



City Council Meeting Agenda
Tuesday, May 28, 2024
6:00 p.m. – Work Session Meeting
7:00 p.m. – City Council Regular Meeting

Welcome! The public is strongly encouraged to participate remotely but there is seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself.

The public is strongly encouraged to relay concerns and comments to the Council in one of four ways:

- *Attend in person and fill out a public comment card*
- *Email at any time up to **noon on Monday, May 27th** to CityRecorderTeam@mcminnvilleoregon.gov*
- *If appearing via telephone only please sign up prior by **noon on Monday, May 27th** by emailing the City Recorder at CityRecorderTeam@mcminnvilleoregon.gov as the chat function is not available when calling in Zoom;*
- *Join the Zoom meeting use the raise hand feature in Zoom to request to speak, once your turn is up we will announce your name and unmute your mic. **You will need to provide the City Recorder with your First and Last name, Address, and contact information (email or phone) for a public comment card.***

You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331, Frontier 29 or webstream here:

mcm11.org/live

Download the "Cablecast" app on iOS, Android, Roku, Apple TV or Amazon Firestick and watch McMinnville City Council on all your devices.

CITY COUNCIL WORK SESSION & REGULAR MEETING:

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/86446399879?pwd=RUxpxsb22WlTVWZ4fPZRqaCobwciU9.1>

Zoom ID: 864 4639 9879

Zoom Password: 528172

Or you can call in and listen via Zoom: 1-253- 215- 8782

ID: 864 4639 9879

6:00 PM – WORK SESSION MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER
2. VOTER POLLING ON CITY FACILITY EXPANSIONS AND IMPROVEMENTS
3. ADJOURNMENT OF WORK SESSION

7:00 PM – REGULAR COUNCIL MEETING – VIA ZOOM AND SEATING AT CIVIC HALL

1. CALL TO ORDER & ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT –

The Mayor will announce that 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. The Mayor will read comments emailed to City Recorder and then any citizen participating via Zoom.

4. PRESENTATION

- a. Visit McMinnville Annual Presentation – CEO & President Jeff Knapp.

5. PUBLIC HEARINGS

- a. Public Hearing to consider **Resolution No. 2024-29**: A Resolution adopting a supplemental budget for fiscal year 2023-24 and making contingency transfers.
- b. Public Hearing to consider **Resolution No. 2024-25**: A Resolution adopting a Building Fee Schedule and repealing all previous resolutions adopting building fee schedules on the effective date of this fee schedule.
- c. Public Hearing to consider **Resolution No. 2024-26**: A Resolution adopting a Planning Fee Schedule and repealing all previous resolutions adopting planning fee schedules at the time this fee schedule becomes effective.

6. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports
 - i. Stormwater Utility Community Meeting Update

7. CONSENT AGENDA

- a. Consider the Minutes of the January 09, 2024, City Council Regular Meeting.
- b. Consider the Minutes of the February 27, 2024, City Council Regular Meeting.
- c. Consider the Minutes of the March 18, 2024, Joint City Council & MSB Work Session Meeting.
- d. Consider the Minutes of the March 26, 2024, City Council Regular Meeting.
- e. Consider the Minutes of the May 14, 2024, Work Session & City Council Regular Meeting.
- f. Consider a request to permit a waiver of the noise ordinance from CalvaryMac for June 9th, July 14th, August 11th, and September 8th.
- g. Consider **Resolution No. 2024-27**: A Resolution directing the Mid-Willamette Valley Council of Governments, acting as the Regional Economic Development District, to work with Chapul Farms on the Federal Environmental Protection Agency Community Change Grant on behalf of the City Council.
- h. Consider the request from Fair Moon Wine Co. for Winery Primary Location, OLCC Liquor License located at 527 NE 8th Street.

8. RESOLUTION

- a. Consider **Resolution No. 2024-28**: A Resolution adopting a supplemental budget for fiscal year 2023-24 and making appropriation transfers.
- b. Consider **Resolution No. 2024-29**: A Resolution adopting a supplemental budget for fiscal year 2023-24 and making contingency transfers.
- c. Consider **Resolution No. 2024-25**: A Resolution adopting a Building Fee Schedule and repealing all previous resolutions adopting building fee schedules on the effective date of this fee schedule.
- d. Consider **Resolution No. 2024-26**: A Resolution adopting a Planning Fee Schedule and repealing all previous resolutions adopting planning fee schedules at the time this fee schedule becomes effective.
- e. Consider **Resolution No. 2024-23**: A Resolution authorizing the City Manager to sign a contract with Walker Macy not to exceed the amount of \$384,000 for the Innovation Campus Master Planning, Public Infrastructure Feasibility Analysis, and Marketing Project.

9. ORDINANCES

- a. Consider the first reading with a possible second reading of **Ordinance No. 5145**: An ordinance amending Title 17 (zoning) of the McMinnville municipal code to amend section 17.06.045 “tree related definitions” and chapter 17.58 “trees,” and approving the decision, findings, and conclusionary findings for docket G 3-23.

10. ADJOURNMENT OF REGULAR MEETING



City of McMinnville

City of McMinnville Parks and Recreation Department

Contact: Susan Muir
McMinnville, OR 97128
(503) 434-7310

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: May 13, 2024
TO: City Council
FROM: Jeff Towery, City Manager and Susan Muir, Parks and Recreation Director
SUBJECT: First Round Capital Bond Polling

Background

Planning for this project began in 2019 with a [feasibility study](#) that resulted in the City Council directing staff to pursue replacing the current Aquatic Center and Community Center with one new building. After that, an advisory committee, known as MacPAC, began advising the city on a concept plan that also included the Library and the Senior Center. That [concept plan](#) was presented to City Council on January 25, 2022 with an acknowledgement that the City's financial footing needed to be stabilized prior to capital projects moving forward. After the city service charge implementation and the creation of a Fire District, the City Council unanimously selected a new rec center as one of their priorities for FY 2024-2025.

At the same time, the City was continuing to work on finding a site for the proposed facility starting with the 2 recommended locations in the concept plan. Significant progress was made in January of this year, when the City signed a memorandum of understanding with McMinnville Water and Light to work towards purchasing the site known as the 'Miller Property' at the SE corner of Riverside and Marsh Lane.

Discussion

With the location, financial planning and council goal setting all pointing in the same direction, it was time to check in with the community. Back in 2021 when the

MacPAC met with City Council, the next steps included 'right sizing' the proposal to match the community's level of support for a potential capital bond.

The polling done the week of May 6, 2024 was designed using the MacPAC concept plan and cost estimates to understand the base level of support. In addition, there were questions based on potentially adding a parks element to the capital bond, based on the most recent draft of the Parks, Recreation and Open Space Plan update.

To understand the specific amenities of greatest interest to residents, as well as the affiliated cost-threshold they were willing to pay, the poll asked residents to rank their priorities between the Rec Center, Enhanced Library, Senior Center, and Parks. The poll found replacing the Aquatic Center/Community Center to be a top priority for residents.

To properly assess attitudes towards affiliated price points, the poll presented four possible bond scenarios: the full package (Rec Center, Enhanced Library, Senior Center, and Parks); Rec Center only; Rec Center + Enhanced Library; Rec Center + Parks. The results showed the strongest support for the full package, at 52% total yes. Support for the smaller packages hovered between 40% - 44%.

During an initial poll debrief received by staff, JL Wilson of Nelson Research, who conducted the poll, highlighted the following takeaways:

- The poll showed people are generally happy with where they live and with McMinnville's governance; results stayed consistent with previous polls that assessed similar information
- The majority of people are happy with current public recreational and community facilities
- In testing the four different scenarios, there was the most support for including all of the components together in the "full package" project; once people heard what they could possibly have, they were less interested in the reduced scenarios even when the affiliated cost to them lowered
- However, 52% support still means there is a lot of work to do over the next year+ to engage the community around this project

Next Steps

It's important to note, that we are not at the stage of developing ballot measure language, even though the polling questions go into to some detail. Nothing in this initial poll commits the City to a certain outcome or conclusion for what moves forward. There will be a lot of conversations with the community, and the city council, before we have a proposal for council to consider putting on a ballot.

Praxis political and city staff are working on a process for the next 6-12 months that will;

- Provide us a baseline understanding of community support (this initial poll),
- Build community support through public outreach and communication,
- Roll out a communications and marketing plan, and;
- Provide a proposal or options for the council to consider, likely sometime in the fall of 2024 so that council could potentially be ready for a ballot measure no sooner than May 2025.

Recommendation

There is an informational item, no action is requested.

Financial Impact

In the FY 24 budget the City Council approved \$100,000 in ARPA dollars to be utilized on planning work for a new rec center. The city hired Praxis Political to assist with the project.

Attachment A: Poll Results



OR-City of McMinnville
Parks & Recreation Bond
Field Dates: 5/07-5/13/2024
Registered Voters, N=335
Margin of Error, 5.35%
v.Final

Hello, my name is _____. I'm with Nelson Research, a public opinion research firm. We are conducting a brief survey in your area today and would like to include your household's opinion. May I please take a few minutes of your time? I promise I'm not selling anything.

First of all, are you registered to vote in the state of Oregon? **(INTERVIEWER: IF NO, POLITELY TERMINATE)**

GENERAL PERCEPTION SERIES

1. Overall, how satisfied you are with your quality of life in McMinnville ~ VERY SATISFIED, SOMEWHAT SATISFIED, SOMEWHAT DISSATISFIED or VERY DISSATISFIED??

| | | |
|--------------------------------|-------------|------|
| 1. Very Satisfied | | 50.7 |
| 2. Somewhat Satisfied | | 37.9 |
| (Total Satisfied) | 88.6 | |
| 3. Somewhat Dissatisfied | | 7.2 |
| 4. Very Dissatisfied | | 3.3 |
| 5. (Total Dissatisfied) | 10.5 | |
| 6. Don't Know | | 0.9 |

2. Please tell me how you would rate the operation and performance of the City of McMinnville city government ~ EXCELLENT, PRETTY GOOD, ONLY FAIR or POOR?

| | |
|---|------|
| 1. Excellent (GO TO "A") | 11.3 |
| 2. Pretty Good (GO TO "A") | 48.1 |
| 3. Only Fair (GO TO "A") | 25.4 |
| 4. Poor (GO TO "A") | 8.1 |
| 5. Not Sure/Refused (SKIP TO #3) | 7.2 |

- A. Why would you rate the operation and performance of your city government as (EXCELLENT) (PRETTY GOOD) (ONLY FAIR) (POOR)? (PROBE)

3. Please tell me how would you rate the City of McMinnville's public recreational and community facilities, such as parks, swimming pool, playgrounds, the library and trails? ~ EXCELLENT, PRETTY GOOD, ONLY FAIR or POOR?

| | |
|---------------------|------|
| 1. Excellent | 24.5 |
| 2. Pretty Good | 49.3 |
| 3. Only Fair | 15.2 |
| 4. Poor | 7.8 |
| 5. Not Sure/Refused | 3.3 |

PRIORITY SERIES

The City of McMinnville has identified several needs for residents throughout the City that may require voters to approve a bond measure. The City is currently gathering information for a potential bond to replace the existing Aquatic & Community Center with one new Recreation Center, enhance library facilities, renovate and expand the existing Senior Center, and invest in parks and outdoor spaces across the City.

I will now read you a list of projects that could be funded in the City of McMinnville through a bond. On a scale of one to five with "1" representing a LOW PRIORITY and "5" representing a HIGH PRIORITY, please tell me how you would rate each potential priority. **(INTERVIEWER, PLEASE ROTATE)**

[Interviewer: Randomize Q4 – Q7]

4. Replacing the existing Aquatic Center and Community Center with one new Recreation Center with 2 public pools, gyms, fitness areas and community rooms at a total project cost of \$115 million over 20 years?

| | |
|---------------------|------|
| 1. 1-Low Priority | 19.7 |
| 2. 2 | 9.3 |
| 3. 3 | 21.8 |
| 4. 4 | 18.5 |
| 5. 5- High Priority | 29.6 |
| 6. Not Sure/Refused | 1.2 |

5. Expanding the existing library at City Park to provide the community better library facilities and services at a total project cost of \$25 million over 20 years?

| | |
|---------------------|------|
| 1. 1-Low Priority | 19.4 |
| 2. 2 | 12.5 |
| 3. 3 | 21.8 |
| 4. 4 | 19.1 |
| 5. 5- High Priority | 25.4 |
| 6. Not Sure/Refused | 1.8 |

6. Renovating and expanding the existing Senior Center at a total project cost of \$3.5 million over 20 years?

| | |
|---------------------|------|
| 1. 1-Low Priority | 13.7 |
| 2. 2 | 9.9 |
| 3. 3 | 26.6 |
| 4. 4 | 22.1 |
| 5. 5- High Priority | 25.4 |
| 6. Not Sure/Refused | 2.4 |

7. Investing in new parks across the City and improvements to existing parks including new trails, lighting, restrooms and playgrounds at a cost of \$24 million over 20 years?

| | |
|---------------------|------|
| 1. 1-Low Priority | 16.1 |
| 2. 2 | 11.3 |
| 3. 3 | 19.1 |
| 4. 4 | 26.0 |
| 5. 5- High Priority | 26.3 |
| 6. Not Sure/Refused | 1.2 |

The current Aquatic and Community Center are outdated, not accessible, and don't meet the recreational needs of the community.

Here are some of the features that would be included with the funding for a new Recreation Center. For each, please indicate if knowing this makes you much more positive, somewhat more positive, neither positive nor negative, somewhat more negative, or much more negative about a bond measure.

[Interviewer: Randomize Q8 – Q12]

8. Two swimming pools - with one pool for laps, competitions, and classes - and one recreation pool with sloped entry for safety, warm water therapy, and play features like slides and a lazy river.

| | | |
|---------------------------------|-------------|-------------|
| 1. Much More Positive | | 38.2 |
| 2. Somewhat More Positive | | 24.8 |
| (Total Positive) | 63.0 | |
| 3. Neither Positive or Negative | | 19.1 |
| 4. Somewhat More Negative | | 10.1 |
| 5. Much More Negative | | 3.6 |
| (Total Negative) | 13.7 | |
| 6. Not Sure/Refused | | 4.2 |

9. A two-court, multi-purpose gym for basketball, pickleball and fitness classes.

| | | |
|---------------------------------|-------------|-------------|
| 1. Much More Positive | | 27.8 |
| 2. Somewhat More Positive | | 30.7 |
| (Total Positive) | 58.5 | |
| 3. Neither Positive or Negative | | 23.3 |
| 4. Somewhat More Negative | | 10.4 |
| 5. Much More Negative | | 4.8 |
| (Total Negative) | 15.2 | |
| 6. Not Sure/Refused | | 3.0 |

10. An indoor walking track, fitness studios, cardio space, and weight training equipment.

| | | |
|---------------------------------|-------------|-------------|
| 1. Much More Positive | | 30.1 |
| 2. Somewhat More Positive | | 33.1 |
| (Total Positive) | 63.2 | |
| 3. Neither Positive or Negative | | 21.5 |
| 4. Somewhat More Negative | | 6.6 |
| 5. Much More Negative | | 5.7 |
| (Total Negative) | 12.3 | |
| 6. Not Sure/Refused | | 3.0 |

11. Gathering space for educational, social, and cultural opportunities.

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 33.7 |
| 2. Somewhat More Positive | | 29.9 |
| (Total Positive) | 63.6 | |
| 3. Neither Positive or Negative | | 20.3 |
| 4. Somewhat More Negative | | 6.3 |
| 5. Much More Negative | | 6.9 |
| (Total Negative) | 13.2 | |
| 6. Not Sure/Refused | | 3.0 |

12. A drop-in child care for people using the facility

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 36.4 |
| 2. Somewhat More Positive | | 29.0 |
| (Total Positive) | 65.4 | |
| 3. Neither Positive or Negative | | 19.1 |
| 4. Somewhat More Negative | | 5.7 |
| 5. Much More Negative | | 6.9 |
| (Total Negative) | 12.6 | |
| 6. Not Sure/Refused | | 3.0 |

Here are some of the features that would be included with the funding for a new Library. Again, please indicate if knowing this makes you much more positive, somewhat more positive, neither positive nor negative, somewhat more negative, or much more negative about a bond measure.

[Interviewer: Randomize Q13 – Q15]

13. Increased room to expand the technology and materials available for borrowing, such as books, video, audio, hobby and home improvement tools.

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 30.7 |
| 2. Somewhat More Positive | | 34.9 |
| (Total Positive) | 65.6 | |
| 3. Neither Positive or Negative | | 20.3 |
| 4. Somewhat More Negative | | 5.7 |
| 5. Much More Negative | | 6.3 |
| (Total Negative) | 12.0 | |
| 6. Not Sure/Refused | | 2.1 |

14. Inclusion of spaces for large meetings, small meetings, study space, and more restrooms

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 22.4 |
| 2. Somewhat More Positive | | 33.7 |
| (Total Positive) | 56.1 | |
| 3. Neither Positive or Negative | | 28.7 |
| 4. Somewhat More Negative | | 8.1 |
| 5. Much More Negative | | 4.8 |
| (Total Negative) | 12.9 | |
| 6. Not Sure/Refused | | 2.4 |

15. Expanded spaces for activities and learning opportunities for children and families

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 34.9 |
| 2. Somewhat More Positive | | 37.0 |
| (Total Positive) | 71.9 | |
| 3. Neither Positive or Negative | | 16.1 |
| 4. Somewhat More Negative | | 5.4 |
| 5. Much More Negative | | 4.2 |
| (Total Negative) | 9.6 | |
| 6. Not Sure/Refused | | 2.4 |

Here are some of the features that would be included with the funding for a Renovated & Expanded Senior Center. Please indicate if knowing this makes you much more positive, somewhat more positive, neither positive nor negative, somewhat more negative, or much more negative about a bond measure.

[Interviewer: Randomize Q 16 – Q17]

16. A redesigned entrance for people with mobility issues, safe sight lines, and a covered outdoor area for activities

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 43.0 |
| 2. Somewhat More Positive | | 35.8 |
| (Total Positive) | 78.8 | |
| 3. Neither Positive or Negative | | 13.4 |
| 4. Somewhat More Negative | | 3.0 |
| 5. Much More Negative | | 3.0 |
| (Total Negative) | 6.0 | |
| 6. Not Sure/Refused | | 1.8 |

17. More functional building layout and modernized fitness and activity rooms tailored for seniors

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 36.1 |
| 2. Somewhat More Positive | | 36.7 |
| (Total Positive) | 72.8 | |
| 3. Neither Positive or Negative | | 16.7 |
| 4. Somewhat More Negative | | 4.8 |
| 5. Much More Negative | | 3.0 |
| (Total Negative) | 7.8 | |
| 6. Not Sure/Refused | | 2.7 |

Finally, here are some of the features that would be included with the funding for New Parks & Open Spaces. Please indicate if knowing this makes you much more positive, somewhat more positive, neither positive nor negative, somewhat more negative, or much more negative about a bond measure.

[Interviewer: Randomize Q18 - Q23]

18. Park safety improvements such as lighting, cameras and visibility

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 47.5 |
| 2. Somewhat More Positive | | 30.4 |
| (Total Positive) | 77.9 | |
| 3. Neither Positive or Negative | | 9.3 |
| 4. Somewhat More Negative | | 5.7 |
| 5. Much More Negative | | 3.9 |
| (Total Negative) | 9.6 | |
| 6. Not Sure/Refused | | 3.3 |

19. Off – street trails including loop trails and safe routes to access parks

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 44.5 |
| 2. Somewhat More Positive | | 26.3 |
| (Total Positive) | 70.8 | |
| 3. Neither Positive or Negative | | 14.9 |
| 4. Somewhat More Negative | | 5.1 |
| 5. Much More Negative | | 6.0 |
| (Total Negative) | 11.1 | |
| 6. Not Sure/Refused | | 3.3 |

20. Adding restrooms in neighborhood parks.

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 42.1 |
| 2. Somewhat More Positive | | 27.8 |
| (Total Positive) | 69.9 | |
| 3. Neither Positive or Negative | | 13.1 |
| 4. Somewhat More Negative | | 8.1 |
| 5. Much More Negative | | 7.5 |
| (Total Negative) | 15.6 | |
| 6. Not Sure/Refused | | 1.2 |

21. More outdoor sports facilities for basketball, pickleball, skateboarding, biking, and fitness equipment.

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 36.1 |
| 2. Somewhat More Positive | | 27.5 |
| (Total Positive) | 63.6 | |
| 3. Neither Positive or Negative | | 20.3 |
| 4. Somewhat More Negative | | 9.3 |
| 5. Much More Negative | | 4.8 |
| (Total Negative) | 14.1 | |
| 6. Not Sure/Refused | | 2.1 |

22. Safer playgrounds with play opportunities for children of all abilities

| | | |
|---------------------------------|-------------|------|
| 1. Much More Positive | | 51.9 |
| 2. Somewhat More Positive | | 30.1 |
| (Total Positive) | 82.0 | |
| 3. Neither Positive or Negative | | 9.9 |
| 4. Somewhat More Negative | | 3.9 |
| 5. Much More Negative | | 2.7 |
| (Total Negative) | 6.6 | |
| 6. Not Sure/Refused | | 1.5 |

23. More off-leash dog areas

| | | |
|---------------------------------|-------------|-------------|
| 1. Much More Positive | | 27.8 |
| 2. Somewhat More Positive | | 21.8 |
| (Total Positive) | 49.6 | |
| 3. Neither Positive or Negative | | 25.1 |
| 4. Somewhat More Negative | | 13.7 |
| 5. Much More Negative | | 9.3 |
| (Total Negative) | 23.0 | |
| 6. Not Sure/Refused | | 2.4 |

24. Now that you've heard some of the details of what could be funded with a City bond, which project would you give the highest priority for funding?

| | |
|--|-------------|
| 1. Replacing the existing Aquatic Center and Community Center with one new Recreation Center | 39.7 |
| 2. Expanding the library at City Park | 13.7 |
| 3. Renovating and expanding the existing Senior Center | 17.6 |
| 4. New and improved parks across the City | 17.3 |
| 5. None | 8.4 |
| 6. Unsure | 3.3 |

25. Which project would you give the second highest priority for funding?

| | |
|--|-------------|
| 1. Replacing the existing Aquatic Center and Community Center with one new Recreation Center | 21.5 |
| 2. Expanding the library at City Park | 24.5 |
| 3. Renovating and expanding the existing Senior Center | 19.1 |
| 4. New and improved parks across the City | 20.6 |
| 5. None | 10.1 |
| 6. Unsure | 4.2 |

INFORMED BALLOT

Again, the City of McMinnville is considering placing a bond measure on the ballot that would potentially build a new recreation center, expand the library, renovate the senior center, and add new parks. They are considering a number of ways to structure the bond.

