



Kent Taylor Civic Hall
200 NE Second Street
McMinnville, OR 97128

**City Council Meeting Agenda
Tuesday, April 9, 2019 - 7:00 PM**

Welcome! All persons addressing the Council will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.*
4. PROCLAMATION
 - a. Child Abuse Prevention Month
5. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
6. CONSENT AGENDA
 - a. Consider the minutes of the Joint Meeting of the City Council and the Buildable Lands Inventory, Housing Needs Analysis and Housing Strategy Project Advisory Committee and Regular Meeting of the City Council on January 16th, 2019, minutes of the February 12th City Council Work Session and Regular Meeting, minutes of the February 26th, 2019 City Council Work Session and Regular Meeting and minutes of the March 26th Work Session and Regular Meeting.
 - b. Consider request from DHF Holdings, Inc. for a OLCC license - Winery 2nd location, located at 829 NE 5th Street #700.
7. ORDINANCES
 - a. Consider first reading with possible second reading of Ordinance No. **5066**: An Ordinance amending the Comprehensive Plan, specific to Chapter IX (Urbanization) And Chapter X (Citizen Involvement and Plan Amendment), to incorporate Great Neighborhood Principles into the City's Land Use Planning Program.
 - b. Consider first reading with possible second reading of Ordinance No. **5067**: An Ordinance amending Chapter 3.18 of the McMinnville City Code to add sections providing supplemental standards for Small Wireless Facilities Within The Public Right-Of-Way And Declaring An Emergency.

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or melissa.bisset@mcminnvilleoregon.gov.

8. RESOLUTIONS

- a. Consider **Resolution No. 2019-24**: A Resolution amending the fee schedule to adopt fees for small wireless facilities within the public right-of-way.
- b. Consider **Resolution No. 2019-21**: A Resolution awarding the Professional Services Agreement for Ambulance and Motor Vehicle Accident Billing Services.
- c. Consider **Resolution No. 2019-22**: A Resolution awarding the contract for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2.
- d. Consider **Resolution No. 2019-23**: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations (related to the General Fund Parks and Recreation Department and donation to KOB Program for sustainability assessment).
- e. Consider **Resolution No. 2019-25**: A Resolution awarding the contract for the purchase of a 2019 backhoe.

9. EXECUTIVE SESSION UNDER ORS 192.660(2)(d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED TO CARRY OUT LABOR NEGOTIATIONS.

10. ADJOURNMENT



PROCLAMATION

Whereas, child abuse is considered to be one of our nation's most serious public health problems with scientific studies documenting the link between the abuse and neglect of children and a wide range of medical, emotional, psychological and behavioral disorders; and

Whereas, it is estimated that 1 in 4 children will suffer significant abuse before the age of 18 and annually over 80,000 Oregonian children are reported to the Department of Human Services as having been abused or neglected with over 10,000 child abuse victims confirmed in 2018 alone; and

Whereas, the physical, emotional, and financial impact of abuse and neglect falls most heavily on children of all ages and abilities, who come from all economic, racial, and social backgrounds; and these crimes affect many more family members, friends, neighbors, and coworkers; and

Whereas, a trauma-informed response to victims promotes healing and fosters strength in survivors; and

Whereas child victims who feel understood and supported are more likely to disclose their victimization, seek services to find healing, and participate in the justice process; and

Whereas, providing victims and their families with knowledge of their rights and available services further strengthens their ability to recover by restoring a sense of self-empowerment; and

Whereas, effective child abuse prevention programs succeed because of partnerships created among state and local government agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

Whereas, McMinnville is dedicated to strengthening child abuse survivors and their non-offending families in the aftermath of crime, building resilience in our communities, and working to prevent abuse and neglect.

NOW, THEREFORE, I, Scott A. Hill, Mayor of the City of McMinnville, do hereby proclaim April 2019 as

National Child Abuse Prevention Month

In Witness Whereof, I have hereunto set my hand and caused the official Seal of the City of McMinnville to be affixed this 9th day of April, 2019.

We reaffirm McMinnville's commitment to creating a safer, healthier, more thriving community for our children and taking steps to help prevent child abuse through awareness efforts, prevention promotion, and training. Further, we call upon all citizens to invest in the lives of all our children, to be aware of their safety and well-being, and celebrate those who provide prevention programs and support to child victims of violence, sexual abuse and neglect and many other life altering crimes and their commitment to ensuring that all children are afforded their rights to be safe from harm, as well as promote the psychological, physical, and emotional healing and ongoing development of these our most precious resource, our children. Further, we ask and encourage all citizens to Wear Blue on April 10, 2019 as a public statement in support of child abuse prevention!



Scott A. Hill, Mayor

CITY OF McMINNVILLE
MINUTES
Joint Meeting of the City Council and the
Buildable Lands Inventory, Housing Needs Analysis and
Housing Strategy Project Advisory Committee

Held at the Kent L. Taylor Civic Hall Council Chambers on Gormley Plaza
McMinnville, Oregon

Wednesday, January 16, 2019 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u> Zack Geary Kellie Menke, Council President Sal Peralta Wendy Stassens	<u>Absent</u> Remy Drabkin Adam Garvin
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Project Advisory Committee:

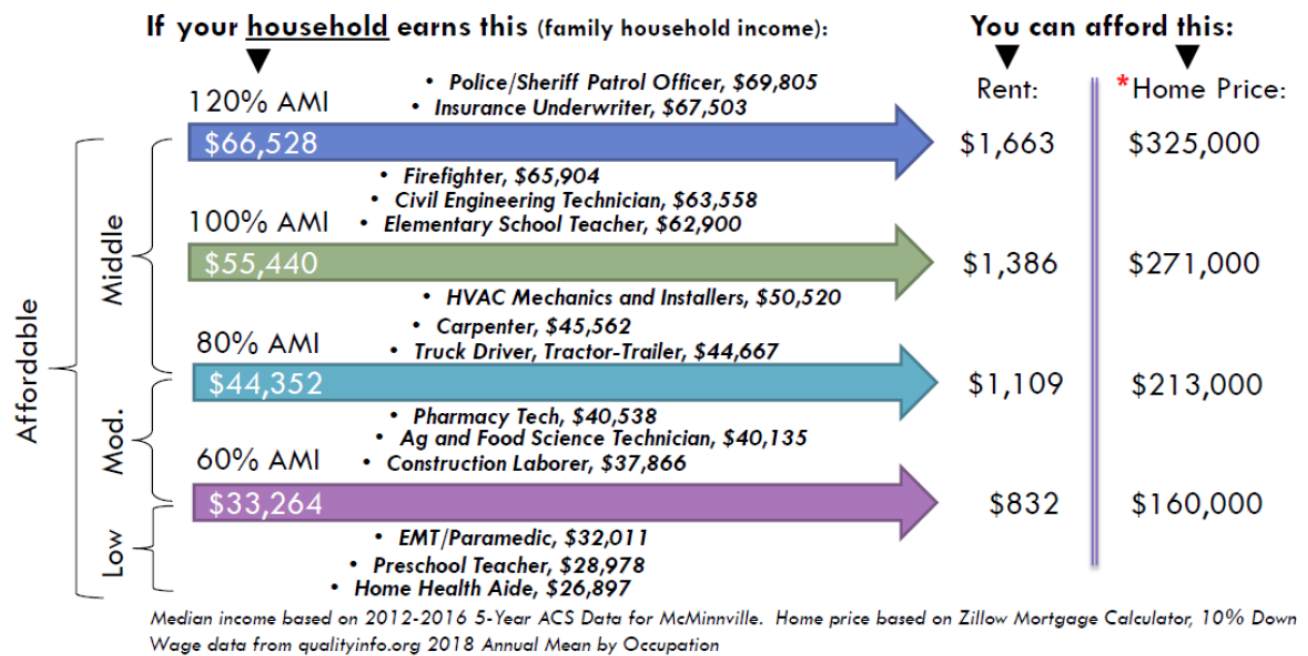
Robert Banagay
Mark Davis
Sid Friedman
Patty O’Leary
Roger Lizut
Susan Muir, Parks and Recreation Director
Amanda Perron
Marilyn Worrix

Also present Associate Planner Jamie Fleckenstein, City Manager Jeff Towery, Planning Director Heather Richards, Senior Planner Chuck Darnell, and Senior Planner Tom Schauer.

1. CALL TO ORDER: Council President Menke called the meeting to order at 5:32 p.m.
2. PLANNING FOR GREAT NEIGHBORHOODS NOW AND IN THE FUTURE – UPDATE ON LONG RANGE PLANNING AND CODE COMPLIANCE.

Planning Director Richards explained that built environments last a long time (over 100 years). A generation is approximately 20 years and that a built environment serves at least five generations. Ms. Richards asked that people think about the next five generations of their family trees when discussing planning for McMinnville’s future.

Ms. Richards displayed several maps of the City limits and areas that are inside the Urban Growth Boundary (UGB), annexed areas and areas inside the UGB but not annexed. She noted that there are land constraints and that developers are struggling to find to property to develop on and building permits have been trending at a lower level than they had been historically. The median household income is \$55,440. The median listed home price in McMinnville is \$377,450 and the median price of home sold in McMinnville is \$317,000. The average rent for an apartment is \$1,113. Ms. Richards stated any family making 80 percent or less of the area median income is priced out of the market. The chart below was displayed.



Ms. Richards explained that the costs of goods for services at the City are increasing while property taxes can only increase based on the existing built environment by three percent per year. She stated that typically communities are making up the deficient by new construction.

A graph of Population and the Average Annual Growth Rate (AAGR) conducted by Portland State University was displayed. She explained that McMinnville was growing from 2000-2010 1.9 percent and from 2010-2015 it was growing at .5 percent. McMinnville should be around 1/3 of the overall population of Yamhill County. McMinnville was trending at about 20 percent. McMinnville is anticipated to have an AAGR of 1.4 percent from 2017-2035 and 1.1 percent from 2035-2067.

The Oregon Land Use system is set up to accommodate growth in Urban centers. It is meant to accommodate growth in a denser environment than in the County in order to protect resources such as farm and forest lands. There has been population growth in the County. Ms. Richards described McMinnville in a state of growth paralysis.

The current UGB is 7,552 acres. The current county Exclusive Farm Use (EFU) acreage is 192,088 acres which is four percent of overall county acreage. She stated that since the UGB

was established, the population has grown by over 226 percent and the UGB has grown by seven percent.

Ms. Richards explained that one of the reasons for the growth paralysis is that McMinnville is surrounded by high value farmland. The City will need to be careful and intentional in how it grows. She then displayed a map of the Yamhill County Zoning Designations. In terms of growing as a City a UGB process has been used previously. The conversation needs to be about how the City wants to grow. Density and sprawl are two things that McMinnvillians do not like. The right balance will need to be found. The City must determine how it wants to grow before it can determine what type of land is needed to accommodate the “how”.

Ms. Richards stated that McMinnville has been in an intentional design and growth mode since the beginning. She displayed the population and AAGG history of McMinnville. She shared that the Oregon Land Use system tracking began to take place more systematically in 1980 and the AAGR from 1990-2002 was 3.86 percent.

Ms. Richards shared that Oregon Land Use plans for growth in the following ways:

- Long term planning for land-use efficiencies, fiscally prudent public infrastructure (How to grow, pay for growth and manage growth to protect unique quality of life values).
- Future land use planning for quality of life.
- Public Facility Master Planning.
- Funding Mechanisms.
- City Limits for Urban Development.

Statewide Planning Goal 14 – Urbanization requires the establishment and maintenance of a UGB by local governments and requires that the UGB accommodates long range urban population needs. She added that OAR Chapter 660 – Division 24 (Urban Growth Boundaries) provides a process and analysis required to carry out the UGB requirements of Goal 14.

Ms. Richards then explained the standard Urban Growth Boundary process as follows.

Step 1: Land Inventory: Buildable Lands Inventory (BLI) for Housing and Employment Lands.

Ms. Richards stated that the City should maintain 5 years within City and 20 years within UGB.

Step 2: Determine Needs: Housing Needs Analysis and Economic Opportunities Analysis.

The City is currently conducting the Buildable Lands Inventory and the Housing Needs Analysis. The City went through this process beginning in 1999 and was looking at a 20 year planning horizon.

Step 3: Compare Needs with Inventory: If inadequate development capacity within UGB, amend plans and potentially expand UGB.

Step 4: Analyze Development Capacity within UGB.

Step 5: Evaluate Land for UGB Expansion: Create study area, and exclude lands if impracticable to develop.

Step 6: Evaluate Land in Study Area for Inclusion in UGB. Apply priorities to land, and identify suitable lands for inclusion.

Ms. Richards shared that the Building Lands Inventory includes identifying vacant, partially vacant, undevelopable and developed lands with the existing UGB and the result is a determination of buildable acreage by plan designation (a zoning district).

Ms. Richards explained that the Needs Analysis will identify needs using projected grown rates and local/ regional trends in housing and economic development. It will also compare demand to supply and apply needed housing types and economic development data to buildable lands to determine the capacity within the existing UGB.

A map of the current UGB was displayed. The original UGB in McMinnville was intended to meet the needs for 1980 – 2000. There was work done from 1993-2013 that was intended to meet the needs for 2003-2023.

She stated that an Economic Opportunity Analysis was conducted in 2013 and in 2018 the City received a grant for a Housing Needs Analysis.

They had evaluated land within the City and UGB for development status, development constraints, land classification and zones and holding capacity for new dwelling units. The assumptions included: safe harbors, use simplified methods when available, and use Census data such as a Buildable Lands Inventory and Housing Needs Analysis.

They also looked at Development Constraints as identified by OAR 660-008-0005(2):

- Lands within floodplains – Floodplain Zone in the city limits and 100-Year Floodplain in the UGB.
- Protected Natural Resource Lands – Wetlands (National Wetlands Inventory) and Regulated wetlands.
- Lands with slopes over 25 percent.
- Areas subject to natural hazards (per Goal 7).
- Lands with Service or Easement Constraints.

Ms. Richards displayed a map of potential service constraints in the West Hills Slope. She noted that there is a water service issue in Zone 2 (in a higher elevation) as there is not fire flow or water service yet for development in that area. The same area also has a high susceptibility for landslides. The City will need to do additional analysis and there will need to be more dialogue before it is determined if this area will be included in the buildable lands inventory. They have been working with the Department of Land and Minerals and they have partnered with the County to apply for a grant for LIDAR mapping. LIDAR mapping will provide more detailed information regarding the slope and soil and impact on future development.

Discussion ensued regarding landslide susceptibility as a potential hazard constraint.

Ms. Richards displayed a map of all the constraints which included the UGB, City Limits, conservation easements, over 25 percent slopes, wetlands, floodplain zones, 100 year flood plain and high landslide susceptibility.

Ms. Richards explained that they are working on how to pursue a UGB amendment in a successful way if that is determined to be needed and they are looking at a strategy for the next five to ten years. They are looking to see where there is capacity for development in the next five to ten years. The following chart was displayed and Ms. Richards noted that Zone 2 is listed separately. She had spoken with John Dietz, General Manager of McMinnville Water and Light and he felt that the area would not be moving forward with infrastructure in near term as it would require a new water reservoir and would cost 8 million dollars based on 2010 dollars. It is not in McMinnville Water and Light's Capital Plan and it is intended to be built by development. It will take number of units in order to develop the area.

Residential acres by classification and Plan Designation, McMinnville UGB, 2018				
Source: ECONorthwest. Note: The numbers in the table may not sum to the total as a result of rounding.				
Zone/Plan Designation	Total acres on vacant taxlots	Total acres on partially vacant taxlots	Total acres on committed taxlots	
			Developed	Public or Exempt
City Limits, by Zone				
R-1 Single Family Residential	67	34	609	114
R-2 Single Family Residential	56	36	891	217
R-3 Two Family Residential	14	2	329	41
R-4 Multiple-Family Residential	21	13	386	244
O-R Office/Residential	0	0	10	15
C-3 General Commercial	63	1	428	121
UGB, by County Zone or Plan Des.				
EF-80 (County Zone)	94	12	0	11
LDR9000 (County Zone)	3	0	0	0
VLDR-1 (County Zone)	0	3	0	0
Residential Plan Des.	159	303	58	12
Zone 2	227	71	53	32
Total	704	475	2,764	806

Mr. Davis asked that if people were willing to build, would McMinnville Water and Light be able to build the reservoir? Ms. Richards responded that McMinnville Water and Light's current approach is that a developer will pay for it.

Typically water improvement is built into the Capital Improvement Program and the System's Development Charges are calculated across the entire program build out. McMinnville Water and Light does not have an SDC program. Zone 2 will be independently paid for by the area it serves and it will have a different rate structure and it will be significantly higher because the cost to deliver service will be significantly higher.

Ms. Richards shared that they started looking at acres on vacant taxlots, and partially vacant taxlots. She then displayed a map of vacant and partially vacant lands with constraints.

Ms. Richards reviewed the chart below noting that there are 721 total buildable acres and of those 438 of the buildable acres are on vacant lots and 283 are on partially vacant lots.

FINAL BUILDABLE ACRES

Source: ECONorthwest. Note: The numbers in the table may

This includes C-3 Commercial Land, Rural Residential Land in UGB and Zone 2 = 485 acres

Zone/Plan Designation	Total Buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
City Limits, by Zone			
R-1 Single Family Residential	82	57	25
R-2 Single Family Residential	55	43	12
R-3 Two Family Residential	6	5	1
R-4 Multiple-Family Residential	21	16	5
O-R Office/Residential	0	0	0
C-3 General Commercial	61	59	1
UGB, by County Zone or Plan Des.			
EF-80 (County Zone)	68	63	5
LDR9000 (County Zone)	3	3	0
VLDR-1 (County Zone)	2	0	2
Residential Plan Des.	224	48	176
Zone 2	200	145	55
Total	721	438	283

Ms. Richards stated that there are 460 buildable acres in Zone 1.

Councilor Stassens asked about the landslide area. Planning Director Richards stated that the high landslide susceptibility map is high level. They will need more details and science and to determine what that means. She stated that it will be a very careful and thoughtful decision on how to move forward. There are geotechnical reports on the area.

The need is looking at forecasting and looking at the future and how the City serves the growth of McMinnville and the growth assigned to McMinnville by the State. The population forecast is looked at from Portland State University. Some of the major assumptions based on trends include: 5 percent persons in group quarters, 2.55 persons per household, 5.4 percent would be used for vacancy rate and for housing mix and density the criteria are outlined in State Statutes. She then displayed a chart of the population forecast.

July 1 Year	Forecast Pop.
2017	34,293
2018	34,759
2019	35,231
2020	35,709
2021	36,238
2022	36,776
2023	37,321
2024	37,875
2025	38,437
2026	38,985
2031	41,813
2041	47,498
2067	62,803

She stated that the City will be looking at a forecast of 2021-2041 for a planning horizon. The five and 10 year forecasts are also being looked at.

Population Forecast						
Change						
2018-2021	3 Years	1,479	1,479	1,479	1,479	1,479
2021-2026	5 Years		2,747	2,747	2,747	2,747
2026-2031	5 Years			2,828	2,828	2,828
2031-2041	10 Years				5,685	5,685
2041-2067	26 years					15,305
SUM		1,479	2,747	5,575	11,260	26,565
		2018-2021	2021-2026	2021-2031	2021-2041	2021-2067

Ms. Richards explained that to accommodate the 20-year population forecast of 2021 to 2041 an estimated 11,260 new dwelling units would be needed.

Housing Need						
New Units Needed						
2018-2021	3 years	581	581	581	581	581
2021-2026	5 Years		1,078	1,078	1,078	1,078
2026-2031	5 Years			1,111	1,111	1,111
2031-2041	10 Years				2,232	2,232
2041-2067	26 years					6,010
SUM		581	1,078	2,189	4,421	10,431
		2018-2021	2021-2026	2021-2031	2021-2041	2021-2067

She noted that in the next three years 581 new housing units will be needed.

Ms. Richards then discussed Housing mix. She stated that there's an assumption that affordable housing is mostly multifamily housing however, this is changing dynamic and not necessarily the

case. There has been a deficiency in the number of housing units to perform to the population forecast. A chart of the historical housing production versus the average needed to meet the population forecast was displayed. The City must show the State how the City is providing the different type of housing products. State Law requires the City to identify needed housing mix and identify the average overall needed density. State Law provides flexibility on how to achieve the housing mix and density and offers a finer-grain of housing types, as long as needs are met.

Mayor Hill called a recess at 6:22 p.m.

Mayor Hill called the meeting back to order at 6:30 p.m.

Ms. Richards then provided an update on the Great Neighborhood Principles (GNPs). She stated that it is necessary to find out what is important to McMinnville in terms of growth so that it can be used as a filter for the housing strategy. The Planning Department created the Great Neighborhood Principles Program. The project answers the questions: What makes a great neighborhood in McMinnville? What elements should be included in any neighborhood – either existing or new – to make it great? The focus was on determining what makes a great neighborhood and how can that be achieved for all residents regardless of income or type of housing they are living in.

A Project Advisory Committee (PAC) was established and they will make recommendations to the Planning Commission on what the GNPs should be. The recommendations would then come to the City Council for discussion and adoption.

Senior Planner Chuck Darnell stated that the GNPs project was focused on looking at what makes a great neighborhood in McMinnville. They looked at what elements should be included in any neighborhood, either existing or new to make it great. He stated that the purpose of the project was to make sure that growth is happening in a way that the community wants it to happen.

Mr. Darnell reviewed the process explaining that neighborhoods and places are created policies and the development code. The end goal of the project was to develop the GNPs that identify specific elements to be included in any neighborhood in McMinnville. They would then be adopted into the Comprehensive Plan and used to draft code amendments that would apply to future development proposals. The GNPs will guide future development to ensure that all places and neighborhoods are livable, healthy, social, safe, and vibrant for all residents of McMinnville.

Neighborhoods can be looked at in a variety of ways including a small area such as a single street or block or it could be a residential subdivision or a larger district. Mr. Darnell explained that the PAC looked at all of the things that make a great place explaining that it is complex as there are many elements that come together in order to make a great neighborhood. He stated that the GNPs will be an integrated approach used for designing a neighborhood and a place.

There was a public outreach plan and process. A PAC was formed in August. The first meeting was held in September. There were surveys, a public open house, service club presentations,

newspapers, and social media presence. Five service club presentations were made. There were blog posts on McMinnvilleMatters.com and a mini-poll was conducted on Facebook. The online survey was available for a month (mid-October through late-November). There were approximately 350 responses to the survey. There were targeted questions on potential GNPs such as walkability, Bikeability, Housing, mix of activities, parks and open spaces. Mr. Darnell reviewed some of the online survey results.

The PAC meet four times from September through January. They have recommended a proposed new section for GNPs to the Comprehensive Plan Amendments. The GNPs would be included as policies. Some of the Proposals also proposed to support and assist the implementation of the GNPs.

He then reviewed the proposed GNPs Policies:

Policy 187.10

The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, healthy, social, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development of a vacant area in the Urban Growth Boundary or a redevelopment or infill project within an existing built area in the Urban Growth Boundary.

Policy 187.20

The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, healthy, social, safe, and vibrant neighborhood.

Policy 187.30

The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

Mr. Darnell explained that this policy will guide long range planning efforts. The Planning Commission will have more details on how these will be applied.

Policy 187.40

Thirteen GNPs were identified:

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

- a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

- 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.**
 - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.
- 3. Parks and Open Spaces. (It was noted that this GNP scored the highest on the survey). Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.**
 - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
 - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.
 - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.**
 - a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
 - b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.**
 - a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
 - b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
- 6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations and easy pedestrian and bike use.**
 - a. Streets shall be designed to function and connect with the surrounding built environment and street network, and shall incorporate human scale elements including, but not limited to, complete streets features, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.

- 7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.**
- To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
 - Design practices should strive for best practices and not minimum practices.
- 8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.**
- The size, form, and proportionality of new development is designed to function and be balanced with the existing built environment.
 - Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street and placement of auto-oriented uses in less prominent locations.
 - Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).
- 9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.**
- Neighborhood destinations including, but not limited to, neighborhood serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.
 - Neighborhood serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.
- 10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.**
- Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.
- 11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.**
- A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.
- 12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.**
- Neighborhoods shall have several different housing types.
 - Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

- a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
- b. Opportunities for public art provided in private and public spaces.
- c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

The GNPs will be incorporated into the Housing Strategy. The PAC recommendation will go to the Planning Commission for Comprehensive Plan text amendments. Then there will be a formal review process that includes a Planning Commission Work Session, a Planning Commission Public Hearing, the Planning Commission will make a recommendation to City Council and then the City Council will consider and take final action on adopting the GNPs.

Ms. Marilyn Worrix asked if the Committee discussed what would happen once the GNPs were incorporated and if there would be more specific regulations. Mr. Darnell responded that the intent is that the language would be at a higher policy level. The Planning Commission will determine the thresholds and what types of projects and developments the GNPs would be applicable to. The Planning Commission will work through them and will be looking at the code amendments to further implement the GNPs. Planning Director Richards added that they will be looking at tools into the development code to respond to the principles.

Ms. Leanna Gautney, McMinnville Resident, asked if there was a systematic way that the principles are ranked. Mr. Darnell stated that there is not a ranking of importance of the 13 that were presented. Ms. Richards stated that 12 of the 13 are all of equal importance. The 13th is where there was discussion on how to incentivize the principles. Ms. Richards stated that in most communities most of the principles are already in place.

Mr. Sid Friedman asked about the role of formal Neighborhood Associations in fostering neighborhood engagement and neighborhood advocacy. Ms. Richards stated that not in this process because this process is more of a land use process. She noted that there is a code enforcement and community relations program that is being developed that will be looking at how support neighborhood programs. Mr. Friedman stated that it would be helpful to have active advocates within the neighborhood and that sometimes this is encouraged through a formal structure such as neighborhood associations.

Mayor Hill commented on GNP 12 (Housing Variety) and how it will become very critical as subdivisions are built out. Mr. Darnell added there is a history of having unique and varied housing types in McMinnville neighborhoods. Planning Richards stated that having these in the Comprehensive Plan will memorialize the values.

Mr. Mark Davis stated that he is in favor of the GNPs but there is cost involved and he felt that it is contradictory to the need of more affordable housing. He stated that as the GNPs are

implemented, there should be a balance. He stated that if the principles are pushed too hard, it will become a housing of the elite.

Ms. Worrix asked at what point does a cost/ benefit discussion take place? Planning Director Richards stated that some of the principles provide the opportunity to codify the need for affordable housing in projects. She stated that everyone deserves the right to live in a good neighborhood regardless of income. Ms. Richards stated that we should not be warehousing people and people should have a place to live. She explained that through having the principle of diversity of housing types, it can be placed in the Code and will be able to have affordable housing included in projects. She stated that this is a code that is about building good neighborhoods and they can be cost effective, quality places for people of all incomes to live.

Mayor Hill commented on the diversity of neighborhoods specifically in the Tall Oaks neighborhood where he lives, noting every corner lot is a duplex. He supports the GNP related to Housing for Diverse Incomes and Generations.

Planning Director Richards stated that how it is put together is how it is delivered. If the intention is to promote, incentivize and possibly regulate and require affordable housing, then the next step will be getting it into the Development Code.

Mayor Hill stated that there was great community involvement and transparency in the process. He stated that he is proud of the Planning Department, their innovative ways and how they are taking strategies that are working in other cities and bring them to McMinnville.

Councilor Stassens stated that she feels it is a very important time in McMinnville to set the principles in place. She stated that the City is facing difficult issues with affordable housing with buildable land issues and that this is the time to define how these difficult issues will be addressed while still maintaining the principles and livability. She appreciates the broad input and how inclusive the process has been. She added that the City will come up with solutions that are better because of it.

Update on Housing Strategy.

Planning Director Richards stated that her passion as a planner is to ensure that everyone has a great place to live. She encouraged everyone as they think about the Housing Strategy that they think about it outside the box. She stated that the land use system has constrained a lot of cities and that the City will be looking at how to work through that and come to a conclusion that feels good to everyone.

Ms. Richards explained that a Housing Strategy is based off of the Needs Assessment and Buildable Lands Inventory, a review of Comprehensive Plan Policies and review of Development Code. These elements lead to strategies and action steps. She stated that they will come up with near term will be 5 years (2021-2026), mid term is 10 years (2021-2031) and long term is 20 years (2021-2041). She stated that there will likely be different strategies for the different terms.

Recommended actions will be identified, a path to the answers will be determined, there will be a detailed assessment of current Comprehensive Plan policies and the stage for future action will be set. She stated that they will be looking at what is right for McMinnville. There will be public input and PAC input. She asked Council to think about enduring value. It will be important to be cognizant in the decision making process as the built environment will be there for a long time.

