff have prepared just shy of 500 pages of documents for Thursday's meeting.

Objections to the development come largely from Friends of Baker Creek, a group mostly representing the nearby Crestbrook, Compton Crest and Oak Ridge neighborhoods.

Members object to plans by Premier Home Builders — outlined in what is called the Oak Ridge Meadows application — because they say a road and roughly a dozen of the proposed homes border the wetlands near their three neighborhoods.

Richards said the group is spreading misinformation.

“The wetlands that need to be mitigated only affects six homes,” she said.

Neighbors argue nearby land has already been damaged in clearing the area in advance of the development. The other side of the creek, under county rather than city jurisdiction, has been spared such damage, they claim.

The lots at issue are reportedly part of Baker Creek’s wetlands and floodplain area. Neighbors claim the area has flooded three times in the past five years — the possible result of surrounding development.

They particularly balk at reports that developers plan to fill portions of the southeast section of low-lying acreage with five to eight feet of dirt to build a road and accommodate more homes.

Richards doesn't dispute that point. "The road does require the wetlands to be mitigated," she said.

Neighbors say they support the proposed subdivision in general, provided the homes stay away from the wetlands.

The development has a long and complex history.

Planning commissioners approved the Oak Ridge Planned Development in February, 2000. A tentative subdivision plan included 107 residential lots with an average minimum lot size requirement of 7,000 square feet.

Envisioned as part of a three-phase project, the original subdivision plan was later amended to build the 107 lots in four phases.

The first three phases were completed with 82 total lots averaging 7,387 square feet. Commissioners approved the Oak Ridge Meadows Planned Development Overlay District for a fourth phase in April, 2005.

Then the recession hit in 2007. As a result, the fourth phase (with 25 lots) remained in limbo, and 11.5 acres were left unplatted and undeveloped.

Developers are now asking planning commissioners to remove the 11.5 acres of undeveloped land from the Oak Ridge Planned Development and place it in the 24-acre Oak Ridge Meadows Planning Development.

Commissioners' original 2000 and 2005 decisions remain intact, Richards said, so Premier Development executives could submit two subdivision plans and develop the properties accordingly.

However, she said, they decided to fold the remaining land into one master plan.

Their request to planning commissioners comes with a slew of amendments, including increasing the average lot size from 7,5000 square feet to 7,700 square feet and imposing a required 0.85 acres for a private neighborhood park.

Amendments also call for a minimum of 5.6 acres of public open space to be developed.

What matters most to members of Friends of Baker Creek is that commissioners' approval would lead to homes sited on Baker Creek's wetland, where they say flooding has increased in recent years.

"It is obvious that the increase is coming from additional storm drainage from road/housing projects between 2015 and 2019, and from the 600 acres of farm drain tile installed in 2018," said Mike Colvin, vice president of the nonprofit Friends of Baker Creek. "The Planning Commission should require a hydrology study and a new FEMA study before approving any filling/diking."

Amendments to the two planning developments will be recommendations to the city council. Planning

commissioners will have the final say about the subdivision approval, unless it is appealed to the council. Approval of the subdivision by the commission, however, would be contingent upon the council's approval of the development amendments.