Knowing that the City will only place one version of the bond on the ballot, please indicate whether you would vote Yes to support, or No to oppose, each of the following options with the corresponding cost:

26. **Would you vote YES to support or NO to oppose** a bond measure that would fund all the proposed features including replacement of the existing Aquatic and Community Center with one new Recreation Center, enhanced library facilities, renovation and expansion of the existing Senior Center, and new parks and outdoor spaces across the City? The measure would cost an additional \$2.52 per thousand dollars of assessed property value or \$54 dollars per month for the average homeowner in McMinnville. **(Strongly / Somewhat)?**

| | | |
|--------------------|-------------|------|
| 1. Strongly Yes | | 29.3 |
| 2. Somewhat Yes | | 22.7 |
| (Total Yes) | 52.0 | |
| 3. Somewhat No | | 11.6 |
| 4. Strongly No | | 26.3 |
| (Total No) | 37.9 | |
| 5. Unsure | | 10.1 |

[Interviewer: Randomize Q27 – Q29]

27. **Would you vote YES to support or NO to oppose** a bond measure that would fund a new Recreation Center at a cost of \$1.90 per thousand dollars of assessed property value, or \$41 dollars per month for the average homeowner in McMinnville? This would fund the Recreation Center only but would not fund improvements to the library, senior center, or new parks across the City. **(Strongly / Somewhat)?**

| | | |
|--------------------|-------------|------|
| 1. Strongly Yes | | 25.4 |
| 2. Somewhat Yes | | 18.8 |
| (Total Yes) | 44.2 | |
| 3. Somewhat No | | 15.8 |
| 4. Strongly No | | 30.7 |
| (Total No) | 46.5 | |
| 5. Unsure | | 9.3 |

28. **Would you vote YES to support or NO to oppose** a bond measure that would fund a new Recreation Center and improvements to the library at a cost of \$2.32 per thousand dollars of assessed property value or \$50 dollars per month for the average homeowner in McMinnville? This would fund the Recreation Center and Library improvements only but would not fund improvements to the senior center or new parks across the City.

(Strongly / Somewhat)?

| | | |
|--------------------|-------------|-------------|
| 1. Strongly Yes | | 21.2 |
| 2. Somewhat Yes | | 19.1 |
| (Total Yes) | 40.3 | |
| 3. Somewhat No | | 17.0 |
| 4. Strongly No | | 31.9 |
| (Total No) | 48.9 | |
| 5. Unsure | | 10.7 |

29. **Would you vote YES to support or NO to oppose** a bond measure that would fund a new Recreation Center and new parks across the City at a cost of \$2.05 per thousand dollars of assessed property value or \$44 dollars per month for the average homeowner in McMinnville? This measure would fund the Recreation Center and new parks but would not fund improvements to the library or senior center. **(Strongly / Somewhat)?**

| | | |
|--------------------|-------------|-------------|
| 1. Strongly Yes | | 28.1 |
| 2. Somewhat Yes | | 15.2 |
| (Total Yes) | 43.3 | |
| 3. Somewhat No | | 18.2 |
| 4. Strongly No | | 29.6 |
| (Total No) | 47.8 | |
| 5. Unsure | | 9.0 |

DEMOGRAPHICS

30. GENDER:

| | |
|-----------|-------------|
| 1. Male | 48.7 |
| 2. Female | 51.3 |

31. AGE: Are you between the ages of ?

| | |
|----------|-------------|
| 1. 18-34 | 12.2 |
| 2. 35-59 | 41.5 |
| 3. 60+ | 46.3 |

32. OWN or RENT: Do you currently OWN or RENT your home?

| | |
|-----------------------------------|-------------|
| 1. Own | 77.6 |
| 2. Rent | 18.5 |
| 3. I have a different arrangement | 2.7 |
| 4. Not sure/refused | 1.2 |

INTERVIEWER, POLITELY END SURVEY AND ANSWER THE FOLLOWING QUESTIONS FROM THE PHONE LIST PER THE INSTRUCTIONS ON YOUR INSTRUCTION SHEET

33. POLITICAL PARTY: (INTERVIEWER: COMPLETE FROM PHONE LIST)

| | |
|--------------------|-------------|
| 1. Democrat | 41.5 |
| 2. Republican | 31.9 |
| 3. Independent/NAV | 26.6 |

34. VOTER HISTORY: (INTERVIEWER: COMPLETE FROM PHONE LIST)

| | |
|---------------------|-------------|
| 1. 1 Of 4 Elections | 9.6 |
| 2. 2 Of 4 Elections | 17.3 |
| 3. 3 Of 4 Elections | 18.8 |
| 4. 4 Of 4 Elections | 54.3 |

35. GEOGRAPHIC AREA: (INTERVIEWER: COMPLETE FROM PHONE LIST)

| | |
|-----------|-------------|
| 1. Ward 1 | 30.7 |
| 2. Ward 2 | 38.8 |
| 3. Ward 3 | 30.4 |



City of McMinnville

STAFF REPORT

DATE: May 28, 2024
TO: Jeff Towery, City Manager
CC: Matt Scales, Police Chief; Jenny Berg, Library Director; Heather Richards, Community Development Director; Susan Muir, Parks and Recreation Director; Scott Burke, Information Services Director; David Ligtenberg, City Attorney
FROM: Jennifer Cuellar, Finance Director
SUBJECT: FY2023-24 Supplemental Budget Resolution Year End Review



CITY GOVERNMENT CAPACITY

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

Report in Brief: The Supplemental Budget resolution addresses budget adjustments needed after conducting the year-end budget review. These added appropriations will be funded with appropriation transfers, contingency transfers and/or offsetting revenues.

Discussion of Resolution Action:

Oregon Revised Statute (ORS) 294.471 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.

Over the course of the current fiscal year, some new circumstances have arisen that form the basis for this year-end budget amendment package.

All but two of these supplemental budget actions do not exceed a 10% change in expenditures, allowing the budget amendment to be made by Council resolution. This group of budget amendments will be addressed together in one resolution.

Two supplemental budgets, the Parks Development Fund and Insurance Services Fund, do contain changes that do exceed a 10% change in budgeted expenditures, so a public budget hearing on these proposed actions is also scheduled for May 28, 2024. It will take place prior to Council consideration of the separately proposed FY2023-24 supplemental budget resolution addressing these two budget amendments.

Four of the actions are being taken because of a needed increase in the "transfers out" budget category. Because transfers from one fund to another are not included in the larger program category appropriation and is a separate budget category of its own, whenever a change in transfers out is needed, even if it is a small amount as is the case in the FY2023-24 related proposed actions, it almost invariably will need a budget amendment in order to avoid a budget law violation.

Two of the actions include a contingency transfer. These are governed by ORS 294.463(2) and have a requirement that if it is for more than 15% of total fund appropriations, the action requires a public budget hearing. The Park Development and Insurance Services Funds both include contingency transfers of less than 15% and do not

need a hearing on that basis. However, as noted above, these two actions include changes in expenditure of more than 10% and, on that basis, a public budget hearing for both funds is scheduled.

The following describes the reason for each budget amendment, the amount requested and the type of budget amendment.

General Fund

The following represent General Fund expenditures not known at the time of preparing the FY2023-24 budget and will be added to the appropriation for that budget year:

1. Administration: a grant from the State of Oregon was received to offset the environmental studies of the acquired Alpine District property; this grant was not known at the time the FY2023-24 budget was adopted. These expenses (\$64,658) will be offset by grant funds (\$57,614) and a transfer in from the Urban Renewal fund for the grant match balance (\$7,044).
2. Municipal Court and Non-departmental: expenses in both department's program appropriation categories are trending very close to budget so to be on the safe side, an increased appropriation is merited. As Finance Department costs are quite a bit lower than anticipated because two budgeted, limited-duration staff positions were not hired, an appropriation transfer of \$10,000 from Finance to Municipal Court and another \$10,000 to Non-departmental program is proposed.
3. Police Department: the actual cost of YCOM-911 emergency communications services is higher than budgeted. Because YCOM's services are paid for by the Emergency Communications Fund, the General Fund outlay is a transfer out to that fund. An appropriation transfer from a program appropriation category to the General Fund transfer out category of \$5,500 is needed to avoid a budget violation. While the PD does appear to have enough program budget to cover this, because there's more uncertainty and larger dollar amounts in outlays over the last two months of the year in the Police Department than there is in Finance, the Finance program appropriation will be the source of this \$5,500.
4. Library: the Library received a grant from the Yamhill Community Care Organization for \$150,000 which was not known at the time this year's budget was put together and adopted. \$100,000 of the total is anticipated to be spent in FY2023-24. The expansion of the Library of Things program's new appropriation of \$100,000 will be offset by this revenue, having no net impact on the General Fund overall.
5. Non-departmental transfers out: The Information Services (IS) fund will be spending more this year than anticipated in technology that support a handful of different American Rescue Plan Act (ARPA) approved projects. Because these funds are held in General Fund's committed funds, a transfer out from the General Fund is required to pass the dollars on to the IS fund. An appropriation transfer of \$50,000 to the transfer out category from the Designated Ending Fund Balance-Committed funding is proposed.

The supplemental appropriation total for the General Fund is \$164,658 funded by new grant revenues. A total of \$75,500 in appropriation transfers within the fund will be done as well, resulting in zero net impact on the total General Fund appropriation level. These amendments are under 10% change in the fund's expenses and thus do not require a budget hearing.

Affordable Housing Fund

The initial budget estimate for the first full year of the Construction Excise Tax (CET) was \$500,000. As of the first week of May, receipts for CET exceeded this amount. Of all CET revenue, 4% is transferred out of the fund to pay for the administrative cost of collecting these dollars, paid for in the Building Fund, as well as for administrative support services provided by General Fund staff. As noted above, when an increase in transfer out category appropriations is needed, a budget amendment will likely follow. An increase in CET revenues will be conservatively calculated from the budget law perspective of \$300,000, which generates \$12,000 in new transfers out to the Building Fund. The \$288,000 balance will be allocated to ending fund balance as any additional revenue generated this year will be held for future programming needs.

This amendment represents a change under 10% in expenses and thus does not require a budget hearing.

Building Fund

The \$12,000 in transfers out from the Affordable Housing Fund is a new transfer in of budgeted revenue to the Building Fund. This will be offset by an increase to the Building Fund program appropriation by the same amount.

This amendment also represents a change under 10% in expenses and does not require a budget hearing.

Emergency Communications Fund

The budget appropriation amendment mentioned above in the General Fund for the higher actual YCOM cost this year relative to its FY2023-24 budget also impacts the Emergency Communications Fund. Transfer In revenue category will offset the YCOM expense appropriation addition of \$5,500.

This budget increase is a change of less than 10% in the fund's budgeted expenses and, accordingly, does not require a public budget hearing.

Information Services Fund

The Information Services Fund's budget amendment is related to the fifth General Fund budget amendment noted earlier in the staff report. Technology spending is centralized in this fund and a handful of ARPA approved projects are included in these technology costs. The IS department is also managing three technology projects supported by this multi-year funding source. The timing of some of these expenditures in these projects has been adjusted, the unknown circumstance necessitating this budget amendment of \$50,000 for the FY2023-24 period. These costs will be offset by Transfer In revenue category dollars from the General Fund.

This amendment represents a change under 10% in IS appropriated expenses, meaning no budget hearing is required under statute.

Park Development Fund

This fund has held the costs associated with the Park and Recreation Open Space Plan update. The PROS project has made great progress towards completion recently and we have the opportunity to continue the momentum. Expenses anticipated to come in the next fiscal year have been rescheduled to happen in the current year. To add appropriation authority for this activity, a FY2023-24 contingency transfer in the amount of \$62,500 will be made to the Park Development fund's program category.

Because the FY2023-24 expenses in the fund are increased by more than 10% with this contingency transfer, a budget public hearing will be required. It was noticed on May 17, 2024, and will take place prior to Council consideration of the budget resolution, a requirement in these circumstances.

Insurance Services Fund

This year's Insurance Services Fund budgeting had particular uncertainty given the fire district transition as well as challenges associated with projecting insurance cost increases in the inflationary environment. An increase of \$216,500 in its FY2023-24 program budget is proposed. Of that amount, \$139,500 will be offset by higher revenues and the balance of \$77,000 will be a contingency transfer.

Because the FY2023-24 expenses in the fund are increased by more than 10%, a budget public hearing will be required. It was noticed on May 17, 2024, and will take place prior to Council consideration of the budget resolution, a requirement in these circumstances.

Fiscal Impact:

The General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund and Building Fund actions are all either supported by new grants, other revenue increases or appropriation transfers which result in no change to the bottom line of these funds.

The Park Development Fund and Insurance Services Fund include contingency transfers that are well within the contingency levels budgeted. Both funds' reserves (defined as unappropriated ending fund balance + contingency) remain above the fund balance policy target of two months of operating.

Council Options:

1. Approve the resolutions authorizing these FY2023-24 budget amendments that address needs identified in the Year-End Review (staff recommendation).
2. Reject the budget amendment resolutions which could result in Oregon Local Budget Law violations.
3. Request additional information on these proposed actions.

Documents:

1. Resolution 2024-28 FY2023-24 Budget Amendment General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, Building Fund
2. Resolution 2024-29 FY2023-24 Budget Amendment Park Development Fund and Insurance Services Fund

NOTICE OF SUPPLEMENTAL BUDGET HEARING

- For supplemental budgets proposing a change in any fund's expenditures by **more than 10 percent**.

A public meeting of the McMinnville City Council will be held on May 28, 2024 at 7:00 pm. The hearing will take place in person with remote engagement options as well. Seating capacity at Civic Hall, 200 NE Second Street in McMinnville, is available but limited. Information on remote viewing and real time public comment options is available in the calendar section of mcminnvilleoregon.gov. In addition, public comment may be submitted ahead of the hearing online on the city's website mcminnvilleoregon.gov/finance/webform/budget-public-comment. A summary of the supplemental FY2023-24 budget is presented below. A copy of the FY24 adopted budget is available online at mcminnvilleoregon.gov/finance.

The purpose of the hearing is to discuss the supplemental budget with interested persons.

SUMMARY OF PROPOSED BUDGET CHANGES

AMOUNTS SHOWN ARE REVISED TOTALS IN THOSE FUNDS BEING MODIFIED

FUND: Park Development Fund

| Resource | Amount | Expenditure | Amount |
|-------------------------------------|------------------|--|------------------|
| All Resources (unchanged) | 2,674,690 | Program | 155,080 |
| | | Contingency | 437,500 |
| | | All other requirements unchanged | 2,082,110 |
| Revised Total Fund Resources | 2,674,690 | Revised Total Fund Requirements | 2,674,690 |

Explanation of change(s):

This fund has held the costs associated with the Park and Recreation Open Space Plan update. The PROS project has made great progress towards completion recently and we have the opportunity to continue the momentum. Expenses anticipated to come in the next fiscal year have been rescheduled to happen in the current year. To add appropriation authority for this activity, a FY2023-24 contingency transfer in the amount of \$62,500 will be made to the Park Development fund's program category.

FUND: Insurance Services Fund

| Resource | Amount | Expenditure | Amount |
|-------------------------------------|------------------|--|------------------|
| Charges for Services | 1,317,274 | Insurance Services | 1,410,820 |
| Miscellaneous | 167,465 | Contingency | 173,000 |
| All resources unchanged | 628,429 | All other requirements unchanged | 529,348 |
| Revised Total Fund Resources | 2,113,168 | Revised Total Fund Requirements | 2,113,168 |

Explanation of change(s):

The Insurance Services Fund had particular uncertainty in projecting its revenues and expenses due to the fire district transition as well as budgeting for increases in insurance costs in the recent inflationary environment. An increase of \$216,500 in its FY2023-24 program budget is proposed. Of that amount, \$139,500 will be offset by higher revenues and the balance of \$77,000 will be a contingency transfer.

RESOLUTION NO. 2024 – 29

A Resolution adopting a supplemental budget for fiscal year 2023-24 and making contingency transfers.

RECITALS:

Whereas, this resolution proposes a supplemental budget for the Park Development Fund and Insurance Services Fund; and

Whereas, this supplemental budget is to accommodate unknown circumstances at the time the budget was adopted based on a Year-End Review of the City's budget status; and

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when circumstances were unknown at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471); and

Whereas, the contingency transfer of \$62,500 in the Park Development Fund allows for expenses planned for next fiscal year to be reprogrammed to FY2023-24 to take advantage of the progress achieved to date of the Park and Recreation Open Space Plan update; and

Whereas, the contingency transfer of \$77,000 in the Insurance Services Fund combines with \$139,500 in additional charges for services revenue to accommodate a total program appropriation increase of \$216,500 needed due to over-estimating the impact of the fire district transition on reducing insurance costs and under-estimating the inflationary pressures on insurance costs in the FY2023-24 period; and

Whereas, the governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, the supplemental budget for Park Development Fund and Insurance Services Fund expenditures are not changed by more than 10%, and therefore a public hearing is not required for this reason; and

Whereas, contingency transfers that exceed 15% of the total appropriation in a fund requires public hearings prior to adoption of the Council resolution; and

Whereas, the Park Development Fund and Insurance Services Fund contingency transfers do exceed this statutory limit (ORS 294.463(2));

Whereas, the public notice was published on May 17, 2024, and the public budget hearing took place prior to the consideration of this resolution on May 28, 2024; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2023-24 in the Park Development Fund and Insurance Services Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2023-24 are hereby appropriated as detailed in Attachment A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

EXHIBITS:

- A. Detailed supplemental appropriations.

Exhibit A

| | Adopted Budget | Budget Adjustment | Amended Budget |
|-----------------------------------|---------------------|----------------------|---------------------|
| Park Development Fund: | | | |
| Requirements: | | | |
| Program | \$ 92,580 | \$ 62,500 | \$ 155,080 |
| Contingency | 500,000 | -62,500 | 437,500 |
| All other requirements unchanged* | <u>2,082,110</u> | <u>-</u> | <u>2,082,110</u> |
| Total Requirements | <u>\$ 2,674,690</u> | <u>0</u> | <u>\$ 2,674,690</u> |
| Insurance Services Fund: | | | |
| Resources: | | | |
| Charges for Services | \$ 1,249,739 | \$ 67,535 | \$ 1,317,274 |
| Miscellaneous | 95,500 | 71,965 | 167,465 |
| All resources unchanged | <u>628,429</u> | <u>-</u> | <u>628,429</u> |
| Total Resources | <u>\$ 1,973,668</u> | <u>139,500</u> | <u>\$ 2,113,168</u> |
| Requirements: | | | |
| Insurance Services | \$ 1,194,320 | \$ 216,500 | \$ 1,410,820 |
| Contingency | 250,000 | -77,000 | 173,000 |
| All other requirements unchanged* | <u>529,348</u> | <u>-</u> | <u>529,348</u> |
| Total Requirements | <u>\$ 1,973,668</u> | <u>139,500</u> | <u>\$ 2,113,168</u> |

* Total includes unappropriated ending fund balance



STAFF REPORT

DATE: May 28, 2024
TO: Mayor and City Councilors
FROM: Heather Richards, Community Development Director
SUBJECT: Resolution No. 2024 - 25, Adopting a Building Fee Schedule Effective July 1, 2024.

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

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

Report in Brief:

This is the consideration of Resolution No. 2024-25, adopting a Building Fee Schedule for the City of McMinnville. This Resolution repeals all previous resolutions adopting building fee schedules and takes effect on July 1, 2024.

Notice of the proposed building fee schedule was provided to the Oregon Building Codes Division for the required 45-day notice period per OAR 918-020-0220(1)(a).

A public hearing will be conducted to solicit public comment per ORS 294.160. Public notice of the proposal and the public hearing was provided in the News Register on Monday, May 20, and Friday, May 24, 2024.

Background:

The McMinnville Building Division administers the State of Oregon Building Codes within the City of McMinnville except for electrical permits which are handled by Yamhill County Building Division.

The Building Division is fully fee supported and uses a reserve to weather the variable nature of permit revenue year over year.

McMinnville historically aims to maintain a reserve of 12 months of operating expenses. Best practices are shifting to 12 – 24 months to retain staff during a short economic downturn rather than layoff and rehire which dampens recovery with delayed permitting.

If McMinnville did not administer the building code programs, administration would be assumed by another entity.

Discussion:

This proposed updated Building Fee Schedule raises all fees by 4% to account for CPI increases.

This fee schedule update:

- Assumes full cost recovery. The operating cost of the Building Division is defined as the direct cost of operating the Division and the indirect costs identified in the 2018 Indirect Cost Allocation Plan.
- Generally, fees increase four percent across all categories.
- The intent of the fee schedule is to maintain a reserve equivalent to 12 - 24 months operating budget.
- The fees identified in the Building Fee Schedule are those charged by the City of McMinnville. Any surcharges or other applicable fees adopted by the State of Oregon or Yamhill County shall be in addition to the above fees.
- The Building Fee Schedule adopted in this resolution shall be the maximum fee schedule for each program and shall not be exceeded without further Council action.
- The proposed fee schedule includes a 50% reduction of building permit fees for qualifying affordable housing projects per McMinnville Municipal Code, Section 3.10.060 (Resolution No. 2016-81).

Attachments:

- Resolution No. 2024-25 with Proposed Building Fee Schedule, Effective July 1, 2024

Fiscal Impact:

It is anticipated that the Building Fee Schedule will increase building permits by 4% per the CPI (Portland).

The Building Fund does not impact the General Fund.

Recommendation:

"I move to adopt Resolution No. 2024-25"

RESOLUTION NO. 2024-25

A Resolution adopting a Building Fee Schedule and repealing all previous resolutions adopting building fee schedules on the effective date of this fee schedule.

RECITALS:

Whereas, per ORS 455.210, the City of McMinnville is authorized to establish full cost recovery fees to administer and manage a building program in the City of McMinnville; and

Whereas, the City desires to adjust fees annually in response to inflationary and program changes; and

Whereas, the State of Oregon, Building Codes Division was provided the necessary notice of fee change more than 45 days in advance of the scheduled adoption date.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON as follows:

1. That the City of McMinnville's Building Fee Schedule will be as established by the fee schedule attached to this Resolution.
2. That this fee schedule will take effect July 1, 2024.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

EXHIBITS:

- A. Building Fee Schedule, July 1, 2024.

Building Fee Schedule, Proposed Effective Date July 1, 2024

STRUCTURAL FEES

STRUCTURAL PERMIT

Project Valuation:

According to Oregon Administrative Rule 918-050-0100

New Construction, Residential:

The valuation is determined using the ICC Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the dwelling, addition, garage, or accessory structure. Project value is then applied to the table below to determine the building permit fee.

- Residential carports, covered porches, patios and decks use 50% of the value of a private garage ("utility, miscellaneous") from the valuation table.

New Construction, Commercial:

The valuation is the higher of:

1. The valuation based on the ICC Building Valuation Data Table current as of April 1 of each year, using the occupancy and construction type as determined by the building official, multiplied by the square footage of the structure; or
2. The value stated by the applicant.

Project value is then applied to the table below to determine the building permit fee.

Alteration or Repair:

Based on the fair market value as determined by the building official, and then applying the valuation to the fee schedule below.

When the construction or occupancy type does not fit the ICC Building Valuation Data Table, the valuation shall be determined by the building official with input from the applicant.