Ms. Richards recommended that Council not get caught in responding to the crisis. There are issues that need to be responded to such as affordable housing but the response needs to be intentional and thoughtful.

Ms. Richards suggested being creative. She asked “is there a new/ old way to look at how we build and grow?” Ms. Richards suggested mixing up densities, housing types and keeping it flexible. She stated that the City cannot be afraid to expand and that the Code should not be so ridged that new products cannot come in. She stated that human scale is important in McMinnville. She explained that there are ways to bring density that have the same form and function that feels comfortable at a human scale level. She stated that the City cannot be afraid to expand. The basis of the Oregon Land Use System is to allow the urban areas to expand to accommodate growth at a higher density of development than the rural areas to protect resources lands.

McMinnville is expected to have 28,511 new residents by 2067 which is an increase of 83 percent. This means 11,180 new households (estimated 1,900 acres) and a 30 percent land addition. 40.4 percent of the Yamhill County population growth is expected to happen in McMinnville.

Ms. Richards stated that the City must understand the full need. The Economic Opportunities Analysis (EOA) was evaluated under an old population forecast and therefore needs to be updated. A full Urbanization Study needs to be conducted. The City needs to have a Growth Strategy and it all needs to be done by June 30, 2021 when the population forecast will be updated.

The benefits of a Full Urbanization Study was discussed:

- Determine all land uses in all plan designations at the same time.
- Fully accounting of all lands at the same time avoids gaps/ double-counting.
- Basis to plan for neighborhoods that include all needed uses.

Ms. Richards shared that she contacted about ECONorthwest updating the EOA and performing the Urbanization Study and cost would be approximately \$59,000. She recommended that the City contract with ECONortwest.

Ms. Richards stated that the City needs to talk about a Growth Strategy. This should include an Urban Reserve Area (URA) (50 year land supply), a Standard Urban Growth Boundary (20 year land supply), a simplified Urban Growth Boundary (14 year land supply) and incremental amendments. Ms. Richards recommended that the City look at an URA. She explained that it will give a big look. She recommended using 2019-2020 to do that work. She recommended

2020-2021 for determining where the growth will happen first. She felt the timelines were very aggressive. The property owners will then begin doing area plans. The plans are 100 years or more.

Staff's recommendation was to:

- Initiate a discussion about growth as soon as possible.
- Use the standard UGB Amendment process.
- Conduct an Urban Reserve Area analysis and establish a URA.
- Pursue a substantial UGB amendment.
- Minimum of five years.

Ms. Richards stated that it is an ambitious plan.

Council President Menke commented that it seems that having a large area to plan for and the opportunity and time to put everything into play would give a better outcome overall. She felt that it is a good idea.

Councilor Stassens asked what would happen if the City did not complete the work before 2021. Planning Director Richards explained that the City could submit the lands inventory and needs analysis under the current data set by 2021. She explained she wants to ensure that she is delivering value on the amount of dollars being spent on these kinds of projects if the City is working off of old data sets then the planning period is lost.

Mr. Friedman stated that it makes sense to update the EOA and get a comprehensive look at the lands needs of the community. He felt that the URA was very ambitious. Discussion ensued regarding long range planning and the concept of the URA.

Ms. Worrix felt that it will take commitment, creative thought and it will be hard work but McMinnville is uniquely positioned to have the kinds of aspirations discussed.

Mr. Schauer shared that he has been through the URA process and it was not contentious and it was a good outcome for many people because it provided expectations for the long-range direction for growth. He stated that the land is not developed until it is needed for urbanization.

Ms. Richards shared that Redmond went through the URA process and it took a year. She stated that it was a positive planning tool and has served the community well. There are some infrastructure restraints that are naturally born. Discussion ensued regarding long range planning efforts and infrastructure development. She noted that there will be tough discussions ahead.

Councilor Peralta stated it was important to him that key stakeholders were involved in discussions early on and he appreciates the work that was done to get the appropriate people together and is happy with the direction. He encouraged Ms. Richards to plan for the 50 year horizon.

Council expressed their support of moving forward with the update of the EOA and Urbanization Study.

Planning Director Richards explained that there are leads on each project and the Planning Department work as a full team.

Mayor Hill thanked the Project Advisory Committee for their work. He noted that he was encouraged.

3. ADJOURNMENT: Mayor Hill adjourned the Special Called Joint Meeting at 7:48 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, February 12, 2019 at 6:15 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Zack Geary Kellie Menke, Council President Sal Peralta Wendy Stassens	<u>Excused Absence</u>
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Also present were City Attorney David Koch, City Manager Jeff Towery, Code Compliance Specialist Claudia Martinez, Code Compliance Specialist Nic Miles, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Police Chief Matt Scales, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Director Susan Muir, Planning Director Heather Richards, and members of the News Media – Dave Adams, KLYC Radio, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:19 p.m. and welcomed all in attendance.

2. PROPOSED CITY CODE AMENDMENTS – CODE COMPLIANCE

Planning Director Richards introduced Code Compliance Specialists Claudia Martinez and Nic Miles. Ms. Richards stated that Code Enforcement is part of the equation that transforms a town from a politically designated area into a community. It is a good neighbor playing in the sand box by the same set of rules program for everyone's benefit.

Ms. Richards shared that the proposed amendments are based on the June 26, 2018, recommendation to move to a centralized administrative process that would be more efficient, save resources and offers faster compliance. Code compliance relies on voluntary compliance, administrative citations and administrative abatements.

She explained that through the new program they would evaluate the code for nuisances and code compliance issues, amend the Municipal Code to create an administrative code compliance process, create a centralized

program in the Planning Department, and develop a Community Relations Program.

The goal is voluntary compliance through education, information, communication, and relationships. Non-voluntary compliance includes citations and abatement at full cost recovery. The goal is also compliance in a timely manner. The timeframe for the code compliance process is a 21 day process. Ms. Richards explained that the first 10 days are voluntary compliance. Days 10-20 include a judicial process, Day 21 begins abatement and full cost recovery.

Ms. Richards explained the process for updating the Code which included a review of the existing code, research of best practices in comparable cities, meeting with the Court Judge and amendments related to objectivity. The proposed changes would be sent out for a cross-department and legal review. The intent of the Code is to simplify the process, aggregate the nuisances, have a standard abatement process, and allow for citations.

Other updates to the Code include:

- Descriptions of Nuisances.
- Consolidated Fence Codes.
- Consolidated Animal Codes.
- Added metrics to Unnecessary Noise.
- Added a section on Parking and Storage of Vehicles in Front and Side Yards.
- Added a section on Trash, Recycling and Yard Debris Containers.

The Code will also include:

- Nuisance Identification.
- Nuisance Abatement Procedures.
- Abatement Cost would be at Full Cost Recovery.
- An Appeal Process.
- Citation Authority.

Councilor Drabkin suggested having the new code refer to the most current edition when making references rather than the year of a publication.

Councilor Drabkin expressed concerns about the section on bees. She felt that it was very restrictive and overly strict. She suggested that the entire section on bees be struck or greatly revised.

Planning Director Richards stated that the language regarding bees already exists in the Code. If the section was struck entirely bees would not be allowed in the City Limits. The section prescribes how bees are allowed

in the City. It had been a fairly controversial issue when it was brought forward in the past.

Councilor Stassens explained that there was a significant amount of public testimony received by the Planning Commission about the bees.

Ms. Richards stated that they would conduct a best practices review.

Councilor Drabkin asked about how one could stop construction debris from blowing in the wind. Ms. Richards stated that they would look at best practices. She also shared that they have taken complaints and code enforcement action related to construction debris from impacted neighbors.

Councilor Geary asked about abatement and who authorizes and prescribes abatement. Ms. Richards explained that the Code Compliance Officer has the ability to get a vendor and will go through a procurement process to go through competitive vendors.

Discussion ensued regarding timeframes for compliance.

Ms. Richards explained the current lengthy discarded vehicle process in the current Code. Mayor Hill stated that he felt that they would be much more successful with the proposed code revisions.

Councilor Drabkin asked about limitations on barbed wire on fences. Ms. Richards responded that the limitations have been in the Code for a long time and that it would be good to have Council direction.

Councilor Drabkin asked if the Code Compliance process would continue to be primarily complaint driven. Ms. Richards responded that Code Compliance will be working on some neighborhood revitalization programs. There will be a proactive approach. Code Compliance Officer Martinez explained that they want to fairly and equally enforce safety, health, and nuisance codes to all of the City and not just in certain neighborhoods.

Ms. Martinez explained that code compliance:

- Improves property values.
- Decreases numbers of attractive nuisances.
- Improves safety, sense of community, public image.
- Improves quality of life.
- Reduces health threats.
- Positively impacts economic development.
- Promotes neighborhood revitalization.

Mr. Miles shared that there is a dedicated code compliance phone number, a new code compliance & community relations website, an online

complaint form, a proactive patrol mapping and schedule and there are two officers reachable via landline/dedicated cell phones, in-person, or via email. He explained that they have broken the City into six sections and each section is being visited one every two weeks.

Ms. Martinez provided examples of non-compliance issues they have handled related to animals, noise, structure related issues, weeds, objects/branches in right-of-way, political signs, abandoned homes, and public health.

The following graph was displayed showing the number of complaints they have handled during the last six months.

Category	Total	Closed	Open
Home-operated business	6	3	3
Animals	14	14	0
Noise	35	29	6
Structure	27	16	11
Weeds	51	38	11
Health & Safety	6	6	0
Misc.	19	16	3
TOTAL	158	122	36

Ms. Martinez and Mr. Miles provided success stories and displayed pictures of resolved complaints and results of proactive enforcement.

Ms. Martinez shared that they plan to take a pro-active community relations program. This will include attending neighborhood watch meetings and forming relationships with active members of the community and attending community events to help educate residents on city ordinances and codes. The Code Compliance Program will include community clean up days that provide free or reduced dump access and community outreach supporting clean up in specific timeframes. She stated that the City of McMinnville could provide use of the equipment and physical capacity required to clean up property that some community members may not have. These programs can help residents come into compliance when the primary barriers to compliance are physical and equipment related. Ms. Martinez shared that they will also have a Good Samaritan program where volunteers will assist the elderly and disabled to bring property up to code like mowing tall grass/weeds.

It was noted that proactive enforcement promotes a community of safe, healthy, well maintained neighborhoods. Code Compliance will aim to use proactive enforcement to ensure regulatory compliance in order to abate nuisances and protect the property values and the quality of life of residents.

Mr. Miles provided a timeline of scheduled activities:

- September/October: newsletter via Recology
- November/December: non-compliant Signs
- January/February: pro-active approach
- March/April: strategic neighborhood focuses
- May/June: tall grass; noxious vegetation
- July/August: launch of clean-up assistance program
- September/October: community clean up

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:09 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL REGULAR MEETING
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, February 12, 2019 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Zack Geary Kellie Menke, Council President Sal Peralta Wendy Stassens	<u>Excused Absence</u>
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Also present were City Attorney David Koch, City Manager Jeff Towery, Code Compliance Specialist Claudia Martinez, Code Compliance Specialist Nic Miles, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Police Chief Matt Scales, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Director Susan Muir, Planning Director Heather Richards, and members of the News Media – Dave Adams, KLYC Radio, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:15 p.m. and welcomed all in attendance.
2. PLEDGE

Councilor Peralta led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Mark Davis, McMinnville Resident, noted that he had submitted a letter to the Council regarding the garbage rates. He stated that he is not opposed to what Recology is doing with their rates but he is concerned with good governance. He felt that overseeing the rates is an important function of what the City Council does. He noted that in most businesses prices are set by market competition but in the case of garbage service there is no competition. He stated that if they spend more money, they have a larger allowed expense level and their profit level goes up. At the State Level public utilities are regulated by the Public Utilities Commission. He felt that at the City level the City serves as the Public Utilities Commission.

He doesn't believe that the information currently being provided by Recology gives the public a clear idea of what allowed expenses are and if those expenses are reasonable. Recology's financial statements showed four million dollars in related party transactions. He stated that is a lot of money moving between affiliates that the public is not given any information on. The Franchise Agreement is ten years old. He felt that it was time to look at the Agreement and modernize it. Mr. Davis hoped that the Agreement would be updated to reflect the reality of what Recology is doing. He reiterated that he is not opposed to what they are doing and feels they are doing a great job. He felt that it is a public information issue. He was concerned that the City is spending limited general fund dollars to audit Recology. He felt that the City should be able to get the financial information as part of the process.

Kent Taylor, McMinnville Resident and former City Manager, stated that he was in support of naming what's been known as the NW Neighborhood park project the Jay Pearson Neighborhood Park. He stated that one thing he did while he was City Manager was hire a lot of people smarter than himself who were passionate about what they were in charge of. He stated that there is probably no one more passionate about what he was in charge of than Mr. Pearson, from the physical standpoint and the people that used the parks. He still gets joy and satisfaction. Mr. Taylor stated that lots of things that people take for granted related to Parks in McMinnville, would not have happened without Mr. Pearson's passion. He stated that Mr. Pearson could be stubborn and persistent but you could never question the passion and the results speak for themselves. Lots of people have reason to thank Mr. Pearson and that this is a very fitting honor for him for people using the parks system to be reminded of his contribution. Mr. Taylor noted that Ms. Pearson was also present and he thanked her for her support over time.

4. **ADVICE/ INFORMATION ITEMS**

4.a. **Reports from Councilors on Committee & Board Assignments**

Councilor Geary shared that the Landscape Review Committee recently met and approved their work plan. He shared that with the Historic Landmarks Committee they are dealing with how to notify current owners that they own or are on a historic landmark and how to have a more proactive and neighborly approach. He stated that there is a lot of good discussion on the Committee. They are looking at meeting in a different location so that it has a more formal feel.

Councilor Drabkin stated that McMinnville Housing for Homeless Subcommittee met and they had updates from the Strategic Doing Groups. One group is looking at expanding shelter for victims of domestic violence as it is the leading cause of homelessness in McMinnville. They are identifying County tax foreclosures to serve as shelters for families that are fleeing their homes due to violence. There is a group working with

Gospel Rescue Mission is trying to fill the shelter beds, as they are not always full. They have been working on a seasonal flyer clarifying rules. Councilor Drabkin shared that there is a group working on tiny homes. There is another group focused on bringing a youth center to McMinnville modeled after a very successful program out of Newberg. It is a collaborative project with Yamhill Community Action Partnership (YCAP) and Yamhill County. She stated that it is mostly ready to go except they are having roadblocks on finding a location. Councilor Drabkin stated that most of the numbers related to homelessness are specific to the County so it's hard to understand the specific data for McMinnville. There were over 230 students in McMinnville experiencing homelessness. Councilor Peralta made a suggestion for the point-in-time count be revised so that it can include more city specific data and as a result there will be more specific data for McMinnville. A synergy summit was recently held bringing together cities from around the County, Administrators, Mayors, nonprofits including Willamette Valley Cancer Foundation, YCAP, and Habitat for Humanity. They discussed what kind of work is being done and what work is overlapping. The lack of land supply is the greatest challenge in providing additional affordable housing and resolving homelessness. They also discussed the ongoing challenges with the area around Dustin Court and Marsh Lane. There is a safe car camping program allowed through City Ordinance and some of the Committee members have been doing work on seeking sites. Some of the Committee members will be doing direct outreach to those who might be interested in the program. There is also a new Countywide Housing and Homelessness group that has been meeting with Commissioner Kulla.

Councilor Stassens stated that there was a recent McMinnville Urban Renewal Agency Committee meeting and they reviewed the façade of the Douglas on Third. They are also talking about the Third Street Streetscape Project. The first meeting will be an introductory meeting at the end of the week. The parking structure was evaluated as part of the facilities assessment and there was a recommendation for a consultant to do a more in depth evaluation of the structural needs. There was support to handle any structural issues first before other changes are considered. She noted that Tom Kemper, affordable housing developer, recently shared information and expressed an interest in continuing to maintain contact. Mayor Hill added that Mr. Kemper is very innovative and is a great resource.

Councilor Garvin stated that YCOM meets Thursday. At their January meeting no official business took place because there wasn't a quorum. YCOM will be looking at revising the methodology for billable calls. The City of Dundee is exploring the options of becoming a partner.

Councilor Peralta stated that the Mid-Willamette Valley Council of Governments Annual Dinner is on February 20th. He has been working on bringing together stakeholders from the City of Newberg and other

jurisdictions to discuss redevelopment of the Newberg paper mill for recycling. He has been tracking state legislation related to homelessness and housing affordability. He stated that HB 2001 was just introduced and is a big change to local zoning and there would be a lot more state control over what Cities could do in terms of residential zoning.

Council President Menke shared that the Audit Committee met tonight. She asked that Budget Committee Members read through the management and advice information in the audit. She mentioned that the League of Oregon Cities has a Budget Committee Member Training.

Mayor Hill reminded Council that the City/ County Dinner is on February 21st in Dundee. He shared that there was a successful meeting with YCAP and McMinnville Water and Light about Marsh Lane and Dustin Court. They are being proactive and that they will be having a meeting with property owners in the industrial park so they can understand and work on issues together.

4.b. Department Head Reports

Human Resources Manager Kylie Bayer-Fertterer shared that the City is recruiting for several positions.

Parks and Recreation Director Susan Muir stated that the Kids on the Block Assessment will be shared at the March 12th Work Session. Soccer season is less than a month away. There are over 650 kids that participate in the soccer program (Kindergarten through sixth grade).

Planning Director Richards stated that e-permitting software went live this week. She stated that she appreciates the Development Community working as partners.

City Manager Towery shared that he and the Mayor will be presenting to the Leadership McMinnville class. The City will be closed in observance of Presidents Day. The final report from the Consultants for the Council Goal Setting would be received by the end of the week. There would be an upcoming Work Session to discuss the Council's Working Agreement. Mr. Towery noted that February 14th will be his two year anniversary with the City and that the support, trust, and affection he has felt for the City has shown back to him making it a serendipitous day.

Mayor Hill thanked the public and the Committees are to help the Council be more effective. He noted that all public meetings and materials are posted on the City website.

5. CONSENT AGENDA

- a. Consider the Minutes of the November 13th, 2018, November 27th, 2018, and December 11th, 2018 Work Sessions and Regular Meetings.
- b. Consider OLCC request for a Winery 1st location license from J Craw located at 1722 N Highway 99W Ste. #3.
- c. Consider OLCC request for a limited on-premises license from Roth's IGA Foodliner Incorporated located at 1595 SW Baker Street.

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Stassens. Motion PASSED unanimously.

6. **CONSIDER NOISE VARIANCE REQUEST FROM MS. PAULSEN FOR JUNE 15TH, 2019.**

City Manager Towery shared that Ms. Paulsen and her fiancé will be getting married at 915 Cozine Lane on Saturday, June 15th. They would like to have amplified music (a DJ) from 3:00 – 11:00 pm. Mr. Towery explained that the Municipal Code does not allow for this and that a waiver would be needed. He also noted that in previous requests, the City has asked that the applicant provide advanced notice to affected neighbors.

Motion was made by Councilor Peralta to allow a waiver related to amplified music until 11 pm on Saturday, June 15th, 2019; SECONDED by Councilor Geary. Motion PASSED unanimously.

7. **PRESENTATION OF MAYOR'S PILLAR OF THE COMMUNITY AWARDS – KELLIE MENKE**

Mayor Hill stated that Kellie Menke is currently the Council President and has served in that position since 2017. She has represented Ward 2 since 2004. She retired from her accounting practice after 27 years in 2014. She currently serves as the treasurer, a board member and a volunteer at the soup kitchen of St. Barnabas Episcopal Church. Council President Menke has served as a treasurer and board member of the McMinnville Chamber of Commerce, as a board member of Habitat for Humanity, and the Library Foundation. She brings her financial expertise to the Budget Committee where she is currently the Chair. She has served for over twenty years on the Budget Committee and is a member of the City Audit Committee. Council President Menke is a member of the Sunrise Rotary Club where she has served twice as president. She has also served on the Newberg-Dundee Bypass Committee. Mayor Hill stated that she is a listener, an implementer and has a well-rounded perspective of City and Civics.

Council President Menke stated that it is an honor and privilege to work with City Staff, her colleagues and all those she has worked with in the past. She appreciates everyone very much.

8. **JOINT MEETING MCMINNVILLE URBAN RENEWAL AGENCY MEETING & MCMINNVILLE CITY COUNCIL.**

8.a. Mayor Hill opened the joint meeting at 8:02 pm.

8.b. Presentation: Audit Report for Fiscal Year 2017-2018 presented by Merina & Company

Finance Director Baragary stated that this is the third year that Merina and Company, LLC has completed the audits. She shared Ms. Tanya Moffitt's professional background explaining that she is well qualified.

Ms. Moffitt shared that the Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of McMinnville for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2017. She stated that it is a prestigious award and that it is the highest form of recognition for excellence in local government financial reporting. Ms. Moffitt stated that she anticipates that the City will receive the award for 2018. She noted that at the back of the Report there's ten years of historical data.

Ms. Moffitt shared that they issued an unmodified, clean opinion on both financial statements. The Management discussion and analysis provides a good snapshot of where the City is going and how the City is doing. She stated that there is a new government accounting standard related to other post employment health care benefits and these numbers are now reflected on the Statement of Net Position section. The City is paying the required contributions. She directed also Council to PERS liability noting that there was not a deficiency. She directed Council to the section on long-term liabilities. Ms. Moffitt showed the legal debt margin of the City and explained that in 2018 the City is only using 24 percent of the legal debt margin. The City is in great financial health if the City decided to get additional financing. The City has very good bond ratings at could take out an additional 75 percent.

Ms. Moffitt presented the single audit. Any time the City spends over \$750,000 of federal expenditures, the City is required to have a single audit. The City spent \$5.3 million of federal funds. There were no findings and no noncompliance.

Ms. Moffitt shared that they have been contracted by the City to do a franchise fee review on Recology's rates. She stated that they have experience with this in the past and have completed rate reviews for the

City of Portland, Washington County and Linn County. She shared that they will look at related party transactions and the overhead expenses to make sure that rate payers in McMinnville are not paying for overhead expenses that are not within the City's jurisdiction.

Mayor Hill stated that the Management discussion section is readable and puts some context to the numbers. He felt that City is fortunate to have a good relationship between the auditors and the Finance Department. The Audit Committee is excited about the continued stewardship of the City's finances.

Councilor Drabkin asked if in other municipalities where have franchise agreements and who pays for the audit. Ms. Moffitt explained that typically the City or County pays for the audit. She noted that it is not uncommon for the franchise agreements to be old.

Mayor Hill adjourned the joint meeting of the McMinnville Urban Renewal Agency Meeting and McMinnville City Council at 8:19 p.m.

Finance Director Baragary thanked her department and all of the City departments for their work.

9. RECOGNITION OF ENGINEERING EXCELLENCE AWARD 2019-
NE ALPINE AVENUE RECONSTRUCTION

Mayor Hill shared that the City received an award from the American Council of Engineering Companies of Oregon for the NE Alpine Avenue Reconstruction Project. Mayor Hill presented the award to Project Manager Larry Sherwood. He stated that this was a project that brought together many people and that the project was timely and within budget. Mr. Sherwood noted that it is a team award.

10. RESOLUTIONS

10.a. Resolution No. **2019-11**: A Resolution accepting the McMinnville Urban Renewal Agency Annual report for Fiscal Year Ending June 30th, 2018.

Planning Director Richards explained that the annual report is required by Oregon Revised Statutes and it is intended to show what types of revenue the agency collected during the fiscal year and how it was expended and what the anticipated projections are for the next fiscal year. There will be a notice and information in the newspaper. It is about being as transparent as possible. The property tax revenue it is approximately \$200,000 and although it is not a lot of money, a lot has been accomplished. She stated that they have been hard a work thinking about how to leverage the money as effectively as possible.

Mayor Hill commented on the transparency in the report adding that it is a quality document and program.

Council President Menke MOVED to adopt Resolution No. 2019-11; accepting the McMinnville Urban Renewal Agency Annual report for Fiscal Year Ending June 30th, 2018; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

- 10.b. Resolution No. 2019-12: A Resolution amending a Personal Services Contract with ECONorthwest.

Planning Director Richards stated that the Resolution authorizes the City Manager to sign a Contract Amendment to an ECONorthwest contract for professional planning services for an Urbanization Study and an update to the City of McMinnville Economic Opportunities Analysis. She explained that the increase in the contract is more than 25 percent which is why Council action is required. She explained that the existing contract is for the Buildable Lands Inventory and Housing Needs Analysis and Housing Strategy that are currently underway. The amendment to the contract adds the Urbanization Study and Economic Opportunities analysis update. She shared that the City has received an additional \$10,000 from the State in grant funds.

Mayor Hill stated that there was a public open house with good attendance last week where some of the findings were shared.

Councilor Drabkin MOVED to adopt Resolution No. 2019-12; amending a Personal Services Contract with ECONorthwest; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 10.c. Resolution No. 2019-13: A Resolution naming the property known as 'NW Neighborhood Park' as the Jay Pearson Neighborhood Park.

Program Manager Anne Lane shared that the NW Neighborhood Park has been in development for many years. She shared that they are excited to be under contract for construction of the park and will be setting the timeline. There has been a history in McMinnville of naming spaces after notable community contributors. Staff proposed that the Park be named Jay Pearson Neighborhood Park. Staff will be back with an additional proposal for the playground portion of the park.

Mayor Hill stated that this is a good opportunity to memorialize the good work of Mr. Pearson. Mr. Pearson's name is well known throughout the various communities in the State for his great work.

Councilor Geary stated that he grew up playing on McMinnville playgrounds and played for Jay Pearson. Mr. Pearson coached baseball

and had been an incredibly strong and positive role model in Councilor Geary's life and in many other kid's lives. Mr. Pearson has great patience and passion. Councilor Geary added that he can't think of a better person to name the new park after.

Councilor Garvin agreed with Councilor Geary about his comments. Mr. Pearson's passion was evident at a Kiwanis auction and the amount of money raised at the event was astonishing. He noted that Mr. Pearson's passion spread throughout the crowd.

Councilor Geary MOVED to adopt Resolution No. 2019-13; naming the property known as 'NW Neighborhood Park' as the Jay Pearson Neighborhood Park; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 10.d. Resolution No. 2019-14: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations.

Finance Director Baragary stated the supplemental budget is for the General Fund, Administration Department and is due to the unanticipated receipt of donations for public artwork that will be installed in the new roundabouts at Hill Road. The McMinnville Committee for Public Art successfully raised sufficient donations for the purchase and installation of two sculptures. In addition to donations from individuals, the Oregon Community Foundation, and McMinnville Area Community Foundation, The City is contributing \$10,000 for each sculpture from the 2018 transportation bond proceeds. Oregon Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning.

Mr. Steve Rupp shared information about the artists and the art that would be installed.

Councilor Peralta thanked Mr. Rupp for his work and personal investment on the art around town.

Council President Menke MOVED to adopt Resolution No. 2019-14; adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations; SECONDED by Councilor Stassens. Motion PASSED unanimously.

11. Consider Second reading of Ordinance No. 5061; An Ordinance amending the Comprehensive Plan Map Designation from Residential to Commercial on existing properties and lots of record, rezoning said property from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/ Residential), and amending an existing

Planned Development Overlay District to remove said property from the Planned Development.

No Councilor present requested that the Ordinance be read in full.

City Attorney Koch read by title only Ordinance No. 5061.

Councilor Drabkin stated that she does not have a mistrust for MV Advancements or their intent to provide housing. She is grateful that they want to bring a housing project in and she emphasized the desperate need for increased density land and zoning. She asked Council to consider higher density zoning throughout the City. She stated that her desire is for housing to be built first because it is desperately needed.

Council President Menke agreed with Councilor Drabkin's comments.

Councilor Stassens MOVED to approve Ordinance No. 5061: An Ordinance amending the Comprehensive Plan Map Designation from Residential to Commercial on existing properties and lots of record, rezoning said property from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/ Residential), and amending an existing Planned Development Overlay District to remove said property from the Planned Development; SECONDED by Councilor Garvin. Ordinance No. 5061 PASSED 4-2 by a roll-call vote with Councilor Drabkin and Council President Menke opposed.

12. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 8:44 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, February 26, 2019 at 6:00 p.m.

