

May 8, 2019

McMinnville Planning Department  
231 NE Fifth St., McMinnville OR 97128

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MAY 08 2019

Ref: Planning Commissions Meeting May 16, 2019  
Premier Development LLC - PDA 3-18, PDA 4-18, S 3-18

COMMUNITY DEVELOPMENT  
CENTER

We wish to address three topics concerning Premier Development's applications PDA 3-18, PD 4-18 and S 3-18.

1. Traffic and public safety: We ask the Commission to require the proposed Shadden Rd. be a primary access road to Baker Creek Rd. for construction and sub-contractor traffic and an eventual public street for The Oak Ridge Meadows homeowners.
2. A nature preserve and old oak tree preservation: We ask the Commission to consider preserving the 11.47 wetlands and drainage basin acreage as a nature preserve.
3. Oak Ridge CC&Rs: We ask the Commission to not remove the 11.47 acres from the current Oak Ridge HOA [PD 3-18]

We understand you are a quasi-judicial body that objectively determines facts and draws conclusions from them. We are not opposed to Premier Development's proposed development of 25 acres in the upland portion of their application. But we ask you to balance the rights of citizens impacted by this development and consider alternatives to Premier's application.

### **#1 Traffic and Public Safety**

**We ask the Commission to require the proposed Shadden Rd. be a primary access road to Baker Creek Rd. for construction and sub-contractor traffic and an eventual public street for The Oak Ridge Meadows homeowners.** It will alleviate the traffic pressure in two long established neighborhoods, provide a direct access for construction and sub-contractor traffic and a more direct access to Baker Creek Rd. for the eventual owners in The Meadows.

**Traffic:** The builder proposes 5+ years of construction before the development is built out.

- ≈ They do not offer a primary road for their construction equipment or sub-contractor traffic.
- ≈ The traffic impact to the long-time established neighborhoods of Oak Ridge and Compton Crest will be immediate.
- ≈ Premier has current easement access from the Stafford Group to cross their property; this is currently planned as a secondary gated road for Fire Department access. We are asking this road also be used for construction and sub-contractor traffic.
- ≈ There is an assumption that Stafford will have developed their property north of Baker Creek Rd. by the end of Premier's five year build out and then Shadden would be upgraded to a public street. There is no guarantee when that will be.
- ≈ Premier said the Shadden extension will eventually be an access road to The Meadows development once Stafford has completed their project. A downturn in the housing market could delay the opening of Shadden Road as a primary access to Baker Creek Rd. for an unknown number of years further burdening two existing neighborhoods with 1,200 cars per day.
- ≈ The Planning department assures us that technically this traffic volume meets the city's street requirements; we challenge their thinking and say this high volume traffic on secondary streets does not make them more livable or safe for the 135 homeowners already there.

**Public Safety:** Pinehurst St has no connectivity between the Crestbrook neighborhood and Premier's development yet a road in their development is called Pinehurst.

- ≈ The current application has Pinehurst Rd. going through the new development and connecting to the eventual Shadden Rd.
- ≈ Our police and fire departments will need to differentiate whether they respond to "Pinehurst East" or "Pinehurst West".

- ≈ The owner of the land between Pinehurst East and Pinehurst West will not allow a road to be built across his Yamhill county property which eliminates these two streets connecting.
- ≈ Pinehurst West in Premier's application is a road to nowhere.
- ≈ We recommend the developer rename "Pinehurst" to "Shadden".

## **#2 Nature Preserve**

### **We ask the Commission to preserve the current 11.47 wetlands and drainage basin acreage as a nature preserve.**

The 11.47 acres of wetlands and drainage basin is a unique feature of our McMinnville urban ecosystem and would anchor a piece of nature in the City's proposed nature trail. We believe the following policies in the McMinnville Comprehensive Plan support our request for this basin to be set aside as a nature preserve.

#### **McMinnville's Comprehensive Plan – Goals and Policies**

1. **Chapter VII – COMMUNITY SERVICES - Parks and Recreation [two-sided attachment #1 – pages 52 & 53]**
  - **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**  
Policies 160.00, 161.00, 163.00, 163.05, 164.00, 166.00, 167.00, 168.00 and 169.00

This is a unique natural basin. The above stated policies provide for the retention of "distinctive natural features and areas....in future urban development's" [policy 168.00]. We ask the Commission to view this application through the lens of preserving this area rather than for the development of a few homes and a dead-end road.