Use total value of construction work determined above to calculate the Building Permit fee below:

| Valuation | CURRENT FEE | PROPOSED FEE |
|----------------------|---|---|
| \$1 - \$500 | \$18.74 | \$19.68 |
| \$501 - \$2,000 | \$18.74 for the first \$500 plus \$2.44 for each additional \$100 or fraction thereof, to and including \$2,000 | \$19.68 for the first \$500 plus \$2.56 for each additional \$100 or fraction thereof, to and including \$2,000 |
| \$2,001 - \$25,000 | \$55.34 for the first \$2,000 plus \$11.16 for each additional \$1,000 or fraction thereof to and including \$25,000. | \$58.08 for the first \$2,000 plus \$11.72 for each additional \$1,000 or fraction thereof to and including \$25,000. |
| \$25,001 - \$50,000 | \$312.02 for the first \$25,000 plus \$5.58 for each additional \$1,000 or fraction thereof to and including \$50,000. | \$327.64 for the first \$25,000 plus \$5.86 for each additional \$1,000 or fraction thereof to and including \$50,000. |
| \$50,001 - \$100,000 | \$451.52 for the first \$50,000 plus \$5.58 for each additional \$1,000 or fraction thereof to and including \$100,000. | \$474.14 for the first \$50,000 plus \$5.86 for each additional \$1,000 or fraction thereof to and including \$100,000. |

| | | |
|---|--|--|
| \$100,001 - \$500,000 | \$730.52 for the first \$100,000 plus \$4.21 for each additional \$1,000 or fraction thereof to and including \$500,000. | \$767.14 for the first \$100,000 plus \$4.42 for each additional \$1,000 or fraction thereof to and including \$500,000. |
| \$500,001-\$1,000,000 | \$2414.52 for the first \$500,000 plus \$3.78 for each additional \$1,000 or fraction thereof to and including \$1,000,000. | \$2535.14 for the first \$500,000 plus \$3.96 for each additional \$1,000 or fraction thereof to and including \$1,000,000. |
| \$1,000,001 and above | \$4304.52 for the first \$1,000,000 plus \$2.90 for each additional \$1,000 or fraction thereof. | \$4515.14 for the first \$1,000,000 plus \$3.05 for each additional \$1,000 or fraction thereof. |
| OTHER STRUCTURAL FEES | PROPOSED FEE | |
| Structural Plan Review | 65% of structural permit fee | 65% of structural permit fee |
| Fire Life Safety Plan Review | 40% of structural permit fee | 40% of structural permit fee |
| Additional Plan Review after initial review | \$86.00/hour (min of ½ hour) | \$89.00/hour (min of ½ hour) |
| Reinspection – per each | \$86.00 each | \$89.00 each |
| Each additional inspection, above allowable – per each | \$86.00 each | \$89.00 each |
| Inspections for which no fee is specifically indicated (as required) - hourly | \$86.00 / hour | \$89.00 / hour |
| Deferred Submittal Plan Review Fee – in addition to project plan review fees | Hourly plan review with \$179.00 minimum | 65% of structural permit fee calculated using the valuation of the deferred portion of the project, with a minimum fee of \$178.00 |
| Phased Project Plan Review Fee – in addition to project plan review fees | \$296.00 minimum phasing (application) fee plus 10% of the TOTAL project building permit fee not to exceed \$1770.00 per phase | \$308.00 minimum per phase plus 10% of the TOTAL project building permit fee not to exceed \$1500.00 per phase |
| Structural demolition – complete demolition, not subject to State Surcharge | \$124.00 | \$129.00 |
| Structural alteration (not demo) – partial, soft, interior | Fee as per Structural Permit Fee table by valuation. | Fee as per Structural Permit Fee table by valuation. |
| Seismic Hazard Plan Check Fee (authorized by ORS 455.447(3)) | 1% of total structure and mechanical specialty code fees for essential and hazardous facilities, and major and special occupancy structures. | 1% of total structure and mechanical specialty code fees for essential and hazardous facilities, and major and special occupancy structures. |
| Temporary Certificate of Occupancy | \$179.00 | \$186.00 |
| Change of Occupancy Minimum charge | \$300.00 | \$312.00 |
| Structural Minimum Permit Fee | \$150.00 | \$156.00 |
| Residential Fire Suppression – Standalone System 13R, fee includes plan review [See Plumbing Fee section for Continuous Loop/Multipurpose System 13D] | | |

| Square Footage of Area to be Covered | | |
|---|--|--|
| 0 – 2000 sq ft | \$196.00 | \$206.00 |
| 2001 – 3600 sq ft | \$276.00 | \$290.00 |
| 3601 - 7200 sq ft | \$295.00 | \$310.00 |
| 7201 sq ft and greater | \$343.00 | \$360.00 |
| Commercial Fire Suppression | Fee as per Structural Permit Fee table by valuation sprinkler system | Fee as per Structural Permit Fee table by valuation of sprinkler system |
| | | |
| Solar Permit – Prescriptive Path System, fee includes initial plan review | \$172.00 | \$179.00 |
| Solar Permit – Non-Prescriptive Path System | Fee as per Structural Permit Fee table by valuation to include the solar panels, racking, mounting elements, rails, and the cost of labor to install. <i>Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.</i> | Fee as per Structural Permit Fee table by valuation to include the solar panels, racking, mounting elements, rails, and the cost of labor to install. <i>Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation.</i> |
| Investigation Fee – hourly | \$86.00/hour (minimum of 2 hour) | \$89.00/hour (minimum of 2 hour) |

MANUFACTURED DWELLING FEES

| MFD DWELLING PLACEMENT | CURRENT FEE | PROPOSED FEE |
|---|---|---|
| Manufactured Dwelling Placement Fee * | \$254.00 | \$264.00 |
| State Code Development and Training and Monitoring fee OAR 918-500-0105(5) -passed through to State BCD | \$30.00 | \$30.00 |
| Manufactured Home Accessory Buildings or Structures | Fee as per Structural Permit Fee table by valuation, incurs State Surcharge | Fee as per Structural Permit Fee table by valuation; incurs State Surcharge |
| Manufactured Home Alteration | Fee as per Structural Permit Fee table by valuation, incurs State Surcharge | Fee as per Structural Permit Fee table by valuation; incurs State Surcharge |
| Investigation Fee | \$86.00/hour (minimum of 2 hour) | \$89.00/hour (minimum of 2 hour) |
| <i>* Placement fee includes the concrete slab, runners or foundations that are prescriptive, plumbing connections, and all cross-over connections and up to 30 lineal feet of site utilities. Decks, other accessory structures, and foundations that are not prescriptive, utility connections beyond 30 lineal feet, new electrical services or additional branch circuits, and new plumbing - may require separate permits. All decks 30" above ground, carports, garages, porches, and patios are based on valuation and may also require separate permits.</i> | | |
| -- See Structural schedule by valuation for non-dwelling modular structure placements | | |
| MANUFACTURED DWELLING/RV PARKS – AREA DEVELOPMENT PERMIT (ADP) | | |
| The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp – and applying the valuation amount to the Structural Permit Fee table included in this schedule. | | |

MECHANICAL FEES

| RESIDENTIAL MECHANICAL | CURRENT FEE | PROPOSED FEE |
|---|--|--|
| Air conditioner | \$60.00 | \$62.00 |
| Air handling unit of up to 10000 cfm | \$60.00 | \$62.00 |
| Air handling unit 10001 cfm and over | \$60.00 | \$62.00 |
| Appliance of piece of equipment regulated by code but no classified in other appliance categories | \$60.00 | \$62.00 |
| Attic or crawl space fans | \$60.00 | \$62.00 |
| Chimney/liner/flue/vent | \$60.00 | \$62.00 |
| Clothes dryer exhaust | \$60.00 | \$62.00 |
| Decorative gas fireplace | \$60.00 | \$62.00 |
| Evaporative cooler other than portable | \$60.00 | \$62.00 |
| Floor furnace, including vent | \$60.00 | \$62.00 |
| Flue vent for water heater or gas fireplace | \$60.00 | \$62.00 |
| Furnace – greater than 100000 BTU | \$60.00 | \$62.00 |
| Furnace – up to 100000 BTU | \$60.00 | \$62.00 |
| Furnace/burner including duct work/vent/liner | \$60.00 | \$62.00 |
| Gas or wood fireplace/insert | \$60.00 | \$62.00 |
| Gas fuel piping outlets | \$60.00 (1-4 Outlets) \$18 for each additional outlet in excess of 4 | \$62.00 (1-4 Outlets) \$18 for each additional outlet in excess of 4 |
| Heat pump | \$60.00 | \$62.00 |
| Hood served by mechanical exhaust, including ducts for hood | \$60.00 | \$62.00 |
| Hydronic hot water system | \$60.00 | \$62.00 |
| Installation or relocation domestic/type incinerator | \$60.00 | \$62.00 |
| Mini split system | \$60.00 | \$62.00 |
| Oil tank/gas diesel generators | \$60.00 | \$62.00 |
| Pool or spa heater, kiln | \$60.00 | \$62.00 |
| Range hood/other kitchen equipment | \$60.00 | \$62.00 |
| Repair, alteration, or addition to mechanical appliance including installation of controls | \$60.00 | \$62.00 |
| Suspended heater, recessed wall heater, or floor mounted heater | \$60.00 | \$62.00 |
| Ventilation fan connected to single duct | \$60.00 | \$62.00 |

| | | |
|---|---|------------------------------|
| Ventilation system not a portion of heating or air-conditioning system authorized by permit | \$60.00 | \$62.00 |
| Water heater | \$60.00 | \$62.00 |
| Wood/pellet stove | \$60.00 | \$62.00 |
| Other heating/cooling | \$60.00 | \$62.00 |
| Other fuel appliance | \$60.00 | \$62.00 |
| Other environment exhaust/ventilation | \$60.00 | \$62.00 |
| Ductwork – no appliance/fixture | \$60.00 | \$62.00 |
| Radon mitigation | \$60.00 | \$62.00 |
| If a plan check is required | 65% of mechanical permit fee with a \$236.00 minimum. | 65% of mechanical permit fee |

| COMMERCIAL MECHANICAL PERMIT FEES TABLE | | |
|---|--|--|
| Valuation | CURRENT FEE | PROPOSED FEE |
| \$1-\$1,000 | \$64.94 | \$64.94 |
| \$1,001-\$5,000 | \$64.94 for the first \$1,000 plus \$1.89 for each additional \$100 or fraction thereof, to and including \$5,000. | \$64.94 for the first \$1,000 plus \$1.89 for each additional \$100 or fraction thereof, to and including \$5,000. |
| \$5,001 - \$10,000 | \$140.54 for the first \$5,000 plus \$11.81 for each additional \$1,000, or fraction thereof, to and including \$10,000 | \$140.54 for the first \$5,000 plus \$11.81 for each additional \$1,000, or fraction thereof, to and including \$10,000 |
| \$10,001-\$50,000 | \$199.59 for the first \$10,000 plus \$10.63 for each additional \$1,000 or fraction thereof, to and including \$50,000 | \$199.59 for the first \$10,000 plus \$10.63 for each additional \$1,000 or fraction thereof, to and including \$50,000 |
| \$50,001-\$100,000 | \$624.79 for the first \$50,000 plus \$9.45 for each additional \$1,000 or fraction thereof, to and including \$100,000. | \$624.79 for the first \$50,000 plus \$9.45 for each additional \$1,000 or fraction thereof, to and including \$100,000. |
| \$100,001 and above | \$1097.29 for first \$100,000 plus \$9.45 for each additional \$1,000 or fraction thereof | \$1097.29 for first \$100,000 plus \$9.45 for each additional \$1,000 or fraction thereof |
| OTHER MECHANICAL FEES | CURRENT FEE | PROPOSED FEE |
| Mechanical Plan Review | 50% of mechanical permit fee | 65% of mechanical permit fee |
| Additional Plan Review-per hour | \$86.00/hour | \$89.00/hour |
| Reinspection – per each | \$86.00/per each | \$89.00/per each |
| Each additional inspection, above allowable – per each | \$86.00/per each | \$89.00/per each |
| Inspection for which no fee is specifically indicated (as required) | \$86.00/hour, minimum 1 hour | \$89.00/hour, minimum 1 hour |
| Investigation Fee – hourly | \$86.00/hour (minimum of 2 hour) | \$89.00/hour (minimum of 2 hour) |
| Mechanical Minimum Permit Fee | \$60.00 | \$62.00 |

PLUMBING FEES

| RESIDENTIAL NEW CONSTRUCTION | CURRENT FEE | PROPOSED FEE |
|---|-------------|--------------|
| 1 Bath | \$86.00 | \$89.00 |
| 2 Bath | \$129.00 | \$134.00 |
| 3 Bath | \$172.00 | \$179.00 |
| Additional Bathroom | \$42.00 | \$44.00 |
| Additional Kitchen | \$42.00 | \$44.00 |
| COMMERCIAL AND NON-NEW RESIDENTIAL | CURRENT FEE | PROPOSED FEE |
| Sanitary Sewer - First 100 feet or less | \$47.00 | \$49.00 |
| Sanitary Sewer - Each additional 100 feet or fraction thereof | \$39.00 | \$41.00 |
| Storm – first 100 feet or less | \$47.00 | \$49.00 |
| Storm – Each additional 100 feet or fraction thereof | \$39.00 | \$41.00 |
| Water – first 100 feet or less | \$47.00 | \$49.00 |
| Water – Each additional 100 feet or fraction thereof | \$39.00 | \$41.00 |
| FIXTURES – FEE PER EACH | CURRENT FEE | PROPOSED FEE |
| Absorption valve | \$60.00 | \$62.00 |
| Backflow preventer | \$60.00 | \$62.00 |
| Backwater valve | \$60.00 | \$62.00 |
| Catch basin or area drain | \$60.00 | \$62.00 |
| Clothes washer | \$60.00 | \$62.00 |
| Dishwasher | \$60.00 | \$62.00 |
| Drinking fountain | \$60.00 | \$62.00 |
| Ejectors/sump pump | \$60.00 | \$62.00 |
| Expansion tank | \$60.00 | \$62.00 |
| Fixture cap | \$60.00 | \$62.00 |
| Floor drain/floor sink/hub drain | \$60.00 | \$62.00 |
| Garbage disposal | \$60.00 | \$62.00 |
| Hose bib | \$60.00 | \$62.00 |
| Ice maker | \$60.00 | \$62.00 |
| Primer | \$60.00 | \$62.00 |
| Sink/basin/lavatory | \$60.00 | \$62.00 |
| Stormwater facility | \$60.00 | \$62.00 |
| Swimming pool piping | \$60.00 | \$62.00 |
| Tub/shower/shower pan | \$60.00 | \$62.00 |
| Urinal | \$60.00 | \$62.00 |
| Water closet | \$60.00 | \$62.00 |
| Water heater | \$60.00 | \$62.00 |
| Other – plumbing | \$60.00 | \$62.00 |
| Alternate potable water heating system | \$60.00 | \$62.00 |

| | | |
|-------------------------|---------|---------|
| Interceptor/grease trap | \$60.00 | \$62.00 |
| Manholes | \$60.00 | \$62.00 |
| Roof drain (commercial) | \$60.00 | \$62.00 |
| Trench drain | | \$62.00 |

PLUMBING, MEDICAL GAS – permit fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances *see inspection surcharge below*****

| Valuation | CURRENT FEE | PROPOSED FEE |
|---|--|--|
| \$1-\$1,000 | \$64.94 | \$64.94 |
| \$1,001-\$5,000 | \$64.94 for the first \$1,000 plus \$1.89 for each additional \$100 or fraction thereof, to and including \$5,000. | \$64.94 for the first \$1,000 plus \$1.89 for each additional \$100 or fraction thereof, to and including \$5,000. |
| \$5,001 - \$10,000 | \$140.54 for the first \$5,000 plus \$11.81 for each additional \$1,000, or fraction thereof, to and including \$10,000 | \$140.54 for the first \$5,000 plus \$11.81 for each additional \$1,000, or fraction thereof, to and including \$10,000 |
| \$10,001 - \$50,000 | \$200.29 for the first \$10,000 plus \$10.12 for each additional \$1,000 or fraction thereof, to and including \$50,000 | \$199.59 for the first \$10,000 plus \$10.63 for each additional \$1,000 or fraction thereof, to and including \$50,000 |
| \$50,001-\$100,000 | \$604.08 for the first \$50,000 plus \$9.00 for each additional \$1,000 or fraction thereof, to and including \$100,000. | \$624.79 for the first \$50,000 plus \$9.45 for each additional \$1,000 or fraction thereof, to and including \$100,000. |
| \$100,001 and above | \$1045.05 for first \$100,000 plus \$9.00 for each additional \$1,000 or fraction thereof | \$1097.29 for first \$100,000 plus \$9.45 for each additional \$1,000 or fraction thereof |
| Residential Fire Suppression – Standalone System 13R, fee includes plan review [See Structural Fee section for Continuous Loop/Multipurpose System 13R] | | |
| Square Footage of Area to be Covered | | |
| 0 – 2000 sq ft | \$206.00 | \$214.00 |
| 2001 – 3600 sq ft | \$290.00 | \$302.00 |
| 3601 - 7200 sq ft | \$310.00 | \$322.00 |
| 7201 sq ft and greater | \$360.00 | \$374.00 |
| OTHER PLUMBING FEES | CURRENT FEE | PROPOSED FEE |
| If a plan check is required | 65% of plumbing permit fee with a \$236.00 minimum. | 65% of plumbing permit fee |
| Minimum plumbing permit fee | | \$62.00 |
| Med-gas surcharge for contracted inspection service | \$210/inspection payable prior to approval of final inspection | \$218/inspection payable prior to approval of final inspection |
| 1 & 2 Family repiping in-building water supply lines | \$172 for first floor, including basement. \$43 for each additional story excluding basement | \$179.00 for first floor, including a basement. \$45 for each additional story excluding basement |
| Additional Plan Review – per hour | \$86.00/hour | \$89.00/hour |
| Reinspection – per each | \$86.00/each | \$89.00/each |
| Each additional inspection, above allowable – per each | \$86.00/each | \$89.00/each |

| | | |
|---|----------------------------------|----------------------------------|
| Inspection for which no fee is specifically indicated (as required) | \$86.00/hour | \$89.00/hour |
| Investigation Fee – hourly | \$86.00/hour (minimum of 2 hour) | \$89.00/hour (minimum of 2 hour) |

EXCAVATION FEES

| Grading Plan Review | CURRENT FEE | PROPOSED FEE |
|-------------------------------|---|---|
| 50 cubic yards or less | \$79.00 | |
| 51 to 100 cubic yards | \$89.00 | |
| 101 to 1,000 cubic yards | \$110.00 | |
| 1,001 to 10,000 cubic yards | \$163.00 | |
| 1 to 10,000 cubic yards | | \$163 |
| 10,001 to 100,000 cubic yards | \$163.00 for the first 10,000 cubic yards plus \$53.00 for each additional 10,000 cubic yards or fraction thereof | \$163.00 for the first 10,000 cubic yards plus \$53.00 for each additional 10,000 cubic yards or fraction thereof |
| 100,001 cubic yards or more | \$640.00 for the first 100,000 plus \$11.00 for each additional 10,000 cubic yards or fraction thereof | \$640.00 for the first 100,000 plus \$11.00 for each additional 10,000 cubic yards or fraction thereof |
| Grading Permit | CURRENT FEE | PROPOSED FEE |
| 50 cubic yards or less | \$79.00 | \$82.00 |
| 51 to 100 cubic yards | \$89.00 | \$93.00 |
| 101 to 1,000 cubic yards | \$163.00 | \$170.00 |
| 1,001 cubic yards or more | \$163.00 for the first 1,000 cubic yards plus \$21.00 for each additional 1,000 cubic yards or fraction thereof | \$170.00 for the first 1,000 cubic yards plus \$22.00 for each additional 1,000 cubic yards or fraction thereof |

MISC FEES

| TYPE OF APPLICATION | CURRENT FEE | PROPOSED FEE |
|---|---|---|
| Permit renewal fee for an expired permit with no change to the previously approved plans. Renewal is discretionary by the Building Official | One half the fee for a new permit plus the state surcharge. | One half the fee for a new permit plus the state surcharge. |
| Investigation Fee – hourly | \$86.00/hour (minimum of 2 hour) | \$89.00/hour (minimum of 2 hour) |
| Inspection outside of normal business hours – per hour | \$129.00/hour (minimum of 2 hour) | \$134.00/hour (minimum of 2 hour) |
| Permit Extension fee – to extend expiration on active permit; not subject to State Surcharge | \$86.00 | \$89.00 |
| Copy fees (up to 11"x17") | \$0.25 each side | \$0.25 each side |
| Copy fees (oversized prints) | Time & materials | Time & materials |
| Digitizing paper plans | \$86.00/hour (minimum ½ hour) | \$89.00/hour (minimum ½ hour) |
| Returned Check fee (NSF) | Refer to City policy | Refer to City policy |
| Master Plans – Structural – setup fee | \$344.00 | \$358.00 |
| Master Plans – Structural – Initial review | 65% of structural permit fee | 65% of structural permit fee |
| Master Plans – Structural – second and subsequent reviews | 20% of structural permit fee | 20% of structural permit fee |
| Seismic Surcharge – Structural/Mechanical – review required on all essential structures | 1% of building permit fee | 1% of building permit fee |
| Refund processing fee – not subject to State Surcharge | \$86.00 | \$89.00 |
| Scanning & oversized prints | | |
| Address fee for new or changed address | \$37/address | \$38/address |
| House relocation permit application | \$525.00 | \$546.00 |
| Refundable deposit for house relocation permit | \$5,250 | \$5,460.00 |

---End---



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: May 28, 2024
TO: Mayor and City Councilors
FROM: Heather Richards, Community Development Director
SUBJECT: Resolution No. 2024 - 26, Adopting a Planning Fee Schedule Effective July 1, 2024.

STRATEGIC PRIORITY & GOAL:



CITY GOVERNMENT CAPACITY

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

Report in Brief:

This is the consideration of Resolution No. 2024-26, adopting a Planning Fee Schedule for the City of McMinnville. This Resolution repeals all previous resolutions adopting planning fee schedules and takes effect on July 1, 2024.

A public hearing will be conducted to solicit public comment per ORS 294.160. Public notice of the proposal and the public hearing was provided in the News Register on Monday, May 20, and Friday, May 24, 2024.

Background:

In 2003, the McMinnville City Council adopted Resolution No. 2003-35, establishing that, "it is the belief of the City Council that developers and others using the services of the Planning Department should pay a proportionate share of the costs associated with their projects."

In 2018, the City commissioned a planning fee study to evaluate how much the fees that developers were paying with land-use permits contributed to the costs of reviewing those land-use applications. At that time, it was determined that the planning fee schedule captured a 12% cost recovery of the costs associated with reviewing private development current planning applications. The general fund and McMinnville taxpayer was underwriting 88% of the overall program costs.

After discussion, in 2018, the City Council directed city staff to propose a fee schedule that would allow the City to work towards a 100% cost recovery goal for current planning application review on the basis that private developers and applicants were the direct beneficiary of this service and that the City's General Fund and the McMinnville taxpayer should not be underwriting this service.

On December 11, 2018, the McMinnville City Council adopted Resolution No. 2018-63, a resolution that updated the planning fee schedule so that it reflected a 55% cost recovery for development services related to land-use application review, with the direction to increase the planning fee schedule by 10% plus CPI (Portland's CPE-W Index) on July 1 every year over the next five years towards a full cost recovery model.

Due to the pandemic in 2020, the City elected not to move forward with a Planning Fee Schedule update.

This is the fifth year of the five-year catch-up program. Exhibit A to Resolution No. 2024-26, the proposed Planning Fee Schedule Effective July 1, 2024, represents full cost recovery for all current planning fees that are not reduced by intentionally reduced by City Council policy.

In 2018, the City also made some conscientious decisions to reduce certain fees in order to promote public participation in the land-use process and to support the business community, by maintaining significantly reduced appeal fees, sign permits and downtown design review fees.

In the attached fee schedule, those fees have only been increased by the CPI index to reflect the City's interest in underwriting those services.

The 50% reduction of planning permit fees for qualifying affordable housing projects per McMinnville Municipal Code, Section 3.10.060 (Resolution No. 2016-81) is retained as well.

Discussion:

In 2023, the City of McMinnville engaged Praxis Solutions to re-evaluate the cost recovery of the Planning Fee Schedule to ensure that the City was still on track towards achieving its goal of full cost recovery in 2024/2025.