Presiding: Kellie Menke, Council President

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Zack Geary
	Adam Garvin	Scott Hill
	Sal Peralta	
	Wendy Stassens	

Also present were City Attorney David Koch, Patrol Captain Rhonda Jaasko, Police Chief Matt Scales, Sergeant Steve McCartney, and members of the News Media – Dave Adams, KLYC Radio, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Council President Menke called the meeting to order at 6:03 p.m. and welcomed all in attendance.
2. DISCUSSION OF A POSSIBLE ALARM ORDINANCE.

Police Chief Scales presented. He shared that Sergeant Macartney researched and created the report as part of a supervision class that he took after his promotion to sergeant. Chief Scales thanked Sergeant McCartney for his work.

Police Chief Scales explained that the Police Department has been dealing with False alarms for many years. There have been discussions since early 2000 regarding a possible ordinance to address the issue of false alarm activations. He stated that there was some opposition to alarm ordinance from the alarm companies at that time. Many jurisdictions have ordinance related to permitting and false alarms. Chief Scales stated the ordinance should not be punitive. The program should be education, provide for outreach, and provides for the opportunity for voluntary compliance.

Sergeant Macartney did a two year data poll on alarm response activations. The data proved was from December 2016 through November 2018. He shared that there were 1,778 false alarm responses. 94 resulted in “no response” designations because of the multiple alarms on the same day and location. Only eight of the calls resulted in an actual crime event.

Sergeant Maccartney stated that not all alarms are equal. He explained that there is a difference between an intrusion alarm or premises unsecured and a

robbery alarm. During the 2016-2018 time period there were 148 robbery/hold-up false alarms. These types of alarms are different as they may result in an entire shift responding. Chief Scales stated that resources are being diverted during false alarms. He explained that an alarm response usually requires two officers and robbery or other special alarms (high risk or large facilities) require the use of additional response resources. He stated that the officers and public are being put at risk during these type of responses.

All available units usually respond to hold up alarms. This means there were approximately 592 officers responded to unnecessary emergency responses. Discussion ensued regarding liability of responding to false alarms. He shared national statistics on police emergency response collisions, line of duty deaths as a result of traffic collisions, and police injuries in emergency response collisions. Chief Scales estimated the cost of false alarm responses to be approximately \$1,321.25 per month or \$15,855.00 annually. He noted that the actual cost is likely greater as the estimate is based on salary alone and not the total cost of compensation.

Sergeant Macartney explained that the proposed alarm permit ordinance would provide for the gathering of contact information for business and residents with alarms. The goal is to have all alarm systems permitted. He explained that this is an attempt to mitigate and help citizens prevent false alarms as well as gain valuable contact information.

Chief Scales stated that initially it would be about education and prevention information. A false alarm education flyer will be issued at the time of permitting to provide alarm users valuable information in how they can take steps to voluntarily comply with the proposed alarm ordinance. He shared the suggested costs for the permits and penalties for failing to obtain permits.

Sergeant Macartney explained that the intent is not to be punitive. Failure to obtain/ renew the permit is correctible if the permit or renewal is obtained and proof is provided prior to the scheduled court appearance. The goal is to have more information so citizens may be served better.

Discussion ensued regarding municipal court fees.

City Attorney Koch explained that multiple citations could be issued.

Chief Scales stated that there is not a penalty associated with the first two false alarms. There would be fines for three or more false alarms in a year. If a user has five or more false alarms in any alarm permit year the cost would be \$160 for a Residential user or \$265 for a Commercial user.

Failure to take corrective measures is correctable (first violation) if the user in violation submits the following prior to the schedule initial court appearance: a plan which articulates how future false alarms will be prevented, and a complete inspection/ repair work order from an alarm business.

Councilor Drabkin felt that there may be too much of a grace period. Sergeant Macartney explained that he was careful in crafting the proposed ordinance to fit the City. He stated that the Police Department wants to do the right thing and assist citizen in their time of need. He took a slow pace sharing that he wants citizens understand the Police Department is there to serve them and they would like to provide citizens with every opportunity for voluntary compliance.

Discussion ensued regarding the cost of administering a permitting program and cost recovery. Chief Scales noted that the Planning Department has a program that can be used for the proposed permitting program.

Chief Scales stated that there were 34,000 calls for service last year. It was noted that false alarms are controllable calls.

Discussion ensued regarding communication with alarm companies. Police Sergeant Macartney stated that alarm systems have become much more affordable and accessible and anticipates there will continue to be an increase in false alarms. There will be proactive informational material provided at permitting and at the time of response to a false alarm. There are several businesses with chronic false alarms because of turnover and new employees not being trained on alarm systems. Most residences would not have two or more false alarms per year.

Chief Scales asked if Council would like to move forward with the proposed Alarm Ordinance.

Chief Scales stated the goal is to educate the community for several months. Sergeant Macartney explained that the proposed Ordinance would go into effect on January 1, 2020 for Commercial Business and July 1, 2020 for Residences.

Councilor Garvin suggested that the proposed Alarm Permit Ordinance be implemented with the Business Permit Ordinance that will be proposed later in the year.

Councilor Peralta shared that some of the research he read showed that there could be a 60-95 percent reduction in false alarms by implementing an ordinance.

Councilor Drabkin stated she was in support of the Ordinance in the timeframe for implantation. She was also interested in true cost recovery and tying the numbers to the penalties.

Councilor Stassens stated that she is in support of the proposed Ordinance and agrees with Councilor Garvin about creating efficiencies through adding it to the Business Permit Ordinance. Discussion ensued regarding fees in other organizations and what seemed to work best.

Councilor Drabkin stated that the number of false alarm calls is a significant amount. It was reiterated that false alarm calls are risk points for officers and that there may be complacency in responding because of the high number of false alarm responses.

Councilor Peralta felt that the proposed Ordinance was good as is.

Discussion ensued regarding the Police Department using discretion on penalties for false alarms.

Councilor Stassens noted that there are scenarios where it is not necessary to respond to the alarms and on-duty supervisors can approve no response.

Council President Menke thanked Chief Scales and Sergeant Macartney for their work.

3. ADJOURNMENT: Council President Menke adjourned the Work Session at 6:52 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL MEETING
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, February 26, 2019 at 7:00 p.m.

Presiding: Kellie Menke, Council President

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Remy Drabkin	Zack Geary
	Adam Garvin	Scott Hill
	Sal Peralta	
	Wendy Stassens	

Also present were City Attorney David Koch, Patrol Captain Rhonda Jaasko, Police Chief Matt Scales, Sergeant Steve Macartney, and members of the News Media – Dave Adams, KLYC Radio, and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Council President Menke called the meeting to order at 7:02 p.m. and welcomed all in attendance.
2. PLEDGE
Councilor Drabkin led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Council President Menke invited the public to comment.

There were no public comments.

There was a Boy Scout Troop present. Council President Menke invited the Troop to introduce themselves and gave them City of McMinnville pins.
4. ADVICE/ INFORMATION ITEMS
- 4.a. Reports from Councilors on Committee & Board Assignments

Councilor Drabkin invited everyone to the upcoming McMinnville Affordable Housing Task Force meeting. They would be hearing an update on HB 595 and SB 2001 and the Statewide Housing Plan. The Housing Needs Analysis would also be discussed. There will be a meeting discussing a potential floating zone for the City. Councilor Drabkin commented on the overnight car camping program stating that while there are no current sites using the City partnerships, there are approximately six sites where people are being provided housing by friends or neighbors that would not have been

allowed if not for the Ordinance. They have sites in development and are working with a small handful of partners to get some sites operational.

Councilor Stassens that the there was a meeting with MURAC and a Citizen Advisory Committee regarding Third Street planning.

Councilor Garvin shared that there was a YCOM meeting and an Airport Commission Meeting is coming up. He noted that YCOM is working on how calls are billed.

Councilor Peralta stated that he had his first meeting as a representative on the Parkway Committee. He had testified on SB 595 which is a bill that would allow jurisdictions to apply 30 percent of their transient lodging tax towards affordable housing projects in the community. The testimony he provided was heavily reliant on Staff analysis. He thanked Planning Director Heather Richards and Senior Planner Tom Schauer for their work. He congratulated Councilor Drabkin for the six camping sites. Councilor Peralta shared that Planning Director Heather Richards was awarded the Wes Kvarsten Professional Service Award by the Mid-Willamette Valley Council of Governments (MWVCOG) for having a great 2018. The City of McMinnville along with Carlton, Lafayette, Yamhill County, and McMinnville Water and Light for the Yamhill Regional Water Authority won a regional cooperative award for the work done in 2011 to establish a regional water solution. He also noted that during Strategic Planning the economic health of regional employees was discussed and he had received a call from Cascade Steel asking for a letter of support to the legislature addressing Cascade Steel's importance of being a regional employer and a recycling entity.

4.b. Department Head Reports

Chief Scales shared that the part-time evidence technician was hired. They also recently swore in a lateral officer. He stated that they are almost finished with their reaccreditation. Downtown Safety Task Force post results survey are out. There have been approximately 60 comments so far and they are generally more positive.

Planning Director Richards shared that the Project Advisory Committee for the Housing Needs Analysis will be next week. She thanked the Council for their support and stated that the award from the MWVCOG is an award for everyone collectively as a team stating that it is a full holistic circle doing the work.

City Manager Towery stated that Dave Gehring has been a City Employee for 30 years. His last day is tomorrow and he will be missed. The McMinnville Economic Development Partnership has selected a replacement for Jody Christensen and a new executive director will be in place by March.

5. CONSENT AGENDA
- a. Consider OLCC request for a Winery 2nd location license from Giovingo Vineyards LLC at 2803 NE Orchard Avenue.

Council Peralta MOVED to adopt the consent agenda as presented;
SECONDED by Councilor Stassens. Motion PASSED unanimously.

6. RESOLUTION
- a. Consider Resolution No. 2019-15: A Resolution appointing a member to the Affordable Housing Task Force.

Planning Director Richards explained that the vacancy on the Affordable Housing Task Force was created when Meredith Nelson left to Eugene. Staff recommended the appoint of Shannon Carefoot from the Willamette Valley Medical Center who represents the hospital and the business community. Since the remainder of the term is less than a year they are recommending that the appointment last through December 31, 2022. Ms. Carefoot has experience from Habitat for Humanity as well as a long institutional experience in McMinnville. She is recommended by Chair and Vice Chair of the Task Force. Ms. Richards shared that there was a solicitation for applications when Meredith Nelson was appointed and that she was only able to attend one meeting before she relocated. Ms. Richards explained that the hospital has been vocal about losing employees and having difficulty recruiting employees due to housing situation in McMinnville. They felt that having a representative from the hospital would be a good representation of what the business community is experiencing in that regard.

Councilor Garvin MOVED to adopt Resolution No. 2019-15 appointing a member to the Affordable Housing Task Force; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ADJOURNMENT: Council President Menke adjourned the Meeting at 7:24 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL WORK SESSION
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 26, 2019 at 5:45 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Zack Geary Wendy Stassens	<u>Excused Absence</u> Kellie Menke, Council President Sal Peralta
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Also present were City Attorney David Koch, City Manager Jeff Towery, Community Development Director Mike Bisset, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Police Captain Tim Symons, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Director Susan Muir, and members of the News Media – Dave Adams, KLYC Radio, Tom Henderson, *News Register* and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:49 p.m. and welcomed all in attendance.

2. CONDITION ASSESSMENT OF CITY OWNED BUILDINGS

City Manager Towery shared that last fall the City entered into an agreement with EMG to provide a condition assessment of approximately 54 City owned buildings, structures, and sites.

Mr. Towery explained that the condition assessments were comprehensive.

Each report included:

- Executive Summary
- Key Findings
- Facility Condition Index
- Immediate Needs
- ADA Accessibility
- Seismic (Selected Facilities)
- Opinions of Probable Costs

The deficiencies and lifecycle needs identified in the assessment provide the basis for a portfolio-wide capital improvement funding strategy. 3-year, 5-year, and 10-year facility condition indexes were calculated by dividing the anticipated needs of those respective time periods by current replacement value.

The plan types included: Safety, Performance/Integrity, Accessibility, Environmental, Retrofit/Adaptation, Lifecycle/Renewal.

Four of the strategic priorities influence or are influenced through the facilities: City Government Capacity, Community Safety and Resiliency, Economic Prosperity, engagement and inclusion.

Mr. Towery stated that the following buildings/ facilities were identified for a preventative maintenance plan: Police Department, Senior Center, Civic Hall, Community Development Center, Neighborhood Parks and the Water Reclamation Facility.

The following buildings/ facilities were grouped into the invest and improve category: Community Parks, Library, Street Network, Surface Parking and the Airport.

The following buildings/ facilities were identified as end of use: Chamber of Commerce, Public Works, Community Center, Aquatic Center, City Hall, Parking Structure and the Fire Department.

The future steps in no particular order include:

- Evaluate Preventive Maintenance Program.
- Phase 1 of a Building Master Plan and Feasibility Study.
- Explore options for a centralized Facility Maintenance Program.
- Budget resources for immediate improvement needs.
- Explore options for a centralized Fleet and Equipment Program.
- Update infrastructure master plans as needed.

Mr. Towery stated that the City's footprint in terms of built facilities has not changed much in the last decade. Conversations will need to take place about whether or not the locations and number of buildings are an efficient, effective and appropriate way to deploy City services or should there be a more consolidated approach. A Civic presence is crucial to a fantastic downtown.

Mr. Towery explained that the City does not have a centralized facilities maintenance program and that each department director is responsible for their own facility. He suggested that a centralized facility maintenance program should be explored and mentioned that he has had discussions about a possible partnership with the County on facilities maintenance.

Discussion ensued regarding the expenses over time. He explained that as the further out the more likely there's likely a needed roof repair or replacement of a HVAC system or technology.

Councilor Drabkin asked about viewing the various assessments. City Manager Towery explained that the information may be provided as the Council desires.

City Manager Towery commented on the challenges of the Fire Department Building. He stated that the best use of the public resources will need to be considered and that the facilities conversation is one that will last several years. Mr. Towery shared that there's money in the proposed Budget for a Phase 1 of a Building Master Plan and Feasibility Study.

Discussion ensued regarding the Facility Condition Index.

Councilor Garvin asked if there were any other buildings aside from the Fire Department that needed seismic upgrades. Community Development Director Bisset stated that the Community Center, Wastewater Services, and the Oregon State Police had seismic assessments conducted.

It was noted that the Chamber Building, Oregon State Police Building, and a house on Riverside drive are City owned properties that are leased.

Discussion ensued regarding maintenance needs for the buildings over the years and the importance of having a big picture.

Mayor Hill stated that it will be important to look at safety areas and that there should be another work session once the Phase 1 Building Master Plan and Feasibility Study is conducted. He liked the idea of partnering up with other entities on things like facilities maintenance, fueling, and fleet maintenance.

City Manager Towery explained that the facilities all have different needs. The next step at the staff level is to look at which buildings should be in the Building Master Plan and which ones need to be addressed in a different method.

Councilor Stassens asked if there had been a facilities assessment in the past. Mr. Bisset stated that this is the first collective body of information about where the facility needs are. This is a baseline to make priority decisions. He stated in the past department heads had been making decisions on what they need to do with their buildings.

Parks and Recreation Director Susan Muir stated that in the current budget cycle there's \$75,000 allocated for a Parks and Recreation Facilities Master Plan and a contract was just signed. They will be looking at funding potential and planning potential for recreation needs. They will build off of the condition assessment.

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 6:37 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF CITY COUNCIL REGULAR SESSION
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, March 26, 2019 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors:	<u>Present</u> Remy Drabkin Adam Garvin Zack Geary Wendy Stassens	<u>Excused Absence</u> Kellie Menke, Council President Sal Peralta
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Also present were City Attorney David Koch, City Manager Jeff Towery, Community Development Director Mike Bisset, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Police Captain Tim Symons, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Director Susan Muir, and members of the News Media – Dave Adams, KLYC Radio, Tom Henderson, *News Register* and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE

Councilor Geary led the Pledge of Allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

No public comments were made.

4. ADVICE/ INFORMATION ITEMS

4.a. Reports from Councilors on Committee & Board Assignments

Councilor Garvin shared that YCOM is beginning their Budget Cycle and exploring the option to bring Dundee on in January. YCOM will likely be hiring another dispatcher. He noted that there is a 911 tax related to cell phone bills that is being looked at by the State Legislature.

Councilor Stassens shared that the McMinnville Urban Renewal Agency Committee meeting is the first week in April.

Councilor Drabkin shared that the McMinnville Affordable Housing Task Force meets tomorrow at 10 am. They would be reviewing the work of a subcommittee regarding a floating zone. In the housing for homeless subcommittee there is a reminder that YCAP is accepting interested parties for the Safe Shelter Program. The program pairs children with host families for up to 21 days. There are currently nine host families in Yamhill County, with two being in McMinnville. There are 98 unaccompanied youth in Yamhill County from the point-in-time count. There are over 400 children under the age of 18 in Yamhill County that are homeless. She shared that earlier in the week City Manager Towery, Planning Director Richards and Councilor Drabkin met with Congresswoman Suzanne Bonamici for a listening session. There were also representatives from the faith based communities, Health and Human services representatives, nonprofits, county commissioners, and the Mayors of McMinnville and Newberg. Congresswomen Bonamici asked two questions of the group: 1. She asked for an accurate reflection on where individual communities are now. and 2. What could be done at a federal level with regards to affordable housing and workforce housing? Congresswomen Bonamici shared that if you are a minimum wage earner and based on the average of a one bedroom apartment if you were spending approximately 30 percent of your income on rent you'd be working approximately 65 hours a week. The actual housing wage to be able to work a 40 hour work week and afford the one bedroom apartment is \$21.77 per hour. Congresswomen Bonamici also provided an update on the Ending Homelessness Act and funding of the Violence Against Women Act (VAWA). She stated that funding is important as domestic abuse is the second leading cause of homelessness in Yamhill County.

Councilor Geary noted that Friday, April 26th is Arbor Day.

Mayor Hill stated that he attended the Visit McMinnville meeting and they reviewed the financial statements. There was discussion about SB 595 related to the Transient Lodging Tax. The marketing reports were good. The Strategic Board Planning Day would be on April 10th. Newberg is starting a Destination Marketing Organization. Mayor Hill stated that Dave Haugeberg and consultants met with Representative Noble and Senator Boquist and debriefed them on the Washington DC meetings and Senator Boquist provided some direction related to transportation infrastructure funding. Mayor Hill also testified at a Committee Hearing on a controlled pilot program related to an inclusionary zone. He stated that it was a good hearing and that the Bill is primarily a pilot program for McMinnville.

4.b. Department Head Reports

Chief Leipfert stated that there were a couple of open houses regarding the Amity Fire partnership. On April 16th the Amity Board will be considering the contract. The contract would then come before the McMinnville City Council.

Community Development Director Bisset shared that Leland Koester was promoted to Wastewater Services Manager. They are now recruiting to fill the Water Reclamation Facility Operations Superintendent position.

5. CONSENT AGENDA

- a. Consider request from Elias Walter Wine Company LLC for an OLCC License – Winery 1st Location located at 455 NE Irvine Street.
- b. Consider request from A and D Wine Company for an OLCC License – Winery 1st Location located at 1065 NE Alpine Avenue.

Councilor Drabkin MOVED to adopt the consent agenda as presented; SECONDED by Councilor Geary. Motion PASSED unanimously.

6. RESOLUTIONS

- 6.a. Resolution No. **2019-19**: A Resolution awarding the contract for the Biosolids Application Project, Project 2019-1.

Community Development Director Bisset shared that the contract is an annual contract for biosolids hauling and application. The water reclamation facility generates a Class A Biosolid product which is an exceptional quality product. Based on the qualification of the product the City does not have additional applications regulation from the Department of Environmental Quality. Approximately 4.5 million gallons are hauled and applied to farm fields. Tribeca has had the contract since 2013. They were the lowest bidder.

Councilor Garvin asked about demand for the product. Mr. Bisset stated that it is a well received product in the area and there is an active list of farmers who are interested in the product. Councilor Gavin asked about marketable of the product and recouping some of the costs.

Mr. Bisset stated that as the community grows the ability to generate the liquid applied product will become limited by capacity. He stated that it has been a symbiotic relationship between the City and the farmers receiving the product. Mr. Bisset noted that there is a cost increase however it is a fairly insignificant and doesn't have an impact on the rates.

Councilor Garvin stated that he would like to explore the options noting that every dollar matters.

Councilor Garvin MOVED to adopt Resolution No. 2019-19; awarding the contract for the Biosolids Application Project, Project 2019-1; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 6.b. Resolution No. 2019-20: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations (related to the General Fund, Fire Department and Ambulance Fund).

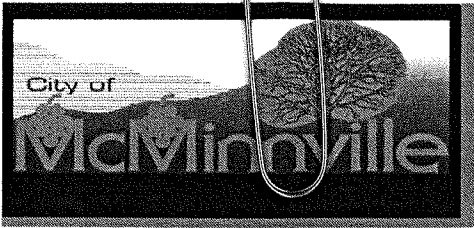
Finance Director Baragary stated that the supplemental budget is necessary for the General Fund, Fire Department and Ambulance Fund due to higher than anticipated personnel services and equipment costs incurred when the City responded to Oregon and California wildfire conflagrations in July and August 2018 and the Hurricane Michael national emergency in Florida in October 2018. The resolution increases intergovernmental revenue for reimbursements to be received and increases appropriations for costs incurred.

During the summer of 2018, City firefighters responded to the Garner Complex, Substation, Taylor Creek, Stubblefield, and Sugar Pine/Miles wildfire conflagrations in Oregon and to the Camp Fire conflagration in California in the fall of 2018. Firefighters also responded to the Hurricane Michael national emergency in Florida in October 2018. The City will receive total reimbursements of \$275,315 for these responses.

Councilor Drabkin MOVED to adopt Resolution No. 2019-20; adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 7:26 p.m.

Melissa Bisset, City Recorder



City Recorder Use	
Final Action: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: DHF Holdings, Inc.

BUSINESS LOCATION ADDRESS: 829 NE 5th St #700

LIQUOR LICENSE TYPE: Winery 2nd Location

Is the business at this location currently licensed by OLCC

☒ Yes ☐ No

If yes, what is the name of the existing business:

Hours of operation: Monday – Friday 9:00 am to 5:00 pm

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: ☒ Yes ☐ No

Criminal Records Check: ☒ Yes ☐ No

Recommended Action: ☒ Approve ☐ Disapprove

A handwritten signature is written over a horizontal line.

Chief of Police / Designee

City Manager / Designee



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 9, 2019
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: Ordinance No. 5066, Comprehensive Plan Text Amendments -
Great Neighborhood Principles (G 1-19)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This action is the consideration of Ordinance No. 5066, an ordinance approving Comprehensive Plan Text Amendments to incorporate the Great Neighborhood Principles into the City's land use planning program.

The City of McMinnville is proposing to amend Chapter IX (Urbanization) of the Comprehensive Plan by adding a new section titled "Great Neighborhood Principles" to the chapter, which would be inserted under the overarching Goal IX 2, which is "To establish a land use planning framework for application of the goals, policies, and proposals of the McMinnville Comprehensive Plan". This new section of Chapter IX (Urbanization) would include policies and proposals related to the Great Neighborhood Principles.

Background:

The McMinnville Planning Commission's 2017-2019 Work Plan included the Great Neighborhood Principles (GNP) project as a long-range planning work product. Staff initiated the GNP project in August 2018 by forming a Project Advisory Committee (PAC) and Technical Advisory Committee (TAC) to provide guidance for staff and to oversee the completion of the project. Four PAC meetings were held between September 2018 and January 2019 to oversee the project process. The first meeting was a kick-off meeting in September 2018, introducing the PAC members to the project and providing an opportunity for small-group discussion and idea sharing on potential GNPs. The second meeting was

Attachments:

Ordinance No. 5066 including:

Exhibit A – G 1-19 Decision Document

McMinnville Water and Light Comments and Suggested Amendments

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held in October 2018 and focused on the PAC review and approval of the public engagement plan for the GNP project.

The public engagement portion of the project was then completed during October and November of 2018. In order to solicit as much public input as possible, staff and the PAC decided on a variety of formats for information sharing and public engagement, including social media posts, social media polls, an online survey, placement of hard copies of the survey in various locations around the city, a public open house, and presentations to service organizations in McMinnville. The survey was the most successful method in generating public input and feedback on the project. Overall, 334 survey responses were provided. Of those responses, 292 were provided online in English, 5 were provided online in Spanish, and 37 were provided as hard copies in English.

Following the public engagement process, the PAC met for their third meeting in December 2018 to review the survey results and other public engagement results, and identified key takeaways from the survey results to incorporate into the GNPs. The PAC then directed staff to draft Comprehensive Plan text amendments that would incorporate the GNPs into the Comprehensive Plan, and to bring those draft text amendments back to the PAC for review.

Staff prepared and presented draft Comprehensive Plan text amendments to the PAC at their January 2019 meeting. The PAC reviewed the draft amendments, and with a few minor edits, recommended that they be forwarded on to the Planning Commission for review and consideration.

The Planning Commission held a work session on February 21, 2019, and reviewed the draft amendments recommended by the PAC. The Planning Commission was supportive of the recommended language from the PAC, so staff initiated the formal review process for the Comprehensive Plan Text Amendments.

A public hearing was held by the Planning Commission on March 21, 2019. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Comprehensive Plan Text Amendments as outlined in Ordinance No. 5066.

Discussion:

The full version of the proposed text amendments are attached to this staff report in the decision document that is included as Exhibit A in Ordinance No. 5066. However, a brief summary of the proposed text amendments is provided below.

The Great Neighborhood Principles (GNP) have been drafted as a set of policies and proposals to fit within the existing format of the McMinnville Comprehensive Plan. These include proposed Policies 187.10, 187.20, 187.30, and 187.40, which introduce and describe the purpose and function of the GNPs. Proposed Policy 187.50 then lists the GNPs, which are proposed to be as follows:

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

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4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.
11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.
13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have: [...]

Each GNP is followed by language that is intended to provide more specific direction on how to achieve each individual principle. This language that provides direction on achieving each principle was drafted largely out of feedback provided throughout the public outreach process, and during dialogues and discussions with the Project Advisory Committee.

As discussed above, the Planning Commission held a public hearing at their regular meeting on March 21, 2019. Notice of the proposed Comprehensive Plan text amendments was published in the newspaper and circulated for agency comment. No public comments were received prior the public hearing, and no public testimony was provided during the public hearing. One set of comments was received by the Planning Department from McMinnville Water and Light, who provided suggested amendments to the City's proposed Comprehensive Plan text amendments. Those comments and suggested amendments are attached to this staff report.

The Planning Commission reviewed the McMinnville Water and Light comments and suggestions, but did not support inclusion of all of the suggested amendments. The Planning Commission found that the scale and scope of the McMinnville Water and Light suggested amendments were more detailed and specific than the higher policy-level intent of the other GNPs. The Planning Commission also expressed concern that the suggested amendments were not vetted by the Project Advisory Committee (PAC) during the public process, and that some of the suggested amendments undermined the intent of some of the GNP language as it was drafted by the PAC. However, the Planning Commission did acknowledge the suggested amendments and voted to include some amendments to respond to them. These amendments included the addition of the term "infrastructure" to Policy 187.20, specifically to add it in the end of the Policy as follows: "[...] and to create a neighborhood that supports today's technology **and infrastructure**, and can accommodate future technology **and infrastructure**." Similarly, the Planning Commission voted to add the term "infrastructure" in Policy 47.00. Also, the Planning Commission voted

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to include Proposal 48.00, which was an entirely new proposal to respond to the McMinnville Water and Light suggestions, which is as follows: “The City shall develop design and development standards and processes that allow for the discreet and coordinated incorporation of existing and future infrastructure into neighborhoods”.

One additional amendment was proposed by a Planning Commissioner, and was voted to be included as an amendment to the Comprehensive Plan Text Amendments recommended for approval by the City Council. This final amendment was to better acknowledge that an anticipated outcome of the use of the application of the Great Neighborhood Principles would result in a neighborhood that was more supportive of the ability to travel and conduct daily life and activities without reliance on a motor vehicle. Specifically, the following language was added to Great Neighborhood Principle 9 (Mix of Activities) in Policy 187.50: “Neighborhoods are designed such that owning a vehicle can be optional”.

Attachments:

Ordinance No. 5066:

Exhibit A – Decision Document and Proposed Comprehensive Plan Amendments.

Exhibit B – Comprehensive Plan Amendments

McMinnville Water and Light Comments and Suggested Amendments

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Fiscal Impact:

None.