At the April 18<sup>th</sup> meeting, we were dismayed to hear Premier's plan to put these unique wetlands into a mitigation bank for use in a mud flat in the Rickreall area. Do McMinnville residents now need to drive 40 minutes south to another community to enjoy nature?

Premier proposes nature trails with benches for viewing the wetlands and a .85 acre park with playground equipment. Playground equipment is not a natural fit for wildlife viewing. It just does not make sense. The liability for The Meadows HOA until 2032 just adds costs to that HOA. Premier's proposal looks very good on paper but we ask you to consider the unknown costs that will be the responsibility of The Meadows HOA.

- Trail maintenance & continued blackberry eradication
- Creek erosion along the lower nature trail
- Bark chip expense on the trails
- Playground maintenance and upkeep in the .85 acre park
- When the lower trails flood there will be extra bark chip maintenance & repair. In the past five years, the wetland/drainage basin area has flooded three times; the two most recent floods were in December 2018 and February 2019.
- The HOA will need to carry liability insurance for the playground equipment's "attractive nuisance" and the nature trails.

While Parks and Rec hopes to have funding by 2032, there is no guarantee that it will become part of the McMinnville park system. It is the Planning Department's conjecture that the Parks Dept. will "find the money" in their budget to take on an additional 5.6 acres of parkland. The tiny preservation proposed by Premier will seriously impact the current wildlife habitat and natural area they claim to want to preserve. What's the point of benches if there's nothing to see?

2. **Chapter V – RESIDENTIAL DESIGN POLICIES [attachment #2 – page 21]**
  - **Policy 80.00** "In proposed residential development distinctive or unique natural features such as wooded areas, isolated preservable trees and drainage swales shall be preserved wherever feasible."  
There is a lone oak tree in a copse of trees on or near Lots 1 & 2 of Premier's application. This tree is over 80 years old; it and the surrounding trees and bushes provide valuable habitat for birds and small wildlife. We

feel this is another valuable feature of this unique area and deserves to be preserved as a natural legacy for future generations.

3. **Chapter VII – COMMUNITY SERVICES – STORM DRAINAGE [two-sided attachment #3 – pages 48 and 49]**
- **Policy 142.00** “The city of McMinnville shall insure that adequate storm water drainage is provided in urban developments.”
  - **Policy 143.00** “The City of McMinnville shall encourage the retention of natural drainage ways for water drainage.”
  - **Chapter 17.48 F-P FLOOD AREA ZONE [attachment #4]** “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 to provide open spaces, natural habitats, and recreational places.”

We feel the development of a few homes on 11.47 acre wetlands and drainage basin would have an impact on proper storm water drainage. This natural area should be preserved.

At the April 18<sup>th</sup> meeting, one commissioner brought up the point of using 2010 FEMA maps without taking into consideration actual recent flooding occurrences. The City Attorney said the commissioners must use 2019 FEMA map when reviewing this application. The 2010 update simply modernized existing special flood hazard areas based on updated elevation data and aerial imagery. The detailed study that established the flood zones shown on the maps was actually performed prior to or concurrently with the 1983 effective mapping, as noted in the historical Flood Insurance Study. It does not take into account the recent development of over 1,000 acres of tiled filbert orchards upstream from this floodplain and drainage basin. Nor can it account for Stafford’s future development of hundreds of homes upstream and how that will affect the water runoff into Baker Creek and the basin. While technically the application adheres to this old 1983 data, this does seem to run counter to McMinnville’s goals of protecting the community from financial burdens through flood damage losses.

4. **Parks and Recreation Goal VII 3; proposal 29.00 [attachment #1 – page 53]** “The City of McMinnville should continue to monitor the location and size of lands acquired throughout 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.”
- The developer has indicated the City will take over the .85 acre park, wetlands and nature trails in 2032; we feel designating this as a nature preserve vs. a small playground with trails, and its associated costs, would better meet proposal 29.00.

### **# 3 Oak Ridge CC&Rs that were in effect January 18, 2001**

#### **We ask the Commission to not remove the 11.47 acres from the current Oak Ridge HOA [PD 3-18]**

CC&Rs are legal documents. The Oak Ridge HOA has had CC&Rs in place for over 18 years; those CC&Rs protect their neighborhood and, in some cases, the views of homes on the ridge. PDA 3-18 would remove 11.47 acres from the current Oak Ridge HOA; that will severely impact the peace, tranquility and livability of that neighborhood. The owners of Premier developed Oak Ridge, created the CC&Rs and lived in the neighborhood during its development. Now years later they want to change things for their economic convenience and take some of those CC&R protections away. People who did their due diligence before buying into the neighborhood are now having the rug pulled out from under them if PD 3-18 is approved.