The attached "Comparable Table with 2023 Full Cost Recovery Analysis" shows the result of this evaluation. Below is a summary of that table:

- All fees are calculated based on the time to process a permit application in terms of the number of hours that each type of staff member participates in the work flow and the indirect expenses associated with that staff member's time. For instance, the permit intake and file development is conducted by one staff member. Permit review and draft documents are developed by another planning staff member. And the Planning/Community Development Director reviews all Type II, III and IV decision documents. Each staff position also carries indirect

expenses associated with the materials and supplies necessary to support that position as well as central services support.

- Some fees were reduced due to the re-evaluation of time necessary to process the application.
- Some fees are subsidized as a policy decision of the City Council. These policy subsidies equated to \$136,081 in General Fund support.
- Many permit fees were added since the initial full cost recovery in 2018 to respond to changes in the city's planning program (Area Plan, Master Plan, Urban Growth Boundary Amendment, Residential Design Review, etc.) When initially established these fees were calculated on a forecasted projection of staff support for the application review. The 2023 Praxis Solutions study revised that projection based on data collected over the past couple of years.
- Some fees such as the initial appeal fee (\$250.00) and small wireless facilities fees are determined by state and federal regulations.

Attachments:

- Comparable Table with 2023 Full Cost Recovery Analysis
- Resolution No. 2024-26
 - Exhibit A to Resolution No. 2024-26, Proposed Planning Fee Schedule, Effective July 1, 2024

Fiscal Impact:

This is the last year of the incremental phase-in towards cost recovery. Outside of the fees that the City Council, by policy, decided not to charge full-cost recovery, the City of McMinnville will be in a full cost recovery position on current planning review.

Recommendation:

"I move to adopt Resolution No. 2024-26"

PLANNING FEE SCHEDULE (2023 Evaluation of Full Cost Recovery):

CURRENT PLANNING FEES

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Annexation | \$14,950.00 | \$15,078.00 | \$15,681.00 | 5% | \$0.00 |
| Appeal – First Appeal to a Hearings Body | \$333.00 | \$3,320.00 | \$250.00 | -25% | (\$14,936.00) |
| Appeal – Hearings Body Decision | \$1,260.00 | \$6,538.00 | \$1310.00 | 4% | (\$21,112.00) |
| Area Plan Review – Property Owner Initiated | \$11,580.00 | \$30,144.00 | \$31,350.00 | 171% | \$0.00 |
| Classification of an Unlisted Use* | \$1,575.00 | \$2,613.00 | \$2,722.00 | 73% | \$0.00 |
| Comprehensive Plan Map Amendment | \$8,210.00 | \$7,671.00 | \$7,978.00 | -3% | \$0.00 |
| Comprehensive Plan Map Amendment / Zone Map Amendment | \$11,730.00 | \$11,310.00 | \$11,762.00 | 0.2% | \$0.00 |
| Comprehensive Plan Text Amendment / Zoning Text Amendment | \$10,285.00 | \$9,514.00 | \$9,895.00 | -4% | \$0.00 |
| Conditional Use Permit | \$3,505.00 | \$3,200.00 | \$3,328.00 | -4% | \$0.00 |
| Downtown Design Standards and Guidelines – Administrative Approval* | \$610.00 | \$2,354.00 | \$634.40 | 4% | (\$1,744.00) |
| Downtown Design Standards and Guidelines – Historic Landmarks Committee Approval | \$1,809.00 | \$3,129.00 | \$1,881.00 | 4% | (\$2,640.00) |
| DMV Certificates | \$287.00 | \$287.00 | \$298.00 | 4% | \$0.00 |
| Expedited Land Use Division Application | | | | | |
| Partition | \$2,081.00 | \$1,882.00 | \$2,081.00 | 0% | \$0.00 |
| Subdivision ≤ 10 Lots | \$4,675.00 | \$4,223.00 | \$4,675.00 | 0% | \$0.00 |
| Subdivision (more than 10 lots) | \$8,158.00 | \$7,523.00 | \$8,158.00 | 0% | \$0.00 |
| Appeal Deposit | \$493.00 | \$300.00 | \$493.00 | 0% | \$0.00 |
| Plus Per Lot Fees | \$40.00 | \$35.00 | \$40.00 | 0% | \$0.00 |
| Historic Landmarks – Certificate of Approval, Alteration | \$1,809.00 | \$3,801.00 | \$1,881.00 | 4% | (\$6,600.00) |

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Historic Landmarks – Certificate of Approval, Demolition, Move | \$2,863.00 | \$3,801.00 | \$3,953.00 | 38% | \$0.00 |
| Historic Resources Inventory Amendment | \$1,304.00 | \$2,421.00 | \$2,518.00 | 93% | \$0.00 |
| Home Occupation | \$333.00 | \$678.00 | \$346.00 | 4% | (\$1,723.00) |
| Annual Renewal Fee | \$100.00 | \$100.00 | \$104.00 | 4% | \$0.00 |
| Interpretation of Code by Director | \$603.00 | \$1,250.00 | \$1,300.00 | 116% | \$0.00 |
| Landscape Plan Review | \$1,207.00 | \$1,976.00 | \$2,055.00 | 70% | \$0.00 |
| Land Use Compatibility Statement – Regular | \$624.00 | \$611.00 | \$635.00 | 2% | \$0.00 |
| Land Use Compatibility Statement – Marijuana Change in Business Name | \$582.00 | \$582.00 | \$605.00 | 4% | \$0.00 |
| Land Use Compatibility Statement – Marijuana Dispensary | \$1,113.00 | \$1,113.00 | \$1,158.00 | 4% | \$0.00 |
| Land Use Compatibility Statement – Marijuana Producer / Wholesaler | \$813.00 | \$813.00 | \$846.00 | 4% | \$0.00 |
| Land Use Extension | \$753.00 | \$954.00 | \$992.00 | 32% | \$0.00 |
| Large Format Commercial Development Design Review | \$4,272.00 | \$4,272.00 | \$4,443.00 | 4% | \$0.00 |
| Large Format Commercial Development Design Review and Waiver | \$6,900.00 | \$6,900.00 | \$7,176.00 | 4% | \$0.00 |
| Manufactured Home Park | \$3,505.00 | \$3,795.00 | \$3,947.00 | 13% | \$0.00 |
| Manufactured Home Park Per Lot Fee | \$35.00 | \$35.00 | \$36.00 | 4% | \$0.00 |
| Master Plan | \$6,400.00 | \$17,666.00 | \$18,373.00 | 187% | \$0.00 |
| Minor Modification | \$1,285.00 | \$2,110.00 | \$2,194.00 | 71% | \$0.00 |
| Model Home Permit | \$1,125.00 | \$1,842.00 | \$1,916.00 | 70% | \$0.00 |
| NE Gateway Design Standards and Guidelines – Administrative Approval* | \$667.00 | \$2,141.00 | \$694.00 | 4% | (\$2,947.00) |
| NE Gateway Design Standards and Guidelines – Waiver Request | \$981.00 | \$2,987.00 | \$1,020.00 | 4% | |
| Parking Lot Review | \$862.50 | \$1,801.00 | \$1,873.00 | 117% | \$0.00 |
| Parking Variance for Historic Structure – Administrative Approval* | \$981.00 | \$2,280.00 | \$2,371.00 | 142% | \$0.00 |
| Parking Variance for Historic Structure – Planning Commission Approval | \$1,353.00 | \$2,354.00 | \$2,448.00 | 81% | \$0.00 |
| Partition of Land (Tentative)* | \$2,087.00 | \$1,882.00 | \$1,957.00 | -6% | \$0.00 |

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-----------------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Planned Development (In addition to any applicable zone change fee): | \$6,825.00 | \$6,825.00 | \$7,098.00 | 4% | \$0.00 |
| Residential Rate (per dwelling unit) | \$59.00 | \$59.00 | \$61.00 | 4% | \$0.00 |
| Commercial Rate (per 1000 sf of building) | \$59.00 | \$59.00 | \$61.00 | 4% | \$0.00 |
| Industrial Rate (per 1000 sf of building) | \$59.00 | \$59.00 | \$61.00 | 4% | \$0.00 |
| Planned Development Amendment –Major Amendment (Planning Commission) | \$4,127.00 | \$7,004.00 | \$7,284.00 | 76% | \$0.00 |
| Planned Development Amendment – Minor Amendment (Administrative) | \$1,283.00 | \$3,948.00 | \$4,106.00 | 220% | \$0.00 |
| Property Line Adjustment* | \$1,102.00 | \$1,821.00 | \$1,893.00 | 72% | \$0.00 |
| Public Hearing Request | \$2,012.50 | | | | |
| Recreational Vehicle Park Permit* | \$2,118.00 | \$3,795.00 | \$3,947.00 | 86% | \$0.00 |
| Resident Occupied Short Term Rental* | \$1,414.50 | \$1,664.00 | \$1,731.00 | 22% | \$0.00 |
| Annual Renewal Fee | \$235.00 | \$235.00 | \$245.00 | 4% | \$0.00 |
| Short Term Rental* | \$1,414.50 | \$1,664.00 | \$1,731.00 | 22% | \$0.00 |
| Annual Renewal Fee | \$235.00 | \$235.00 | \$245.00 | 4% | \$0.00 |
| Sign Permit – Temporary | \$80.00 | \$678.00 | \$83.00 | 4% | |
| Sign Permit – Permanent | \$185.00 | \$744.00 | \$192.00 | 4% | (\$11,749.00) |
| Sign Standards Exception (Variance) | \$2,609.00 | \$2,349.00 | \$2,443.00 | -6% | \$0.00 |
| Site and Design Review – Commercial | \$2,461.00 | \$3,550.00 | \$3,692.00 | 50% | \$0.00 |
| Site and Design Review – Multi-Family | \$2,461.00 | \$3,550.00 | \$3,692.00 | 50% | |
| Solar Collection System Variance | \$2,609.00 | \$2,349.00 | \$2,443.00 | -6% | \$0.00 |
| Street Tree Removal | \$160.00 | \$1,976.00 | \$166.00 | 4% | (\$72,630.00) |
| Street Vacation | \$1,000.00 | \$2,895.00 | \$3,011.00 | 201% | \$0.00 |
| Subdivision (less than or equal to 10 lots)* | \$3,857.00 | \$4,650.00 | \$4,836.00 | 25% | \$0.00 |
| Plus per lot fee | \$40.00 | \$35.00 | \$36.00 | -10% | \$0.00 |
| Subdivision (more than 10 lots) | \$6,994.00 | \$8,592.00 | \$8,936.00 | 28% | \$0.00 |
| Plus per lot fee | \$40.00 | \$35.00 | \$36.00 | -10% | \$0.00 |
| Temporary Living Unit Permit | \$819.00 | \$1,394.00 | \$1,450.00 | 77% | \$0.00 |
| Semi-Annual Renewal Fee | \$528.00 | \$1,060.00 | \$1,102.00 | 108% | \$0.00 |
| Three Mile Lane Design Overlay – Administrative Approval* | \$2,087.00 | \$3,600.00 | \$3,744.00 | 79% | \$0.00 |
| Traffic Impact Analysis Review | \$950.00 | \$1,500.00 | \$1,500.00 | 58% | \$0.00 |
| Transitional Parking Permit | \$1,241.00 | \$2,040.00 | \$2,122.00 | 71% | \$0.00 |
| Urban Growth Boundary Amendment | \$18,720.00 | \$30,144.00 | \$31,350.00 | 67% | \$0.00 |

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Variance (Administrative)* | \$1,190.00 | \$1,939.00 | \$2,017.00 | 69% | \$0.00 |
| Variance (Land Division) | \$2,629.00 | \$3,200.00 | \$3,328.00 | 26% | \$0.00 |
| Variance (Zoning) | \$2,867.00 | \$3,478.00 | \$3,617.00 | 26% | \$0.00 |
| Wireless Communication Facility Review | \$4,871.00 | \$4,871.00 | \$5,066.00 | 4% | \$0.00 |
| Zone Map Amendment | \$5,667.00 | \$7,030.00 | \$7,311.00 | 29% | \$0.00 |
| Zoning/Compliance Letters | \$126.50 | \$135.00 | \$140.00 | 11% | \$0.00 |

LAND-USE APPLICATIONS NOT SPECIFIED

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-------------|----------------------------|-------------------------------|--------------|-----------------------------|
| TYPE I: Administrative Decision w/out Notification (permits) not on fee schedule | \$517.50 | \$611.00 | \$635.00 | 23% | \$0.00 |
| TYPE II: Administrative Decision w/Notification (land-use) not on fee schedule | \$1,035.00 | \$2,110.00 | \$2,194.00 | 112% | \$0.00 |
| TYPE III: Planning Commission Decision - not on fee schedule | \$3,507.00 | \$3,478.00 | \$3,617.00 | 3% | \$0.00 |
| TYPE IV: City Council Decision – not on fee schedule | \$5,750.00 | \$7,671.00 | \$7978.00 | 39% | \$0.00 |

WIRELESS – SMALL CELL FACILITIES

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|---|----------------------------|---|--------------|-----------------------------|
| Wireless – Small Cell (Initial Fee for Five Small Wireless Facilities) | \$577.00 | | \$600.00 | 4% | |
| Wireless – Small Cell (Initial Fee – Each Greater than Five) | \$115.00 | | \$120.00 | 4% | |
| Wireless – Small Cell (Annual Recurring Fee for Each Facility) | \$289.00 | | \$300.00 | 4% | |
| Wireless – Small Cell “Make Ready” Cost Recovery. (Recovery of any specific costs incurred by the City 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. | Full Cost Recovery Plus Administrative Fees | | Full Cost Recovery Plus Administrative Fees | 4% | |

BUILDING PERMIT REVIEW

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|---|---------------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Commercial/Industrial Building Permit Review | | | | | |
| Value < \$100,000 | \$253.00 | \$348.00 | \$362.00 | 43% | \$0.00 |
| Value \$100,000 - \$500,000 | \$451.00 | \$626.00 | \$651.00 | 44% | \$0.00 |
| Value > \$500,000 | \$944.00 | \$1,331.00 | \$1,384.00 | 47% | \$0.00 |
| Residential Building Permit Review | | | | | |
| Value < \$100,000 | \$98.00 | \$134.00 | \$139.00 | 42% | \$0.00 |
| Value > \$100,000 | \$253.00 | \$348.00 | \$362.00 | 43% | \$0.00 |
| Multifamily > \$100,000 | \$883.00 | \$1,282.00 | \$1,333.00 | 51% | \$0.00 |
| Residential Design Standards Review* | | | | | |
| Single, Duplex, Triplex, Quadplex, Townhome, ADU* | \$262.50 | \$1,212.00 | \$1,260.00 | 380% | \$0.00 |
| Cottage Cluster, Single Room Occupancy – Small Housing* | \$577.50 | \$1,341.00 | \$1,395.00 | 142% | \$0.00 |
| Apartments, Single Room Occupancy – Large Housing* | \$787.50 | \$1,926.00 | \$2,003.00 | 154% | \$0.00 |
| Revision Review | 50% of original fee | | 50% of original fee | | \$0.00 |

ADMINISTRATIVE FEES

| TYPE OF APPLICATION | Current Fee | Full Cost Recovery (23/24) | Proposed Fee (24/25) w/4% CPI | % Difference | City Policy Subsidy (23/24) |
|--|-----------------|----------------------------|-------------------------------|--------------|-----------------------------|
| Copy fees | \$0.10 per copy | | \$0.10 per copy | | \$0.00 |
| Comprehensive Plan Map (24" x 36") | \$10.00 | | \$10.00 | | \$0.00 |
| Development Inspection for Conformance with Approval, Each Inspection after First Inspection | \$75.00 | | \$75.00 | | \$0.00 |
| General Records Request | \$73.50/hour | | \$76.50/hour | 4% | \$0.00 |
| Hourly Rate | \$73.50/hour | | \$76.50/hour | 4% | \$0.00 |
| Neighborhood Meeting Mailing List | \$65.00 | \$73.50 | \$76.50 | | \$0.00 |
| Refund Processing Fee | \$82.00 | \$82.00 | \$85.00 | 4% | \$0.00 |
| Research / Staff Time | \$73.50/hour | \$73.50 | \$76.50/hour | 4% | \$0.00 |



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

www.mcminnvilleoregon.gov

PLANNING FEE SCHEDULE (Effective 7/1/2024):

CURRENT PLANNING FEES (Amended 5/28/2024)

| TYPE OF APPLICATION | FEE |
|--|-------------|
| Annexation | \$15,681.00 |
| Appeal – First Appeal to a Hearings Body | \$250.00 |
| Appeal – Hearings Body Decision | \$1310.00 |
| Area Plan Review – Property Owner Initiated | \$31,350.00 |
| Classification of an Unlisted Use* | \$2,722.00 |
| Comprehensive Plan Map Amendment | \$7,978.00 |
| Comprehensive Plan Map Amendment / Zone Map Amendment | \$11,762.00 |
| Comprehensive Plan Text Amendment / Zoning Text Amendment | \$9,895.00 |
| Conditional Use Permit | \$3,328.00 |
| Downtown Design Standards and Guidelines – Administrative Approval* | \$634.00 |
| Downtown Design Standards and Guidelines – Historic Landmarks Committee Approval | \$1,881.00 |
| DMV Certificates | \$298.00 |
| Expedited Land Use Division Application | |
| Partition | \$2,081.00 |
| Subdivision ≤ 10 Lots | \$4,675.00 |
| Subdivision (more than 10 lots) | \$8,158.00 |
| Appeal Deposit | \$493.00 |
| Plus Per Lot Fees | \$40.00 |
| Historic Landmarks – Certificate of Approval, Alteration | \$1,881.00 |
| Historic Landmarks – Certificate of Approval, Demolition, Move | \$3,953.00 |
| Historic Resources Inventory Amendment | \$2,518.00 |
| Home Occupation | \$346.00 |
| Annual Renewal Fee | \$104.00 |
| Interpretation of Code by Director | \$1,300.00 |
| Landscape Plan Review | \$2,055.00 |
| Land Use Compatibility Statement – Regular | \$635.00 |
| Land Use Compatibility Statement – Marijuana Change in Business Name | \$605.00 |
| Land Use Compatibility Statement – Marijuana Dispensary | \$1,158.00 |
| Land Use Compatibility Statement – Marijuana Producer / Wholesaler | \$846.00 |
| Land Use Extension | \$992.00 |
| Large Format Commercial Development Design Review | \$4,443.00 |
| Large Format Commercial Development Design Review and Waiver | \$7,176.00 |
| Manufactured Home Park | \$3,947.00 |
| Manufactured Home Park Per Lot Fee | \$36.00 |
| Master Plan | \$18,373.00 |
| Minor Modification | \$2,194.00 |

| | |
|---|-------------|
| Model Home Permit | \$1,916.00 |
| NE Gateway Design Standards and Guidelines – Administrative Approval* | \$694.00 |
| NE Gateway Design Standards and Guidelines – Waiver Request | \$1,020.00 |
| Parking Lot Review | \$1,873.00 |
| Parking Variance for Historic Structure – Administrative Approval* | \$2,371.00 |
| Parking Variance for Historic Structure – Planning Commission Approval | \$2,448.00 |
| Partition of Land (Tentative)* | \$1,957.00 |
| Planned Development (In addition to any applicable zone change fee): | \$7,098.00 |
| Residential Rate (per dwelling unit) | \$61.00 |
| Commercial Rate (per 1000 sf of building) | \$61.00 |
| Industrial Rate (per 1000 sf of building) | \$61.00 |
| Planned Development Amendment –Major Amendment (Planning Commission) | \$7,284.00 |
| Planned Development Amendment – Minor Amendment (Administrative) | \$4,106.00 |
| Property Line Adjustment* | \$1,893.00 |
| Public Hearing Request | |
| Recreational Vehicle Park Permit* | \$3,947.00 |
| Resident Occupied Short Term Rental* | \$1,731.00 |
| Annual Renewal Fee | \$245.00 |
| Short Term Rental* | \$1,731.00 |
| Annual Renewal Fee | \$245.00 |
| Sign Permit – Temporary | \$83.00 |
| Sign Permit – Permanent | \$192.00 |
| Sign Standards Exception (Variance) | \$2,443.00 |
| Site and Design Review – Commercial | \$3,692.00 |
| Site and Design Review – Multi-Family | \$3,692.00 |
| Solar Collection System Variance | \$2,443.00 |
| Street Tree Removal – Simple | \$166.00 |
| Street Tree Removal - Complex | \$2,055.00 |
| Street Vacation | \$3,011.00 |
| Subdivision (less than or equal to 10 lots)* | \$4,836.00 |
| Plus per lot fee | \$36.00 |
| Subdivision (more than 10 lots) | \$8,936.00 |
| Plus per lot fee | \$36.00 |
| Temporary Living Unit Permit | \$1,450.00 |
| Semi-Annual Renewal Fee | \$1,102.00 |
| Three Mile Lane Design Overlay – Administrative Approval* | \$3,744.00 |
| Traffic Impact Analysis Review | \$1,500.00 |
| Transitional Parking Permit | \$2,122.00 |
| Urban Growth Boundary Amendment | \$31,350.00 |
| Variance (Administrative)* | \$2,017.00 |
| Variance (Land Division) | \$3,328.00 |
| Variance (Zoning) | \$3,617.00 |
| Wireless Communication Facility Review | \$5,066.00 |
| Zone Map Amendment | \$7,311.00 |
| Zoning/Compliance Letters | \$140.00 |

*Applications are subject to Director's decision. If a public hearing is requested, the fee for the public hearing request will be applied.

LAND-USE APPLICATIONS NOT SPECIFIED

| TYPE OF APPLICATION | FEE |
|--|-------------------|
| TYPE I: Administrative Decision w/out Notification (permits) not on fee schedule | \$635.00 |
| TYPE II: Administrative Decision w/Notification (land-use) not on fee schedule | \$2,194.00 |
| TYPE III: Planning Commission Decision - not on fee schedule | \$3,617.00 |
| TYPE IV: City Council Decision – not on fee schedule | \$7,978.00 |

WIRELESS – SMALL CELL FACILITIES

| TYPE OF APPLICATION | FEE |
|--|--|
| Wireless – Small Cell (Initial Fee for Five Small Wireless Facilities) | \$600.00 |
| Wireless – Small Cell (Initial Fee – Each Greater than Five) | \$120.00 |
| Wireless – Small Cell (Annual Recurring Fee for Each Facility) | \$300.00 |
| Wireless – Small Cell “Make Ready” Cost Recovery. (Recovery of any specific costs incurred by the City 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. | Full Cost Recovery Plus Administrative Fees |

Per Resolution No. 2019-24

BUILDING PERMIT REVIEW

| TYPE OF APPLICATION | FEE |
|--|----------------------------|
| Commercial/Industrial Building Permit Review | |
| Value < \$100,000 | \$362.00 |
| Value \$100,000 - \$500,000 | \$651.00 |
| Value > \$500,000 | \$1,384.00 |
| Residential Building Permit Review | |
| Value < \$100,000 | \$139.00 |
| Value > \$100,000 | \$362.00 |
| Multifamily > \$100,000 | \$1,333.00 |
| Residential Design Standards Review* | |
| Single, Duplex, Triplex, Quadplex, Townhome, ADU* | \$1,260.00 |
| Cottage Cluster, Single Room Occupancy – Small Housing* | \$1,395.00 |
| Apartments, Single Room Occupancy – Large Housing* | \$2,003.00 |
| Revision Review | 50% of original fee |

*In addition to Residential Building Permit Review fees - can be requested prior to submitting for building permits.