Alternative Courses of Action:

- 1) **ADOPT** Ordinance No. 5066, approving G 1-19 and adopting the Decision, Findings of Fact, and Conclusionary Findings provided in Ordinance No. 5066.
- 2) **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
- 3) **DO NOT ADOPT** Ordinance No. 5066, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5066.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5066 which would approve G 1-19, as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY STAFF AND RECOMMENDED BY THE PLANNING COMMISSION, I MOVE TO ADOPT ORDINANCE NO. 5066.”

Attachments:

Ordinance No. 5066 including:

Exhibit A – G 1-19 Decision Document

McMinnville Water and Light Comments and Suggested Amendments

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ORDINANCE NO. 5066

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, SPECIFIC TO CHAPTER IX (URBANIZATION) AND CHAPTER X (CITIZEN INVOLVEMENT AND PLAN AMENDMENT), TO INCORPORATE GREAT NEIGHBORHOOD PRINCIPLES INTO THE CITY'S LAND USE PLANNING PROGRAM.

RECITALS:

The McMinnville Planning Department received requests to evaluate the City's land use planning program to ensure that development was occurring in a form that was consistent with the community's desires and expectations. The McMinnville Planning Commission, after being made aware of these requests, included the Great Neighborhood Principles project in their 2017-2019 Work Plan as a long-range planning work product; and

A Project Advisory Committee (PAC), made up of residents, community members, and city staff, was formed and oversaw the Great Neighborhood Principles project over the course of multiple public meetings from September 2018 through January 2019. At the last PAC meeting, following a public engagement period and multiple discussions at monthly meetings, the PAC recommended a draft version of the Great Neighborhood Principles Comprehensive Plan text amendments to be forwarded to the McMinnville Planning Commission and City Council for further review; and

A work session was held with the McMinnville Planning Commission on February 21, 2019 to review the draft text amendments as recommended by the Project Advisory Committee (PAC). The Planning Commission was supportive of the recommended language from the PAC, and directed staff to initiate the Comprehensive Plan text amendments and schedule the amendments for review during a public hearing; and

A public hearing was held before the McMinnville Planning Commission on March 21, 2019, after due notice had been provided in the local newspaper on March 12, 2019. At the March 21, 2019 Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Planning Commission closed the public hearing. After deliberation, the Planning Commission voted to recommend approval of G 1-19, with some minor amendments, to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the Comprehensive Plan Text Amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the McMinnville Planning Department and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Decision, Findings of Fact, and Conclusionary Findings, as documented in Exhibit A for G 1-19; and
2. That Chapter IX (Urbanization) and Chapter X (Citizen Involvement and Plan Amendment) of the McMinnville Comprehensive Plan are amended as provided in Exhibit B.

Text that is added is shown in **bold underlined** font while text that is removed is shown in ~~strikeout~~ font; and

3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 9th day of April, 2019, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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www.mcminnvilleoregon.gov

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A
LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN PERTAINING TO
GREAT NEIGHBORHOOD PRINCIPLES**

DOCKET: G 1-19

REQUEST: The City of McMinnville is proposing to amend Chapter IX (Urbanization) of the Comprehensive Plan by adding a new section to the chapter titled "Great Neighborhood Principles", which would be inserted under the overarching Goal IX 2, which is "To establish a land use planning framework for application of the goals, policies, and proposals of the McMinnville Comprehensive Plan". This new section of Chapter IX (Urbanization) would include policies and proposals related to the Great Neighborhood Principles.

The proposal also includes minor amendments to Chapter X (Citizen Involvement and Plan Amendment) to update proposal numbers based on the new proposals being added to Chapter IX.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Senior Planner

**DATE DEEMED
COMPLETE:** February 6, 2019

HEARINGS BODY: McMinnville Planning Commission (recommendation to City Council)

DATE & TIME: March 21, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon

HEARINGS BODY: McMinnville City Council (final decision)

DATE & TIME: April 9, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon

PROCEDURE: The application is subject to the legislative land use procedures specified in Sections 17.72.120 - 17.72.160 of the McMinnville Municipal Code.

CRITERIA: Amendments to the text of the Comprehensive Plan must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan and the Purpose of the Zoning Ordinance.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this decision document.

APPLICATION SUMMARY:

The City of McMinnville is proposing Comprehensive Plan amendments to incorporate Great Neighborhood Principles (GNP) into the Urbanization chapter of the Comprehensive Plan. Specifically, the GNPs are proposed to be inserted into the end of the Urbanization chapter (Chapter IX) with a new section titled “Great Neighborhood Principles” that will include new Policies and Proposals related to the GNPs. The purpose of the GNPs is to define what makes a great neighborhood in McMinnville, and to identify and describe specific principles (which also could be referred to as elements or characteristics) that shall be achieved in every neighborhood. The GNP will ensure that new development and redevelopment, as it occurs, creates places and neighborhoods that are livable, healthy, social, safe, and vibrant for all residents of McMinnville. The GNP will guide future development, and will also be used to guide future development code updates establishing more detailed requirements to achieve and implement the GNP.

ATTACHMENTS:

1. Proposed Amendments to Chapter IX (Urbanization)
2. Proposed Amendments to Chapter X (Citizen Involvement and Plan Amendment)
3. McMinnville Water and Light Comments (On file with the Planning Department)

COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department:

No comments.

- McMinnville Water and Light:

Please find attached MW&L staff comments, as redline to the draft document. Please feel free to have planning staff contact me with questions. Thanks.*

*Note – Redlined McMinnville Water and Light comments included as Attachment 3

Public Comments

- No public comments were received.

FINDINGS OF FACT

- A. The City of McMinnville Planning Department initiated the Great Neighborhood Principles project in response to community dialogue about creating more clear priorities and principles for future growth and redevelopment that reflect McMinnville’s unique environment and community. The Planning Commission included the Great Neighborhood Principles project in their 2017-2019 Work Plan as a long-range planning work product.

- B. A Project Advisory Committee (PAC), made up of residents, community members, and city staff, was formed and oversaw the Great Neighborhood Principles project over the course of multiple public meetings from September 2018 through January 2019. At the last PAC meeting, following a public engagement period and multiple discussions at monthly meetings, the PAC recommended a draft version of the Great Neighborhood Principles Comprehensive Plan text amendments to be forwarded to the Planning Commission and City Council for further review.
- C. A work session was held with the Planning Commission on February 21, 2019 to review the draft text amendments as recommended by the Project Advisory Committee (PAC). The Planning Commission was supportive of the recommended language from the PAC, and directed staff to initiate the Comprehensive Plan text amendments and schedule the amendments for review during a public hearing.
- D. The City of McMinnville is proposing to amend Chapter IX (Urbanization) to incorporate Great Neighborhood Principles (GNP) into the Urbanization chapter of the Comprehensive Plan. Specifically, the GNPs are proposed to be inserted into the end of the Urbanization chapter (Chapter IX) with a new section titled "Great Neighborhood Principles" that will include new Policies and Proposals related to the GNPs. The City of McMinnville is also proposing minor amendments to Chapter X (Citizen Involvement and Plan Amendment) to update proposal numbers based on the new proposals being added to Chapter IX.
- E. Public notification of the proposal and the March 21, 2019 Planning Commission public hearing was published in the March 12, 2019 edition of the News Register.
- F. The text amendments proposed are included in Attachment 1 (Amendments to Chapter IX) and Attachment 2 (Amendments to Chapter X).

CONCLUSIONARY FINDINGS:

As addressed below, ***the applicable criteria are satisfied.*** The proposed amendments are consistent with the applicable Goals and Policies of the Comprehensive Plan and the applicable provisions of the Zoning Ordinance for the proposed amendments to the McMinnville Comprehensive Plan.

McMinnville's Comprehensive Plan:

The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

Policy 8.00 The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Finding: Goal II 1 and Policies 2.00, 8.00, and 9.00 are satisfied.

A Great Neighborhood Principle related to Natural Feature Preservation (Principle 1) is included that will ensure that natural resources, including, but not limited to, watercourse, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees are considered in the design and development process.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville's Economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.

Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.

Finding: Goal IV 1, Goal IV 3 and Policies 22.00, 24.00, 25.00, and 27.00 are satisfied.

A Great Neighborhood Principle related to Mix of Activities (Principle 9) is included, which would allow for additional opportunities for commercial lands and commercial uses in areas that are efficient in terms of land use and accessible in terms of their relationship to surrounding residential uses. More specifically, neighborhood-serving commercial uses are described as being integrated into the built environment at a scale that is appropriate with the surrounding area, which will allow for those uses to be located in areas where conflicts with adjacent land uses can be minimized. The principle states that neighborhoods would include activities and local services that surrounding residents use on a daily basis, which is consistent with Policy 27.00, in that the neighborhood-serving commercial uses would include businesses that would be neighborhood oriented.

Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.

Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

Policy 32.00 Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.

Policy 33.00 Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large

parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling.

Finding: Policies 29.00, 30.00, 31.00, 32.00, and 33.00 are satisfied.

New Proposal 45.00 is included to allow for the City to develop site and design requirements for commercial uses. These site and design requirements will ensure that commercial developments are compatible with the surrounding built environment and land uses. The site and design standards will consider Policies 29.00, 30.00, 31.00, 32.00, and 33.00, which are related to design features within commercial developments.

GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

Policy 54.00 The City of McMinnville shall establish industrial planned development ordinances which shall be placed over the future industrial areas designated on the McMinnville Comprehensive Plan Map, the industrial reserve area, and certain existing industrially designated areas within the city limits. The overlay shall also be applied to any areas which are in the future designated for future industrial use through an amendment to the comprehensive plan map. The overlays shall provide standards to control the nuisance and negative environmental effects of industries. These controls shall cover, but not be limited to, the following areas:

- 1. Landscaping and screening*
- 2. Noise suppression*
- 3. Light and heat suppression*
- 4. Pollution control for air, water, and land*
- 5. Energy impacts*
- 6. Traffic impacts*

Finding: Goal IV 6 and Policy 54.00 are satisfied.

New Proposal 45.00 is included to allow for the City to develop site and design requirements for industrial uses. These site and design requirements will ensure that industrial developments are compatible with the surrounding built environment and land uses. The site and design standards will consider Policy 54.00 and the associated design features within industrial developments.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

Policy 60.00 Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

Finding: Goal V 1 and Policies 58.00, 59.00, and 60.00 are satisfied.

Great Neighborhood Principles related to Housing for Diverse Incomes and Generations (Principle 11) and Housing Variety (Principle 12) are included, which will allow opportunities for the development of affordable, quality housing for all city residents. The policies will require a range of housing forms and types to provide for housing choice and housing for different income levels and different generations.

Policy 64.00 The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Policy 67.00 Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.

Finding: Policies 64.00 and 67.00 are satisfied.

The Great Neighborhood Principles are consistent with these policies related to providing better housing opportunities, improving housing conditions, and dispersing lower cost housing throughout all neighborhoods within the city. New Policy 187.30 states that the Great Neighborhood Principles will be applied in all areas of the city to ensure equitable access to a livable, healthy, social, safe, and vibrant neighborhood for all McMinnville citizens. In addition, Great Neighborhood Principles related to Housing for Diverse Incomes and Generations (Principle 11) and Housing Variety (Principle 12) will require a range of housing forms and types in neighborhoods to provide for housing choice and housing types available to residents at different income levels.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Policy 70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Finding: Goal V 2 and Policies 68.00, 69.00, 70.00, and 71.00 are satisfied.

Great Neighborhood Principles related to Housing for Diverse Incomes and Generations (Principle 11) and Housing Variety (Principle 12) are included, which will allow opportunities for unique and innovative development techniques to be employed in residential developments. The policies will require a range of housing forms and types to provide for housing choice and housing for different income levels and different generations. The policies will further require that a range of housing forms and types are integrated into neighborhoods, and that neighborhoods will have several different housing types, forms, and architectural varieties, which will provide opportunity for innovative land development techniques and flexibility in providing the variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

Policy 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.

Finding: Policy 80.00 is satisfied.

A Great Neighborhood Principle related to Natural Feature Preservation (Principle 1) is included that will ensure that natural resources, including, but not limited to, watercourse, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees are considered in the design and development process.

Policy 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.

Finding: Policy 81.00 is satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will require that residential neighborhoods are designed to be pedestrian and bike friendly for people of all ages and abilities. Pedestrian and bike connections are specifically listed as required, rather than encouraged, to commercial areas, schools, community facilities, parks, trails, and open spaces.

Policy 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.

Finding: Policy 82.00 is satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, which specifically requires that streets will be designed to function and connect with the surrounding built environment and the existing and future street network.

Policy 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.

Policy 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.

Finding: Policies 84.00 and 86.00 are satisfied.

The Great Neighborhood Principles are consistent with these policies related to the dispersal of multiple-family housing throughout all neighborhoods within the city. New Policy 187.30 states that the Great Neighborhood Principles will be applied in all areas of the city to ensure equitable access to a livable, healthy, social, safe, and vibrant neighborhood for all McMinnville citizens. In addition, Great Neighborhood Principles related to Housing for Diverse Incomes and Generations (Principle 11) and Housing Variety (Principle 12) will require a range of housing forms and types in neighborhoods to provide for housing choice and different income levels.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

Finding: Goal VI 1 and Policies 117.00 and 118.00 are satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, which will require neighborhoods and developments to implement an interconnected street network to provide for better coordinated movement of traffic throughout the city. More specifically, the principle states that great neighborhoods will include interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bicycle use. Another Great Neighborhood Principle related to Natural Feature Preservation (Principle 1) will ensure that neighborhoods are designed with and are sensitive to the natural features of the land, thereby providing an opportunity to require street networks to be designed to minimize impacts to natural features.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)

Policy 130.05 In areas where bikeways are planned, the City may require that new development provide bikeway improvements such as widened streets, bike paths, or the elimination of on-street parking. At the minimum, new development shall be required to make provisions for the future elimination of on-street parking along streets where bikeways are planned so that bike lanes can be striped in the future. Bike lanes and bike paths in new developments shall be constructed to standards recommended in the bikeway plan.

Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.

Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

Finding: Policies 130.00, 130.05, 131.00, and 132.00 are satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will specifically require, rather than encourage, pedestrian and bike connections to commercial areas, schools, community facilities, parks, trails, and open spaces. In addition, Proposal 43.00 allows for the city to complete an updated Bicycle Plan to guide the planning, implementation, and growth of a city-wide bicycle network throughout McMinnville.

- Policy 132.24.00 The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*
- 1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
 - 2. Incorporate features that create a pedestrian friendly environment, such as:*
 - a. Narrower traffic lanes;*
 - b. Median refuges and raised medians;*
 - c. Curb extensions (“bulb-outs”);*
 - d. Count-down and audible pedestrian signals;*
 - e. Wider sidewalks;*
 - f. Bicycle lanes; and*
 - g. Street furniture, street trees, and landscaping*
 - 3. Improve pedestrian accommodation and safety at signalized intersections by:*
 - a. Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
 - b. Timing signals to minimize pedestrian delay and conflicts.*
 - c. Balancing competing needs of vehicular level of service and pedestrian safety. (Ord. 4922, February 23, 2010)*

Finding: Policy 132.24.00 is satisfied.

Multiple Great Neighborhood Principles are consistent with the Complete Streets policy. A principle related to Connected Streets (Principle 6) requires that streets incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements. A principle related to Accessibility (Principle 7) will ensure that neighborhoods and designed to be accessible and allow for ease of use for people of all ages and abilities, and further states that design practices should strive for best practices and not minimum practices. A principle related to Human Scale Design (Principle 8) will encourage streets to be designed to be comfortable at a human scale, which could include the features described as creating a pedestrian friendly environment in the public right-of-way.

- Policy 132.25.00 The transportation system for the McMinnville planning area shall consist of an integrated network of facilities and services for a variety of motorized and non-motorized travel modes.*
- Policy 132.26.00 The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*
- Policy 132.26.05 New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*
- Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways.*

Policy 132.36.00 Through implementation of its Complete Streets policy and the TSP by enhancing its pedestrian and bicycle systems, the City of McMinnville will help encourage greater physical activity and improved health and welfare of its residents.

Finding: Policies 132.25.00, 132.26.00, 132.26.05, 132.35.00, and 132.36.00 are satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will result in a transportation system that incorporates a variety of motorized and non-motorized travel modes. A Great Neighborhood Principle related to Connected Streets (Principle 6) will ensure that street networks are interconnected, increasing the connecting between places and destinations. Principles 4 and 5 will specifically require, rather than encourage, pedestrian and bike connections to commercial areas, schools, community facilities, parks, trails, and open spaces. Principles 4 and 5 also state that the pedestrian and bike networks will be provided to encourage walking and biking for reasons other than transportation, including health, recreation, and social interaction.

Policy 132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

- 1. Pedestrian circulation;*
- 2. Enhancement of emergency vehicle access;*
- 3. Reduction of emergency vehicle response times;*
- 4. Reduction of speeds in neighborhoods; and*
- 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.*
(Ord. 4922, February 23, 2010)

Policy 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

Policy 132.41.10 Limit Physical Barriers – The City should limit the placement of facilities or physical barriers (such as buildings, utilities, and surface water management facilities) to allow for the future construction of streets that facilitate the establishment of a safe and efficient traffic circulation network. (Ord. 4922, February 23, 2010)

Finding: Policies 132.41.00, 132.41.05, and 132.41.10 are satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, which will require neighborhoods and developments to implement an interconnected street network that will provide for residential streets with safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bicycle use. More specifically, the principle will require streets to be designed to function and connect with the surrounding built environment and the existing and future street network, which is consistent with Policy 132.41.05 that only allows cul-de-sac streets when connecting neighborhood streets are not feasible. A neighborhood design principle that requires interconnected streets is also consistent with not creating physical barriers that would prohibit the future construction of streets that connect with the surrounding street network.

Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

Finding: Policy 132.41.20 is satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, and specifically states that great neighborhoods will have streets that provide safe travel route options and provide for easy pedestrian and bicycle use. The principle further states that streets shall incorporate human scale elements including, but not limited to, Complete Streets features, neighborhood traffic management techniques, traffic calming, and safety enhancements. A principle related to Accessibility (Principle 7) will ensure that neighborhoods and designed to be accessible and allow for ease of use for people of all ages

and abilities, and further states that design practices should strive for best practices and not minimum practices. A principle related to Human Scale Design (Principle 8) will encourage streets to be designed to be comfortable at a human scale, which could further support the requirement that roadway improvements must not impair safe and efficient movement of pedestrians and bicycle traffic.

Policy 132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policy 132.41.30 is satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, which will require neighborhoods and developments to implement an interconnected street network.

Policy 132.43.00 Implementation – The City should adopt and implement its Neighborhood Traffic Calming Program (see Appendix I). (Ord. 4922, February 23, 2010)

Policy 132.43.05 Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

- 1. Traffic circles;*
- 2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);*
- 3. Landscaping barriers between roadway and non-motorized uses;*
- 4. Landscaping that promotes a residential atmosphere;*
- 5. Sidewalks and trails; and*
- 6. Dedicated bicycle lanes. (Ord. 4922, February 23, 2010)*

Policy 132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic control measures should be coordinated with the affected neighborhood. (Ord. 4922, February 23, 2010)

Finding: Policies 132.43.00, 132.43.05, and 132.43.10 are satisfied.

A Great Neighborhood Principle related to Connected Streets (Principle 6) is included, and specifically states that great neighborhoods will have streets that provide safe travel route options and provide for easy pedestrian and bicycle use. The principle further states that streets shall incorporate human scale elements including, but not limited to, Complete Streets features, neighborhood traffic management techniques, traffic calming, and safety enhancements.

Policy 132.51.05 Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety. (Ord. 4922, February 23, 2010)

Policy 132.51.10 Complete Connections with Crosswalks – All signalized intersections must have marked crosswalks. School crosswalks will be marked where crossing guards are provided. Subject to available funding, and where appropriate, marked crosswalks, along with safety enhancements (medians and curb extensions), shall be provided at unsignalized intersections and uncontrolled traffic locations in order to provide greater mobility in areas frequently traveled by persons with limited mobility. Marked crosswalks may also be installed at other high volume pedestrian locations without

medians or curb extensions if a traffic study shows there would be a benefit to those pedestrians. (Ord. 4922, February 23, 2010)

Policy 132.51.15 *Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way. (Ord. 4922, February 23, 2010)*

Finding: Policies 132.51.05, 132.51.10, and 132.51.15 are satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will result in the planning for sidewalk and share-use path connections within neighborhoods and to the surrounding built environment. Principles 4 and 5 will specifically require, rather than encourage, pedestrian and bike connections to commercial areas, schools, community facilities, parks, trails, and open spaces. A principle related to Accessibility (Principle 7) will ensure that neighborhoods and designed to be accessible and allow for ease of use for people of all ages and abilities, and further states that design practices should strive for best practices and not minimum practices. A principle related to Human Scale Design (Principle 8) will encourage public spaces to be designed to be comfortable at a human scale. Both the Accessibility and Human Scale Design principles would support additional safety enhancements in the planning for pedestrian networks and crosswalks.

Policy 132.52.00 *Compliance with ADA Standards – The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities within the City's right-of-way. (Ord. 4922, February 23, 2010)*

Finding: Policy 132.52.00 is satisfied.

A Great Neighborhood Principle related to Accessibility (Principle 7) will ensure that neighborhoods and designed to be accessible and allow for ease of use for people of all ages and abilities, and further states that design practices should strive for best practices and not minimum practices. This will require that developments are in compliance with ADA standards, and supports design practices that exceed the bare minimum ADA standards.

Policy 132.54.00 *Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)*

Finding: Policy 132.54.00 is satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included. Principles 4 and 5 state that the pedestrian and bike networks will be provided to encourage walking and biking for reasons other than transportation, including health, recreation, and social interaction.

Policy 132.55.00 *Safe Routes to School – The City shall work, where possible, with the McMinnville School District and neighborhood associations to maintain and improve its programs to evaluate the existing pedestrian access to local schools, estimate the current and potential use of walking as a travel mode, evaluate safety needs, and propose changes to increase the percentage of children and young adults safely using this mode. (Ord. 4922, February 23, 2010)*

Finding: Policy 132.55.00 is satisfied.

Great Neighborhood Principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will result in a transportation system that incorporates a variety of motorized and non-motorized travel modes. Principles 4 and 5 will specifically require, rather than encourage, pedestrian and bike connections to schools, along with other community facilities.

- Policy 132.56.00 Provide Bicycle Facilities on Arterials and some Collector Streets – To the extent possible, arterial and some collector streets undergoing overlays or reconstruction will either be re-striped with bicycle lanes or sharrow (bicycle/auto shared-lane) routes as designated on the Bicycle System Plan Map. Every effort will be made to retrofit existing arterials and selective collectors with bicycle lanes, as designated on the Bicycle System Plan Map. (Ord. 4922, February 23, 2010)*
- Policy 132.56.10 Eliminate Barriers to Bicycle Travel – The City will actively pursue a comprehensive system of bicycle facilities through designing and constructing projects, as resources are available, and implementing standards and regulations designed to eliminate barriers to bicycle travel. As a result of this policy, new developments or major transportation projects will neither create new, nor maintain existing, barriers to bicycle travel. (Ord. 4922, February 23, 2010)*
- Policy 132.56.15 Bicycle Routes and Signage – As resources are available, the City will periodically consult with local bicyclists to review existing and proposed bicycle lanes, and identify improvements needed to make these routes function better for bicyclists. These routes shall be identified by signage on the routes and shown on updates of the bicycle route map. (Ord. 4922, February 23, 2010)*
- Policy 132.56.45 Safe Routes to School – The City will work with the McMinnville School District to: evaluate existing bicycle access to local schools and supporting infrastructure (bicycle racks, lockers, etc.); estimate the current and potential use of bicycling as a travel mode; evaluate safety needs; and propose changes to increase the percentage of children and young adults safely using this mode. (Ord. 4922, February 23, 2010)*

Finding: Policies 132.56.00, 132.56.10, 132.56.15, and 132.56.45 are satisfied.

A Great Neighborhood Principle related to neighborhoods being Bike Friendly (Principle 5) is included, which will result in a transportation system that incorporates bike facilities. A Great Neighborhood Principle related to Connected Streets (Principle 6) will ensure that street networks are interconnected, increasing the connections between places and destination which will eliminate barriers to bicycle travel. Principle 5 will specifically require, rather than encourage, bike connections to commercial areas, schools, community facilities, parks, trails, and open spaces. In addition, Proposal 43.00 allows for the city to complete an updated Bicycle Plan to guide the planning, implementation, and growth of a city-wide bicycle network throughout McMinnville, which could result in recommendations for additional bike facilities than are identified in the current Bicycle System Plan.

- Policy 132.57.00 Transit-supportive Street System Design – The City will include the consideration of transit operations in the design and operation of street infrastructure. (Ord. 4922, February 23, 2010)*
- Policy 132.57.05 Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety. (Ord. 4922, February 23, 2010)*
- Policy 132.57.10 Transit Facilities – The City will continue to work with YCTA to identify and help develop supportive capital facilities for utilization by transit services, including pedestrian and bicycle access to bus stop and bus shelter facilities where need is determined and right-of-way is available. (Ord. 4922, February 23, 2010)*
- Policy 132.57.15 Pedestrian Facilities – The City will ensure that arterial and collector streets' sidewalk standards are able to accommodate transit amenities as necessary along arterial and collector street bus routes. The City will coordinate with YCTA on appropriate locations. . (Ord. 4922, February 23, 2010)*

Policy 132.57.20 Intermodal Connectivity – The City of McMinnville will encourage connectivity between different travel modes. Transit transfer facilities should be pedestrian and cyclist accessible. (Ord. 4922, February 23, 2010)

Finding: Policies 132.57.00, 132.57.05, 132.57.10, 132.57.15, and 132.57.20 are satisfied.

Multiple Great Neighborhood Principles are consistent with the transit-related Comprehensive Plan policies policy. A principle related to Connected Streets (Principle 6) requires that streets be designed to be interconnected to increase connectivity between places and destinations, which supports transit serviceability. Great Neighborhood Principles related to Mix of Activities (Principle 9), Housing for Diverse Incomes and Generations (Principle 11), and Housing Variety (Principle 12) provide the framework for neighborhoods to be designed to include a variety of uses and housing types, which could provide an urban design and level of service that is supportive of transit. A principle related to Accessibility (Principle 7) will ensure that neighborhoods and designed to be accessible and allow for ease of use for people of all ages and abilities, which would allow for certain facilities to be designed to function with transit and for pedestrian facilities to be designed to accommodate transit amenities. A principle related to Human Scale Design (Principle 8) will encourage streets to be designed to be comfortable at a human scale, which also would allow for certain facilities to be designed to function with transit. Finally, principles related to neighborhoods being Pedestrian Friendly (Principle 4) and Bike Friendly (Principle 5) are included, which will require that residential neighborhoods are designed to be pedestrian and bike friendly for people of all ages and abilities. Pedestrian and bike connections are specifically listed as required, rather than encouraged, to commercial areas, schools, community facilities, parks, trails, and open spaces, which will support intermodal connectivity and allow for ease of use of different travel modes.

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.

Policy 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)

Policy 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.

Policy 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.

Policy 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.

Finding: Goal VII 3 and Policies 159.00, 163.00, 166.00, and 167.00 are satisfied.

A Great Neighborhood Principle related to Parks and Open Spaces (Principle 3) is included, which will require that neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood. More specifically, the principle will require that parks, trails, and open spaces be provided at a size and scale that is based on the size of the proposed development. The principle also states that neighborhood and community parks will be developed in appropriate locations consistent with the policies of the Parks Master Plan. A principle related to Natural Feature Preservation (Principle 1) will require the consideration of the natural conditions and features of the land, including but not limited to, watercourse, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees. This will allow for these areas to be preserved and potentially incorporated into parks and open spaces consistent with Policies 166.00 and 167.00. Finally, a principle related to Scenic Views (Principle 2) will require that neighborhoods be designed to preserve scenic views in areas that everyone can access, which is consistent with the retention of scenic areas throughout the community.

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

Policy 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.

Finding: Policies 168.00 and 169.00 are satisfied.

A Great Neighborhood Principle related to Natural Feature Preservation (Principle 1) is included that will ensure that natural resources, including, but not limited to, watercourse, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees are considered in the design and development process.

Policy 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)

Finding: Policy 170.05 is satisfied.

A Great Neighborhood Principle related to Parks and Open Spaces (Principle 3) is included, which will require that neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood. The principle also states that neighborhood and community parks will be developed in appropriate locations consistent with the policies of the Parks Master Plan.

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: Goal VIII2 and Policy 178.00 are satisfied.