On March 6, 2019 Jamie Fleckenstein, at Planning, was told the Oak Ridge CC&Rs state homes cannot be built so as to impede other owners’ views. Jamie said Planning takes CC&Rs very seriously and the department would review the Oak

Ridge's CC&Rs and the HOA's specific concerns. Based on Planning's recent approval of PDA 3-18 it does not appear the CC&Rs were taken into consideration. That is simply a breach of trust.

### Conclusion

We, the citizens of the Oak Ridge, Compton Crest and Crestbrook neighborhoods, have recently organized in order to protect this jewel in McMinnville's urban area. At the April 18<sup>th</sup> meeting, over 100 citizens attended; none supported the proposed application. Those speakers opposed were given only 3 minutes each to speak about a number of very complex issues surrounding this development and we thank you for keeping the hearing open so all citizens can be heard.

We know legal aspects are considered for approval of this development. But we want "Great Neighborhoods" and applaud the City's Great Neighborhoods initiative that goes into effect May 9<sup>th</sup>. While this application is not bound by it, we feel that the above stated policies in McMinnville's Goals and Policies support the "Great Neighborhood" concept.

We are concerned these three long-time established neighborhoods are having their livability sacrificed.

- ≈ There are citizens who own **47 lots** in Compton Crest. There are citizens who **own 88 lots** in Oak Ridge. What about their rights to not have construction or sub-contractor traffic tear up their streets, affect their livability, their safety and the safety of their children for five or more years? They **MUST** count for something!
- ≈ There are **10 lots** owned by citizens on Baker Crest in the Crestbrook neighborhood who could be severely impacted by future flooding. They **MUST** count for something!
- ≈ PDA 3-18 wants to remove land from established CC&Rs. What about the rights of those Oak Ridge homeowners? They **MUST** count for something!

We ask for two things.

- #1 Require Shadden Road be put in for construction and sub-contractor traffic during Premier's five year buildout and require the road be made a public street for use by the future homeowners in The Meadows.
- #2 Based on the McMinnville Comprehensive Plan policies, we ask that you designate the 11.47 acres [PDA 3-18] a nature preserve.

Thank you,



Steve and Catherine Olsen  
2650 NW Pinot Noir Dr.  
McMinnville OR 97128

## PARKS AND RECREATION

### 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.

#### Policies:

- 159.00 *The City of McMinnville's Parks, Recreation, and Open Space Master Plan shall serve to identify future needs of the community, available resources, funding alternatives, and priority projects. (Ord. 4796, October 14, 2003)*
- 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.*
- 162.00 *The City of McMinnville and School District 40 shall endeavor to jointly cooperate in the acquisition, development, and maintenance of combined park and school sites wherever desired, feasible, and mutually agreeable to both parties.*
- 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.*
- 165.00 *The City of McMinnville shall acquire park sites in advance of needs; however, purchase of lands should be closely examined in the light of current costs of land, park maintenance, personnel services, and the existing parks development priorities.*
- 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.*

PARKS AND RECREATION

**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.

**170.00** The City of McMinnville shall require the provision of lands for parks from all subdivisions on Three Mile Lane, except when an existing park is available and reachable by safe and convenient pedestrian access. Where no land is dedicated, money in lieu of land shall be required.

**170.05** For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

**Proposals:**

**28.00** Deleted as per Ord. 4796, October 14, 2003.

**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.

**30.00** Deleted as per Ord. 4796, October 14, 2003.

**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.

be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)

- 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.
- 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.
- 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.
- 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

*Low-Cost Housing Development Policies:*

- 84.00 Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.
- 85.00 Deleted as per Ord. 4796, October 14, 2003.