ADMINISTRATIVE FEES

| TYPE OF APPLICATION | FEE |
|---|-----------------|
| Copy fees | \$0.10 per copy |
| Comprehensive Plan Map (24" x 36") | \$10.00 |
| Development Inspection for Conformance with Approval, Each Inspection after First Inspection | \$75.00 |
| General Records Request | \$76.50/hour |
| Hourly Rate | \$76.50/hour |
| Neighborhood Meeting Mailing List | \$76.50 |
| Pre-Development / Pre-Application Meeting | \$250.00 |
| Refund Processing Fee | \$85.00 |
| Research / Staff Time | \$76.50/hour |
| Return Check Fee (NSF) | \$0.10 per copy |
| Withdrawn Application (Prior to Complete) | \$10.00 |
| Withdrawn Application (Prior to Notice) | \$75.00 |
| Withdrawn Application (After Noticed) | \$76.50/hour |
| Zone Map (24" x 36") | \$76.50/hour |

DOCUMENT REVIEW

| TYPE OF DOCUMENT | FEE |
|---------------------------------------|------------|
| Private Development Agreement | \$704.00 |
| Public Facility Improvement Agreement | \$704.00 |
| Easement Agreement | \$704.00 |
| Stormwater Maintenance Agreement | \$214.00 |
| Waiver of Remonstrance | \$214.00 |
| Maintenance Agreement | \$214.00 |
| Quitclaim / Bargain and Sale Deed | \$214.00 |
| Reimbursement District | \$1,000.00 |

Planning permit fees for qualifying affordable housing projects per McMinnville Municipal Code, Section 3.10.060, are reduced by 50% (Resolution No. 2016-81).

RESOLUTION NO. 2024-26

A Resolution adopting a Planning Fee Schedule and repealing all previous resolutions adopting planning fee schedules at the time this fee schedule becomes effective.

RECITALS:

Whereas, the City of McMinnville collects permitting fees for land-use applications to fund the review costs associated with new development projects; and

Whereas, per Resolution No. 2003-35, it is the belief of the City Council that developers and others using the services of the Planning Department for current planning activities should pay their share of the costs associated with their projects; and

Whereas, in 2018, the City commissioned a planning fee study that showed that the City was only collecting 12% of the costs of the current planning program in their fee schedule; and

Whereas, on December 11, 2018, the City adopted Resolution No. 2018 – 63, a resolution that updated the planning fee schedule so that it reflected a 55% cost recovery for development services related to land-use application review, and provided direction to increase the planning fee schedule by 10% plus CPI (Portland's CPE-W Index) every year over the next five years towards a full cost recovery model; and

Whereas, in 2023, the City of McMinnville commissioned Praxis Solutions to update the planning fee study; and

Whereas, the CPI increase from January 2023 to January 2024 is 4.0%.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON as follows:

1. That the City of McMinnville's Planning Fee Schedule will be as established by the fee schedule attached to this Resolution.
2. That this fee schedule will take effect July 1, 2024.

MISCELLANEOUS PROVISIONS:

The attached Planning Fee Schedule –

- Assumes a goal of a 100% cost recovery in 2025
- The fee schedule will be updated on July 1 of each year.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

EXHIBITS:

- A. Planning Fee Schedule, July 1, 2024.

PLANNING FEE SCHEDULE (Effective 7/1/2024):

CURRENT PLANNING FEES

| TYPE OF APPLICATION | FEE |
|--|--------------------|
| Annexation | \$15,681.00 |
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| Comprehensive Plan Map Amendment | \$7,978.00 |
| Comprehensive Plan Map Amendment / Zone Map Amendment | \$11,762.00 |
| Comprehensive Plan Text Amendment / Zoning Text Amendment | \$9,895.00 |
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| Downtown Design Standards and Guidelines – Historic Landmarks Committee Approval | \$1,881.00 |
| DMV Certificates | \$298.00 |
| Expedited Land Use Division Application | |
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| | |
|---------------------------|-------------------|
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| Zoning/Compliance Letters | \$140.00 |

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WIRELESS – SMALL CELL FACILITIES

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| Wireless – Small Cell (Initial Fee – Each Greater than Five) | \$120.00 |
| Wireless – Small Cell (Annual Recurring Fee for Each Facility) | \$300.00 |
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Per Resolution No. 2019-24

BUILDING PERMIT REVIEW

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| Value \$100,000 - \$500,000 | \$651.00 |
| Value > \$500,000 | \$1,384.00 |
| Residential Building Permit Review | |
| Value < \$100,000 | \$139.00 |
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| Multifamily > \$100,000 | \$1,333.00 |
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ADMINISTRATIVE FEES

| TYPE OF APPLICATION | FEE |
|---|-----------------|
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| General Records Request | \$76.50/hour |
| Hourly Rate | \$76.50/hour |
| Neighborhood Meeting Mailing List | \$76.50 |
| Pre-Development / Pre-Application Meeting | \$250.00 |
| Refund Processing Fee | \$85.00 |
| Research / Staff Time | \$76.50/hour |
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| Withdrawn Application (Prior to Complete) | \$10.00 |
| Withdrawn Application (Prior to Notice) | \$75.00 |
| Withdrawn Application (After Noticed) | \$76.50/hour |
| Zone Map (24" x 36") | \$76.50/hour |

Planning permit fees for qualifying affordable housing projects per McMinnville Municipal Code, Section 3.10.060, are reduced by 50% (Resolution No. 2016-81).

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

Tuesday, January 9, 2024 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

| Councilors: | Present | Excused Absence |
|-------------|-----------------|-----------------|
| | Sal Peralta | |
| | Adam Garvin | |
| | Zack Geary | |
| | Kellie Menke | |
| | Chris Chenoweth | |
| | Jessica Payne | |

Also present were City Manager Jeff Towery, Police Chief Matt Scales, City Recorder Claudia Cisneros, Finance Director Jennifer Cuellar, Community Development Director Heather Richards, Parks and Recreation Director Susan Muir, Human Resources Manager Kylie Bayer, Library Director Jenny Berg, Information System Director Scott Burke, Fire Chief Rich Leipfert, Fire Operations Chief Amy Hanifan, Assistant Chief/Fire Marshal Debbie McDermott, Community Engagement Specialist Noelle Amaya, and *members of the News Media – Phil Guzzo McMinnville Community Media and Dora Totoian News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 7:02 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE

Ukiah Halloran-Steiner, Mayor for the Day, led the pledge of allegiance.

3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT:

City Recorder Cisneros said Amber Johnson provided a letter that would be made part of the record.

Amanda Westphal, McMinnville community member, discussed what the Downtown Association and Visit McMinnville were doing for the arts. She asked everyone to do the survey and share it on Facebook. She had

started a non-profit organization called Saint Bezzie's to help people heal through art and community.

Marissa Martinis, McMinnville community member, spoke about the homeless camping and behaviors near the middle school. She was concerned about dangers for kids walking to and from school. She thought there should be an ordinance prohibiting this activity from a certain proximity from school zones.

Debbie Brockett, Superintendent of the McMinnville School District, and Jason Bizon, School Board Chair, discussed the proximity of homeless camps to schoolgrounds and concerns about safety for students and staff. She had reached out to other superintendents whose cities had ordinances that banned or prohibited camping near schools. She proposed an ordinance prohibiting camping within 500 feet of school campuses and along McMinnville's school district walking zones. All students deserved safe transit to and from school and they needed to be proactive on this issue.

Sean Tinker, McMinnville community member, asked if there was currently an ordinance for distance around schools.

Mayor Drabkin showed a map that demonstrated the City's current ordinance for time, place, and manner restrictions and what a buffer around schools might look like. Most of the camp locations were already illegal. Enforcement was dictated by state law.

City Manager Towery said they had excluded residential zones in the current ordinance, and most of the schools were surrounded by residential property. However, much of the camping was being done in prohibited areas and they were reviewing suggestions they heard recently to see if there were additional tools they could apply.

Councilor Peralta said the middle school abutted commercial, and that was the area the complaints were about. Having an ordinance for this area made sense.

Mr. Tinker thought there were many other places the homeless could go. He thought the ordinance should include immediate enforcement that would benefit all parties.

Susan Newby, McMinnville community member, shared a poem she wrote about how citizens felt about their town. There seemed to be little they could do about the current issues.

Leslie Toevs, McMinnville community member, lived on McDaniel Lane and things had improved greatly in the area. She was in support of an

ordinance, especially for kids who were walking to school. A change needed to be made to protect children.

Brian Zawada (via Zoom), McMinnville business owner, said the McMinnville Water & Light Commission was investigating a number of options on Marsh Lane including street vacation, adding daytime security, and installation of rock formations. There were legislative challenges, but the City's enforcement was weak and inconsistent. He did not think City leadership was interested in fully enforcing the tools they had, and it was shallow to blame it on drug decriminalization and waiting for ballot measure 110 reform. They needed to revisit the time, place, and manner and apply lessons learned.

Kim Morris, McMinnville community member, spoke about the McMinnville Community Task Force and how they had offered suggestions for ordinances, but had been ignored. They wanted to work with the City to make the City safe. Citizens needed the Council's help as the leaders of the community.

Cindee Paulsen, McMinnville community member, wrote a letter in December 2022 about her concerns over McDaniel and Lafayette and the RVs in the park and McDaniel. She received one communication from Councilor Geary. She also came in September 2023 about her concern for the students at Patton Middle School and she received no communication. They needed to come up with creative solutions to this problem.

Augustus Marinis, McMinnville student, spoke about his experience going to school near the homeless camp and how he did not feel safe. RVs at Joe Dancer Park were removed, but they came back after a couple of weeks.

Mayor Drabkin said a letter would be prepared and sent to all who spoke that would give clarity on the rules that governed the City.

4. ADVICE/ INFORMATION ITEMS

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

Councilor Menke reported on YCAP and the Any Door program as well as the Point in Time Count.

Councilor Peralta discussed the Council of Governments meetings and putting pressure on the state legislature for Measure 110 reform. He along with Police Chief Scales and Provoking Hope had recorded a video about the challenges of fentanyl and Measure 110 in McMinnville. He said everyone on Council cared about these issues and was trying to address them.

Councilor Chenoweth reported on the last Economic Vitality Leadership Council, Parkway Committee, and Historic Landmarks Committee meetings. He was frustrated that decisions and processes were happening behind the scenes that did not come to the Council. He thought it was time to have a discussion on the dais.

Councilor Geary reported on the last McMinnville Urban Renewal Agency Committee meeting and Third Street Improvement project.

Council President Garvin said the Fire District had hired a new Fire Chief. The Fire Board would meet twice a month now and they were exploring open flame burning ordinances. Council had the best interest of the community at heart.

Mayor Drabkin supported Representative Elmer this week for Legislative Days. Representative Elmer had a workforce housing bill she was working on. A number of committee appointments were coming up and she thanked all those who had applied and who had interviewed the candidates.

4.b. Department Head Reports

City Manager Towery said he was currently on call for jury duty. The Executive Team met last week to create draft work plans. He was one of three current and former local government practitioners invited to meet with the new president of Portland State University to talk about opportunities to strengthen connections to local government management.

Communications and Engagement Manager Amaya spoke about the Community Fair in May and the DEI Committee.

Community Development Director Richards said they had been awarded a grant for brownfields work for the ultimate RV site.

5. CONSENT AGENDA

- a. Consider the request from The Compass McMinnville for Limited on-premises, OLCC Liquor License located at 706 SE 1st Street.

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

6. RESOLUTIONS

- 6.a. Consider **Resolution No. 2024-03**: A Resolution Appointing Members to the Diversity, Equity, and Inclusion Committee.

Communications and Engagement Manager Amaya explained the recruitment process for one regular position, one youth position, and one ex-officio position.

Councilor Payne MOVED to adopt Resolution 2024-03; SECONDED by Council President Garvin. Motion PASSED unanimously 6-0.

- 6.b. Consider **Resolution No. 2024-01**: A Resolution Authorizing the City Manager to sign a contract with Chemeketa Community College in the amount of \$146,000 for Pre-Apprenticeship and Hospitality Certification Programs for the City of McMinnville's Business Recovery and Resiliency Grant.

Special Projects Manager Christensen said this was an opportunity to reallocate funding that came through Representative Noble in the 2021 session. They could not find enough participants who qualified for the loan program, and they were proposing to reallocate \$166,000. The time for commitment of the funds had been extended to December 2024, and the funds would be expended by December 2025.

Councilor Chenoweth MOVED to adopt Resolution 2024-01; SECONDED by Councilor Peralta. Motion PASSED unanimously 6-0.

- 6.c. Consider **Resolution No. 2024-02**: A Resolution Authorizing the City Manager to amend a contract with McMinnville Economic Development Partnership in the amount of \$248,400.00 for Coordination of Sustainable, Localized Workforce Programs in association with McMinnville's Business Recovery and Resiliency Grant.

Councilor Chenoweth MOVED to adopt Resolution 2024-02 as amended; SECONDED by Councilor Peralta. Motion PASSED unanimously 6-0.

7. ADJOURNMENT: Mayor Drabkin adjourned the Regular City Council Meeting at 8:22 p.m.

Claudia Cisneros, City Recorder

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

Tuesday, February 27, 2024 at 7:00 p.m.

Presiding: Adam Garvin, Council President

Recording Secretary: Claudia Cisneros

| Councilors: | Present | Absent |
|-------------|-----------------|---------------------|
| | Kellie Menke | Remy Drabkin, Mayor |
| | Zack Geary | Jessica Payne |
| | Chris Chenoweth | |
| | Sal Peralta | |

Also present were City Manager Jeff Towery, City Attorney David Ligtenberg, City Recorder Claudia Cisneros, Deputy City Recorder/Executive Assistant Daniel Ruiz, Public Works Director Geoff Hunsaker, Senior Planner Tom Schauer, Special Legal Counsel Bill Kabeiseman, and Community Development Director Heather Richards, Finance Director Jennifer Cuellar (via Zoom), Lead Code Compliance Officer Nic Miles (via Zoom), and *members of the News Media – Kyle Dauterman McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Council President Garvin called the meeting to order at 7:00 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE

Deputy City Recorder/Executive Assistant Daniel Ruiz led the pledge of allegiance.
3. PROCLAMATION
 - 3.a. Women's History Month Proclamation

Council President Garvin read the proclamation declaring the month of March as Women's History Month.
3. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT: Council President Garvin invited the public to comment.

Linda and David Hatfield community members of McMinnville discussed adding stop signs by Northeast Evans. Mentioned the noise and cars racing in front of their home.

Natalie Utrup community member of McMinnville mentioned the huge uptick in speeding in her neighborhood and has asked for officers to enforce this area.

William Sykes community member of McMinnville expressed concern regarding loud vehicles racing around town.

6. ADVICE/ INFORMATION ITEMS

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

Councilor Peralta stated the Mid-Willamette Valley Council of Governments (MWVCOG) annual meeting and dinner will be tomorrow night hosted by The Confederated Tribe of Grand Ronde.

Councilor Menke said there will be an Affordable Housing Committee meeting on Wednesday to review the plan for this coming year. Highlights looking at are tiny homes and making rules around them for use in the City.

Councilor Geary mentioned the Affordable Housing Committee meeting tomorrow.

Councilor Chenoweth stated the McMinnville Economic Vitality Leadership Council (MEVLC) and talked about business assistance resiliency grants and updated on Workforce Development. The Parkway Committee met and going to bid in the middle of next month for the next phase of the bypass.

Council President Garvin mentioned Visit McMinnville has their annual retreat tomorrow. The Airport Commission meets on March 5th.

6.b. Department Head Reports

City Manager Jeff Towery formally introduced the new public works director Geoff Hunsaker.

Public Works Director Geoff Hunsaker stated excited to join the city and know the community more. Stated the Public Works team is a great team that is dedicated and does great work. Thanked James Lofton for stepping in as Interim Public Works Director.

Community Development Director Richards shared exciting news regarding Representative Elmer's Bill, House Bill 4134 was passed through the subcommittee which will move forward to the House floor and Senate floor. Thankful for Elmer's efforts on the City's behalf.

7.

CONSENT AGENDA

- a. Consider **Resolution No. 2024-09**: A Resolution of the City of McMinnville appointing Tyler Reid Judge Pro Tempore of the McMinnville Municipal Court.
- b. Consider the Minutes of the January 12, 2021, City Council Work Session & Regular Meeting.
- c. Consider the Minutes of the January 20, 2021, City Council Work Session Meeting.
- d. Consider the Minutes of the January 26, 2021, City Council Regular Meeting.
- e. Consider the Minutes of the February 13, 2024, City Council Work Session & Regular Meeting.
- f. Consider the request from Hawaii Five-0-Three Cafe for Commercial OLCC Liquor License located at 619 NE 3rd Street.

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

7.

RESOLUTIONS

7.a.

Consider **Resolution No. 2024-07**: A Resolution approving code compliance liens on properties to recover unpaid civil penalty citations.

Lead Code Compliance Officer Nic Miles mentioned this was the quarterly check-in for outstanding unpaid citations for leans. There were no abatements this time. Stated there was an amendment to the resolution as a property owner contacted them yesterday to pay off their unpaid citations, property listed on Arthur Street.

Councilor Peralta MOVED to approve Resolution No. 2024-07 as amended, approving code compliance liens on properties to recover unpaid civil penalty citations; SECONDED by Councilor Menke. Motion PASSED 5-0.

7.b.

Consider **Resolution No. 2024-10**: A Resolution adopting a fiscal year 2023-24 supplemental budget for the Fire District Transition Fund.

Council President Garvin stated Resolution No. 2024-10 was pulled from the agenda and will be heard at the March 12th City Council Meeting.

8.

ORDINANCE

8.a.

Consider the second of **Ordinance No. 5141**: An Ordinance Adopting the November 2023 “McMinnville Urbanization Report”, and Updating the McMinnville Comprehensive Plan, Volume I, by Adopting the November 2023 “McMinnville Housing Needs Analysis” and the November 2023

“McMinnville Economic Opportunities Analysis”, and Repealing Ordinances No. 4746 and 4976.

Ms. Richards reminded the Council this is the adoption of the Housing Needs Analysis and Economic Opportunities Analysis and stated there is a summary of the two in the packet. The first reading was heard on November 28, 2023. Listed the four documents that would be adopted, amending the comprehensive plan, volume I, and repeals Ordinances No. 4746 and 4976. She stated the analysis describes a housing land need of 202 acres serving the City from 2021 to 2041 to meet the population forecast. Also shows an employment land need of 188 acres, (29 industrial acres, 159 commercial acres) and 32 acres of public/institutional land need for a total of 422 acres.

Ms. Richards stated per ORS 197.296, the city needs to submit a Housing Capacity Analysis and Buildable Lands Inventory by December 31, 2023. The work plan was submitted to the Yamhill County Board of Commissioners and then submitted to the Department of Land Conservation and Development (DLCD) for review. They approved the work plan in early February and extended the deadline for submitting the needs analysis to February 29, 2024. Talked about the population forecast and planning horizon. Shared the next steps and the things to look at for land and rezoning opportunities. Stated this work meets two of the City Council's goals one being Housing and the other being Growth and Development Character adopted in the MacTown 2032 strategic plan.

There was discussion about the timeline of the next Urban Growth Boundary (UGB) expansion and regarding the involvement of sequential UGB processes. Ms. Richards talked about a new program in the Governor's Housing Bill is the development of a housing production accountability office.

Council President Garvin stated the Ordinance did not have a unanimous vote at the November 28, 2023 Council Meeting requiring a second reading to be conducted.

No Councilor present requested the Ordinance be read in full.

City Attorney David Ligtenberg read by title only Ordinance No. 5141.

Councilor Chenoweth MOVED to adopt Ordinance No. 5141, Adopting the November 2023 “McMinnville Urbanization Report”, and Updating the McMinnville Comprehensive Plan, Volume I, by Adopting the November 2023 “McMinnville Housing Needs Analysis” and the November 2023 “McMinnville Economic Opportunities Analysis”, and Repealing Ordinances No. 4746 and 4976.; SECONDED by Councilor Menke. Motion PASSED 4-1 by the following vote:

*Aye – Councilors Chenoweth, Garvin, Menke, and Peralta,
Nay – Councilors Geary*

- 8.b. Consider first reading with possible second reading of **Ordinance No. 5142**: An Ordinance Adopting the Fox Ridge Road Area Plan and its Appendices as Supplemental Document to the McMinnville Comprehensive Plan.

Council President Garvin asked if any Councilor needed to declare any conflict of interest or recuse themselves. There was none.

Senior Planner Tom Schauer and introduced consultant Thuy Cao from Harper Houf Peterson Righellis Inc. (HHPR). Ms. Cao shared a PowerPoint presentation and Mr. Schauer provided background of the Ordinance. Ms. Cao covered the framework of the area plan. Mr. Schauer covered the planning process for this area plan including the five major parts of the project. Talked about the plan narrative, the visions, goals, and policies, and the area plan map. Mr. Schauer shared the written testimony received and the five people testified all indicating testifying in support of the plan during the public hearing at the Planning Commission. Mr. Schauer shared the planning commission's recommendation for the Council and provided the four options for the Council to consider.

There was discussion about the framework plan acreage and there was clarification on differences in lot sizes between low-density residential vs. medium-density residential.

There was consensus about moving forward with Ordinance No.5142 as presented.

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

City Attorney David Ligtenberg read by title only Ordinance No. 5142.

Councilor Menke MOVED to pass Ordinance 5142 to a second reading; SECONDED by Councilor Geary. Motion PASSED unanimously 5-0.

City Attorney David Ligtenberg read by title only for a second time Ordinance No. 5142.

Councilor Chenoweth MOVED to adopt Ordinance No. 5142, Ordinance Adopting the Fox Ridge Road Area Plan and its Appendices as Supplemental Document to the McMinnville Comprehensive Plan; SECONDED by Councilor Menke. Motion PASSED unanimously 5-0.

9. ADJOURNMENT: Council President Garvin adjourned the meeting at 8:34 p.m.

Claudia Cisneros, City Recorder

MINUTES OF JOINT SCHOOL BOARD OF DISTRICT NO.40 &
CITY COUNCIL WORK SESSION MEETING
Held via Zoom and McMinnville School District Office

Monday, March 18, 2024 at 6:30 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Claudia Cisneros

| | | |
|-------------|--------------------------------|---------------|
| Councilors: | <u>Present</u> | <u>Absent</u> |
| | Adam Garvin, Council President | |
| | Kellie Menke | |
| | Zack Geary | |
| | Chris Chenoweth | |
| | Jessica Payne | |
| | Sal Peralta | |

| | | |
|--------------------------------|--------------------|---------------|
| School Board Commissioners: | <u>Present</u> | <u>Absent</u> |
| | Jason Bizon, Chair | |
| | Abbie Warmbier | |
| | Lu Ann Anderson | |
| | Carson Benner | |
| | Gerardo Partida | |
| | Doris Towery | |
| | Larry Vollmer | |

Also present were City Recorder Claudia Cisneros, City Manager Jeff Towery, City Attorney David Ligtenberg, Chief of Police Matt Scales, Parks & Recreation Director Susan Muir, and Finance Director Jennifer Cuellar.

School District Administration: Superintendent Debbie Brockett, Board Secretary Cherice Bowden, Finance Director Jason Hall, Director Brian Crain, Director Steffanie Frost, Director Kourtney Ferrua, and IT Director Hiran Amarasinghe

1. CALL TO ORDER: Mayor Drabkin & Chair Bizon called the meeting to order at 6:33 p.m.

Commissioner Brenner and Councilor Geary provided a brief history of Joint Work Sessions. The goal is to get together on a regular and share what is going on with each organization.