Great Neighborhood Principles related to Mix of Activities (Principle 9), Housing for Diverse Incomes and Generations (Principle 11), and Housing Variety (Principle 12) provide the framework for neighborhoods to be designed to include a variety of uses and housing types, which could provide an urban design and development pattern that is more compact to provide for conservation of all forms of energy.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

Policy 187.00 The City of McMinnville shall adopt additional implementation ordinances and measures to carry out the goals and policies of the McMinnville Comprehensive Plan. These shall include, but not be limited to, the Zoning Ordinance and Map, Annexation Ordinance, and Mobile Home Development Ordinance.

Finding: Goal IX 2 and Policy 187.00 are satisfied.

The Great Neighborhood Principles are being adopted into the Comprehensive Plan to further develop the land use planning framework. The Great Neighborhood Principles, as described in more detail above, are consistent with and further support the application of other goals, policies, and proposals in the Comprehensive Plan. The Great Neighborhood Principles are being added to the City's land use planning framework to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. Policy 187.10 states that the Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, healthy, safe, and vibrant neighborhood with enduring value. Policy 187.20 states that the Great Neighborhood Principles shall be

applied together as an integrated and assemble approach to neighborhood design and development to help create those livable, healthy, safe, and vibrant neighborhoods. Policy 187.30 states that the Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to those livable, healthy, safe, and vibrant neighborhoods for all McMinnville citizens. Finally, Policy 187.40 states that the Great Neighborhood Principles shall guide both long range planning efforts and current land use and development applications, which will ensure that both planning processes and on-going development are consistent with the Great Neighborhood Principles.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Policy 193.00 The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan by creating special citizen advisory bodies and ad-hoc committees comprised of volunteers representing a broad cross-section of the community to provide input on every major comprehensive planning effort and other related land use planning matters.

Finding: Goals X 1 and X 2 and Policies 188.00 and 193.00 are satisfied.

The Great Neighborhood Principles were developed through an inclusive planning process that included the development of a Project Advisory Committee (PAC) and through a public engagement process that attempted to include a broad cross section of the community. The Great Neighborhood Principles project was first identified as a long-range planning work product on the McMinnville Planning Commission's 2017-2019 Work Plan. Staff initiated the GNP project in August 2018 by forming the PAC and Technical Advisory Committee (TAC) to provide guidance for staff and to oversee the completion of the project. The PAC was made up of residents and community members that volunteered to assist in the project through a solicitation process announced by the Planning Department.

Four PAC meetings were held between September 2018 and January 2019 to oversee the project process. The first meeting was a kick-off meeting in September 2018, introducing the PAC members to the project and providing an opportunity for small-group discussion and idea sharing on potential Great Neighborhood Principles. The second meeting was held in October 2018 and focused on the PAC review and approval of the public engagement plan for the Great Neighborhood Principles project. The public engagement portion of the project was then completed during October and November of 2018. In order to solicit as much public input as possible, staff and the PAC decided on a variety of formats for information sharing and public engagement, including social media posts, social media polls, an online survey, placement of hard copies of the survey in various locations around the city, a public open house, and presentations to service organizations in McMinnville. The survey was the most successful method in generating public input and feedback on the project.

Following the public engagement process, the PAC met for their third meeting in December 2018 to review the survey results and other public engagement results, and identified key takeaways from the survey results to incorporate into the Great Neighborhood Principles. The PAC then directed staff to draft

Comprehensive Plan text amendments that would incorporate the Great Neighborhood Principles into the Comprehensive Plan, and to bring those draft text amendments back to the PAC for review. Staff prepared and presented draft Comprehensive Plan text amendments to the PAC at their January 2019 meeting. The PAC reviewed the draft amendments, and with a few minor edits, recommended that they be forwarded on to the Planning Commission for review and consideration.

The Planning Commission held a work session on February 21, 2019, and reviewed the draft amendments recommended by the PAC. The Planning Commission was supportive of the recommended language from the PAC, so staff initiated the formal review process for the Comprehensive Plan Text Amendments to introduce the text amendments described herein.

Further, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of application materials and completed staff report prior to the holding of advertised public hearings. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.03.020 Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

Finding: **Section 17.03.020 is satisfied.**

The 13 Great Neighborhood Principles identified in Policy 187.50 are intended to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles, when applied together as an integrated and assembled approach to neighborhood design as required by Policy 187.20, will result in development that promotes the public health, safety, convenience, and general welfare. The promotion of the public health, safety, convenience, and general welfare is also consistent with the intent of the Great Neighborhood Principles, which is stated in Policy 187.10 to be that all developed places include characteristics and elements that create a livable, healthy, social, safe, and vibrant neighborhood with enduring value.

Great Neighborhood Principles related to Mix of Activities (Principle 9), Housing for Diverse Incomes and Generations (Principle 11), and Housing Variety (Principle 12) provide the framework for neighborhoods to be designed to include a variety of uses and housing types, which would allow for opportunities for uses to concentrate for efficient operation and effective utilization of the City's land resources. Proposals 45.00 and 46.00 are included to provide for design and development standards for individual uses to ensure compatibility with surrounding uses, and to ensure workable relationships between land uses. Further, a principle related to Human Scale Design (Principle 8) will ensure that buildings and spaces are designed to be comfortable at a human scale, and will require that the size, form, and proportionality of development is designed function and be balanced with the existing built environment. Other Great Neighborhood Principles are included that would provide for adequate open space (Principle 3 – Parks and Open Spaces), desired levels of population densities (Principle 11 – Housing for Diverse Incomes and Generations, and Principle 12 – Housing Variety), workable

relationships between land uses and the transportation facility (Principle 4 – Pedestrian Friendly, Principle 5 – Bike Friendly, Principle 6 – Connected Streets, Principle 7 – Accessibility, and Principle 8 – Human Scale Design), and adequate community facilities (Principle 9 – Mix of Activities).

AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN

New proposed language is represented by underline font, deleted language is represented by ~~strikethrough font~~.

CHAPTER IX URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE MCMINNVILLE COMPREHENSIVE PLAN

URBAN GROWTH BOUNDARY

Policies:

181.00 *The City of McMinnville shall establish an urban growth boundary to separate rural lands from urbanizable and urban lands. Lands within the boundary shall be deemed necessary for urban development within the planning period, except those designated as reserve areas.*

182.00 *Amendments to the Urban Growth Boundary may be considered periodically. The City of McMinnville and Yamhill County shall consider amendments to the boundary based on the following criteria and other State requirements:*

1. *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.*
2. *Need for housing, employment opportunities, and livability.*
3. *Orderly and economic provision for public facilities and services.*
4. *Maximum efficiency of land uses within and on the fringe of the existing urban area.*
5. *The long term environmental, energy, economic, and social consequences of the locality, the region, and the state as the result of allowing urbanization and not preserving and maintaining the land for agricultural or forest uses, whichever is applicable.*

6. *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class IV the lowest priority.*
7. *Compatibility of the proposed urban uses with other adjacent uses.*
8. *Deleted as per Ord. 4796, October 14, 2003.*

GENERAL DEVELOPMENT PATTERN

Policies:

- 183.00 *The City of McMinnville, with the cooperation of Yamhill County, shall establish three categories of lands within the Urban Growth Boundary. Future urbanizable lands are those lands outside the city limits, but inside the Urban Growth Boundary. These lands shall be retained in agricultural resource zones until converted to urbanizable lands by annexation to the City of McMinnville. Urbanizable lands are those lands within the city limits which are not yet developed at urban densities. Conversion of these lands to the urban classification shall involve fulfillment of the goals and policies of this plan, provision of urban services, and application of appropriate implementation ordinances and measures. Urban lands are those lands within the city limits developed at urban densities.*
- 184.00 *The City of McMinnville shall establish a Comprehensive Plan Map designating allowed land uses within the McMinnville Urban Growth Boundary. Land uses allowed under the specific designations shall be set in Volume I of the McMinnville Comprehensive Plan, Chapter IX.*

LAND USE DEVELOPMENT TOOLS

- 185.00 *The City of McMinnville and Yamhill County shall adopt an Urban Growth Boundary management agreement establishing (1) the rights and responsibilities of each jurisdiction for management of lands outside the city limits but inside the Urban Growth Boundary, (2) procedures for processing different land use requests on lands within the Urban Growth Boundary, but outside the city limits, and (3) policies that shall be applied to the development of lands within the Urban Growth Boundary, but outside the city limits.*
- 186.00 *The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:*
1. *Three Mile Lane (north and south).*
 2. *Deleted as per Ord. 4796, October 14, 2003.*
 3. *Barber property.*

4. West Hills area.
5. Commercial areas at the northern and southern entrances to the city.
6. New industrial areas, certain existing industrial areas.

187.00 The City of McMinnville shall adopt additional implementation ordinances and measures to carry out the goals and policies of the McMinnville Comprehensive Plan. These shall include, but not be limited to, the Zoning Ordinance and Map, Annexation Ordinance, and Mobile Home Development Ordinance.

GREAT NEIGHBORHOOD PRINCIPLES

Policies:

187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.

187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes,

wetlands, wooded areas, and landmark trees.

2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

- a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and

destinations, and easy pedestrian and bike use.

- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
 - b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.
7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
 - a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
 - b. Design practices should strive for best practices and not minimum practices.
8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.
 - a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.
 - b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.
 - c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).
9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.
 - a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

- Page 27 of 30

Proposals:

- 40.00 The City shall complete an inventory of the applicable natural resources listed in Goal 5 of the Oregon Statewide Planning Goals and Guidelines. The resources to be included in the inventory include, but are not limited to, riparian corridors, wetlands, wildlife habitat, open space, and scenic views. The City shall coordinate with the Department of Land Conservation and Development to determine which Goal 5 resources to include in the inventory.**
- 41.00 The City shall complete an inventory of landmark trees that are of significance or value to the City's environment or history.**
- 42.00 The City shall develop specific park and open space requirements for different types of neighborhoods and developments, such as multiple family residential uses or single family residential subdivisions. The park and open space requirements for individual developments shall be based on the size or scale of the proposed development and on the number of dwelling units within the proposed development and shall incorporate both active and passive parks, open spaces, and opportunities to connect with nature.**
- 43.00 The City shall complete a Bicycle Plan to guide the planning, implementation, and growth of a city-wide bicycle network throughout McMinnville. The Bicycle Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide bicycle network.**
- 44.00 The City shall complete a Pedestrian Plan to guide the planning, implementation, and growth of a city-wide pedestrian network throughout McMinnville. The Pedestrian Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide pedestrian network.**
- 45.00 The City shall develop site and design requirements for commercial and industrial uses.**
- 46.00 The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and form.**
- 47.00 The City shall evaluate the impact of future technology on neighborhood design and develop development codes that support today's technology and infrastructure but can accommodate future technology and infrastructure as well, including but not limited to data infrastructure, artificial intelligence, ride-share, and autonomous vehicles.**
- 48.00 The City shall develop design and development standards and processes that allow for the discreet and coordinated incorporation of existing and future infrastructure into neighborhoods.**

CHAPTER X CITIZEN INVOLVEMENT AND PLAN AMENDMENT

- GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**
- GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.**
- GOAL X 3 TO PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.**

Policies:

- 188.00 *The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*
- 189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*
- 190.00 *The City of McMinnville shall appoint a representative Planning Commission that will serve as the officially recognized Committee for Citizen Involvement (CCI) for the City of McMinnville. This Commission will be made up of representatives of all geographical areas of the City, and shall hold public forums and public hearings on major comprehensive plan text amendments, comprehensive plan and zoning map amendments, zoning ordinance text amendments and changes in the urban growth boundary and/or urban growth management agreements.*
- 191.00 *The Committee for Citizen Involvement shall, in addition to reviewing the aforementioned proposals, undertake a major review of the City's comprehensive plan, as required by the LCDRC, to insure compliance with the statewide goals, to insure the proper functioning of the plan and all implementation measures, and to incorporate into the plan changes in citizenry views or community circumstances which are deemed necessary and proper.*

- 192.00 *The Committee for Citizen Involvement shall have the power to initiate requests for amendments to the comprehensive plan text, maps, or implementation ordinances through appropriate procedures and channels.*
- 193.00 *The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan by creating special citizen advisory bodies and ad-hoc committees comprised of volunteers representing a broad cross-section of the community to provide input on every major comprehensive planning effort and other related land use planning matters.*
- 194.00 *The City of McMinnville shall strive to include youth members on City committees involved in land use planning, and work with the McMinnville School District, local private schools and service groups to encourage youth involvement in land use planning activities.*
- 195.00 *The City of McMinnville shall assure that technical information is available to citizens in an understandable form and when needed provide translations of information to non-English speaking members of the community,*
- 196.00 *The City of McMinnville shall allocate adequate human, financial and informational resources for the citizen involvement program. (Ord 5037 §2, September 12, 2017; Ord. 4536, April 27, 1993)*

Proposals:

~~40.00~~

49.00 Periodically evaluate the City's Citizen Involvement Program and make adjustments as needed to improve its effectiveness.

~~41.00~~

50.00 Have the Committee for Citizen Involvement report at least annually to the City Council to evaluate the effectiveness of the City's citizen involvement efforts. (Ord 5037 §2, September 12, 2017)

Chuck Darnell

From: Sarah Sullivan
Sent: Monday, March 18, 2019 1:51 PM
To: Chuck Darnell
Subject: FW: Comments on proposed Great Neighborhood Principles (G 1-19)
Attachments: GNP - Comp Plan Draft Amendments - PAC Recommended srj 3-18-19.rtf

Fyi.

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

From: Samuel Justice [mailto:SRJ@mc-power.com]
Sent: Monday, March 18, 2019 1:45 PM
To: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Cc: John C. Dietz <jcd@mc-power.com>
Subject: Comments on proposed Great Neighborhood Principles (G 1-19)

Sarah:

Please find attached MW&L staff comments, as redline to the draft document. Please feel free to have planning staff contact me with questions. Thanks.

Sam Justice
General Counsel
503-435-3110

From: Sarah Sullivan <Sarah.Sullivan@mcminnvilleoregon.gov>
Sent: Friday, March 8, 2019 10:10 AM
To: Andrew Schurter (andrew.schurter@nwnatural.com) <andrew.schurter@nwnatural.com>; Carl Peters (CPeters@recology.com) <CPeters@recology.com>; Dave Gehring <David.Gehring@mcminnvilleoregon.gov>; David Koch <David.Koch@mcminnvilleoregon.gov>; David Renshaw <David.Renshaw@mcminnvilleoregon.gov>; Deborah McDermott <Deborah.McDermott@mcminnvilleoregon.gov>; Heather Richards <Heather.Richards@mcminnvilleoregon.gov>; Jeff Towery <Jeff.Towery@mcminnvilleoregon.gov>; Ken Friday <fridayk@co.yamhill.or.us>; Matt Scales <Matt.Scales@mcminnvilleoregon.gov>; Meghan Harper <mkh@mc-power.com>; Mike Bisset <Mike.Bisset@mcminnvilleoregon.gov>; Peter Keenan (pkeen@msd.k12.or.us) <pkeen@msd.k12.or.us>; Randall Rene - Comcast (Serviceability_portland@cable.comcast.com) <Serviceability_portland@cable.comcast.com>; Samuel Justice <SRJ@mc-power.com>; Scott Albert (scott.albert@ftr.com) <scott.albert@ftr.com>; Stuart Ramsing <Stuart.Ramsing@mcminnvilleoregon.gov>; Susan Muir <Susan.Muir@mcminnvilleoregon.gov>
Cc: Chuck Darnell <Charles.Darnell@mcminnvilleoregon.gov>
Subject: Great Neighborhood Principles (G 1-19)

The City of McMinnville's Planning Department is in the process of initiating several Zoning Ordinance/Comp Plan updates. We would appreciate your comments and thoughts on the attached draft of proposed text amendments to Chapter IX Urbanization, that addresses Great Neighborhood Principles .

Please provide your comments to us by March 20, 2019. The next steps will be a public hearing with the Planning Commission. If you are interested in learning more about the timeframe for that process let us know.

Thank you for helping us in our effort to continue to bring the best planning to the community of McMinnville.

Thanks,

Sarah Sullivan
Planning Analyst
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128
503-434-7311

Attachment C

Amendments to City of McMinnville Comprehensive Plan

Chapter IX – Urbanization

Language below to be inserted at the end of the current Urbanization chapter, following Policy 187.00

GREAT NEIGHBORHOOD PRINCIPLES

Policies:

187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, well-functioning, healthy, social, safe, and vibrant neighborhood with enduring value and capacity to efficiently grow, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, well-functioning, healthy, social, safe, and vibrant neighborhood, with capacity to efficiently grow.

187.30 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

187.40 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
 - a. Neighborhoods shall be designed to preserve elements of significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.
 - b. Balance need and requirements for urban services, such as utility infrastructure, with preservation of natural features.
2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
 - a. Consideration will be given to location and orientation of public and private open spaces to capture and preserve scenic views, including, but not limited

Commented [SRJ1]: This term is so general it lacks significant meaning.

Commented [SRJ2]: This term is unclear.

Deleted: P

Deleted: spaces and streets shall be located and oriented

1 – MW&L Staff Comments.

- to, views of significant natural features, landscapes, vistas, skylines, and other important features.
- b. Balance need and requirements for other urban services, such as utility infrastructure, with scenic views.
3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.
4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).
5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.
6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.
- a. Streets shall be designed to function and connect with the surrounding built environment and street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
7. Connected Utilities. Great neighborhoods have interconnected utilities that provide efficient and affordable utility services within and outside of the neighborhood.
- a. Neighborhoods will be designed to include connectivity of water mains, sewer mains, and electric feeders, as well as space for other utility infrastructure.
8. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.
- a. To the best extent possible all features within a neighborhood shall be designed to be

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accessible and feature elements and principles of Universal Design.

b. Design practices should strive for best practices and not minimum practices.

9. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.

a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.

b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design.

d. Provide safe and secure interaction between inhabitants and safe utility infrastructure. (CPTED).

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10. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

a. Neighborhood destinations including, but not limited to, neighborhood serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

b. Neighborhood serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

11. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

12. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

13. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

a. Neighborhoods shall have several different housing types.

b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

14. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity.

Neighborhoods shall be encouraged to have:

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

b. Opportunities for public art provided in private and public spaces.

c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved

3 – MW&L Staff Comments.

surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

- d. Purposely placed and orderly utility infrastructure should be included in design elements.

15. Adequate and affordable utility infrastructure.

- a. Provide for physical security of utility infrastructure.
- b. Provide space for affordable placement, connectivity, maintenance, and replacement of utility infrastructure.
- c. Provide for adequate space to allow utility infrastructure to grow to meet future needs for service.

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Proposals: **NOTE: PROPOSAL NUMBERS IN CHAPTER X WILL NEED TO BE AMENDED**

- 40.00 The City shall complete an inventory of the applicable natural resources listed in Goal 5 of the Oregon Statewide Planning Goals and Guidelines. The resources to be included in the inventory include, but are not limited to, riparian corridors, wetlands, wildlife habitat, open space, and scenic views. The City shall coordinate with the Department of Land Conservation and Development to determine which Goal 5 resources to include in the inventory.
- 41.00 The City shall complete an inventory of landmark trees that are of significance or value to the City's environment or history.
- 42.00 The City shall develop specific park and open space requirements for different types of neighborhoods and developments, such as multiple family residential uses or single family residential subdivisions. The park and open space requirements for individual developments shall be based on the size or scale of the proposed development and on the number of dwelling units within the proposed development and shall incorporate both active and passive parks, open spaces, and opportunities to connect with nature.
- 43.00 The City shall complete a Bicycle Plan to guide the planning, implementation, and growth of a city-wide bicycle network throughout McMinnville. The Bicycle Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide bicycle network.
- 44.00 The City shall complete a Pedestrian Plan to guide the planning, implementation, and growth of a city-wide pedestrian network throughout McMinnville. The Pedestrian Plan may be adopted as an appendix to the Transportation System Plan and may identify projects that can be implemented or planned to create a city-wide pedestrian network.
- 45.00 The City shall develop site and design requirements for commercial and industrial uses.
- 46.00 The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and forms.



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

MINUTES

March 21, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, and Lori Schanche

Members Absent: Amanda Perron

Staff Present: Chuck Darnell – Senior Planner, Heather Richards – Planning Director, and Tom Schauer – Senior Planner

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- **February 21, 2019 Work Session Minutes**
- **February 21, 2019 Planning Commission Minutes**

Commissioner Butler pointed out an error in the minutes on page 5 where she had asked why the applicant was not building townhomes instead of Commissioner Perron.

Commissioner Langenwalter moved to approve the February 21, 2019 minutes as amended. The motion was seconded by Commissioner Chroust-Masin and passed 8-0.

4. Public Hearing:

A. Quasi-Judicial Hearing. Conditional Use Permit (CU 1-19)

Request: Conditional Use Permit to operate a bed and breakfast establishment within an existing home. The property is currently approved for a resident-occupied short-term rental, which allows no more than two guest sleeping rooms. A Conditional Use Permit for a bed and breakfast establishment would authorize three or more guest sleeping rooms. The applicant is requesting approval for up to four guest sleeping rooms within the existing home.

Location: The subject site is zoned R-4 (Multiple Family Residential) and is located at 806 SE Davis Street. It is more specifically described as Tax Lot 1100, Section 21CC, T.4 S., R. 4 W., W.M.

Applicant: Katherine Jabuka

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site. There was no discussion regarding the visits.

Senior Planner Schauer presented the staff report. This was a request for a conditional use permit to operate a bed and breakfast at 806 SE Davis Street. The property was in the R-4 zone. He explained the location of the property, surrounding neighborhood, and locations of other short term rentals. He then reviewed the approval criteria and conditions. The property would need to be registered with the City and would pay the transient lodging tax. There would be a maximum of four guest rooms and it would be resident occupied. It would need to comply with the required parking as well. If a sign was added in the future, it would need to comply with the standards. Smoke detectors were also required. They might need to upgrade their meter size through McMinnville Water and Light. The permit would need to be renewed annually. Staff recommended approval with conditions.

Commissioner Chroust-Masin clarified this was an application for renting four bedrooms. He asked where the resident lived. Senior Planner Schauer said they would either use one of the bedrooms and rent the other three or they would use the living area as a studio residence.

Commissioner Langenwalter pointed out a spelling error on page 155. He also commented on Condition 2 and how there was no maximum occupancy listed. Senior Planner Schauer said that was the way the definition was written for a bed and breakfast, limiting it to the four guest bedrooms and allowing 6 or more guests.

Commissioner Langenwalter thought that should be revisited at a later time.

There was no public testimony.

Chair Hall closed the public hearing.

Commissioner Dirks thought the application should be approved, but wished the applicant had come to the hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to APPROVE CU 1-19 subject to the conditions of approval. SECONDED by Commissioner Lizut. The motion PASSED 8-0.

B. Legislative Hearing. Comprehensive Plan Text Amendment: Great Neighborhood Principles (G 1-19)

Request: The City of McMinnville is proposing text amendments to Chapter IX (Urbanization) of the McMinnville Comprehensive Plan. The proposal is related to the incorporation of Great Neighborhood Principles (GNP) into the City's land use planning program. The purpose of the GNP is to define what makes a great neighborhood in McMinnville, and to identify and describe specific principles (which also could be referred to as elements or characteristics) that shall be achieved in every neighborhood. The GNP will ensure that new development and redevelopment, as it occurs, creates places and neighborhoods that are livable, healthy, social, safe, and vibrant for all residents of McMinnville. The GNP will guide future development, and will also be used to guide future development code updates establishing more detailed requirements to achieve and implement the GNP.

Applicant: City of McMinnville

Chair Hall opened the public hearing. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Schanche disclosed that she participated on the Project Advisory Committee for this project.

Senior Planner Darnell gave the staff report. This was a legislative hearing for Comprehensive Plan text amendments related to Great Neighborhood Principles. The intent of the principles was to create great neighborhoods in McMinnville by including certain elements in future developments. A Project Advisory Committee had overseen the project and there had been a public engagement process. The proposed text amendments were recommended to be added to the Urbanization Chapter of the Comprehensive Plan. Each of the 13 principles would become policies in the new section of the chapter. He reviewed the language that would be added including the intent, how the principles would be applied, a description of each principle, and proposals to implement the principles. The principles were: natural feature preservation, scenic views, parks and open spaces, pedestrian friendly, bike friendly, connected streets, accessibility, human scale design, mix of activities, urban/rural interface, housing for diverse incomes and generations, housing variety, and unique and integrated design elements. No public testimony had been received about the text amendments. McMinnville Water and Light had suggested some amendments to the principles, which had been provided to the Commission that night. Some of the suggestions were more detailed than the policy level principles that had been drafted. These amendments had not been taken to the Project Advisory Committee or the public. Staff did not think they should be adopted at this time, however he explained the few additions to the language that staff recommended to address the intent of McMinnville Water and Light's comments. If the Commission recommended approval, these text amendments would go to the City Council on April 9. He explained the positive feedback they had received from the public for creating these principles.

Commissioner Dirks asked why McMinnville Water and Light waited so long before making such substantial changes and what was their response to staff's proposal. Senior Planner Darnell said McMinnville Water and Light was contacted for comments at the end of the process, as was the standard procedure. Staff had not shared the suggested language with them yet, but if the Commission approved it, they would share that with McMinnville Water and Light before it went to Council.

Planning Director Richards had let McMinnville Water and Light know about staff's recommendation. The City did not have this type of micro language in the code. She thought McMinnville Water and Light wanted to ensure the utility's infrastructure was a consideration when designing and planning neighborhoods. She thought the amended language staff was proposing would give that assurance. There were other policies in the Comprehensive Plan dealing with infrastructure systems as well.

Commissioner Dirks wanted to make sure that McMinnville Water and Light understood the Commission was not ignoring the suggestions, but that the level of detail was not in the great neighborhood principles.

There was no public testimony.

Chair Hall closed the public hearing.

Commissioner Langenwaller proposed adding an Item C under number 7, Accessibility, to read, "Great neighborhoods are designed such that owning a vehicle can be optional."

Commissioner Chroust-Masin did not think adding the language was necessary because it was always optional. He was in favor of the text amendments, and wanted to make sure they would not end up on a shelf unused.

Planning Director Richards recommended adding Commissioner Langenwaller's proposed language under number 9, Mix of Activities.

Commissioner Langenwaller pointed out a current residential development in the western area of McMinnville that was designed to require residents to have cars.

Commissioner Dirks said the Project Advisory Committee had worked for several months on these text amendments. She did not think it was in Commission's purview to make these changes if the issue was not raised in the public process.

Commissioner Butler pointed out the development to the west was not done under the Great Neighborhood Principles. She was in favor of adding the proposed language to number 9 and have it be associated with the Mix of Activities principle.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the staff, Commissioner Langenwaller MOVED to RECOMMEND APPROVAL to the City Council for G 1-19 including proposal 48, amendment to policy 187.20, and added Item C to Great Neighborhood Principle number 9. SECONDED by Commissioner Knapp. The motion PASSED 8-0.

C. Legislative Hearing. Comprehensive Plan Text Amendment: Historic Preservation Plan (G 2-19)

Request: The City of McMinnville is proposing to amend the goals and policies of Chapter III (Cultural, Historical, and Educational Resources) of McMinnville's Comprehensive Plan and to adopt a Historic Preservation Plan as an appendix to the Comprehensive Plan to provide a guide for the City's historic preservation program for the next 15 to 20 years. The Historic Preservation Plan would include the following elements: a historic context statement for McMinnville; an overview of the current status of the

City's historic preservation program; goals, policies, and proposals to guide future historic preservation work and activities to be completed by the City (which would also be included in Chapter III of the Comprehensive Plan as described above); and an implementation matrix organizing the future historic preservation work and activities into ongoing, short-term, mid-term, and long-term timeframes. The Historic Preservation Plan would not include any specific changes to any development code or regulatory processes. There are some recommendations on potential code amendments to analyze further and future survey work to complete, but no changes would occur to the City's development code or regulatory processes from the action to adopt the Historic Preservation Plan.