*Multiple-family Development Policies:*

- 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.
- 87.00 Residential developments at densities beyond that normally allowed in the multiple-family zone shall be allowed in the core area subject to review by the City. These developments will be encouraged for (but not limited to) the provision of housing for the elderly.
- 88.00 Deleted as per Ord. 4796, October 14, 2003.
- 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds. (Ord. 4796, October 14, 2003)

1. *Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.*
2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

*140.00 The City of McMinnville shall continue to limit sewer service extensions to the areas within the urban growth boundary, except where service is granted to comply with state or federal laws. Areas outside the city limits, but within the urban growth boundary, shall be granted sewer service hook-ups only under policies adopted by the City.*

*141.00 The City of McMinnville shall continue to separate storm and sanitary sewers where they are connected to reduce the inflow of storm sewer waters to the sewage treatment plant. Ongoing maintenance and improvements of the existing system shall also be undertaken to reduce infiltration of rain water into the system.*

**Proposals:**

**21.00** The City of McMinnville should develop a priority list of sewer system extensions and improvements that covers several years. Such a list, which would be nonbinding, would be a guideline for City expenditures for public sewer projects over a designated time period. The list would be useful in determining the appropriateness of annexation requests and other land use proposals. Priorities could be amended as circumstances change and allowances could be made for projects in which developers would pay for a substantial portion of the costs.

**22.00** The City of McMinnville should establish a schedule of sewage treatment plant additions which are tied to the projected population in the McMinnville Comprehensive Plan. This schedule should include methods for financing needed additions, and could be implemented as required.

**STORM DRAINAGE**

**Policies:**

**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.*

## **WATER SYSTEM**

### **Policies:**

**144.00** *The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

**145.00** *The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 1.** *Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.*
- 2.** *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3.** *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
- 4.** *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

**146.00** *The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services commensurate with the projected population in the Comprehensive Plan.*

**147.00** *The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

**148.00** *The City of McMinnville shall encourage McMinnville Water and Light to continue management practices in the municipal watershed which insure highest quality water.*

**149.00** *The City of McMinnville shall carefully consider the environmental impact of the location and design of water system facilities to minimize adverse effects on residential, farm, and natural areas.*

## Chapter 17.48 F-P FLOOD AREA ZONE

1. 1748.005 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 to provide open spaces, natural habitats, and recreational places.”
  - A. The 3 reasons listed in this “Purpose” statement are the three main reasons we are arguing to leave this ENTIRE area as a natural drainage way for Baker Creek – and over the long term to convert it to a public open space with linear trails that could possibly connect Rotary Park to the east, with the Roma Sitton Parkway that is ½ mile to the west.
  - B. Plus – any diking will increase the threat of flood damage to the homes in the lower Crestbrook neighborhood which is 300-400 yards downstream.
  - C. We think that the November 2015 pictures and the December 2015 pictures show that the aggressive non-permitted filling that Premier did bordering Baker Creek (in this area) --- has moved where the creek overflows its banks 400 yards upstream --- so that maybe 1/3<sup>rd</sup> of what fema now rates as WETLANDS is actually FLOODPLAIN.
  - D. Fema has a request form to have floodplain areas reviewed. We are in the process of having that form filled out.
  - E.

## Chapter VII – COMMUNITY SERVICES - PARKS AND RECREATION

GOAL VII 3 – To provide Parks & Rec, open spaces, and scenic areas for the use and enjoyment of ALL citizens of the community.”

1. Policy 160.00 – “City of McMinnville shall encourage the improvement of existing Parks & Rec facilities as a priority consideration.” – retaining the wetlands as an open area/nature park would enable a walkway all the way from Rotary Park to the Roma Sitton walkway.
2. 161.00 – “cooperation between public/private groups and agencies.” – It may require outside money to get the Zumwalt’s fairly reimbursed for their property. But it should certainly be a doable project.
3. 163.05 – “The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100 – year floodplain. Linear parks, trails, etc are appropriate recreational uses of floodplain land to connect parks to each other, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands.” (Ordinance 4840, January 11, 2006).
4. 164.00 – The city shall continue to acquire floodplain lands through provisions of Chapter 17.53 (Land division standards) for future use as Natural areas and/or Parks.”
5. 166.00 – The City of McMinnville shall recognize open spaces and Natural Areas as necessary areas of the urban area.”

attachment #4

- 132.62.15 *State and Federal Funding – The City of McMinnville shall include those projects and programs in the McMinnville TSP that are of regional or statewide significance (within the McMinnville urban area), or require the use of state or federal funding, in the Oregon Statewide Transportation Improvement Program (STIP). (Ord. 4922, February 23, 2010)*
- 132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications. (Ord. 4922, February 23, 2010)*
- 132.62.25 *TSP Update – Every five years, or as may otherwise be warranted, the City of McMinnville shall conduct a reassessment of the planning assumptions, analysis methods, and findings and recommendations. The McMinnville TSP shall be updated, accordingly, based on the study reassessment. (Ord. 4922, February 23, 2010)*