Mayor Drabkin stated would like to continue to have a quarterly joint work session. She announced the “If I were Mayor” student contest is still open and the deadline to submit applications is on Friday, March 22, 2024. Informational flyers were distributed to members of the audience.

2.

SCHOOL IMPACTS

Mayor Drabkin talked about the increase in prohibited parking and the ongoing issue of camping. Mayor Drabkin talked about the buffer zones around school zones. A map of the current camping enforcement was shared. City Manager Towery explained the camping enforcement map and talked about how the enforcement would not change if the buffer zones were implemented. The Council and School Board of Directors discussed the buffer zones.

The two schools mentioned as consideration for safe zones are Sue Buel and Patton Middle School. They discussed determining if 250, 500, or 1,000 feet would be the safest option without putting the City at risk for lawsuits.

There was discussion about the City and School Board working with the Yamhill County Commissioners on safe zones. Mr. Towery provided next steps to set up a meeting with Superintendent Brockett and Health & Human Services (HHS) Director Lindsey Manfrin and then provide a report back to both bodies.

3.

CAPITAL BONDING

Director Jason Hall introduced Managing Director Lauren MacMillan from Piper Sandler and shared a PowerPoint presentation providing a high-level overview of bonds. Mr. Hall and Ms. MacMillan covered the following topics: Timeline, general obligations of bonds, use of proceeds, historical interest rates, election dates and voter turnout requirements, odds for either May vs. November election, and outstanding GO bonds.

4.

REPORT ON AFTER SCHOOL CARE

Superintendent Brockett provided a background of the Kids on the Block program, which was a way to provide after-school care. This program was a joint collaboration with the city and school district. This program was funded by events, but Kids on the Block is no longer fundraising. Ms. Brockett talked about the intergovernmental agreement with Campfire and needing to find other revenue sources and fundraising for scholarships.

There was discussion to have Campfire present at the next quarterly meeting in June and crafting a joint work session to further long-range planning. There was discussion regarding the obstacles of the program and barriers beyond cost for enrollment.

3. ADJOURNMENT: Mayor Drabkin & Chair Bizon adjourned the Joint Work Session Meeting at 8:53 p.m.

Claudia Cisneros, City Recorder

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

Tuesday, March 26, 2024, at 6:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Daniel Ruiz

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|-------------|---|---------------|
| Councilors: | <u>Present</u> | <u>Absent</u> |
| | Adam Garvin, Council President (via Zoom) | Sal Peralta |
| | Kellie Menke | |
| | Zack Geary | |
| | Chris Chenoweth | |
| | Jessica Payne | |

Also present were City Manager Jeff Towery, City Attorney David Ligtenberg, City Recorder Claudia Cisneros, Deputy City Recorder Daniel Ruiz, Community Development Director Heather Richards (via zoom), Community & Engagement Manager Noelle Amaya, Public Works Director Geoff Hunsaker, Human Resources Manager Vicki Hedges, Special Project Manager Jody Christensen, Building Official Stuart Ramsing (via zoom), and *members of the News Media- Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Remy Drabkin called the meeting to order at 6:00pm

2. DEI ORGANIZATIONAL ASSESMENT

Community & Engagement Manager Noelle Amaya introduced the agenda topic and introduced Special Project Manager Jody Christensen.

Ms. Amaya introduced Talitha Consults Consultants Charis Hnin. Ms. Hnin introduced the rest of the Talitha Consultants members, Eugene Marmaziuk, Carol Rozumalski & Luz Boys,

The Talitha Consults team presented a PowerPoint presentation regarding the Organizational Assessment Initiative (CMAI) for the City of McMinnville. included information about Talitha Consults LLC, the timeline for the assessment and process.

There was discussion about:

- Talitha engaging with other organizations, and City Department heads.

- How Talitha would be making recommendations to the city to correct compliance related issues in terms of government programs and grants and qualifications.
- If there were any additional steps the city could take before the assessment is complete.

3. ADJOURNMENT: Mayor Remy Drabkin adjourned the Work Session at 6:48 p.m.

Daniel Ruiz, Deputy City Recorder

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

Tuesday, March 26, 2024 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

| | | |
|-------------|--------------------------------|---------------|
| Councilors: | <u>Present</u> | <u>Absent</u> |
| | Adam Garvin, Council President | Sal Peralta |
| | Kellie Menke | |
| | Zack Geary | |
| | Chris Chenoweth | |
| | Jessica Payne | |

Also present were City Manager Jeff Towery, City Attorney David Ligtenberg, City Recorder Claudia Cisneros, Deputy City Recorder Daniel Ruiz, Community Development Director Heather Richards, Public Works Director Geoff Hunsaker, Special Project Manager Jody Christensen, Human Resources Manager Vicki Hedges, Building Official Stuart Ramsing (via zoom) and *members of the News Media- Phil Guzzo McMinnville Community Media and Scott Unger News-Register (via Zoom).*

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

2. PLEDGE OF ALLEGIANCE

City Manager Jeff Towery led the pledge of allegiance.

3. PROCLAMATIONS

3.a. Parkinson's Awareness Month Proclamation

Mayor Drabkin read the proclamation declaring April 2024 as Parkinson's Awareness Month Proclamation.

4. ADVICE/ INFORMATION ITEMS

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

Councilor Payne said the Local Public Safety Coordinating Council (LPSCC) review was going to meet this week and the Landscape review committee met last week.

Councilor Menke gave an update on the YCAP Preliminary Point-In-Time (PIT) Annual Homeless Count Report along with YCAP Development Director Lavern Pitts and Deputy Director Amber Hansen.

There was discussion regarding the data collection and comparisons to previous years' reports.

Councilor Menke stated the Affordable Housing Committee would be meeting tomorrow and will review a quick summary on state legislation regarding transitional housing.

Councilor Chenoweth stated the Parkway Committee met and discussed the Community Workforce Agreement for the next phase of the Newberg-Dundee Bypass.

Councilor Geary stated MURAC would be meeting next week, Council is up to speed on DEIAC from the Work Session last week and the Stormwater & Utility Advisory Committee met last week.

Council President Garvin gave an update on the Fire District stating the delivery of a new ambulance and the hiring of a new Finance Manager and Administrative Services Director. He also stated Visit McMinnville met last week and discussed the budget for this fiscal year trending lower than expected.

Mayor Drabkin gave an update on the congressionally directed spending requests for two projects this year, one related to a sewer upgrade for a pipe located near the NW Rubber site and the other a sidewalk repair program for low-income neighborhoods. She gave a follow-up from the Joint City Council and McMinnville School District Board meeting and next steps to bring draft language to an April Council Meeting to address safety zones/extension zones and explore the use of the word "established" in city code. She referenced an Oregon-based non-profit called "politisit.org", a parent-to-parent volunteer-based childcare program for parents of young children who would like to be civically engaged.

Department Head Reports

Jeff Towery followed up on the two items that came out of the Joint City Council & McMinnville School Board Meeting from last week. Mr. Towery also mentioned the County Commissioners passed an intergovernmental agreement for mobile healthcare and gave an update on staffing for the Police Department.

Community Development Director Richards gave an update on the Innovation Campus Center and new staffing in the Planning Department.

Human Resources Director Hedges gave an update on the job classification and pay equity analysis work being done.

5. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT:
Mayor Drabkin invited the public to comment.

John Gallup, McMinnville community member, discussed loud and fast traveling vehicles.

Mark Shepherd, McMinnville community member, discussed loud and fast traveling vehicles.

William Sykes, McMinnville community member, discussed loud vehicles.

Dan Hilbert, McMinnville community member, discussed loud vehicles.

6. PRESENTATION

- 6.a. McMinnville Water & Light Update – General Manager John Dietz

General Manager Dietz presented a PowerPoint Presentation. Mr. Dietz spoke about the Marsh Lane boulder project and the ice storm in 2024.

There was discussion regarding the potential removal of the lower-level dam and how much power it produces.

7. CONSENT AGENDA

- a. Consider the Minutes of the October 10, 2023, City Council Regular Meeting.
- b. Consider the Minutes of the October 18, 2023, City Council Work Session Meeting.
- c. Consider the Minutes of the October 24, 2023, City Council Regular Meeting.
- d. Consider the Minutes of the March 17, 2021, City Council Work Session Meeting.
- e. Consider the Minutes of the March 23, 2021, City Council Regular Meeting.
- f. Consider **Resolution No. 2024-15**: A Resolution appointing representatives to the Economic Vitality Leadership Council.

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

8. RESOLUTIONS

- 8.a. Consider **Resolution No. 2024-11**: A Resolution authorizing the City Manager to amend by Change Order the contract with Fackler Construction Company for the Construction Manager/General Contract for the AnyDoor Place, a McMinnville Navigation Center.

Special Project Manager Christensen and YCAP Deputy Director Amber Hansen provided the changes to the contract.

Councilor Chenoweth MOVED to approve Resolution No. 2024-11; SECONDED by Councilor Menke. Motion PASSED 5-0.

- 8.b. Consider **Resolution No. 2024-16**: A Resolution adopting a fiscal year 2023-24 budget amendment for the Fire District Transition Fund and a General Fund Contingency Transfer budget amendment.

City Manager Towery stated this would be a supplemental budget for the final setup of the one-time payment related to the transition of the McMinnville Fire District. Mr. Towery provided the three aspects of the supplemental budget.

Councilor Menke MOVED to approve Resolution No. 2024-16; SECONDED by Councilor President Garvin. Motion PASSED 5-0.

9. ORDINANCES

- 9.a. Consider the first reading with a possible second reading of **Ordinance No. 5143**: An Ordinance Repealing all Campaign Finance and Disclosure Requirements of Chapter 2.10 of the McMinnville Municipal Code.

Mayor Drabkin asked if any Councilor needed to declare any actual or potential conflicts of interest or recuse themselves regarding this ordinance. There was none.

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

City Attorney Ligtenberg read by title only Ordinance No. 5143.

Mr. Ligtenberg stated this topic was brought to Council at a previous work session meeting. The recommendation was to bring the Ordinance forward as stated and repealing the City Campaign Finance and Disclosure requirements.

Councilor Chenoweth MOVED to pass Ordinance No. 5143 to a second reading; SECONDED by Councilor President Garvin. Motion PASSED 5-0 by the following vote:

*Aye – Councilors Garvin, Geary, Payne, Menke, and Chenoweth
Nay – None*

City Attorney Ligtenberg read by title only for a second time Ordinance No. 5143.

Councilor Menke MOVED to adopt Ordinance No. 5143, An Ordinance Repealing all Campaign Finance and Disclosure Requirements of Chapter

2.10 of the McMinnville Municipal Code.; SECONDED by Council President Garvin Motion PASSED 5-0 by the following vote:

*Aye – Councilors Garvin, Geary, Payne, Menke, and Chenoweth
Nay – None*

10. ADJOURNMENT: Mayor Drabkin adjourned the meeting at 8:42 p.m.

Daniel Ruiz, Deputy City Recorder

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

Tuesday, May 14, 2024 at 6:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Daniel Ruiz

| | | |
|-------------|---|---------------|
| Councilors: | <u>Present</u> | <u>Absent</u> |
| | Adam Garvin, Council President (via Zoom) | Zack Geary |
| | Kellie Menke | |
| | Chris Chenoweth (via Zoom) | |
| | Jessica Payne | |
| | Sal Peralta | |

Also present were City Manager Jeff Towery, City Recorder Claudia Cisneros, Deputy City Recorder/Executive Assistant Daniel Ruiz, Special Legal Counsel Carrie Richter, Public Works Director Geoff Hunsaker, Special Projects Manager Jody Christensen (arrived at 6:46 p.m.) Police Chief Matt Scales (arrived at 6:48 p.m.), Community Development Director Heather Richards (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media, and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Council Mayor Drabkin called the meeting to order at 6:00 p.m. and welcomed all in attendance.

2. QUASI-JUDICIAL AND LEGISLATIVE TRAINING:

Special Legal Counsel Carrie Richter from Bateman & Seidel, shared the City Council Land Use Training PowerPoint. Ms. Richter covered the following topics:

- Oregon's Land Use Planning Framework
- Senate Bill 100 and Statewide Planning Goals
- Land Use Planning in McMinnville
- Reviewed Categories of Decisions
- Reviewed Procedure: Predictability and a Level Playing Field
- 120-Day Rule Requirements
- Public Hearing Rolls & Responsibilities
- Right to an Impartial Tribunal Decision

Ms. Richter ran out of time and stopped the presentation on the Public Meetings and Records Requirements topic. There was consensus from the Council to bring back Ms. Richter for a future work session to cover the remainder of the presentation.

3. ADJOURNMENT: Mayor Drabkin adjourned the meeting at 6:59 p.m.

Claudia Cisneros, City Recorder

DRAFT

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

Tuesday, May 14, 2024 at 7:00 p.m.

Presiding: Remy Drabkin, Mayor

Recording Secretary: Daniel Ruiz

| Councilors: | <u>Present</u> | <u>Absent</u> |
|-------------|--------------------------------|---------------|
| | Adam Garvin, Council President | Zack Geary |
| | Kellie Menke | |
| | Chris Chenoweth (via Zoom) | |
| | Jessica Payne | |
| | Sal Peralta | |

Also present were City Manager Jeff Towery, City Attorney David Ligtenberg, City Recorder Claudia Cisneros, Deputy City Recorder/Executive Assistant Daniel Ruiz, Public Works Director Geoff Hunsaker, Police Chief Matt Scales, Community Development Director Heather Richards (via Zoom), and *members of the News Media – Phil Guzzo McMinnville Community Media, and Scott Unger News-Register (via Zoom).*

1. CALL TO ORDER: Mayor Drabkin called the meeting to order at 7:02 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE

Councilor Payne led the pledge of allegiance.
3. PROCLAMATIONS
 - 3.a. National Emergency Medical Services Week Proclamation

Mayor Drabkin read the proclamation declaring the week of May 19th – 25th, 2024 as National Emergency Medical Services Week.
 - 3.b. National Public Works Week Proclamation

Mayor Drabkin read the proclamation declaring the week of May 19th – 25th, 2024 as National Public Works Week.
 - 3.c. National Police Week Proclamation

Mayor Drabkin read the proclamation declaring the week of May 12th – 18th, 2024 as National Police Week.

4. INVITATION TO COMMUNITY MEMBERS FOR PUBLIC COMMENT:
Mayor Drabkin invited the public to comment.

There were no public comments.

5. ADVICE/ INFORMATION ITEMS

- 5.a. Reports from Councilors on Committee & Board Assignments

Councilor Menke stated YCAP will finally get its audit closed.

Councilor Payne stated Landscape Review has canceled the last two meetings, for the local public safety coordinating council had the honor of meeting with Community Partners and consultants to participate in a strategic planning session for the hopeful creation of a Family Justice Center.

Councilor Peralta stated the COG Legislative Committee meets tomorrow and the MCM11 Committee meets next week.

Councilor Chenoweth stated MEVLC met and discussed the accomplishments of Representative Lucetta Elmer and discussed the housing bill that passed.

Council President Garvin said YCOM got moved for two weeks out due to scheduling conflicts, the Airport Commission will be meeting next Tuesday 5/21 and Council will see a contract on the 5/28 agenda from the Airport Commission Meeting. Visit McMinnville meets tomorrow, CEO Jeff Knapp took a position with Visit Bend, and they will be doing recruitment for the position. The Fire District will be doing a State of the District at the Community Fair on the 30th and be providing an update on all things Fire District.

Mayor Drabkin shared a book with the Council at the end of last year which has sparked community conversations, particularly with First Presbyterian Church. Pastor Johnson has partnered with an organization called Braver Angels and will be holding two upcoming events. Reminded Council if haven't done their one-on-one with her to reach out and get scheduled. Met the new Homeward Bound Executive Director and also met with ZeroWaste regarding their new goals. Lastly, Edible Landscape will be applying for a grant establishing a commercial kitchen. Will be meeting twice this week with EMPWR and the Belgium consulate will be coming later in the week.

- 5.b. Department Head Reports

City Manager Towery shared the status of the IGA with Yamhill County on the community outreach services and provided a status report with statistics on the Mobile Crisis Team (COS). The budget committee meetings will convene next Wednesday, Thursday, and Friday as needed.

Special Project Manager Christensen stated the Third Street Improvement Project will have a community forum on Monday, May 20th at Council Chambers from 5:00 pm – 7:00 pm, there will be an update on the project and look at the design elements for the project. Will be hosting the Project Advisory Committee meeting on May 31st from 1:00 pm – 5:00 pm in the Conference Room at Civic Hall and should have cost estimates for design and an update on the latest tree survey.

Police Chief Scales provided an update on the new Ordinance for prohibited camping, stated officers have completed training and have flyers regarding the new Ordinance to hand out. Gave an update regarding hiring. Reminded Council of his extended leave starting May 15th, Captain Symons will be the point of contact and Captain Fessler will be attending the Budget meeting next week.

6. CONSENT AGENDA

- a. Consider **Resolution No. 2024-22**: A Resolution authorizing the City Manager to amend the timeline by Change Order to the contract with Fackler Construction Company for the Construction Manager/General Contract for the AnyDoor Place, a McMinnville Navigation Center, changing the substantial completion date from May 24 to June 30, 2024.
- b. Consider **Resolution No. 2024-24**: A Resolution authorizing the City Manager to execute a contract for the 2024 Pavement Patching project, Project 2024-4, with K & E Paving, Inc. dba H & H Paving.

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

7. RESOLUTIONS

- 7.a. Consider **Resolution No. 2024-21**: A Resolution adopting a fiscal year 2023-24 budget amendment for the Fire District Transition Fund.

Mr. Towery stated this is the last action regarding the transition of the Fire District and the City, stated the debt associated with purchasing a new fire truck was not transferred to the district, and payment of this debt is due at the end of the fiscal year. The lender declined to reassign the debt to the District so debt remains on the City's books. The resolution allows the City to receive the revenue from the District and pay off the debt of the fire truck.

Council President MOVED to approve Resolution No. 2024-21, adopting a fiscal year 2023-24 budget amendment for the Fire District Transition Fund; SECONDED by Councilor Peralta. Motion PASSED 5-0.

8. ADJOURNMENT: Mayor Drabkin adjourned the meeting at 7:27 p.m.

Claudia Cisneros, City Recorder



STAFF REPORT

DATE: May 14, 2024
TO: Mayor and City Councilors
FROM: Claudia Cisneros, City Recorder
SUBJECT: Request to Permit a Waiver of the Noise Ordinance from Pastor Zach Lamberson, from CalvaryMac for church services on June 9th, July 14th, August 11th, and September 8th, 2024.

Report in Brief:

This action is the consideration of a request to permit a waiver of the Noise Ordinance.

Background:

Pastor Zach Lamberson from CalvaryMac, would like to hold outdoor church services on Sunday, June 9th, July 14th, August 11th, and September 8th, 2024, from 8:00am to 12:00pm at CalvaryMac church campus on 1825 NW 2nd Street. The event will have amplified noise and anticipate roughly 400 patrons in attendance. If approved by Council the City will be requesting them to notify all residents/businesses within a block radius at a minimum.

The McMinnville Municipal Code, Section 8.10.260, specifies that:

A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.

E. The prohibition described in this section do not apply to:

1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code.

In granting previous waivers, the City has requested that the applicant provide notice in advance to affected neighbors.



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Administration**
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McMinnville, OR 97128
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www.mcminnvilleoregon.gov

Attachments:

1. McMinnville Municipal Code (MMC) section 8.10.260 Noises.

Fiscal Impact:

There is no anticipated fiscal impact.

Recommendation:

Should the Council choose to vote in favor of a motion allowing this waiver, the City Manager will write a letter to Pastor Zach Lamberson, letting him know that he has the Council's approval.

8.10.260 Noise.

- A. A person in charge of a premises must not permit, allow or cause to exist any loud, disturbing or unnecessary noise that is injurious or detrimental to the health, safety or peace of other persons or property.
- B. It is prohibited for any person on a public way to cause to exist any loud, disturbing or unnecessary noise that either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of other persons or property.
- C. For the purposes of this section, noise exceeding the following thresholds when measured 25 feet from the source if in the right-of-way or 25 feet from the property line if the source is on private property, is presumed to be a nuisance in violation of subsection [A](#) of this section:

| ZONE | 7:00 a.m. to 8:00 p.m. | 8:00 p.m. to 7:00 a.m. |
|------------------|------------------------|------------------------|
| Residential | 55 dBA | 50 dBA |
| Commercial | 60 dBA | 55 dBA |
| Light Industrial | 70 dBA | 65 dBA |
| Industrial | 80 dBA | 75 dBA |

- D. For the purposes of this section, "loud, disturbing or unnecessary noise" includes but is not limited to the following substances, conditions or acts:

1. *Animals and Birds.* The keeping of any bird or animal that disturbs the comfort and repose of any person in the vicinity by causing frequent or long continued noise;
2. *Dog Barking.* The keeping of a dog that barks for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper;
3. *Animal Bells.* The attaching of a bell to any animal or allowing a bell to remain on any animal that is disturbing to any person in the immediate vicinity;
4. *Vehicle Noises.* The use of any vehicle or engine, either stationary or moving, in a manner that causes or creates any loud or unnecessary grating, grinding, rattling or other noise, including the discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any

street, public or private place, except as a necessary warning of danger;

6. *Nonemergency Signaling Devices.* The sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than 10 consecutive seconds in any hourly period, except that the reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the city for traffic control purposes are exempt;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;

9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the city manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;

10. *Blowers and Similar Devices.* The operation of any noise-creating blower, power fan, power tools, or any internal combustion engine in a manner the operation of which causes noise due to the explosion of operating gases or fluids:

- a. In a residential district or noise sensitive areas between the hours of 8:00 p.m. and 7:00 a.m.; and
- b. In a manner that can be heard by persons on nearby residential property.

11. *Commercial Establishments Adjacent to Residential Property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., that is plainly audible to persons on any nearby residential property.

E. The prohibition described in this section do not apply to:

- 1. Activities occurring within the scope of any permit issued by the city under the provisions of the McMinnville Municipal Code;
- 2. Emergency response activities;
- 3. Vehicles performing repairs or upgrades in the right-of-way, including but not limited to street



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City of McMinnville

Administration

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sweeping, sewer cleaning, construction and maintenance activities occurring between the hours of 7:00 a.m. and 8:00 p.m.

F. In addition to any corrective action ordered by the city, a person found to have violated the provisions of this section may be assessed a civil penalty. The amount of the civil penalty assessed for each day of continuing violation will not exceed the amount established for a Class 5 code violation. (Ord. 5079 §1 (Exh. 1 (part)), 2019).

STAFF REPORT

DATE: May 28, 2024
TO: McMinnville City Council
FROM: Jody Christensen, Special Projects Manager
SUBJECT: Resolution No. 2024-27 for Mid-Willamette Valley Council of Governments and Chapul Farms Grant

STRATEGIC PRIORITY & GOAL:



ECONOMIC PROSPERITY

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.

Report in Brief:

This is consideration of Resolution No. 2024-27.

Resolution No. 2024-27 will direct the Mid-Willamette Valley Council of Governments, acting as the Economic Development District, to work with Chapul Farms on the Federal Environmental Protection Agency Community Change Grant on behalf of the City Council.

Background:

Chapul Farms is an area business seeking a Federal Environmental Protection Agency (EPA) Community Change Grant. The application is for funding for a proposed ReCircle Insect Farm Facility project.