Applicant: City of McMinnville

Chair Hall opened the public hearing. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Senior Planner Darnel provided the staff report. This was another legislative hearing for Comprehensive Plan text amendments related to the incorporation of a Historic Preservation Plan. A couple of years ago the City updated the historic preservation chapter of the City's code and incorporated new regulations in response to an update to the Oregon Administrative Rules for how historic resources were treated. The OARs called for a historic preservation ordinance, following the Secretary of the Interior's standards and guidelines, creating a local historic context statement, and adopting a Historic Preservation Plan. He explained the process for developing the Plan, which would be a guide to the City's historic preservation program for the next 15-20 years. There were stakeholder meetings, public meetings, and Historic Landmarks Committee meetings where input was received that helped guide the process. The proposed text amendments would be added to the Cultural, Historical, and Educational Resources Chapter of the Comprehensive Plan and new goals, policies, and proposals would be added to the existing section titled Historic Preservation. The entire Historic Preservation Plan would be adopted as an appendix to the Comprehensive Plan as well. He then reviewed the components of the Historic Preservation Plan which included the historic context statement, evaluation and status of the current program, new goals, policies, and proposals, implementation plan, and maps identifying areas for further consideration and study. Some of the goals were to increase awareness of McMinnville's history and Historic Preservation Program, encourage the preservation and rehabilitation of historic resources, document and protect historic resources, and increase heritage tourism. No public testimony had been received on this item. McMinnville Water and Light had some recommendations for language changes. Staff had reviewed those changes, which focused on modern utility services to historic structures. Some of it was too detailed and did not fit well with the policies. Staff recommended a new proposal under Goal 3.4 to encourage the preservation and rehabilitation of historic resources that acknowledged the need to provide modern utility services to these buildings, but also that there was an overarching goal of preserving the historic character of those places. If the Commission approved the text amendments, they would go to the City Council on April 23.

Commissioner Schanche asked if there was a reason the comments from McMinnville Water and Light came in so late. Senior Planner Darnell said similar to the previous text amendments, the standard notification process had prompted their response and staff had reviewed their recommendations, but felt that they did not fit in well with the policy level language in the remainder of the proposed Comprehensive Plan text amendments. Staff still suggested addressing the comments by including the proposed new proposal.

Commissioner Schanche was in support of the text amendments. She pointed out a typo in the Historic Preservation Plan on page 13.

Commissioner Butler pointed out a typo on page 32.

Commissioner Dirks wanted to make sure realtors knew that properties were on the historic landmarks list when they were sold. Proposal 3.26 addressed that, but it was not a short term priority. Senior Planner Darnell said the Historic Landmarks Committee had been discussing how to make property owners more aware of properties that were historic resources and it was part of their work plan for 2019.

Commissioner Dirks asked about the revision to the Plan for the pre-European settlement history. Senior Planner Darnell explained that was Proposal 3.08, to partner with tribal organizations to further research and document the history of human settlement prior to the European explorer arrival to expand the historic context in the Plan. That was a mid-term policy in the implementation chapter.

Commissioner Langenwaller asked if the City adopted the Historic Preservation Plan, why were there no changes to the Development Code or regulatory processes. Senior Planner Darnell explained the Plan did not include any specific updates to the historic review processes.

Commissioner Chroust-Masin thought people should be aware that it was a voluntary program and there was a process to withdraw from the program and that should be included in the Plan. If they wanted people to stay in the program, there needed to be some incentives for them. He suggested putting plaques on buildings with the histories of the buildings for walking tours and more awareness. Senior Planner Darnell stated that the withdrawal from the program was not necessarily voluntary, but that there was a process that a property owner could go through to request removing their property from the Historic Resource Inventory. He discussed the process for getting properties unlisted from the inventory, and also stated that there was a proposal included in the plan to continue creating walking tour brochures to highlight historic properties.

Cynthia Lopez, McMinnville resident, advocated for adding language to the Plan letting people know in the buying process that they were buying a historic house. She was also in favor of adding plaques to the homes.

Chair Hall closed the public hearing.

Commissioner Lizut had served on the historic preservation committee in Corvallis and that committee did not have the kind of support and quality that this Plan provided. He thought it was a good and impressive Plan and it would be a very useful tool to protect what McMinnville had and to guide the future.

Commissioner Langenwaller complimented all those involved in the creation of the Plan. It was thorough and well done.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the staff, Commissioner Lizut MOVED to RECOMMEND APPROVAL to the City Council for G 2-19 including the amendment addressing McMinnville Water and Light's concerns. SECONDED by Commissioner Langenwaller. The motion PASSED 8-0.

5. Old/New Business

None

6. Commissioner/Committee Member Comments

Commissioner Schanche suggested reordering the agenda so those items that had public testimony would go first.

Commissioner Dirks liked the reorganization of the staff report. Planning Director Richards said that had been part of the Strategic Plan.

7. Staff Comments

Planning Director Richards said staff had been watching the legislature regarding the planning bills that were being discussed, especially regarding affordable housing. She explained proposed HB 2001 and how she had given feedback on amendments to the bill.

8. Adjournment

Chair Hall adjourned the meeting at 8:16 p.m.

Heather Richards
Secretary



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STAFF REPORT

DATE: April 9, 2019
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Ordinance #5067 – An ordinance amending Chapter 3.18 of the McMinnville City Code to add a section providing supplemental standards for small wireless facilities within the public right-of-way and declaring an emergency

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

The proposed ordinance would:

- Amend Chapter 3.18 (Telecommunications Infrastructure) of the City Code to add a section providing supplemental standards for small wireless facilities (SWFs) within the public right-of-way, and
- Declare an emergency, making the ordinance effective upon passage.

Background:

On September 26, 2018, the FCC issued a ruling pursuant to the Telecommunication Act of 1996. The FCC ruling includes provisions governing regulation of small wireless facilities (SWFs) within the public right-of-way. SWFs are smaller wireless installations than other types of “macro” installations that occur on larger towers with larger antenna arrays. The FCC’s definitions of SWFs addressed in the attached ordinance include parameters on the height, size of antennas, and size of additional equipment enclosures. (Maximum size imitations in the definitions are approximately a 50-foot height limit for any pole and antenna attachment, three cubic feet for antenna enclosures, and 28 cubic feet for additional equipment enclosures). These are the antennas frequently seen mounted on the top or sides of utility poles, with equipment cabinets attached to the pole or in a separate freestanding equipment cabinet or vault. There are also less visible installations where antennas and equipment are integrated into the poles.

The FCC ruling addresses requirements, standards, review procedures, applications, processing timeframes, and fees for installation of small wireless facilities within the public right-of-way.

- Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are “reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.”
- Any aesthetic standard adopted by cities must be: “(1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance.”
- Complete applications for co-located SWFs must be processed within 60 days of a complete application, and complete applications for SWFs on new poles must be processed within 90 days of a complete application. If an application is deemed incomplete within 10 days of submittal, additional time is provided for a decision.
- The permitting process must allow for “batch” submittal of applications which are subject to the same timelines when applications for multiple locations are submitted at the same time.
- Cities may charge “presumptive” fees and cost recovery for SWFs in the right-of-way as follows:
 - **Initial Non-Recurring Fee:** \$500 for a single up-front application that includes up to five Small Wireless Facilities with an additional \$100 for each Small Wireless Facility beyond five.
 - **Annual Recurring Fee:** \$270 per facility per year for all recurring fees, including any applicable right-of-way access fee or fee for attachment to municipally-owned structures in the right-of-way.
 - **“Make Ready” Cost Recovery:** Recovery of any specific costs incurred by the City caused by the attacher for work within the right-of-way and/or to enable the siting of a Small Wireless Facility on a municipally-owned structure in the right-of-way.
- Cities may adopt higher fees than the above “presumptive fees” upon showing that the fees are:
 - A reasonable approximation of costs,
 - Those costs themselves are reasonable,
 - They are non-discriminatory

The City previously adopted and amended standards for Wireless Communication Facilities in the zoning ordinance. The proposed ordinance is separate from, and in addition to, those standards and specifically addresses SWFs within the public right-of-way, amending the standards of the City Code currently governing telecommunication facilities, and providing an administrative review process.

Discussion:

The proposed ordinance would adopt standards to address the provisions of the FCC’s September 26, 2018 ruling, and would provide for their publication, adoption, and effective date in advance of April 15. The proposed ordinance includes introductory sections that provide more information about the approach taken and principles that guide the proposed standards.

One critical key issue in the FCC ruling is the applicability of what authorizations are subject to the required “shot clocks”. The FCC interprets this in a very broad manner to apply to all authorizations. Subsection C of the FCC’s ruling, “Clarification of Issues Related to All Section 332 Shot Clocks,” includes the following statements:

- 132. As indicated above, Section 332(c)(7)(B)(ii) requires state and local governments to act “within a reasonable period of time” on “any request for authorization to place, construct, or modify personal wireless service facilities.” Neither the 2009 Declaratory Ruling nor the 2014 Wireless Infrastructure Order addressed the specific types of authorizations subject to this requirement. Industry commenters contend that the shot clocks should apply to all authorizations a locality may require, and to all aspects of and steps in the siting process, including license or franchise agreements to access ROW, building permits, public notices and meetings, lease negotiations, electric permits, road closure permits, aesthetic approvals, and other authorizations needed for deployment. Local siting authorities, on the other hand, argue that a broad application of Section 332 will harm public safety and welfare by not giving them enough time to evaluate whether a proposed deployment endangers the public. They assert that building and encroachment permits should not be subsumed within the shot clocks because these permits incorporate essential health and safety reviews. **After carefully considering these arguments, we find that “any request for authorization to place, construct, or modify personal wireless service facilities” under Section 332(c)(7)(B)(ii) means all authorizations necessary for the deployment of personal wireless services infrastructure.** This interpretation finds support in the record and is consistent with the courts’ interpretation of this provision and the text and purpose of the Act.
- 133. The starting point for statutory interpretation is the text of the statute, and here, the statute is written broadly, applying to “any” request for authorization to place, construct, or modify personal wireless service facilities. The expansive modifier “any” typically has been interpreted to mean “one or some indiscriminately of whatever kind,” unless Congress “add[ed] any language limiting the breadth of that word.” The title of Section 332(c)(7) (“Preservation of local zoning authority”) does not restrict the applicability of this section to zoning permits in light of the clear text of Section 332(c)(7)(B)(ii). The text encompasses not only requests for authorization to place personal wireless service facilities, e.g., zoning requests, but also requests for authorization to construct or modify personal wireless service facilities. These activities typically require more than just zoning permits. For example, in many instances, localities require building permits, road closure permits, and the like to make construction or modification possible. Accordingly, the fact that the title standing alone could be read to limit Section 332(c)(7) to zoning decisions does not overcome the specific language of Section 332(c)(7)(B)(ii), which explicitly applies to a variety of authorizations.
- 135. In addition, our interpretation remains faithful to the purpose of Section 332(c)(7) to balance Congress’s competing desires to preserve the traditional role of state and local governments in regulating land use and zoning, while encouraging the rapid development of new telecommunications technologies. Under our interpretation, states and localities retain their authority over personal wireless facilities deployment. At the same time, deployment will be kept on track by ensuring that **the entire approval process** necessary for deployment is completed within a reasonable period of time, as defined by the shot clocks addressed in this Third Report and Order.

The ruling is subject to pending litigation on multiple fronts, but the City should have provisions in place as required by the deadlines to ensure local regulations are in compliance with the ruling. Should the ruling or any part be invalidated, the City could revisit provisions should that occur.

Attachments:

- Exhibit 1. Ordinance #5067

Fiscal Impact:

Specific cost and revenue forecasts are not available. The ordinance would reduce time for deployment of small wireless facilities, consistent with FCC requirements. It would also protect the value inherent in the City's aesthetic qualities.

Recommendation:

Staff recommends City Council **APPROVE** the ordinance.

POTENTIAL MOTION: "I MOVE THAT THE COUNCIL ADOPT ORDINANCE #5067 AMENDING CHAPTER 3.18 OF THE MCMINNVILLE CITY CODE TO ADD A SECTION PROVIDING SUPPLEMENTAL STANDARDS FOR SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY."

ORDINANCE NO. 5067

AN ORDINANCE AMENDING CHAPTER 3.18 OF THE MCMINNVILLE CITY CODE TO ADD SECTIONS PROVIDING SUPPLEMENTAL STANDARDS FOR SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY AND DECLARING AN EMERGENCY**RECITALS:**

The City is authorized, under existing State of Oregon ("State") and federal law, to enact appropriate regulations and restrictions relative to small wireless facilities, distributed antenna systems, and other personal wireless telecommunication facility installations, including those within the public right-of-way consistent with State and federal law; and

The City encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of small wireless facilities while managing public rights-of-way in a manner that promotes the interests of the public health, safety, and welfare; and

In January 2018, the City adopted amendments to the Zoning Ordinance, adopting provisions regulating Wireless Communications Facilities, including small wireless facilities; and

The City recognizes that the Federal Communications Commission ("FCC") adopted its Declaratory Ruling and Third Report and Order ("Declaratory Ruling") on September 26, 2018, interpreting the federal law and creating new federal regulations regarding small wireless facilities; and

The City finds it necessary to be in compliance with the FCC's Declaratory Ruling and the new federal regulations; and

The FCC ruling addresses small wireless facilities within the public right-of-way, and the City finds it is necessary to adopt supplemental regulations governing small wireless facilities within the public right-of-way in order to address the FCC ruling; and

The City recognizes that the FCC's review standards require review of a complete application to co-locate a small wireless facility on an existing structure to be completed within 60 days and review of a complete application for a small wireless facility on its own stand-alone pole to be completed in 90 days, which warrant an administrative review process consistent with these timeframes; and

The City finds it is in the best public interest to adopt supplemental regulations governing small wireless facilities within the public right-of-way consistent with the FCC ruling; and

The City finds it is necessary to declare an emergency enacting these regulations in order for them to take effect before the April 15, 2019 deadline required as a result of the FCC ruling to protect the best interests of the public.

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. The Council adopts the amendments to Chapter 3.18 of the McMinnville City Code attached and incorporated herein as **Exhibit A**; and

Section 2. The Council hereby declares an emergency to exist. This Ordinance shall take effect immediately upon passage by the City Council.

Passed by the Council this 9^h day of April 2019, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
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**PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY
CODE Title 3: Revenue and Finance**

(Sections 3.18.705-3.18.770, underlined below, are new sections).

Chapter 3.18

TELECOMMUNICATIONS INFRASTRUCTURE

Sections:

ADMINISTRATION

- 3.18.010 Definitions.
- 3.18.015 Purpose and Intent.
- 3.18.020 Jurisdiction and Management of the Public Rights of Way.
- 3.18.025 Regulatory Fees and Compensation Not a Tax.

REGISTRATION OF TELECOMMUNICATIONS CARRIERS

- 3.18.100 Purpose of Registration.
- 3.18.110 Registration Required.
- 3.18.120 Registration Fee.
- 3.18.130 Exceptions to Registration.

CONSTRUCTION STANDARDS

- 3.18.200 General.
- 3.18.205 Construction Codes.
- 3.18.210 Construction Permits.
- 3.18.215 Permit Applications.
- 3.18.220 Applicant's Verification.
- 3.18.225 Construction Schedule.
- 3.18.230 Construction Permit Fees.
- 3.18.235 Issuance of Permit.
- 3.18.240 Notice of Construction.
- 3.18.245 Compliance with Permit.
- 3.18.250 Noncomplying Work.
- 3.18.255 Completion of Construction.
- 3.18.260 As-Built Drawings.
- 3.18.265 Restoration of Public Rights of Way and City Property.
- 3.18.270 Performance and Completion Bond.

LOCATION OF TELECOMMUNICATIONS FACILITIES

- 3.18.305 Location of Facilities.
- 3.18.310 Interference with the Public Rights of Way.
- 3.18.315 Relocation or Removal of Facilities.
- 3.18.320 Removal of Unauthorized Facilities.
- 3.18.325 Coordination of Construction Activities.

TELECOMMUNICATIONS FRANCHISE

- 3.18.400 Telecommunications Franchise.
- 3.18.405 Application.
- 3.18.410 Application and Review Fee.
- 3.18.415 Determination by the City.
- 3.18.420 Rights Granted.
- 3.18.425 Term of Grant.
- 3.18.430 Franchise Territory.
- 3.18.435 Franchise Fee.
- 3.18.440 Amendment of Grant.
- 3.18.445 Renewal Applications.
- 3.18.450 Renewal Determinations.
- 3.18.455 Obligation to Cure As a Condition of Renewal.
- 3.18.460 Assignments or Transfers of System or Franchise.
- 3.18.465 Revocation or Termination of Franchise.
- 3.18.470 Notice and Duty to Cure.
- 3.18.475 Public Hearing.
- 3.18.480 Standards for Revocation or Lesser Sanctions.
- 3.18.485 Other City Costs.

GENERAL FRANCHISE TERMS

- 3.18.505 Facilities.
- 3.18.510 Damage to Grantee's Facilities.
- 3.18.515 Duty to Provide Information.
- 3.18.520 Service to the City.
- 3.18.525 Compensation for City Property.
- 3.18.530 Cable Franchise.
- 3.18.535 Leased Capacity.
- 3.18.540 Grantee Insurance.
- 3.18.545 General Indemnification.
- 3.18.550 Performance Surety.

GENERAL PROVISIONS

- 3.18.600 Governing Law.
- 3.18.605 Written Agreement.
- 3.18.610 Nonexclusive Grant.
- 3.18.615 Severability and Preemption.
- 3.18.620 Penalties.
- 3.18.625 Other Remedies.
- 3.18.630 Captions.
- 3.18.635 Compliance with Laws.
- 3.18.640 Consent.
- 3.18.645 Application to Existing Ordinance and Agreements.
- 3.18.650 Confidentiality.

SUPPLEMENTAL REQUIREMENTS FOR SMALL WIRELESS FACILITIES (SWFs) WITHIN THE PUBLIC RIGHT-OF-WAY

<u>3.18.705</u>	<u>Background and Purpose</u>
<u>3.18.710</u>	<u>Principles and Approach</u>
<u>3.18.715</u>	<u>Definitions</u>
<u>3.18.720</u>	<u>Applicability</u>
<u>3.18.725</u>	<u>Jurisdiction</u>
<u>3.18.730</u>	<u>Fees</u>
<u>3.18.735</u>	<u>Application, Submittal, and Permitting Process</u>
<u>3.18.740</u>	<u>Application Completeness Review, Processing Timelines, and Decision</u>
<u>3.18.745</u>	<u>Location of SWFs in Right-of-Way</u>
<u>3.18.750</u>	<u>Standards for SWF Installation Types</u>
<u>3.18.755</u>	<u>General Standards for All Installation Types</u>
<u>3.18.760</u>	<u>Standards for Specific Installation Types</u>
<u>3.18.765</u>	<u>Nonconforming Installations</u>
<u>3.18.770</u>	<u>Maintenance and Operations</u>

*(All text below is new text in new sections and is presented in standard font. Therefore, **bold** or underlined text does not differentiate new text and there is no ~~strikeout text~~ to denote deleted text).*

SUPPLEMENTAL REQUIREMENTS FOR SMALL WIRELESS FACILITIES (SWFs) WITHIN THE PUBLIC RIGHT-OF-WAY

3.18.705 Background and Purpose.

- A. Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of McMinnville's citizens.
- B. These Sections provide supplemental regulations for deployment and installation of Small Wireless Facilities (SWFs) within the public right-of-way, consistent with FCC requirements, including those in the FCC ruling issued on September 26, 2018.
- C. These Sections aim to balance the proliferation of and need for WCF with the importance of keeping McMinnville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.
- D. In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of McMinnville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.
- E. Reference to Small Wireless Facilities (SWF) herein is construed to mean telecommunications facilities and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(1).

- F. If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.
- G. Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

3.18.710 Principles and Approach. Small wireless facilities (SWFs) have some characteristics that differ from some other wireless technologies that can have larger poles or towers, large arrays of antennas, and associated equipment buildings near the base, often fenced and screened with landscaping.

Deployment of small wireless facilities (SWF) and “densification” of these wireless networks within the right-of-way can lead to a greater number of facilities located in some of the most visible locations in the community, within the same physical spaces occupied by residents and visitors alike. While these smaller deployments don’t have the same types of buildings that would be infeasible in these locations, they do have antennas, cabling, and equipment enclosures.

These standards are intended to ensure the aesthetics of these installations are addressed. In addition, these standards are intended to ensure the associated equipment doesn’t interfere with the use and enjoyment of the public right-of-way for people. In pedestrian-oriented areas, equipment cabinets must not occupy and compete for portions of the sidewalk area and pedestrian furnishing zones used by people and for pedestrian amenities. Further, in areas where people stroll, dine, and window shop, aesthetic considerations and experience are a high priority. Street furnishings, lighting, and fixtures are often selected and located for intentional aesthetic effect and comfort to enhance the experience of the district.

In other areas, poles and streetlights are often located along a street within a planter strip between the curb and sidewalk, or within the sidewalk area at intersections. These planter strips are also used and crossed by driveways and utilities that provide access and services to abutting homes and businesses. There can be conflicts that require separation between trees and driveways, utility services, poles, etc. Further, equipment boxes, cabinets, and vaults can displace areas available for planting, which is what these planter strips are designed for. In denser areas, space between curb cuts may be extremely limited. These shared-use spaces should not be inundated with additional poles and equipment enclosures that further limit tree-planting areas, displace areas intended for planting living groundcover, or require excessive pruning of trees and landscaping. At intersections, sidewalk areas and intersection crossing ramps shouldn’t be obstructed with additional poles and equipment enclosures that obstruct pedestrians.

These standards are intended to ensure the usable area within the public right-of-way is maximized for the intended use for public use and enjoyment and to ensure that trees and landscaping aren’t unnecessarily displaced or limited from the places designed and intended for planting.

As a result, these standards focus on maintaining high-quality aesthetic standards for the right-of-way, reducing visual clutter, and reducing physical clutter that would unnecessarily displace areas for people, amenities for people, and landscaping from places designed for them within the right-of-way.

To the extent possible, these standards achieve objectives with the following priorities:

- A. Require co-location on existing poles that already serve an existing use, or replacement poles, which are designed by the manufacturer to accommodate the additional use of the poles for SWFs, and designed to match existing poles with unobtrusive antennas, and with internal cabling and internally integrated equipment cabinets.
- B. Avoid installations within the most visually and aesthetically sensitive pedestrian-oriented areas. When unavoidable in these areas, prioritize installation on less visible cross-streets or secondary streets.
- C. Avoid installations on pole types which would undesirably alter the desired aesthetic effect, such as an antenna mounted on top of a single “acorn” or “lantern” type streetlight. Avoid installations that would require replacement of decorative poles with a replacement pole if there are no equivalent matching replacement pole designs available from the manufacturer.
- D. When also authorized by the pole owner, authorize installations on wood utility poles with unobtrusive antennas, with equipment and cabling screened behind equipment shrouds, and with cabling routed to the ground in conduit.
- E. Separate external above-ground equipment enclosures are generally prohibited except when associated with authorized installations on wood poles where equipment may not be accommodated internally, and where a replacement pole with internal equipment accommodation is not feasible.

Above-ground equipment enclosures are the last resort if the small wireless facility can't be installed elsewhere and if the equipment enclosure can't be pole-mounted or located in an underground vault based on any separate requirements of the pole owner or power provider.

When authorized as the last resort, such enclosures shall generally be located behind the sidewalk, and not within the sidewalk area or planter strip between the curb and sidewalk. Above-ground equipment enclosures shall not be located within Pedestrian-Oriented Areas. Therefore, installations requiring separate above-ground enclosures shall not be permitted within Pedestrian-Oriented Areas. In the event this would conflict with any FCC requirement, the City may require use of stealth designs that also co-locate the cabinets with pedestrian amenities that don't occupy

additional sidewalk or planting area. (Examples are available in manufacturer catalogs and include equipment cabinets co-located with trash receptacles, etc.).

- F. Over time, the City may review these standards and other design guidelines and specifications for special districts and public facilities to determine whether new standards and technologies may warrant changes such as specification of new “smart pole” type designs to address emerging technologies for small wireless facilities and other “smart city” technologies and applications.

3.18.715 Definitions.

- A. **Pedestrian-Oriented Area.** A Pedestrian-Oriented Area includes any area planned for or currently exhibiting the following characteristics: areas generally characterized by buildings built up to the public sidewalk, where the public sidewalk is generally 8 feet or wider and often has a furnishing zone adjacent to the curb in which street trees, streetlight, and pedestrian amenities are located. Pedestrian-oriented areas may also include shared streets designed for multiple users, such as “woonerfs.” Pedestrian-oriented areas include, but are not limited to:
1. Downtown between First and Fifth Streets, between Adams and Johnson
 2. Pedestrian-oriented streets and woonerfs within the Northeast Gateway Overlay District within the boundaries described in the ordinance, including Alpine Avenue.
- B. **Public Right-of-Way.** In the event certain poles on which SWFs are to be co-located are within a public utility easement which abuts and parallels the public right-of-way, the definition of public right-of-way includes these public utility easements.
- C. **Replacement Pole.** As used in this ordinance, this means a pole which replaces an existing pole such as a streetlight pole, on which a SWF will locate, and which is designed by the manufacturer to accommodate SWF installations, engineered for, and capable of supporting permitted antennas within authorized antenna enclosures, with capability for internal wiring and cabling, and with an integrated equipment cabinet in the pole base, which meets the design and dimensional requirements of this ordinance.
- D. **Small Wireless Facilities (SWF).** For purposes of these standards, this means telecommunication facilities and equipment that meet the definition of small wireless facilities as stated in 47 CFR (Code of federal Regulations), Subpart U, Section 1.60002(l), consistent with Section 1.1312(e)(2) of the applicable CFR that meet each of the following conditions:

1. The facilities:
 - a. are mounted on structures 50 feet in height or less in height including their antennas as defined in section 1.1320(d) of the applicable CFR; or
 - b. are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - c. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d)) of the applicable CFR, is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facilities do not require antenna structure registration under part 17 of the applicable chapter of the CFR;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 1.1307(b) of the applicable CFR.

3.18.720 Applicability.

- A. The provisions of this Section apply to SWF within the public right-of-way. These requirements are in addition to the provisions of City Code Sections 3.18.010-3.18.650 that apply to use of right-of-way.
- B. All provisions of Chapter 17.55 of the Zoning Ordinance governing Wireless Communication Facilities shall continue to apply, except where in conflict with these provisions.

3.18.725 Jurisdiction.

- A. The requirements of this Section apply to any SWF within the public right-of-way, within the City of McMinnville City limits, and as may apply to any public right-of-way within the unincorporated Urban Growth Boundary through any Joint Management Agreement with Yamhill County in

accordance with ORS 190, whether enacted before or after the effective date of this ordinance.

- B. These standards apply to small wireless facility installations on poles within the right-of-way, regardless of pole owner. The SWF may also be subject to separate standards and permitting requirements through other entities, such as McMinnville Water and Light, Yamhill County, and/or the Oregon Department of Transportation.

3.18.730 Fees. The City may establish fees for non-recurring fees, as well as annual recurring fees for SWFs, for “make-ready” cost recovery, and/or other fees consistent with FCC regulations.

3.18.735 Application, Submittal, and Permitting Process.

- A. Applications for SWFs shall be processed through an administrative review procedure consistent with this section and the applicable processing timelines.
- B. The City shall establish submittal requirements and forms for submittal of applications for small wireless facilities within the public right-of-way.
- C. A complete application shall be submitted in accordance with the submittal requirements established by the City, together with the appropriate fees.
- D. The City shall provide a consolidated application process where the applicant may apply for a permit, batch permits consistent with the FCC ruling, and other authorizations which the FCC has determined must be processed within the timeframes described in Section 3.18.740.
- E. As part of the application, the applicant shall submit written authorization from the owner of any non-city right-of-way, such as ODOT or Yamhill County.
- F. As part of the application the applicant shall submit written authorization from any non-city pole owners to install on or replace existing poles.
- G. As part of the application, the applicant shall submit evidence of its franchise agreement or license for use of the public right-of-way, or evidence that a concurrent application for franchise agreement or license for use of the right-of-way has been submitted, if the FCC has determined it must be part of a concurrent authorization required within the timeframes described in Section 3.18.740.

3.18.740 Application Completeness Review, Processing Timeline, and Decision

A. Shot clock period. The shot clock period for a siting application is the sum of:

1. the number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (B) of this section, plus
2. the number of days of the tolling period, if any, pursuant to paragraph (C) of this section.

B. Presumptively reasonable periods of time.

1. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth below:

- a. Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.
- b. Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.

2. Batching.

- a. If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (B)(1)(a) or paragraph (B)(1)(b) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.
- b. If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (B)(1)(a) and deployments that fall within paragraph (B)(1)(b) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.
- c. The City may not refuse to accept applications under paragraphs (B)(2)(a) and (B)(2)(b).

C. Tolling period. Unless a written agreement between the applicant and City provides otherwise, the tolling period for an application is set forth as follows:

1. For an initial application to deploy SWFs, if the City notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically

identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the City to render the application complete.