This project's approach to upcycling pre-consumer food waste into agricultural products could serve as a model for similar initiatives. By aiming to convert 22 million pounds of local food waste into 3,000 tons of fertilizer and 1,500 tons of animal feed each year, Chapul Farms hopes to reduce methane emissions and nutrient loss, supporting the State of Oregon's environmental objectives. Additionally, they have projected the creation of 40-60 new jobs in AgTech and green sectors.

Chapul Farms is seeking to work on the grant application and administration with the Mid-Willamette Valley Council of Governments (COG), which serves as the Economic Development District for the region.

Discussion:

The Mid-Willamette Valley COG is seeking action by the City Council to direct COG staff to work with Chapul Farms on the City's behalf for economic development.

Attachments:

1. Resolution No. 2024-27

Fiscal Impact:

No fiscal impact. This action does not commit the city to any staff support or financial responsibility of the grant writing and/or administration.

Recommendation:

Staff recommends that the City Council adopt Resolution No. 2024-27

RESOLUTION NO. 2024-27

A Resolution directing the Mid-Willamette Valley Council of Governments, acting as the Regional Economic Development District, to work with Chapul Farms on the Federal Environmental Protection Agency Community Change Grant on behalf of the City Council.

RECITALS:

Whereas, economic prosperity was identified in the Mac Town 2032 Economic Development Strategic Plan; and

Whereas, Chapul Farms, an area business focused on sustainability, is seeking federal funding to build a facility; and

Whereas, the Mid-Willamette Valley Council of Governments acting as the Regional Economic Development District, has been asked by Chapul Farms to provide application and grant management for the Environmental Protection Agency Community Challenge Grant; and

Whereas, the City of McMinnville is a member of the Mid-Willamette Valley Council of Governments; and

Whereas, as stated in the Mac Town 2032 Economic Development Strategic Plan, the Council seeks to provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors, and

Whereas, this resolution does not have a fiscal impact in terms of staff support or financial resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. The City Council hereby authorizes the Mayor to sign this resolution.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024, by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

Final Action:

Approved ☐ Disapproved ☐

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Fair Moon Wine Co.

BUSINESS LOCATION ADDRESS: 527 NE 8th Street

LIQUOR LICENSE TYPE: Winery primary 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: N/A

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 ☐

Chief of Police / Designee

City Manager / Designee

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☒ [New Outlet](#) | ☐ [Change of Ownership](#) | ☐ [Greater Privilege](#) | ☐ [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☒ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

☐ Limited On-Premises

☐ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT

After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received: May 17, 2024

Optional: Date Stamp Received Below

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied
- ☐ No Recommendation/Neutral

Printed Name

Date

Signature

Fair Moon Wine Co.

Trade Name



City of McMinnville

STAFF REPORT

DATE: May 28, 2024
TO: Jeff Towery, City Manager
CC: Matt Scales, Police Chief; Jenny Berg, Library Director; Heather Richards, Community Development Director; Susan Muir, Parks and Recreation Director; Scott Burke, Information Services Director; David Ligtenberg, City Attorney
FROM: Jennifer Cuellar, Finance Director
SUBJECT: FY2023-24 Supplemental Budget Resolution Year End Review



CITY GOVERNMENT CAPACITY

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

Report in Brief: The Supplemental Budget resolution addresses budget adjustments needed after conducting the year-end budget review. These added appropriations will be funded with appropriation transfers, contingency transfers and/or offsetting revenues.

Discussion of Resolution Action:

Oregon Revised Statute (ORS) 294.471 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.

Over the course of the current fiscal year, some new circumstances have arisen that form the basis for this year-end budget amendment package.

All but two of these supplemental budget actions do not exceed a 10% change in expenditures, allowing the budget amendment to be made by Council resolution. This group of budget amendments will be addressed together in one resolution.

Two supplemental budgets, the Parks Development Fund and Insurance Services Fund, do contain changes that do exceed a 10% change in budgeted expenditures, so a public budget hearing on these proposed actions is also scheduled for May 28, 2024. It will take place prior to Council consideration of the separately proposed FY2023-24 supplemental budget resolution addressing these two budget amendments.

Four of the actions are being taken because of a needed increase in the "transfers out" budget category. Because transfers from one fund to another are not included in the larger program category appropriation and is a separate budget category of its own, whenever a change in transfers out is needed, even if it is a small amount as is the case in the FY2023-24 related proposed actions, it almost invariably will need a budget amendment in order to avoid a budget law violation.

Two of the actions include a contingency transfer. These are governed by ORS 294.463(2) and have a requirement that if it is for more than 15% of total fund appropriations, the action requires a public budget hearing. The Park Development and Insurance Services Funds both include contingency transfers of less than 15% and do not

need a hearing on that basis. However, as noted above, these two actions include changes in expenditure of more than 10% and, on that basis, a public budget hearing for both funds is scheduled.

The following describes the reason for each budget amendment, the amount requested and the type of budget amendment.

General Fund

The following represent General Fund expenditures not known at the time of preparing the FY2023-24 budget and will be added to the appropriation for that budget year:

1. Administration: a grant from the State of Oregon was received to offset the environmental studies of the acquired Alpine District property; this grant was not known at the time the FY2023-24 budget was adopted. These expenses (\$64,658) will be offset by grant funds (\$57,614) and a transfer in from the Urban Renewal fund for the grant match balance (\$7,044).
2. Municipal Court and Non-departmental: expenses in both department's program appropriation categories are trending very close to budget so to be on the safe side, an increased appropriation is merited. As Finance Department costs are quite a bit lower than anticipated because two budgeted, limited-duration staff positions were not hired, an appropriation transfer of \$10,000 from Finance to Municipal Court and another \$10,000 to Non-departmental program is proposed.
3. Police Department: the actual cost of YCOM-911 emergency communications services is higher than budgeted. Because YCOM's services are paid for by the Emergency Communications Fund, the General Fund outlay is a transfer out to that fund. An appropriation transfer from a program appropriation category to the General Fund transfer out category of \$5,500 is needed to avoid a budget violation. While the PD does appear to have enough program budget to cover this, because there's more uncertainty and larger dollar amounts in outlays over the last two months of the year in the Police Department than there is in Finance, the Finance program appropriation will be the source of this \$5,500.
4. Library: the Library received a grant from the Yamhill Community Care Organization for \$150,000 which was not known at the time this year's budget was put together and adopted. \$100,000 of the total is anticipated to be spent in FY2023-24. The expansion of the Library of Things program's new appropriation of \$100,000 will be offset by this revenue, having no net impact on the General Fund overall.
5. Non-departmental transfers out: The Information Services (IS) fund will be spending more this year than anticipated in technology that support a handful of different American Rescue Plan Act (ARPA) approved projects. Because these funds are held in General Fund's committed funds, a transfer out from the General Fund is required to pass the dollars on to the IS fund. An appropriation transfer of \$50,000 to the transfer out category from the Designated Ending Fund Balance-Committed funding is proposed.

The supplemental appropriation total for the General Fund is \$164,658 funded by new grant revenues. A total of \$75,500 in appropriation transfers within the fund will be done as well, resulting in zero net impact on the total General Fund appropriation level. These amendments are under 10% change in the fund's expenses and thus do not require a budget hearing.

Affordable Housing Fund

The initial budget estimate for the first full year of the Construction Excise Tax (CET) was \$500,000. As of the first week of May, receipts for CET exceeded this amount. Of all CET revenue, 4% is transferred out of the fund to pay for the administrative cost of collecting these dollars, paid for in the Building Fund, as well as for administrative support services provided by General Fund staff. As noted above, when an increase in transfer out category appropriations is needed, a budget amendment will likely follow. An increase in CET revenues will be conservatively calculated from the budget law perspective of \$300,000, which generates \$12,000 in new transfers out to the Building Fund. The \$288,000 balance will be allocated to ending fund balance as any additional revenue generated this year will be held for future programming needs.

This amendment represents a change under 10% in expenses and thus does not require a budget hearing.

Building Fund

The \$12,000 in transfers out from the Affordable Housing Fund is a new transfer in of budgeted revenue to the Building Fund. This will be offset by an increase to the Building Fund program appropriation by the same amount.

This amendment also represents a change under 10% in expenses and does not require a budget hearing.

Emergency Communications Fund

The budget appropriation amendment mentioned above in the General Fund for the higher actual YCOM cost this year relative to its FY2023-24 budget also impacts the Emergency Communications Fund. Transfer In revenue category will offset the YCOM expense appropriation addition of \$5,500.

This budget increase is a change of less than 10% in the fund's budgeted expenses and, accordingly, does not require a public budget hearing.

Information Services Fund

The Information Services Fund's budget amendment is related to the fifth General Fund budget amendment noted earlier in the staff report. Technology spending is centralized in this fund and a handful of ARPA approved projects are included in these technology costs. The IS department is also managing three technology projects supported by this multi-year funding source. The timing of some of these expenditures in these projects has been adjusted, the unknown circumstance necessitating this budget amendment of \$50,000 for the FY2023-24 period. These costs will be offset by Transfer In revenue category dollars from the General Fund.

This amendment represents a change under 10% in IS appropriated expenses, meaning no budget hearing is required under statute.

Park Development Fund

This fund has held the costs associated with the Park and Recreation Open Space Plan update. The PROS project has made great progress towards completion recently and we have the opportunity to continue the momentum. Expenses anticipated to come in the next fiscal year have been rescheduled to happen in the current year. To add appropriation authority for this activity, a FY2023-24 contingency transfer in the amount of \$62,500 will be made to the Park Development fund's program category.

Because the FY2023-24 expenses in the fund are increased by more than 10% with this contingency transfer, a budget public hearing will be required. It was noticed on May 17, 2024, and will take place prior to Council consideration of the budget resolution, a requirement in these circumstances.

Insurance Services Fund

This year's Insurance Services Fund budgeting had particular uncertainty given the fire district transition as well as challenges associated with projecting insurance cost increases in the inflationary environment. An increase of \$216,500 in its FY2023-24 program budget is proposed. Of that amount, \$139,500 will be offset by higher revenues and the balance of \$77,000 will be a contingency transfer.

Because the FY2023-24 expenses in the fund are increased by more than 10%, a budget public hearing will be required. It was noticed on May 17, 2024, and will take place prior to Council consideration of the budget resolution, a requirement in these circumstances.

Fiscal Impact:

The General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund and Building Fund actions are all either supported by new grants, other revenue increases or appropriation transfers which result in no change to the bottom line of these funds.

The Park Development Fund and Insurance Services Fund include contingency transfers that are well within the contingency levels budgeted. Both funds' reserves (defined as unappropriated ending fund balance + contingency) remain above the fund balance policy target of two months of operating.

Council Options:

1. Approve the resolutions authorizing these FY2023-24 budget amendments that address needs identified in the Year-End Review (staff recommendation).
2. Reject the budget amendment resolutions which could result in Oregon Local Budget Law violations.
3. Request additional information on these proposed actions.

Documents:

1. Resolution 2024-28 FY2023-24 Budget Amendment General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, Building Fund
2. Resolution 2024-29 FY2023-24 Budget Amendment Park Development Fund and Insurance Services Fund

RESOLUTION NO. 2024 – 28

A Resolution adopting a supplemental budget for fiscal year 2023-24 and making appropriation transfers.

RECITALS:

Whereas, this resolution proposes a supplemental budget for the General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, and Building Fund; and

Whereas, this supplemental budget is to accommodate unknown circumstances at the time the budget was adopted based on a Year-End Review of the City's budget status; and

Whereas, Oregon Local Budget Law allows a local government to prepare a supplemental budget when circumstances were unknown at the time the budget was prepared thus requiring a change in financial planning (ORS 294.471); and

Whereas, the supplemental budget for General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, and Building Fund expenditures are not changed by more than 10%, and therefore a public hearing is not required; and

Whereas, the General Fund's appropriation transfers are to move \$50,000 from the designated ending fund balance for committed funds supporting ongoing work on American Rescue Plan Act (ARPA) projects' technology spend approved by Council in 2021 to the transfer out category and to move \$25,500 in appropriations from the Finance department, which did not fill two limited-duration positions included in the FY2023-24 budget, to the Municipal Court (\$10,000), the Non-departmental program appropriation category (\$10,000) and to the Transfer Out category (\$5,500) to accommodate small additional appropriation needs unanticipated at the time of budget adoption; and

Whereas, the General Fund's new revenue that was not known at the time the budget was adopted comes from grants to the Library (\$100,000) to expand its Library of Things program and Administration (\$57,614) with an additional match transferred in from the Urban Renewal Agency of (\$7,044) to cover environmental studies made on the newly acquired property in the Alpine District; and

Whereas, the Emergency Communication Fund's added appropriation for emergency communications services (\$5,500) is funded by transfer in revenue from the General Fund needed due to a higher than anticipated contribution this fiscal year due the YCOM-911; and

Whereas, the Affordable Housing Fund has received more Construction Excise Tax revenues estimated at \$300,000 in additional possible revenue for the balance of the year and four percent of these revenues are dedicated to the administration of the program largely provided by Building Fund personnel; and

Whereas, the Affordable Housing Fund's transfer out category will be in violation of Oregon budget law if an addition is not made of a corresponding \$12,000; and

Whereas, the Building Fund will be the recipient of the above noted transfer out of \$12,000 and will accordingly increase its program appropriation category by the same amount; and

Whereas, the Information Services Fund's added appropriation for technology investments associated with ARPA-approved projects (\$50,000) is funded by transfer in revenue from the General Fund needed due to accelerated project timelines; and

Whereas, the governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations; and

Whereas, the supplemental budget for expenditures in the General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, and Building Fund are not changed by more than 10%, therefore a public hearing is not required; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMinnville, OREGON, as follows:

1. **Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2023-24 in the General Fund, Emergency Communications Fund, Information Services Fund, Affordable Housing Fund, and Building Fund.
2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2023-24 are hereby appropriated as detailed in Attachment A.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024 by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

CITY ATTORNEY

CITY RECORDER

EXHIBITS:

- A. Detailed supplemental appropriations.

Exhibit A

| | Amended Budget as of Mar 15, 2024 | Budget Adjustment | Amended Budget |
|---------------------------------------|---|----------------------|----------------------|
| General Fund: | | | |
| Resources: | | | |
| Intergovernmental | \$ 7,793,606 | \$ 157,614 | \$ 7,951,220 |
| Transfers In | 10,227,736 | 7,044 | 10,234,780 |
| All resources unchanged | <u>36,029,232</u> | <u>-</u> | <u>36,029,232</u> |
| Total Resources | <u>\$ 54,050,574</u> | <u>164,658</u> | <u>\$ 54,215,232</u> |
| Requirements: | | | |
| Administration | 6,585,513 | 64,658 | 6,650,171 |
| Finance | 1,153,296 | -25,500 | 1,127,796 |
| Municipal Court | 681,556 | 10,000 | 691,556 |
| Library | 2,679,298 | 100,000 | 2,779,298 |
| Non-departmental program | 155,880 | 10,000 | 165,880 |
| Transfers Out | 6,740,304 | 55,500 | 6,795,804 |
| Designated Ending Fund Balance | 2,803,764 | -50,000 | 2,753,764 |
| All other requirements unchanged* | <u>33,250,963</u> | <u>-</u> | <u>33,250,963</u> |
| Total Requirements | <u>\$ 54,050,574</u> | <u>164,658</u> | <u>\$ 54,215,232</u> |
| Emergency Communications Fund: | | | |
| Resources: | | | |
| Transfers In | \$ 572,772 | \$ 5,500 | \$ 578,272 |
| All other resources unchanged | <u>193,414</u> | <u>-</u> | <u>193,414</u> |
| Total Resources | <u>\$ 766,186</u> | <u>\$ 5,500</u> | <u>\$ 771,686</u> |
| Requirements: | | | |
| 911 Emergency Communications | \$ 593,676 | \$ 5,500 | \$ 599,176 |
| All other requirements unchanged* | <u>172,510</u> | <u>-</u> | <u>172,510</u> |
| Total Requirements | <u>\$ 766,186</u> | <u>\$ 5,500</u> | <u>\$ 771,686</u> |
| Affordable Housing Fund: | | | |
| Resources: | | | |
| Licenses and Permits | \$ 500,000 | \$ 300,000 | \$ 800,000 |
| All other resources unchanged | <u>3,302,507</u> | <u>-</u> | <u>3,302,507</u> |
| Total Resources | <u>\$ 3,802,507</u> | <u>\$ 300,000</u> | <u>\$ 4,102,507</u> |
| Requirements: | | | |
| Transfers Out | \$ 104,404 | \$ 12,000 | \$ 116,404 |
| Unappropriated Ending Fund Balance | 20,397 | 288,000 | 308,397 |
| All other requirements unchanged | <u>3,677,706</u> | <u>-</u> | <u>3,677,706</u> |
| Total Requirements | <u>\$ 3,802,507</u> | <u>\$ 300,000</u> | <u>\$ 4,102,507</u> |

Exhibit A continued

| | Amended Budget as of Mar 15, 2024 | Budget Adjustment | Amended Budget |
|-----------------------------------|---|----------------------|---------------------|
| Building Fund: | | | |
| Resources: | | | |
| Transfers In | \$ 20,018 | \$ 12,000 | \$ 32,018 |
| All other resources unchanged | <u>2,461,281</u> | <u>-</u> | <u>2,461,281</u> |
| Total Resources | <u>\$ 2,481,299</u> | <u>\$ 12,000</u> | <u>\$ 2,493,299</u> |
| Requirements: | | | |
| Building Services | \$ 862,123 | \$ 12,000 | \$ 874,123 |
| All other requirements unchanged* | <u>1,619,176</u> | <u>-</u> | <u>1,619,176</u> |
| Total Requirements | <u>\$ 2,481,299</u> | <u>\$ 12,000</u> | <u>\$ 2,493,299</u> |
| Information Services Fund: | | | |
| Resources: | | | |
| Transfers In | \$ 614,858 | \$ 50,000 | \$ 664,858 |
| All other resources unchanged | <u>1,654,315</u> | <u>-</u> | <u>1,654,315</u> |
| Total Resources | <u>\$ 2,269,173</u> | <u>\$ 50,000</u> | <u>\$ 2,319,173</u> |
| Requirements: | | | |
| Information Technology Services | \$ 2,092,344 | \$ 50,000 | \$ 2,142,344 |
| All other requirements unchanged* | <u>176,829</u> | <u>-</u> | <u>176,829</u> |
| Total Requirements | <u>\$ 2,269,173</u> | <u>\$ 50,000</u> | <u>\$ 2,319,173</u> |

* Total includes unappropriated ending fund balance

STAFF REPORT

DATE: May 28, 2024
TO: McMinnville City Council
FROM: Jody Christensen, Special Projects Manager
SUBJECT: Resolution No. 2024-23 for the Innovation Campus Project, Personal Services Contract

STRATEGIC PRIORITY & GOAL:



ECONOMIC PROSPERITY

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.

Report in Brief:

This is consideration of Resolution No. 2024-23.

Resolution No. 2024-23 authorizes the City Manager to execute a Personal Services Agreement with Walker Macy for the Innovation Campus Project for a not to exceed amount of \$384,000.00.

Background:

The Innovation Campus concept was identified in the Mac Town 2032 Economic Development Strategic Plan, adopted by Resolution No. 2019-16, and the Three Mile Lane Area Plan (3MLAP) adopted by Ordinance No. 5126 on November 8, 2022.

With almost 200 acres, it is one of Oregon's largest industrial sites and is strategically located on HWY 18 near the McMinnville Municipal Airport. The site has three property owner groups who have been engaged in the Innovation Campus discussions and the 3MLAP.

The 3MLAP identified a community vision of a Retail Center and Innovation Campus on this acreage to serve the community's future needs of commercial development and high density, upwardly mobile employment opportunities.

This project will look at both the Retail Center and the Innovation Campus. The scope of work has four components:

- Master planning the site to determine a preferred growth scenario (i.e., low-, mid-, or high-density development),
- Public infrastructure feasibility analysis, which will include wastewater, water, transportation, electricity, broadband, etc.,
- Design standards and code development, and

- Professional marketing for the site, which will include branding, communications tools, and a website.

Discussion:

The City released the Request for Qualifications (RFQ) on February 7, 2024, to seek a consultant for the project. The RFQ was noticed in the Daily Journal of Commerce on the same day. The RFQ closed on March 20, 2024, with six (6) proposals received by the deadline of 5 PM. The staff performed a completeness review to ensure all the proposal requirements were met. Five (5) proposals met the criteria.

A committee with representation from the Planning Commission, Community Development, Engineering, and the McMinnville Economic Development Partnership reviewed the proposals. The committee met on March 25, 2024. After the scores were ranked, the committee decided to hold interviews for the top three firms. The interviews were held on April 4 and 5, 2024.

The results of the proposal evaluation and virtual interviews had Walker Macy as the top ranked firm in both categories.

The Notice to Proceed was released on April 10, 2024, and the staff began the contract negotiations. No protests were received.

Attachments:

1. Resolution No. 2024-23
2. Exhibit 1 to Resolution No. 2024-23, Professional Services Agreement with Walker Macy

Fiscal Impact:

This project is grant funded utilizing City of McMinnville ARPA funds and Business Oregon grant funds, as well as long range planning funds from the Community Development long range planning sub-fund for the development of design and development standards for the site.

\$250,000 - City ARPA

\$25,000 - CDD Long Range Planning Sub Fund – Professional Services

Two grants were secured from Business Oregon to help offset the costs of master planning and marketing work.

Grant #1 - \$100,000, Strategic Reserve Fund Industrial Lands Technical Assistance

Grant #2 - \$60,000, Special Public Works Fund

Funds for this project are currently budgeted in the City's adopted budget in FY 23-24. The balance of the funds that will not be expended in FY 23-24 are proposed to roll over into FY 24-25 adopted budget.

Recommendation:

Staff recommends that the City Council adopt Resolution No. 2024-23 authorizing the City Manager to execute the Personal Services Agreement with Walker Macy for the Innovation Campus Project in a not to exceed amount of \$384,000.

RESOLUTION NO. 2024-23

A Resolution Authorizing the City Manager to sign a contract with Walker Macy not to exceed the amount of \$384,000 for the Innovation Campus Master Planning, Public Infrastructure Feasibility Analysis, and Marketing Project.

RECITALS:

Whereas, the Innovation Campus site concept was identified in the Mac Town 2032 Economic Development Strategic Plan adopted by Resolution No. 2019-16, and the Three Mile Lane Area Plan (3MLAP) adopted by Ordinance No. 5126 on November 8, 2022; and

Whereas, the City of McMinnville decided to support a campus master plan, public infrastructure feasibility analysis and a marketing project to support the implementation of the concept; and

Whereas, a Request for Qualifications was released on February 7, 2024, and was closed on March 20, 2024; and

Whereas, all of the responses were reviewed and scored, and the top proposers were invited for interviews; and

Whereas, after the interviews, the proposal from Walker Macy was the highest scoring proposal; and

Whereas, the proposal from Walker Macy, met all of the proposal requirements and should be considered the responsible and responsive proposal; and

Whereas, the funding for this project is ARPA and Business Oregon grant funds identified in the FY 23/24 and FY 24/25 City of McMinnville budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON, as follows:

1. That the City of McMinnville will enter into a contract with Walker Macy in an amount not to exceed \$384,000.
2. The City Manager is hereby authorized and directed to sign the contract per Exhibit A.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until modified, revoked, or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of May 2024, by the following votes:

Ayes: _____

Nays: _____

Approved this 28th day of May 2024.