2. For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from:
 - a. The day after the date when the siting authority notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority's original request under Subsection (C)(1) of this section, until
 - b. The date when the applicant submits all the documents and information identified by the siting authority to render the application complete,
 - c. But only if the notice pursuant to Subsection (2)(a) is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority's request under Subsection (C)(1) of this section.

D. Shot clock date. The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to Subsection (A) of this section and including any pre-application period; provided, that if the date calculated in this manner is a "holiday" as defined in section 1.4(e)(1) of the applicable CFR or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The term "business day" means any day as defined in section 1.4(e)(2) of the applicable CFR and any day that is not a legal holiday as defined by the State or local jurisdiction.

E. Decision and Mandatory and Automatic Permit Conditions of Approval. Any SWF permit issued by operation of law shall automatically be subject to the standards of this ordinance as conditions of approval. The permit will automatically expire 10 years from the issuance date.

3.18.745 Location of SWFs in Right-of-Way.

- A. Pedestrian-Oriented Areas.** SWFs in the public right-of-way shall be located outside of Pedestrian-Oriented Areas when feasible. The burden of proof is on the applicant to demonstrate it is not feasible to locate these installations outside Pedestrian-Oriented Areas. The burden of proof shall

also include an analysis of why SWFs within Pedestrian-Oriented Areas can't be located in less visible locations outside the public right-of-way, such as rooftop or parking lot installations.

As addressed in the principles in Section 3.18.710(E), installations that require separate above-ground equipment enclosures shall be prohibited in these areas.

If the burden of proof is met to install a SWF within a Pedestrian-Oriented Area, the facility shall be located in the least visible location possible. Locations within the public sidewalk on primary pedestrian streets are presumed to be the most visible locations, locations on secondary pedestrian streets and cross-streets are presumed to be less visible, and installations within service corridors and alleyways are presumed to be the least visible, except where alleyways are designed or planned for pedestrian-oriented use such as outdoor dining for adjoining businesses, public art installations, etc. If formal definitions of "primary" and "secondary" pedestrian streets are not adopted elsewhere, the determination may be made based on the comparative percentage of buildings which have principal entrances onto the public sidewalk or which abut the public sidewalk or a pedestrian area that abuts a public sidewalk.

- B. Certain Co-Locations Prohibited.** Installations shall be prohibited on pole types which would undesirably alter the desired aesthetic effect, such as an antenna mounted on top of a single "acorn" or "lantern" type streetlight. The applicant shall avoid installations that would require replacement of decorative poles with a replacement pole if there are no equivalent matching replacement pole designs available from the manufacturer.

(If suitable or matching styles become available, the City may authorize designs similar to the "smart fusion pole" designs now available that incorporate antenna stacks within the pole below the luminaire and have options for different luminaire styles. At such time as that should occur, any authorized styles would be included in the list of poles or replacement poles authorized for installations for specified locations).

- C. Unimproved Right-of-Way.** SWFs shall not be located within unimproved right-of-way.

3.18.750 Standards for SWF Installation Types. All installation types shall be subject to the "General Standards for All Installation Types" in Section 3.18.755 and the applicable "Standards for Specific Installation Types" in Section 3.18.760.

3.18.755 General Standards for All Installation Types. The following standards shall apply to all new and replacement small wireless facility installations within the public right-of-way, except as specifically provided in Section 3.18.765 for existing nonconforming installations.

A. General.

1. Wireless facility installations shall not:
 - a. Obstruct, impede, or hinder the usual travel or public safety within the public right-of-way
 - b. Obstruct the legal use of the public right-of-way by other providers
 - c. Violate or conflict with any laws, including, but not limited to City of McMinnville ordinances or standards
 - d. Obstruct, impede, or hinder any operations of the City's infrastructure or systems, existing or future, including but not limited to "smart city" equipment, street light equipment, traffic signal equipment, etc.
2. Equipment shall be oriented away from nearby residential windows, doorways, and entrances.
3. Any items installed after the initial application will require an additional approval process with the City and will be required to comply with any currently adopted standards at the time of installation.
4. The Director may maintain a list of products from one or more manufacturers which have been determined to be approved for co-location or as replacement poles for SWF installations, or for new poles, when authorized.

B. Antennas.

1. **Number.** Only one antenna per pole shall be permitted.
2. **Design of Antenna Enclosure.** Except where authorized on wooden utility poles, antennas shall be contained within canister-style "cantenna" antenna enclosures, top-mounted on the pole in-line with the center of the pole. If decorative profiles are available in the style of the pole to which the cantenna is attached, that match design elements of similar poles, that style shall be preferred. For example, co-location on antique style streetlights might have a cantenna that has a variable width cylinder and is topped with a finial rather than a pure geometric cylinder. Panel-style antennas may only be authorized when co-located on wooden utility poles.

3. **Canister-Style Antennas.** A canister-style “cantenna” enclosure shall not exceed 3 cubic feet. The individual dimensions shall not exceed 30 inches in height nor 16 inches in diameter.
4. **Transition to Pole.** There shall be a smooth-tapered transition between the cantenna to the pole diameter. When mounted on decorative-style poles, if matching ornamental collars are available from the manufacturer, the transition shall use a collar designed to match the style of the pole.
5. **Panel-Style Antennas.** Panel-style antennas shall only be permitted on Category 1 installations on wooden poles. When panel-style antennas are permitted, the maximum dimensions for a panel-style antennas shall be 30” high and 12” wide; however, however, the antenna enclosure shall not exceed 3 cubic feet.
6. **Overhang.** When authorized, only on wooden poles, panel-style antennas mounted on wooden poles shall not overhang a roadway or sidewalk, or where unavoidable, shall meet minimum vertical clearance and be oriented to avoid overhanging the pedestrian zone of the sidewalk or the roadway.

C. Integrated Equipment Cabinets.

1. Except for authorized installations on wooden poles, equipment shall be located within an equipment cabinet designed and integrated within the base of the pole. The base shall be round with a 16-inch maximum diameter, except where the design of the base may be larger or tapered to match the base of other existing surrounding decorative poles as part of a consistent design treatment. When a product is available from the manufacturer for a matching base design with an integrated equipment cabinet, that style shall be used.
2. All hardware attachments shall be hidden. The equipment cabinet and/or equipment cabinet cover shall not have a flat, horizontal surface larger than 1.5 inches.
3. The meter shall be recessed into the pole base.

- D. Separate Equipment Shrouds and Enclosures.** Except as may be authorized for SWF installations on wooden poles, there shall be no exterior equipment shrouds. As specified above, integrated equipment cabinets interior to the pole or pole base shall be required for all other poles. Separate external above-ground equipment enclosures are generally prohibited except when associated with authorized installations on wood poles where equipment may not be accommodated internally and where a replacement pole with internal equipment accommodation is not feasible.

Above-ground equipment enclosures are the last resort if the small wireless facility can't be installed elsewhere and if the equipment enclosure can't be pole-mounted with adequate vertical clearance or located in an underground vault based on any separate requirements of the pole owner or power provider.

When authorized as the last resort, such external enclosures shall generally be located behind the sidewalk, and not within the sidewalk area or planter strip between the curb and sidewalk. An external enclosure shall not exceed 24 cubic feet.

Above-ground enclosures shall not be located within Pedestrian-Oriented Areas. Therefore, installations requiring separate above-ground enclosures shall not be permitted within Pedestrian-Oriented Areas. However, in the event this requirement would conflict with any FCC requirement, the City may require use of stealth designs that also co-locate the cabinets with pedestrian amenities that don't occupy additional sidewalk or planting area. Examples are available in manufacturer catalogs and include equipment cabinets co-located with trash receptacles, etc.

- E. Lighting.** Equipment shall not have static or flashing lights that are visible when equipment enclosures are closed. This doesn't preclude co-location with streetlights.
- F. Cabling, etc.** All conduit, wires, mounting brackets, and other hardware must be hidden behind an antenna enclosure or internal to the pole, or in an equipment shroud only as may be authorized for antennas mounted on wooden poles. There shall be no external conduit, except as may be authorized for installations on wooden poles.
- G. Equipment Color.** Canister-style antenna enclosures shall be painted to match the pole to which it is attached. Canister or panel-style enclosures attached to wooden poles shall be colored gray (7047).
- H. Labeling and Advertising.** All equipment manufacturer decals shall be removed from the outside of any enclosures. Except for safety and identification labeling required by law or by the utility pole owner, no signage or advertising shall be posted on the wireless facilities that are visible when the enclosures are closed.
- I. Owner Identification.** A 4"x6" maximum plate with the Carrier's name, location, and identifying information, and emergency telephone number shall be permanently affixed to the pole. ID stickers must utilize the lowest visibility sticker as possible and use colors that are consistent or complimentary to the color of the equipment cabinet or pole to which it is affixed.
- J. RF Warning Sticker.** All facilities shall use the lowest visible radio frequency (RF) warning sticker required by government or utility

regulations. Placement of the RF sticker must be as close as possible to the antenna and face directly away from the street.

- K. Ventilation.** Passive ventilation (such as louvered openings and/or other passive ventilation systems, rather than fans, shall be used as the primary means of temperature control to keep equipment cool equipment, in order to prevent noise. In no case shall equipment emit noise greater than 30dBa at a distance of one meter.
- L. Height.** In no case shall a SWF installation in the public right-of-way permitted through this process exceed the height limits in the definition of a SWF. Height is limited to match the height of predominant surrounding poles of the same style.
- M. Poles.**

 - 1. Pole Ownership.** Replacement poles on which SWFs are to be co-located shall be owned by the same owner of the pole which was replaced, unless otherwise required by the original pole owner and the city.
 - 2. Co-location Required.** Co-location on existing or replacement poles shall be required. New freestanding poles shall only be authorized when the applicant can demonstrate with clear and convincing evidence that using an existing or replacement structure is not technically feasible.
 - 3. Design.** Replacement poles, or new freestanding poles only when authorized, shall match the design and style of city-specified poles for the area. The design and style shall generally match the material, height, color, style, taper, diameter, fluting, size and design of the base, pole, and collars, etc. Where more than one style is present within an area, the City may specify which style must be matched. The City may maintain a list of products from one or more manufacturers which meet the requirements for replacement poles or freestanding SWF poles.
 - 4. Placement of new freestanding poles, if authorized.**

 - a.** Should a new freestanding pole be authorized, it shall be aligned with the centerlines of existing poles along the same street segment. Alternate locations will be considered if there is a conflict with overhead utility lines and facilities.
 - b.** Should a new freestanding pole be authorized, the pole and any associated equipment shall be set back at least 75 feet from public street intersections and outside any vision clearance triangles. The location shall not obstruct motorist sightlines or pedestrian access.

- c. In residential areas, should a new freestanding pole be authorized, it shall be located in the public right-of-way in-line with the common property line between lots if that property line was extended into the public right-of-way. If the location conflicts with other standard utility locations such as paired utility laterals near a common property line, an offset of up to 10 feet may be authorized, provided it won't be directly in front of a building entrance or windows.
- d. Should a new freestanding pole be authorized, it shall be located in accordance with any placement location specified in a streetscape plan. If not specified, it shall be located either midway between existing streetlight poles or in-line with a property line where it isn't located in front of a building entrance or windows.

N. Spacing. SWF antenna installations shall maintain a minimum spacing of 250' from the other SWF installations, whether antennas are co-located on other poles or on freestanding wireless poles. .

3.18.760 Standards for Specific Installation Types

- A. Category 1.** The following installations are permitted subject to the General Standards in Section 3.18.755. For wood poles authorized to remain, the general standards allow for top-mounted canister-style antennas or side-mounted panel-style antennas, wire and cabling are authorized within conduit, and an integrated equipment cabinet in the base of the pole is not required.
 - 1. **Type 1.** Attachment to an existing wood pole for overhead power transmission.
 - 2. **Type 2a.** Attachment to existing wooden pole for a streetlight where a replacement pole is determined to be infeasible by the pole owner.
- B. Category 2.** The following installations are permitted subject to the General Standards in Section 3.18.755. If the existing poles aren't already designed by the manufacturer for additional antenna and equipment attachments, the existing poles must be replaced with poles designed to accommodate SWFs, which allow for internal cabling and wiring, and include an integrated equipment cabinet in the base of the pole which meets the standards of Section 3.18.755. Only top-mounted canister-style antennas are permitted; side-mounted panel antennas are not permitted. As used in this ordinance, "replacement pole" means a pole meeting the requirements described above.
 - 1. **Type 2b.** Attachment to replacement pole for existing wooden streetlight served by overhead power, or replacement pole for other

existing wooden pole without overhead power which serves only as a support for other overhead wires.

2. **Type 3.** Attachment to existing streetlight pole or replacement pole served by underground power
 3. **Type 4.** Attachment to pole supporting traffic control devices or combined pole that also supports other uses such as streetlights. A wooden pole supporting traffic control devices shall be replaced with a replacement pole.
 4. **Type 5.** Attachment to existing decorative pole or replacement pole
 5. **Type 6.** Attachment to existing freestanding SWF pole or replacement pole.
- C. **Category 3.** The following installations are prohibited, except that a Type 7 installation may be authorized by the City if the applicant shows by clear and convincing evidence that co-location on a Category 2 pole type is not possible. If authorized, the pole must be designed for SWF installation with internal wiring and cabling and include an integrated equipment cabinet in the base of the pole which meets the standards of Section 3.18.755. Only top-mounted canister-style antennas are permitted, and side-mounted panel antennas are not permitted.
1. **Type 7.** Attachment to new freestanding small cell pole.
 2. **Type 8.** Strand-mounted attachment.

3.18.765 Nonconforming Installations. SWFs that lawfully existed prior to the adoption of this ordinance shall be allowed to continue their use as they presently exist. Routine maintenance may be permitted on such lawful preexisting SWFs. Lawfully existing SWFs may be replaced as long as the replacement is in the exact location of the SWF being replaced and is of a construction type identical in height, width, lighting, and painting, or in greater conformance with these standards. Any other changes or modifications to a replacement SWF shall not be considered routine maintenance, shall be treated as new construction, and shall comply with the requirements of this chapter. Such replacement of SWFs shall comply with the requirements of this ordinance, except that as discussed in Subsection III of the FCC's declaratory ruling, #91, the minimum spacing or co-location requirements shall not apply to replacement of an existing SWF installation on an existing pole.

3.18.770 Maintenance and Operations. Facilities shall be maintained and operated in accordance with all applicable laws and the applicable franchise agreements or license agreement for use of the right-of-way and any separate requirements of the pole owner and power provider. This shall include all requirements governing operation, any costs associated with maintenance and replacement of poles, removal of unused facilities, limitations and requirements on trimming trees and vegetation, timely graffiti removal, etc.



City of McMinnville
Planning Department
231 NE Fifth Street
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www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 9, 2019
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Resolution 2019-24, amending the fee schedule to adopt fees for the regulation of small wireless facilities within the public right-of-way

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This action is a proposed resolution to amend the fee schedule to adopt fees associated with small wireless facilities within the public right-of-way.

Background and Discussion:

Resolution 2019-24 establishes procedures and standards for placement of small wireless facilities within the public right-of-way, based on the FCC's September 28, 2018 ruling.

The FCC ruling also establishes "presumptive fees" associated with small wireless facilities in the right-of-way, which may include one-time non-recurring fees and annual recurring fees.

"Make ready" cost recovery is also authorized for recovery of any specific costs incurred by the City caused by the attacher for work within the right-of-way and/or to enable the siting of a small wireless facility on a municipally-owned structure within the right-of-way. While the city may incur costs for work within the right-of-way, most poles within the right-of-way are owned by other entities, and they would be the ones to establish cost recovery related to the latter costs.

These fees are specific to the City of McMinnville, and are separate from any applicable fees of any other separate pole owner, power provider, or right-of-way owner which may also apply.

The FCC's ruling also authorizes adoption of higher fees than the presumptive fees, upon a showing that the fees are:

- A reasonable approximation of costs,
- Those costs themselves are reasonable, and
- They are non-discriminatory

The current proposal would adopt the presumptive fees and the provisions that provide for actual "make ready" cost recovery for work within the right-of-way. At a future date, it would be prudent to evaluate whether higher fees are needed to more closely achieve full cost recovery.

Attachments:

Exhibit 1. Resolution 2019-24

Fiscal Impact:

The FCC ruling is based on a recognition that technology is moving in the direction of "densification" of 4G and small wireless networks with the expectation that, when eventually deployed, next generation 5G technology will also be deployed in similar smaller, denser network configurations. This will differ from prior "macro" only installations that involved fewer, larger installations. As a result, the number of applications and installations would be expected to increase.

At this time, there is limited information on the number of applications that would be expected under the new ordinance governing small wireless facilities within the right-of-way. There is also limited information associated with the costs of processing these applications, which may include "batch" submittal of applications subject to processing timelines, whether a single application or multiple applications are submitted simultaneously.

As additional information becomes available about the volume, cost, and revenue associated with these facilities, it may be prudent to re-evaluate these "presumptive" fees to determine whether higher fees should be adopted based on reasonable approximation of costs.

Recommendation:

Staff recommends City Council **APPROVE** the resolution.

POTENTIAL MOTION: "I MOVE THAT THE COUNCIL ADOPT RESOLUTION 2019-24 APPROVING AN AMENDMENT TO THE FEE SCHEDULE TO ADOPT FEES FOR THE REGULATION OF SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY."

RESOLUTION NO. 2019-24

A Resolution amending the fee schedule to adopt fees
for small wireless facilities within the public right-of-way.

RECITALS:

The City of McMinnville has adopted procedures and standards for review of small wireless facilities within the public right-of-way; and

The FCC's September 26, 2018 ruling provides guidance on fees and authorizes presumptive fees and "make ready" cost recovery; and

It is in the best interest of the City of McMinnville to adopt fees for the costs associated with regulating small wireless facilities; and

Chapter 3.18 of the City Code provides for the City to establish non-recurring fees, recurring fees, and cost recovery for small wireless facilities within the public right-of-way.

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE
RESOLVES AS FOLLOWS:**

Section 1. The fees attached as Exhibit A are hereby adopted.

Section 2. This Resolution shall take effect immediately upon passage.

Passed by the Council this 9th day of April, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 9th day of April, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY

**Fee Schedule Amendment
Fees for Small Wireless Facilities within the Public Right-of-Way**

The fee schedule is amended to include the following “presumptive fees” for Small Wireless Facilities within the public right-of-way, consistent with the presumptive fees authorized by the FCC’s September 26, 2018 ruling.*

Initial Non-Recurring Fee: \$500 for a single up-front application that includes up to five Small Wireless Facilities with an additional \$100 for each Small Wireless Facility beyond five.

Annual Recurring Fee: \$270 per facility per year for all recurring fees, including any applicable right-of-way access fee or fee for attachment to municipally-owned structures in the right-of-way.

“Make Ready” Cost Recovery: Recovery of any specific costs incurred by the City caused by the attacher for work within the right-of-way and/or to enable the siting of a Small Wireless Facility on a municipally-owned structure in the right-of-way.

If applicable law authorizes Small Wireless Facilities within a public utility easement, these fees are also authorized for Small Wireless Facilities located within a public utility easement.

*The FCC’s September 26, 2018 ruling authorizes the City Council to adopt higher fees than the above “presumptive fees” upon showing that the fees are:

- A reasonable approximation of costs,
- Those costs themselves are reasonable,
- They are non-discriminatory

The City may further amend this fee schedule by resolution upon a determination that higher fees are in the best interest of the public, upon findings the fees are consistent with the above-noted items.

NOTE: *These fees are specific to the City of McMinnville, and are separate from any applicable fees of any other separate pole owner, power provider, or right-of-way owner which may also apply.*



City of McMinnville
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STAFF REPORT

DATE: April 9, 2019
TO: Jeff Towery, City Manager
FROM: Rich Leipfert, Fire Chief
SUBJECT: Ambulance Billing Professional Services Agreement
STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Gain efficiencies from technology and equipment investments / Identify and Focus on City's Core Services

Report in Brief:

This action is consideration of a resolution to award a Professional Services Agreement for ambulance billing services and motor vehicle accident billing services to Systems Design West, LLC.

Background:

The Fire Department has been evaluating the opportunities for improving our service in the realm of ambulance billing services. Many fire departments have moved to Professional Services Agreements for ambulance billing service in an effort to gain efficiencies and improve services. During our review we have found that there is the opportunity for a variety of the service improvements to both McMinnville Citizens and the City as a result of this agreement. They include;

- Multiple subject matter experts per billing specialty i.e. Medicare, Medicaid, Auto Insurance, Commercial insurance instead of one billing code specialist provides for:
 - Reduced billing and payment posting time.
 - Improved timeliness will help maximize returns.
- Technology improvements will provide:
 - Current and up to date billing and payment posting information to the customers.
 - Improved citizen access and reduced customer confusion on bills due to up to date individual billing information via web access.
- Reduced staff time for IS and FD for Software support.
- Eliminates the need for a \$25,000 ambulance billing software upgrade.
- Enhanced feedback process with training for Medics to reduce liability.

Discussion:

Proposals were requested from vendors who were capable of interfacing with our current ambulance patient care reporting software without third party or additional hardware requirements. The ability to conduct billing for ambulance services, motor vehicle accidents, provide assistance with Fire Med and Ground Emergency Medical Transport (GEMT) billing were required. The results are as follows:

Company	Proposal Amount	Met Proposal Requirements
Systems Design West LLC*	\$113,000	Y
AMB Ambulance Medical Billing**	Non-Responsive	N
EF Recovery***	\$116,262 / \$128,586	Y

*The proposal from Systems Design West, LLC was based on pricing of \$22 per call plus postage for last year's billable calls. Cost for motor vehicle billing is \$50-\$100 per call.

**The proposal from AMB was non-responsive. This proposal did not include required motor vehicle accident billing service, Fire Med assistance and did not include assistance with GEMT billing.

***The proposal from EF Recovery offered two billing methods \$22.50 per call plus postage or 8% of net cash plus postage. Cost for motor vehicle accident billing is \$50 or 17% of total claim whichever is higher.

Attachments:

1. Resolution
2. Professional Services Agreement for ambulance billing.
3. Amendment, Professional Services Agreement for motor vehicle accident billing.

Fiscal Impact:

Current annual costs for conducting in house ambulance billing are \$169,610. This includes:

- Ambulance billing personnel costs.
- Training costs for ambulance billing and IS.
- Software support for ambulance billing software.
- IS time to manage data transfers due to system interfaces between charting and billing software.

Recommendation:

Staff recommends that the City Council award the Professional Services Agreement for the Ambulance Billing and Motor Vehicle Accident Billing Services to Systems Design West, LLC at the price per bill outlined in the Contractor's proposal.

RESOLUTION NO. 2019-21

A Resolution awarding the Professional Services Agreement for Ambulance and Motor Vehicle Accident Billing Services.

RECITALS:

Three proposals were received for ambulance billing and motor vehicle accident billing services. Systems Design West, LLC met all of the requirements, and should be considered the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. That entry into a Professional Services Agreement with Systems Design West, LLC for ambulance billing services at the rate of \$22 per billable call plus postage is hereby approved.
2. That entry into the amended Professional Services Agreement Amendment with Systems Design West, LLC for motor vehicle accident billing services at the rate pf \$50-\$100 per billable call plus postage is hereby approved.
3. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 9th day of April, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 9th day of April, 2019.

MAYOR

Approved as to Form:

CITY ATTORNEY

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("AGREEMENT") is made and entered into this _____, 2019 by and between, City of McMinnville ("City") 230 NE 2nd Street, McMinnville, OR 97128 and Systems Design West, LLC a Delaware limited liability company having their principal place of business located at 19265 Powder Hill Place NE Poulsbo, Washington 98370 hereinafter referred to as the ("Consultant") Collectively the City and the Consultant shall be known as the "PARTIES".

RECITALS:

(a) WHEREAS, the City and the Consultant desire to enter into a "Professional Services Agreement",

(b) NOW, THEREFORE, in consideration for the mutual obligations contained herein the City and the Consultant, each intending to be legally bound by this agreement, hereby mutually covenant and agree as follows:

1. SCOPE OF SERVICES. The Consultant shall provide to the City specific services related to the billing and payment processing of EMS patient transport services that are provided to the general public by the City. The following Scope of Services shall be incorporated into this contract as general services performed by the City and the Consultant under this agreement.

1.1 The City, with assistance from Consultant, shall apply for Provider Status or updated Status with Medicare, Medicaid, and all public and private insurances which will be billed as a part of this Scope of Services. The City shall assist the Consultant to obtain the necessary certifications, numbers and documentation needed for Consultant to provide the services identified in sections 1.2 and 1.3 below. The City agrees to furnish and assist the Consultant with the following:

(a) The City agrees to provide a complete and legible "PCR" (Patient Care Report) to the Consultant including patient name, address and pertinent billing and insurance information from the field, including a copy of the patient signature for authorization of benefits and responsibility for payment, authorizing billing of Medicare, Medicaid and any insurance the patient is a subscriber to. The original patient signature must be maintained by the City and made available to the Consultant and/or insurance payers upon request. The amounts to be billed will be determined by the City in the form of a resolution or ordinance to be incorporated into this agreement as an attachment exhibit.

(b) The City agrees to furnish the Consultant with hospital ER forms (face/admit sheets) with demographic and insurance information attached to the PCR if requested by Consultant. Copies of any payments made directly to the City will be forwarded to the Consultant for accounting purposes in a timely manner. The City agrees to generate any refund checks due to overpayments identified by the Consultant directly to the payer to which the refund is due, based on detailed information provided by the Consultant. The City shall provide additional information as may be required by insurance companies or other agencies in order to facilitate the Consultant's obligations to the City.

(c) The City agrees to furnish to the Consultant to be made part of this agreement as an attachment: resolutions pertaining to this Scope of Services; specific write off policies; collections procedures; rates and fees to be charged by the City and administered by Consultant as part of the Scope of Services performed under this agreement.

1.2 Upon receipt of the PCRs and Batch Log from the City, the Consultant shall: set up a patient account in Consultant's proprietary software application and create a patient record; perform all billing operations including follow up statements and any necessary rebilling of EMS patient transport services provided by the City to the subscriber's medical insurances, Medicare, Medicaid and any and all known secondary insurance providers; produce and forward CMS 1500 forms and/or electronic medical claims per payer's rules and regulations within the legal boundaries of all federal and state laws; produce and mail an initial invoice and subsequent statements to all private patient accounts on behalf of the City; file any applicable appeals to insurance payers and/or Medicare and Medicaid on behalf of the patient if necessary to pursue the claim.

1.3 The Consultant shall: receive at its facilities all payments (except those directly deposited into the City's account by insurances and Medicare/Medicaid via EFT) Explanations of Benefits and Electronic Remittance Advices; account for all payments; deposit all funds directly into the City's "deposit only" account; forward deposit information to the City within 24 hours of such deposit; initiate and forward refund information and adjustments made on behalf of the patient's account to the City. The Consultant shall provide to the City a minimum of four (4) standard reports each month including: a) Aged Accounts Receivable b) Month End Summary c) Annual Collection Statistics d) Transaction Journal. These reports will include information related to amounts billed, amounts collected and uncollected, insurance and Medicare/Medicaid allowable and disallowable.

1.4 The Consultant shall provide live customer service to City's patients via toll free phone numbers to answer patient billing questions Monday through Friday from 8:00am through 6:00 pm, Pacific Standard Time (except Federal holidays).

1.5 The Consultant shall provide all labor, materials and equipment necessary to perform the work specified in the above scope of services.

2. FEES, EXPENSES, & PAYMENT. For and in consideration of the services provided by the Consultant identified above, the City shall pay to the Consultant an amount not to exceed \$22.00 per transport. In addition, the City will pay actual postage for patient invoices and statements per the Scope of Services performed under this agreement. A surcharge of \$10.00 per claim will be applied to any previously billed claims transferred to Consultant for further follow-up. The City shall remit payment for services rendered under this agreement to the Consultant within 30 days from receipt of Consultant's monthly invoice to the City.

3. PAYMENT OF TAXES. The Consultant shall be liable for any and all federal, state, and local sales, excise taxes and assessments as a result of the payment for services rendered under this agreement.

4. TERM OF AGREEMENT. The Consultant shall commence the work called for in this agreement on the date of the agreement and perform such work uninterrupted and automatically renew upon the anniversary date

unless the agreement is terminated by either party. This agreement may be amended upon the anniversary date by the parties upon mutual agreement of terms and conditions with the acknowledgement of an amendment to the Professional Services Agreement to be signed by both parties of the agreement.

5. SCHEDULE OF ATTACHMENT EXHIBITS. The following attachments are acknowledged by the parties and made part of this Agreement.

- # 1: Rates to be charged per transport [to be provided by the City]
- # 2: EMS Policies to be administered [to be provided by the City]
- # 3: Systems Design Liability Insurance policies
- # 4: Business Associate Agreement

6. INDEPENDENT CONSULTANT STATUS. The Consultant performs this Agreement as an independent Consultant, not as an employee of City. Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of City and an independent Consultant.

7. TERMINATION. Either party may terminate this agreement with a minimum of 30 days' notice to the other party. The Consultant shall upon termination by either party provide 60 days of follow up service to the outstanding patient accounts including posting payments, making deposits, and two (2) months of follow up reports to the City. Consultant shall deliver and document the return of all documentation in Consultants possession per the required record retention policies.

8. INSURANCE. The Consultant shall maintain statutory minimum Worker's Compensation or Labor and Industry insurance as required by the laws of any state or country in which Services are performed. The Consultant will provide and make as part of this agreement as an attachment, a certificate of liability insurance with a minimum amount of commercial general liability of \$ 1,000,000 per occurrence and an aggregate of \$ 2,000,000 and maintain such insurance for the duration of this agreement. The Consultant shall provide an annual updated Certificate of Insurance to the City upon the policy expiration date. The Consultant shall provide notice to the City in the event the policy is cancelled or terminated for any reason prior to the policy expiration date.

9. END USER SOFTWARE LICENSE & CONFIDENTIAL INFORMATION. The term "CONFIDENTIAL INFORMATION AND SOFTWARE" shall mean: (i) any and all Information and proprietary software which is disclosed or provided by either party ("OWNER OF THE INFORMATION") to the other ("RECIPIENT") verbally, electronically, visually, or in a written or other tangible form which is either identified or should be reasonably understood to be confidential or proprietary; and (ii) Confidential Information may include, but not be limited to, trade secrets, computer programs, software, documentation, formulas, data, inventions, techniques, marketing plans, strategies, forecasts, client lists, employee information, and financial information, confidential information concerning City and Consultant's business or organization, as the parties have conducted it or as they may conduct it in the future. In addition, Confidential Information may include

information concerning any of past, current, or possible future products or methods, including information about research, development, engineering, purchasing, manufacturing, accounting, marketing, selling, leasing, and/or software (including third party software).

9.1 TREATMENT OF CONFIDENTIAL INFORMATION. City's Confidential Information shall be treated as strictly confidential by Recipient and shall not be disclosed by Recipient to any third party except to those third parties operating under non-disclosure provisions no less restrictive than in this Section and who have a justified business "need to know". City shall protect the deliverables resulting from Services with the same degree of care. This agreement imposes no obligation upon the Parties with respect to Confidential Information which either party can establish by legally sufficient evidence: (a) was in the possession of, or was rightfully known by the Recipient without an obligation to maintain its confidentiality prior to receipt from City; (b) is or becomes generally known to the public without violation of this Agreement; (c) is obtained by Recipient in good faith from a third party having the right to disclose it without an obligation of confidentiality; (d) is independently developed by Recipient without the participation of individuals who have had access to the Confidential Information; or (e) is required to be disclosed by court order or applicable law, provided notice is promptly given to the City and provided further that diligent efforts are undertaken to limit disclosure.

9.2 CONFIDENTIALITY AND DISCLOSURE OF PATIENT INFORMATION. Use and Disclosure of Protected Health Information. The parties hereto agree that in order for the Consultant to perform its duties as expected by the City, it will be necessary for the Consultant to use and disclose Protected Health Information ("PHI"), as such term is defined at 45 CFR §164.501. The parties of this agreement further acknowledge and make part of this agreement as an attachment to this agreement a "Business Associate Agreement" to be maintained and updated whenever applicable by either party of this agreement.

9.3 PERMITTED AND REQUIRED USES AND DISCLOSURE OF PHI. The Parties hereto agree that the Consultant may use and disclose PHI in order to carry out any Payment function covered under the definition of "Payment" contained in 45 CFR §164.501. The Parties hereto further agree that the Consultant may use or disclose PHI for any use or disclosure that is required by law.

10. INDEMNITY. Each Party ("INDEMNIFYING PARTY") shall indemnify and hold the other Party ("INDEMNIFIED PARTY") harmless against any third party claim, including costs and reasonable attorney's fees, in which the Indemnified Party is named as a result of the negligent or intentional acts or failure to act by the Indemnifying Party, its employees or agents, while performing its obligations hereunder, which result in death, personal injury, or tangible property damage. This indemnification obligation is contingent upon the Indemnified Party providing the Indemnifying Party with prompt written notice of such claim, information, all reasonable assistance in the defense of such action, and sole authority to defend or settle such claim.

10.1 Notwithstanding any other provision of this agreement, no party shall be liable for (a) any special, indirect, incidental, punitive, or consequential damages, including loss of profits or business arising from or related to the services or other deliverables hereunder or a breach of this agreement, even if such party has been advised of the possibility of such damages; or (b) any damages (regardless of their nature) for any delay

or failure by a party to perform its obligations under this agreement due to any cause beyond the such party's reasonable control.

10.2 Notwithstanding any other provision of this agreement, the Consultant's liabilities under this agreement under any theory of liability, whether based in contract law, tort law, negligence (active or passive), product liability, indemnification or otherwise shall be limited to the direct damages recoverable by the City under law not to exceed one times the aggregate amount of fees paid by the City to Consultant for the services or other deliverables that gave rise to the claim or that are otherwise the subject of such claim in the one (1) year period preceding the event giving rise to the claim.

11. SURVIVABILITY. The terms of Section 8 and 9 shall survive termination of this Agreement. If the Parties have executed a separate agreement that contains confidentiality terms prior to or contemporaneously with this Agreement, those separate confidentiality terms shall remain in full force to the extent they do not conflict. The "Business Associate Agreement" has terms incorporated to establish the continuance of covenants for the parties to disclose PHI for the continued operations of "Payment".

12. WARRANTIES AND REPRESENTATIONS. Each party warrants that it has the right and power to enter into this Agreement and an authorized representative has executed this Agreement. Consultant warrants that the Services will be performed in a professional and workmanlike manner in accordance with recognized industry standards. To the extent Services provided by Consultant are advisory; no specific result is assured or guaranteed. Consultant EXPRESSLY DISCLAIMS ALL OTHER REPRESENTATIONS OR WARRANTIES, WHETHER EXPRESSED OR IMPLIED.

13. NOTICE. Any notice, demand, request, consent, approval, or other communication that either party desires or is required to give to the other party related to any of the content of this agreement shall be presented in writing and served personally or sent by prepaid, first class mail to the addresses set forth below. Either party may change its address by notifying the other party of its change of address in writing.

City: City of McMinnville
230 NE 2nd Street
McMinnville, OR 97128

Consultant: Systems Design West, LLC
19265 Powder Hill PI NE
Poulsbo, WA 98370

14. NONWAIVER. No modification to this Agreement nor any failure or delay in enforcing any term, exercising any option, or requiring performance shall be binding or construed as a waiver unless agreed to in writing by both parties. No delay or omission of the right to exercise any power by either party shall impair any such right or power, or be construed as a waiver of any default or as acquiescence therein. One or more waivers of any covenant, term or condition of this Agreement by either party shall not be construed by the other party as a waiver of a subsequent breach of the same covenant, term or condition.

15. APPLICABLE LAW. The laws of the State of Washington shall govern the construction, validity, performance and enforcement of this Agreement. Venue as to any action, claim, or proceeding arising out of, or based upon this Agreement, including, but not limited to, any action for declaratory or injunctive relief, shall be the appropriate court in the State of Washington.

16. CONFLICT OF INTEREST. The Consultant covenants, warrants and represents that the Consultant or any employees of Consultant has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the subject matter or the performance of this Agreement. The Consultant further covenants, warrants and represents that in the performance of this Agreement, no person having any such interest shall be employed by the Consultant in the future.

17. ENTIRE AGREEMENT. This Agreement and any schedules, appendices, attachments and exhibits attached hereto sets forth all of the covenants, promises, agreements, conditions and understandings between the parties hereto, and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between them other than as herein set forth. Except as herein otherwise expressly provided, no contemporaneous or subsequent agreement, understanding, alteration, amendment, change or addition to this Agreement, or any schedule, appendix, exhibit or attachment thereto shall be binding upon the parties of this Agreement hereto unless reduced to writing and signed by both parties. This Agreement constitutes a final, complete and exclusive statement of the agreement between the parties.

The Parties hereby agree to all of the above terms, conditions, covenants and have executed this Agreement by a duly authorized representative.

Dated this _____ day of _____, 2019

City of McMinnville

By: _____

Print: _____

Title: _____

Dated this 12th day of March, 2019

Systems Design West, LLC
"Consultant"

By:

Print: Jennifer Braus

Title: CEO

Amendment to Professional Services Agreement

This ("Amendment") is entered into on the ____ day of _____, _____ ("Effective Date") by and between Systems Design and City of McMinnville ("City").

WHEREAS, Systems Design and City of McMinnville previously executed and entered into a Professional Services Agreement (the "Agreement").

WHEREAS, Systems Design and City of McMinnville agree to amend, and to modify the existing agreement to reflect the understanding of the parties.

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound, the parties agree as follows:

- 1) The purpose of this Amendment is to amend the Scope of Services of the Professional Services Agreement to include MVC Billing as follows:

1. SCOPE OF SERVICES. The Consultant shall provide to the City specific services related to the billing and payment processing of Motor Vehicle Collision (MVC) services that are provided to the general public by the City. The following Scope of Services shall be incorporated into this contract as general services performed by the City and the Consultant under this agreement.

- 1.1 MVC Services: The City agrees to provide a complete and legible "Incident Report" to the Consultant including the liable party's name, address and pertinent billing and insurance information from the scene including the insurance company information, policy number, police report (if available from PD). Each incident is to be identified as to level of service and total amount billed by the City. The amounts to be billed will be determined by the City in the form of a resolution or ordinance to be incorporated into this agreement as an attachment exhibit.

- (b) The City shall provide additional information as may be required by insurance companies or other agencies in order to facilitate the Consultant's obligations to the City.

- (c) The City agrees to furnish to the Consultant to be made part of this agreement as an attachment: resolutions pertaining to this Scope of Services; specific write off policies; collections procedures; rates and fees to be charged by the City and

administered by Consultant as part of the Scope of Services performed under this agreement.

1.2 Upon receipt of the Incident Reports from the City, the Consultant shall: set up an Individual account in Consultant's proprietary software application and create a Individual record; perform all billing operations including follow up statements; produce and mail an initial invoice and subsequent statements to all private Individual accounts on behalf of the City; file any applicable appeals to insurance payers on behalf of the patient if necessary to pursue the claim.

2) The purpose of this Amendment is to amend the Fees, Payment & Expenses of the Professional Services Agreement to include MVC Billing as follows:

2.1 MVC Services: For and in consideration of the services provided by the Consultant identified above, the Consultant will include an "Administration Fee" to be included with each claim submitted to the liable party's insurance company. This fee will be a minimum of \$ 50.00 and shall not exceed \$ 100.00 per claim. After receipt of any payment from the insurance or Individual the Consultant will invoice the City for the Administration Fee amount that was added to the City's claim. The City shall remit payment for services rendered under this agreement to the Consultant within 30 days from receipt of Consultant's monthly invoice to the City.

All other terms, conditions and provisions of the Professional Services Agreement remain in full force and in effect and are not modified by this amendment, the pricing for services in effect as of the Effective Date will remain the same for the term of this amendment.

IN WITNESS WHEREOF, the parties hereto have caused this addendum to be executed by their duly authorized officers.

Systems Design

By: _____

Name: _____

Title: _____

Date: _____

City of McMinnville

By: _____

Name: _____

Title: _____

Date: _____



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 9, 2019
TO: Jeff Towery, City Manager
FROM: Larry Sherwood, Project Manager
SUBJECT: Bid Award – Tertiary Clarifiers and ATAD 3 Coatings Project

Report in Brief:

This action is the consideration of a resolution to award a contract in the amount of \$ 355,242.00 to Extreme Coatings, Inc. dba ECI Services for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2.

Background:

The City of McMinnville Water Reclamation Facility (WRF) utilizes tertiary treatment systems in the summer months to accomplish a high removal efficiency of ammonia and phosphorus. These advanced systems utilize chemical treatment and filtration to produce the highest quality effluent possible. Steel mechanisms within these tertiary clarifier's require periodic coating replacement to protect the steel from corrosion. This Project includes the removal of existing coatings and the installation of new protective coatings on all steel mechanisms located within two existing tertiary clarifiers to maintain the integrity of these metal components.

Microorganisms removed in the secondary treatment process are concentrated into a thick liquid and "digested" in autothermic thermophilic aerobic digester (ATAD) tanks to produce biosolids. The corrosive nature and heat producing properties of these biosolids require the interior of these ATAD tanks to receive periodic coating replacement to protect the steel from corrosion. This Project includes the removal of existing coatings and the installation of new protective coatings inside ATAD #3 to maintain the integrity of this tank. Once the tank has been emptied of biosolids and stripped of existing coatings, interior surfaces will be inspected for integrity and repaired as needed as part of the Contract.

This work was originally bid as additive alternates to the WRF Tertiary Treatment and Disinfection Project, Project 2017-2 with an additive price of \$536,000. These alternates were not awarded as part of that Contract due to higher than expected pricing. Therefore, this work was repackaged and bid separately resulting in a cost savings of \$180,758.

Discussion:

At 2:00 pm on March 28, 2019, three bids were received, opened, and publicly read for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2. The results are tabulated as follows:

Bidder	Total Bid Amount
Extreme Coatings, Inc. dba ECI Services	\$355,242.00
Stettler Supply Company	\$364,332.22
Long Painting Company	\$720,000.00

The bids were evaluated for completeness and compliance with the bidding requirements. All three bids met the requirements. A detailed breakdown of the bids received is on file at the Engineering Department.

The total bid amount is based on the total of Lump Sum pricing for preparing and recoating of all metal components within two existing tertiary clarifiers, the Lump Sum pricing for preparing and recoating the interior of ATAD #3, and a per square foot price for repair work inside ATAD #3 based on 500sf of repair area. Actual repair areas will be measured once identified, and paid for by the square foot price established in the bid.

Attachments:

1. Resolution
2. Bid Tabs
3. Site Map

Fiscal Impact:

The funds for this project are included in the adopted FY19 Wastewater Capitol Fund (77) budget. The contract work will commence in May with final completion required within 190 calendar days of the "Notice to Proceed."

Recommendation:

Staff recommends that the City Council award the contract for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2, to Extreme Coatings, Inc. dba ECI Services, with a total estimated cost of \$ 355,242.00

RESOLUTION NO. 2019-22

A Resolution awarding the contract for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2.

RECITALS:

At 2:00pm on March 28, 2019, three bids for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2, were publicly opened and read aloud.

The low bidder, Extreme Coatings, Inc. dba ECI Services, met all of the bid requirements and should be considered the lowest responsible bidder.

The funds for this project is included in the adapted FY19 Wastewater Capitol fund (77) budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. That entry into a Public Improvement Contract with Extreme Coatings, Inc. dba ECI Services in the amount of \$ 355,242.00 for the Tertiary Clarifiers and ATAD 3 Coatings Project, Project 2019-2, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the Standard Public Contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 9th day of April 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 9th day of April 2019.

MAYOR

Approved as to form:

CITY ATTORNEY

BID TABS

				ECI Services		Stettler Supply		Long Painting Company	
Item	Description	Unit	Estimated Quantity	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
A.	Lump Sum for Coatings of Existing Tertiary Clarifiers	LS	1.00	\$200,000.00	\$200,000.00	\$233,678.79	\$233,678.79	\$514,000.00	\$514,000.00
B.	Steel Tank Coatings								
	a) Lump Sum for Steel Tank Coatings	LS	1.00	\$143,242.00	\$143,242.00	\$94,733.43	\$94,733.43	\$149,000.00	\$149,000.00
	b) Interior Repairs (Based on 500 sf)	SF	500.00	\$24.00	\$12,000.00	\$71.84	\$35,920.00	\$114.00	\$57,000.00

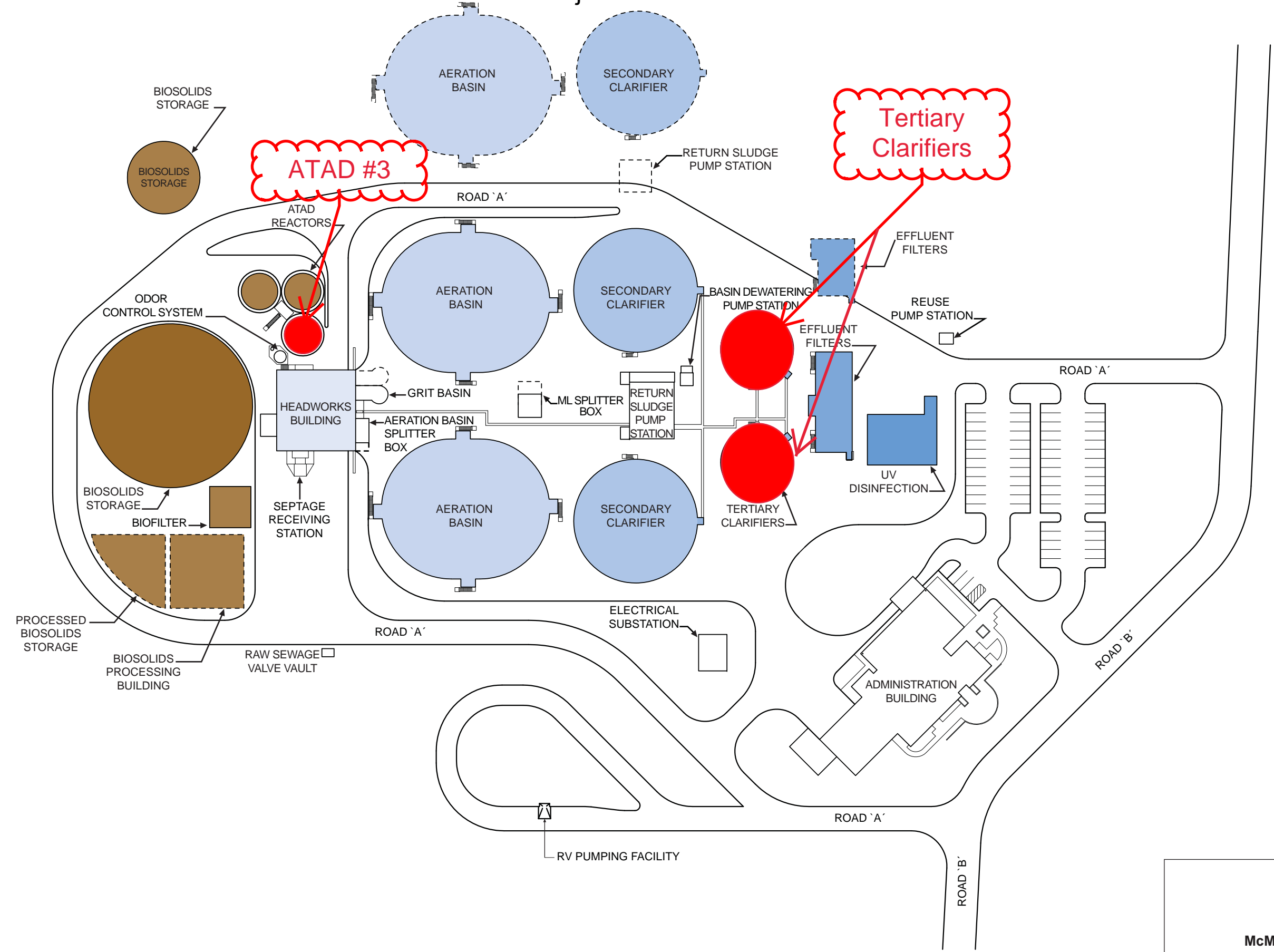
BID TOTAL\$355,242.00

BID TOTAL\$364,332.22

BID TOTAL\$720,000.00

	ECI Services	Stettler Supply	Long Painting Company
Bid Complete & Signed?	yes	yes	yes
Addendum Acknowledged?	n\	n\	n\
Bid Bond & Power of Attorney?	yes	yes	yes
First Tier Subcontractor Disclosure?	yes	yes	yes

Attachment #3-Tertiary Clarifiers and ATD #3 Coatings Project Project 2019-2



LEGEND

- Existing
- New

Figure ES-8

McMinnville Water Reclamation Facility
RECOMMENDED SITE PLAN AND PLANT LAYOUT





City of McMinnville
Finance Department
230 NE Second Street
McMinnville, OR 97128
(503) 434-2350
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 9, 2019
TO: Mayor and City Councilors
FROM: Marcia Baragary, Finance Director
SUBJECT: Supplemental Budget for Parks & Recreation Department, KOB Program
STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

Strengthen the City's ability to prioritize & deliver municipal services with discipline and focus.

OBJECTIVE/S: Identify and focus on the City's core services

Report in Brief: This resolution proposes a supplemental budget for the Parks & Recreation Department, KOB program.

Background: KOB, Inc., a non-profit board which supports the KOB program, agreed to donate sufficient funds to pay for a sustainability assessment for the Kids on the Block After-School Enrichment Program. The sustainability assessment has been conducted by Oregon After School for Kids (OregonAsk). A supplemental budget is necessary in the KOB materials and services budget to allow for disbursement of the donation to OregonAsk.

Discussion: Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). When a supplemental budget adjusts fund expenditures by ten percent or less, the supplemental budget may be adopted at a regularly scheduled meeting of the governing body.

This resolution adopts a supplemental budget and makes supplemental appropriations, as required by Local Budget Law, to allow for the expenditure of the unanticipated donation received in the amount of \$40,000 for the completion of an assessment of the KOB program. Donation revenue (miscellaneous revenue category) and professional services (materials and services) appropriations in the General Fund, Park and Recreation Department, Kids on the Block (KOB) section are increased by \$40,000.

Attachments: Resolution 2019-23

Fiscal Impact: None

Recommendation: Adoption of Resolution 2019-23, adopting a supplemental budget and making supplemental appropriations for the Parks & Recreation Department, KOB Program

RESOLUTION NO. 2019-23

A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

RECITAL:

This resolution proposes a supplemental budget for the General Fund, Parks and Recreation Department due to the unanticipated receipt of a donation to the City's Kids on the Block (KOB) Program.

KOB, Inc., a non-profit board which supports the program, agreed to donate sufficient funds to pay for a sustainability assessment for the Kids on the Block After-School Enrichment Program. The sustainability assessment has been conducted by Oregon After School for Kids (OregonAsk). A supplemental budget is necessary in the KOB materials and services budget to allow for disbursement of the donation to OregonAsk.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). When a supplemental budget adjusts fund expenditures by ten percent or less, the supplemental budget may be adopted at a regularly scheduled meeting of the governing body.

This resolution adopts a supplemental budget and makes supplemental appropriations, as required by Local Budget Law, to allow for the expenditure of the unanticipated donation received in the amount of \$40,000, which was specifically designated for the completion of an assessment of the KOB program. Donation revenue (miscellaneous revenue category) and professional services (materials and services) appropriations in the General Fund, Park and Recreation Department, Kids on the Block (KOB) section are increased by \$40,000.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, as follows:

- 1. Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2018-2019 in the General Fund, Parks and Recreation Department, KOB section.
- 2. Make Supplemental Appropriations:** The additional appropriations for fiscal year 2018-2019 are hereby appropriated as follows:

General Fund, Administration Department, Community Services section resources and requirements are increased due to the unanticipated receipt of a donation and expenditure for a KOB program assessment in fiscal year 2018-2019.

<u>GENERAL FUND:</u>	<u>Amended Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Resources:			
Beginning fund balance	\$ 5,392,990		\$ 5,392,990
Property taxes	12,846,861		12,846,861
Licenses and permits	2,998,600		2,998,600
Intergovernmental	2,388,480		2,388,480
Charges for services	1,462,458		1,462,458
Fines and forfeitures	564,300		564,300
Miscellaneous	854,879	40,000	894,879
Transfers in from other funds	2,458,547		2,458,547
Total Resources	\$ <u>28,967,115</u>	\$ <u>40,000</u>	\$ <u>29,007,115</u>
Requirements:			
Administration	\$ 1,505,991		\$ 1,505,991
Finance	805,929		805,929
Engineering	1,091,207		1,091,207
Planning	1,502,007		1,502,007
Police	8,506,466		8,506,466
Municipal Court	539,655		539,655
Fire	3,802,566		3,802,566
Parks and Recreation	2,949,569	40,000	2,989,569
Park Maintenance	1,328,774		1,328,774
Library	1,678,331		1,678,331
Non-Departmental (Not Allocated to Department or Program)			
Debt Service	487,996		487,996
Transfers Out to Other Funds	2,182,508		2,182,508
Operating Contingencies	822,250		900,000
Ending Fund Balance	1,763,866		1,763,866
Total Requirements	\$ <u>28,967,115</u>	\$ <u>40,000</u>	\$ <u>29,007,115</u>

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 9th day of April 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 9th day of April 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



City of McMinnville
Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7312
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 1, 2019
TO: Jeff Towery, City Manager
FROM: Dale Marshall, Street Supervisor
VIA: Mike Bisset, Community Development Director
SUBJECT: Contract award – 2019 Backhoe

Report in Brief:

This action is the consideration of a resolution to award a contract in the amount of \$97,625.41 to Pape Machinery for the purchase of a 2019 John Deere 310SL backhoe.

Background:

The FY19 Street Fund (20) budget includes funding for the purchase of a 2019 backhoe / loader.

The Street Maintenance Division currently uses a 1999 backhoe for activities such as asphalt repair, gravel street maintenance, vehicle loading and unloading, equipment loading and unloading, emergency response, snow and ice removal, tree and limb removal, street sign removal and the City's annual residential leaf pick up program. Additionally, the Division owns a 1984 backhoe that serves as a backup to the 1999 unit.

Upon completion of the purchase of the 2019 backhoe, the 1999 backhoe will be moved to a backup role and the 1984 unit will be disposed of.

Discussion:

The Street Maintenance Division prepared a specification build sheet for a 2019 100 horsepower backhoe/loader with enclosed cab, loader hydraulic quick coupler and hydraulic backhoe thumb. The specifications were developed in such a fashion as to foster completion among different backhoe manufacturers.

The build sheet was sent to four vendors identified through the Oregon Procurement Information Network (ORPIN). Three quotes were received:

Vendor	Equipment	Total Quote
Pape Machinery	John Deere 310SL	\$97,625.41
Brim Tractor	JCB 3CX 14HFCE	\$98,702.74
Peterson CAT	Caterpillar 420F2 HRC	\$128,450.00

The low bid, provided by Pape Machinery, was deemed complete and the bid of \$97,625.41 is the lowest responsible and responsive bid. Copies of the detailed bids are on file at the Street Maintenance Division.

Attachments:

1. Resolution

Fiscal Impact:

The bid amount of \$97,625.41 is within the \$100,000 allocated for this purchase in the adopted FY19 Street Fund (20) budget. The estimated delivery time for the new unit 45-60 days.

Recommendation:

Staff recommends that the City Council award the contract for the purchase of a 2019 backhoe to Pape Machinery, with a total contract cost of \$97,625.41.

RESOLUTION NO. 2019-25

A Resolution awarding the contract for the purchase of a 2019 backhoe.

RECITALS:

The Street Maintenance Division prepared a specification build sheet for a 2019 100 horsepower backhoe/loader with enclosed cab, loader hydraulic quick coupler and hydraulic backhoe thumb. The specifications were developed in such a fashion as to foster completion among different backhoe manufacturers.

The build sheet was sent to four vendors identified through the Oregon Procurement Information Network (ORPIN), and three quotes were received.

The low bid, provided by Pape Machinery, was deemed complete and the bid of \$97,625.41 is the lowest responsible and responsive bid. Copies of the detailed bids are on file at the Street Maintenance Division.

The bid amount of \$97,625.41 is within the \$100,000 allocated for this purchase in the adopted FY19 Street Fund (20) budget. The estimated delivery time for the new unit 45-60 days.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. That entry into a purchase agreement with Pape Machinery, in the amount of \$97,625.41, with a delivery date on or before June 30, 2019 for the purchase of a 2019 John Deere 310SL backhoe, is hereby approved.
2. That the City Manager is hereby authorized and directed to execute the standard public contract.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 9th day of April 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 9th day of April 2019.

MAYOR

Approved as to form:

CITY ATTORNEY