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Professional Services Contract with Walker Macy for the Innovation Campus Master Planning, Infrastructure Feasibility Analysis and Marketing

**CITY OF McMinnville
PROFESSIONAL SERVICES AGREEMENT**

This Professional Services Agreement (“Agreement”) for The Innovation Campus Master Planning, Infrastructure Feasibility Analysis, and Marketing (“Project”) is made and entered into on this ____ day of _____ 2024 (“Effective Date”) by and between the **City of McMinnville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and Walker Macy (hereinafter referred to as “Consultant”).

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

Section 1. Scope of Work

Consultant shall diligently perform the master planning services according to the requirements and deliverable dates identified in the Scope of Work for the Project, attached hereto as **Exhibit 1** and incorporated by reference herein (the “Services”).

Section 2. Term

The term of this Agreement shall be from the Effective Date until all Services required to be performed hereunder are completed and accepted, or no later than December 31, 2025, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

Section 3. Consultant’s Services

3.1. All written documents prepared by Consultant in conjunction with the Services shall bear the signature, name, or logo of, or otherwise be identified as coming from, Consultant’s authorized Project Manager or Principal.

3.2. Consultant will not be deemed to be in default by reason of delays in performance due to circumstances beyond Consultant’s reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under

Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing; however, no additional compensation will be provided due to a Force Majeure event. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

3.3. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Work described herein.

3.4. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 4. Compensation

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed \$384,000.00 for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

4.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit 1**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit 2**. Any Additional work beyond the Scope of Work, or any compensation above the amount shown in **Subsection 4.1**, requires a written Addendum executed in compliance with the provisions of **Section 16**.

4.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

4.4. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit 1**.

4.5. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related costs, expenses, salaries, or wages, plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or

software charges, licensing, trademark, and/or copyright costs, office expenses, travel expenses, mileage, and all other indirect and overhead charges.

Section 5. City's Rights and Responsibilities

1.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

1.2. Award of this contract is subject to budget appropriation. Funds are approved for Fiscal Year 2023-24. If not completed within this fiscal year, funds may not be appropriated for the next fiscal year. The City also reserves the right to terminate this contract early, as described in **Section 14**.

Section 6. City's Project Manager

The City's Project Manager is Jody Christensen. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

Section 7. Consultant's Project Manager

Consultant's Project Manager is Ken Pirie. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 8. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 9. Subcontractors and Assignments

9.1. Unless expressly authorized in **Exhibit 1** or **Section 10** of this Agreement, Consultant shall not subcontract with others for any of the Services prescribed herein. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. The City hereby agrees that Consultant will contract with the Subconsultants identified in Exhibit 1 to provide its consultant services, which is a critical part of this Agreement. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of the Consultant shall not be subject to additional reimbursement by the City.

9.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers, or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

9.3. Consultant shall include this Agreement by reference in any subcontract and require subcontractors to perform in strict compliance with this Agreement.

Section 10. Consultant Is Independent Contractor

10.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

10.2. Consultant may request that some consulting services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. For all Services performed under subcontract to Consultant, as approved by the City, Consultant shall only charge the compensation rates shown on the approved Rate Schedule (**Exhibit 2**). Rate

schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 16** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of the Consultant.

10.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with, and be subject to, the provisions of this **Section 10** and meet the same insurance requirements of Consultant under this Agreement.

Section 11. Consultant Responsibilities

11.1. Consultant must make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the person furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

11.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses.

11.3. No person shall be discriminated against by Consultant [or any subcontractor] in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City. [References to "subcontractor" mean a subcontractor at any tier.]

Section 12. Indemnity

12.1. Indemnification. Consultant acknowledges responsibility for liability to the extent caused, in whole or in part, by the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform

its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 12.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant. As used herein, the term "Consultant" applies to Consultant and its own agents, employees, and suppliers, and to all of Consultant's subcontractors, including their agents, employees, and suppliers.

12.2. Standard of Care. In the performance of the Services, Consultant agrees to use the degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

Section 13. Insurance

13.1. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement, or must be named as additional named insureds on Consultant's insurance coverage. Additionally, if a subcontractor is an engineer, architect, or other professional, Consultant must require the subcontractor to carry Professional Errors and Omissions insurance and must provide to the City proof of such coverage. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

13.1.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts:

1. Consultant: The coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**.
2. Subcontractors: The coverage shall be in the amount of **\$1,000,000**

for each occurrence and **\$2,000,000** general aggregate and shall include Products-Completed Operations Aggregate in the minimum amount of **\$1,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**.

All of the foregoing coverages must be carried and maintained at all times during this Agreement.

13.1.2. Professional Errors and Omissions Coverage. Consultant and all subcontractors agree to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim for the consultant and **\$1,000,000** for the subcontractor. Consultant and subcontractors shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant and subcontractors. Such policy shall have a retroactive date effective before the commencement of any work by Consultant and subcontractors on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years after termination of this Agreement.

13.1.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

13.1.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

13.1.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

13.1.6. Additional Insured and Termination Endorsements. The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent

shall be provided. The following is included as additional insured: “The City of McMinnville, its elected and appointed officials, officers, agents, employees, and volunteers.” An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days’ written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

13.1.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days’ prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

13.2. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are “Claims Made” policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 14. Early Termination; Default

14.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

14.1.1. By mutual written consent of the parties;

14.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

14.1.3. By Consultant, effective upon seven (7) days’ prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

14.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten calendar (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

14.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

14.4. Termination under any provision of this Section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 18**, for which Consultant has received payment or the City has made payment.

Section 15. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within the Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 16. Modification/Addendum

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 4** of this Agreement, or changes or modifies the Scope of Work or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) calendar days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase or decrease in the Compensation Amount. The Addendum must be signed and dated by both Consultant and the City before the Addendum may be implemented.

Section 17. Access to Records

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts during the term of this Agreement and for a period of four

(4) years after termination of the Agreement unless the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

Section 18. Property of the City

18.1. All documents, reports, and research gathered or prepared by Consultant under this Agreement, including but not limited to spreadsheets, charts, graphs, drawings, modeling, maps, data generation, papers, diaries, inspection reports, and marketing assets, shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation.

18.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

Section 19. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of McMinnville
 Attn: Jody
 Christensen
 Community
 Development
 231 NE 5th Ave.
 McMinnville, OR
 97128

To Consultant: Walker Macy
 Attn: Ken Pirie
 111 SW Oak Street, Suite 200
 Portland, Oregon 97204

Section 20. Miscellaneous Provisions

20.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior

written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

20.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

20.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

20.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the McMinnville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit 1**, shall be obtained and maintained throughout the term of this Agreement.

20.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

20.6. Jurisdiction. Venue for any dispute will be in Yamhill County Circuit Court.

20.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

20.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver

clause.

20.9. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

20.10. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

20.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

20.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

20.13. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

20.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

20.15. Good Faith and Reasonableness. The parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City “sole discretion”, or the City is allowed to make a decision in its “sole judgment.”

20.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

20.17. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

20.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

20.19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

20.20. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

Walker Macy

CITY OF McMINNVILLE

By: _____ By: _____

Print Name: _____ Print Name: _____

As Its: _____ As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

City Attorney
City of McMinnville, Oregon

MCMINNVILLE INNOVATION CAMPUS

WALKER MACY SCOPE OF WORK

May 28, 2024

PROJECT TEAM

Walker Macy, Urban Design and Landscape Architecture, Prime Consultant
JLA Public Involvement, Public Outreach and Engagement
JET Planning, Design Standards and Zoning
TVA Architects, Architecture for Design Standards
Atwell LLC, Civil Engineering and Infrastructure
FINE, Branding and Marketing
Lancaster Mobley, Transportation Planning

PROJECT MANAGEMENT

Our project schedule is structured around a series of key checkpoints with the City of McMinnville team. To ensure ongoing communication and collaboration, a core Project Management Team (PMT), including Walker Macy and City staff, and when needed, key subconsultant team members, will meet in a 30-minute standing weekly meeting to facilitate continual communication and opportunities to share new information as it may arise. This PMT will be the primary decision-making group that will review and comment on draft deliverables with input from others as necessary. For these meetings, Walker Macy will provide agendas with topics for discussion, issues or questions currently needing resolution, and will close each meeting by defining clear next steps. There will be a total of 50 PMT meetings over the project duration.

TASK 1: ORIENTATION / KICKOFF (5/2024 - 7/2024)

1.1 Kickoff Consultant Team Meeting — We will convene a team meeting with the PMT group and the full consultant team to make introductions, review the work plan and schedule, define roles and communication protocols, and hear from City staff about their aspirations, priorities, concerns and expectations. We will review the goals from the preceding Three Mile Lane Area Plan and discuss potential refinements.

1.2 Review background documents, policies, and studies — Existing city and regional policies that may shape future development will be reviewed including both the existing zoning code and the model code prepared with the Three Mile Lane Area Plan. Existing infrastructure plans will be gathered, and any available market analysis and target profiles will be provided to guide branding and marketing.

Key findings will be folded into the process to inform plan development. We will summarize findings in a draft presentation to the PMT in a conference call and then refine for Site Workshop #1.

1.3 Engagement Plan and Project Charter — To guide all public engagement, we will develop an Engagement Plan that outlines project key messaging, engagement opportunities, staff and Consultant team roles for engagement, key activities and their purpose and a timeline. To inform the engagement plan, we will convene a PMT meeting, which could also include City staff responsible for public

engagement and key stakeholder outreach, to discuss the most appropriate outreach strategy for this project. We will also draft a Project Charter, to define roles and responsibilities, establish relationships and confirm a shared understanding of the project. We will review the draft Charter with the PMT and will subsequently refine both the Charter and Engagement Plan for further review by the Project Advisory Committee.

Throughout this process, Walker Macy will provide all deliverables to the City for posting on a web page on the City's site dedicated to this project.

1.4 Site Workshop — We will conduct a walking tour of the Innovation Campus site. Following the site visit, we will convene for a work session in McMinnville at City offices, with the PMT and key consultant team members. In this half-day workshop, we will seek to:

- Review key findings from previous studies and City plans
- Review Goals developed for the Three Mile Lane Area Plan and discuss refinements.
- Confirm the essence of the site's character, review existing conditions and discuss high level ideas about the potential for redevelopment

1.5 Property Owner Interviews — We will schedule video conference calls with the three major property ownership groups to hear their ideas and concerns about their properties, including thoughts about branding and marketing. It is anticipated these interviews will last one-hour in duration and may be held online.

1.6 Project Advisory Committee (PAC) Meeting #1 —. Using the Three Mile Lane Area Plan goals as a basis, we will confirm and discuss project goals and the Charter with the PAC and share the team's initial findings from the site workshop and review of previous studies. For all PACs Walker Macy will prepare a meeting agenda, presentation and meeting summary. It is assumed the meeting will be held in McMinnville, with a virtual option available, and will be attended by Walker Macy and JLA representatives.

Task 1 Deliverables:

- Summary of Site Workshop findings
- Project Goals
- Engagement Plan and Charter
- Committee and Property Owner Meeting notes and summary
- PAC #1 Agenda and meeting summary

Task 1 Meetings:

- Weekly PMTs
- Site Workshop
- Property Owner interviews
- PAC Meeting #1

TASK 2: EXISTING CONDITIONS (6/2024 - 9/2024)

2.1 Existing Conditions Analysis — Informed by our Site Workshop #1 findings, we will conduct an analysis of the specific physical attributes of the IC site and identify the most important and applicable opportunities for creating an economically-thriving district. To support this analysis, we will gather GIS and survey information from available sources—including from our prior work on the Three Mile Lane Area plan to create project base maps, upon which we'll create diagrammatic and photo inventories of existing conditions that will inform a campus planning framework, including:

- Geology and current soils
- Topography and site hydrology
- Native American history in the site and vicinity
- Euro-American history and context
- South Yamhill River and Airport Park natural resource conditions and setbacks
- Climate conditions, including solar access and prevailing winds
- Views
- Contextual urban patterns:
 - mobility, including bicycle, pedestrian and transit access in vicinity, as well as planned city and state highway access improvements
 - airport operations and long-term plans
 - existing land uses and zoning
 - planned developments
 - proximity of significant community amenities

2.2 Existing Infrastructure -- Atwell will conduct a comparative analysis including investigating current infrastructure and growth potential compared to precedent campus projects that have been completed and current utility planning efforts. Atwell will reach out to existing infrastructure purveyors to determine the working state of the infrastructure, expectations for growth, and improvement opportunities. Improvement opportunities will include upgrades to broadband, water, wastewater, stormwater, power, telecommunications, transportation, and other infrastructure as identified in the master planning process. This analysis will compare existing infrastructure to infrastructure that is needed for Class A office space, flex spaces, incubator spaces, manufacturing facilities, interconnected trails, public open spaces, and a mixed-use town center for the innovation campus and retail center.

2.3 Case Studies — This project will benefit from a comparative analysis of precedent projects to highlight challenges and successes of other Innovation Campuses. We will create a presentation of the key successes and challenges across these types of projects and how they can directly inform this project. This will also be used by the FINE team to help them understand how the current market can provide a basis for brand positioning.

2.4 Focus Groups — Our team will host two focus group meetings to gather input from under-represented communities, potentially including a Spanish-language meeting, and/or meetings with lower-income community members or people with disabilities or seniors. Feedback from the focus groups will be summarized. The City will provide refreshments and participation incentives for these meetings.

2.6 Technical Advisory Committee Meeting #1 — We will summarize our site and infrastructure

analysis and case studies in a presentation to the PMT, then update and present to the Technical Advisory Committee in a virtual meeting, including a facilitated discussion to provide TAC members an opportunity for input.

2.7 Project Advisory Committee Meeting #2 — We will summarize our site and infrastructure analysis and case studies in the second Project Advisory Committee meeting. Prior to this meeting, the PMT will review all content and provide comments. It is assumed the Consultant will create an agenda, presentation and meeting summary and that the meeting will be held in-person in McMinnville.

2.8 Planning Commission Work Session — We will summarize our site and infrastructure analysis and case studies in a work session with the Planning Commission. This session will serve to review and refine the project vision and goals and help shape subsequent scenario development.

Task 2 Deliverables:

- Site and infrastructure analysis, case studies
- Focus Group summaries
- PAC #2 meeting agenda, presentation and summary

Task 2 Meetings

- Weekly PMTs
- Focus Group meetings (2 total) with Spanish-speaking community and other underrepresented community members
- Technical Advisory Committee Meeting #1
- PAC Meeting #2
- Planning Commission Work Session

TASK 3: DRAFT CAMPUS MASTER PLAN SCENARIOS (10/2024 - 12/2024)

3.1 Draft Concepts and Infrastructure Improvements — We will refine the sketches of conceptual plans from Workshop #2 into three clear alternatives, as Low, Medium and High Growth scenarios, with associated illustrative diagrams and review these alternatives with the PMT in two focused conference calls. Atwell will guide the team with findings from preliminary information collected during Task 2, including the state of existing infrastructure and current growth potential and provide recommended set aside location and size for a regional stormwater treatment facility. These findings will guide the process to determine introductory recommendations for infrastructure improvements needed to serve the Low, Medium, and High growth scenarios, which will be part of Atwell's work in Task 4.3. No system capacity modelling will be completed at this time.

Task 3 Deliverables:

- Draft plan scenarios, diagrams, and illustrations

Task 3 Meetings

- Weekly PMTs

TASK 4: REFINED MASTER PLAN SCENARIOS (1/2025 - 3/2025)

4.1 Refine Scenarios — Based on the results of previous tasks, Site Workshop #2 and City guidance, we will further refine the Low, Medium and High scenario plans and select a preferred land use master plan scenario, which may be a hybrid of the draft scenario plans.

4.2 Transportation Assessment for Preferred Scenario — Lancaster Mobley will prepare a refinement to the Three Mile Lane Area Plan transportation analysis that reflects the access and transportation needs of the preferred scenario. The refinement will update the trip generation and distribution assumptions from the original analysis and update intersection operations at the 2041 planning horizon. Important considerations such as multi-modal trip generation, trips captured within the planning area, and multi-modal infrastructure needs will also be addressed.

Because the transportation assessment will build on the original Three Mile Lane Area Plan analysis, Lancaster Mobley will coordinate with ODOT regarding any changes or adjustments that might be needed to the current travel demand model that provided the basis for the original analysis.

A technical memo-format report will be provided as a deliverable that offers a clear and succinct summary of the findings but still provides sufficient technical detail for a thorough technical review by public agencies, the Technical Advisory Committee, and the general public. Since this refinement represents an amendment to an adopted plan, the report will include Transportation Planning Rule findings.

4.3 Preliminary Infrastructure Feasibility — Atwell will evaluate the infrastructure improvements needed to support the preferred growth scenario through sizing calculations, comparative analysis, previous experience, and recommendations gathered from utility providers in the project vicinity for on-site improvements. Atwell will draft a report in Task 7 with details to support the preferred growth scenario and will create the structure of a Capital Improvement Project list for comment by interested parties.

4.4 Brand Positioning and Platform -- In Tasks 1-3, FINE will participate in the Site Workshop #1 and submit questions for the Property Owner Interviews and other PAC Meetings to help guide the conversations and better understand the strategic, facility, and experiential requirements of proposed growth scenarios and conceptual plans. Based on the results of these findings and the preferred land use master plans scenario documented by Walker Macy and the Project Advisory Committee, FINE will summarize and articulate the full value proposition through the lens of brand. FINE will codify the brand vision at the highest level with a core story that includes the purpose (why), position (what), and promise (how), attributes, values, and distinctions. These will act as pillars to set the Innovation Campus apart in the marketplace.

4.5 Concept Refinement Workshop — We will convene key members of the consultant team, property owners and the PMT in a virtual work session to confirm our refined master plan concept and outline implementation steps and priorities for funding, branding and infrastructure.

4.6 Technical Advisory Committee #2 — We will conduct a second, virtual meeting with the TAC to discuss and review the refined, preferred master plan, transportation assessment, infrastructure feasibility and branding platform.

4.7 Open House #1 — We will share our refined master plan scenario and branding platform at an in-

person community open house, at a time and location most amenable and inclusive to a wide range of diverse community members, to share concepts and obtain feedback. We will develop an event plan before the event for the PMT to review and, once approved, develop event displays, a sign-in sheet and comment form. The city will reserve the meeting space and promote the event. The open house materials will be posted to the City's website. We will summarize all feedback received in an open house summary.

4.8 Project Advisory Committee #3 — At a third meeting with the Committee, we will discuss and review the refined, preferred master plan, transportation assessment, infrastructure feasibility, branding platform and draft code concepts, and review public input on these plans from Open House #1.

Task 4 Deliverables:

- Refined concept plan, diagrams and draft illustratives
- Transportation Assessment technical memo
- Infrastructure Improvements Narrative describing existing and proposed infrastructure on-site for the refined concept
- Positioning and Brand Platform
- Open House #1 event plan and event materials (up to 10 display boards, sign in sheet, comment form)
- PAC #3 agenda, presentation and meeting summary

Task 4 Meetings

- Weekly PMTs
- Concept Refinement Workshop
- Open House #1
- TAC #2
- PAC #3

TASK 5: DESIGN AND DEVELOPMENT STANDARDS (2/2025 - 6/2025)

5.1 Code Concepts for Design and Development Standards— We will identify key code concepts that will inform the regulatory foundation for a baseline level of quality and sense of place for the IC, including preferred architectural massing, build-to lines, critical architectural details and site design components, allowing for some flexibility in future building arrangements and programs. JET will identify the conceptual options and areas where community input on the preferred direction is needed, prior to draft specific code language.

5.2 Open House #2: Online — We will share our code concepts at an online community open house, to discuss design standards and code concepts and obtain feedback. We will develop an event plan with draft content before the event for the PMT to review and once approved, develop an online open house website. It is assumed the online open house will remain open for two weeks. The city will promote the event. We will summarize all feedback received in an Online Open House #2 summary.

5.3 Refined Brand Platform and Campus Naming — Based on consolidated feedback from the Concept Refinement Workshop and Open House, FINE will make final refinements to the Brand Platform. Once approved, FINE will then explore potential campus or district names. FINE will look at different analogies for what you are and what we’re naming to generate different perspectives on what to call you. We will prepare a summary of key directional takeaways and naming criteria for 6-8 top choice names, each with brief rationale, story, verbal and visual branding opportunities. FINE will also present preliminary findings on direct competitive conflict, domain names, to determine which names appear viable enough to proceed to legal search. Based on your feedback, we will iteratively explore subtle twists or qualifiers to your shortlist of preferred names to finalize finalists (2-3 max) for legal review. (We advise using legal counsel to review the 2-3 chosen finalist name options.)

5.4 Draft Code Updates — We will draft code updates that address the design, development and procedural aspects for the review of future projects based on the open house feedback on the code concepts. The code updates will include illustrated design standards. We will present the draft code to the Technical Advisory Committee for their review and direction.

5.5 Review Draft Code Updates — We will review the draft code updates with the PMT including City staff that lead the City’s current planning services.

5.6 Project Advisory Committee #4 — We will present the draft code to the Project Advisory Committee for their review and direction. We will develop an agenda, presentation and meeting summary.

5.67 Joint City Council/Planning Commission Work Session – In a joint work session, the Planning Commission and City Council will review the master plan scenarios developed in Task 4 in a key decision-making milestone, as well as review and suggest refinements to the proposed draft code updates.

5.8 Final Code Updates — We will finalize the code updates including the design standards and deliver to the City in an editable format consistent with existing City code formatting.

Task 5 Deliverables:

- Concepts for Design and Development Standards
- Positioning Refinements & Campus Naming
- Draft and Final Design and Development Standards
- Open House #2 Online event plan and event materials
- PAC #4 agenda, presentation and summary

Task 5 Meetings

- Weekly PMTs
- Open House #2 (online)
- Positioning Refinements & Campus Naming Presentation*
**Please note that if there are significant refinements to the brand positioning, we may want to separate these 2 presentations to ensure we have full approval on the platform before we begin naming.*
- PAC meeting #4
- Joint CC/PC Work Session

TASK 6: INNOVATION CAMPUS MASTER PLAN REPORT (4/2025 - 6/2025)

6.1 Brand Identity, Style Guide, and Website — Informed by our final concept and positioning, FINE will develop a visual identity for the campus, including representative contextual applications in collateral, signage, merchandise, and other tactics to show intent. FINE will explore the brand identity, visualizing logos, wordmarks, typography, color, graphic assets, and imagery. We will review this visual identity in a focused PMT meeting. Once a preferred identity direction is selected, refined, and approved, FINE will create a Style Guide that documents all visual guidelines.

Based on the approved identity, FINE will design and build a website to support campus awareness, education and marketing. The website will include three informational pages, plus a flexible content marketing section for ongoing education, promotion, and marketing needs. FINE will explore Squarespace templates and capabilities, in order to find the most compelling option(s) for your requirements. We then create an active template, and begin a design styling process that results in a presentation to website stakeholders for feedback on design. FINE will support the development of marketing content for the 3 informational pages, based on the final positioning and in collaboration with the PMT to ensure all the right information is communicated. FINE is not responsible for asset development and can work with the PMT to help gather or source imagery under a separate engagement.

FINE will present a final BETA solution to your team, and establish a process to solicit feedback. Reported features that do not meet documented requirements are corrected for. New features and change requests are addressed collaboratively, with guidance on how they may impact timing, budget, or implications for overlapping or affected features or functionality.

FINE will craft a launch checklist that ensures your website is poised to go live without any surprises. We can discuss a post-launch maintenance program under a separate engagement to support future updates.

6.2 Draft Innovation Campus Master Plan Report — Based on information gathered during the prior tasks, the team will summarize this project with a concise, illustrative final report that presents the preferred concept plans for Low, Medium, and High Growth Scenarios as well as a Preferred Master Plan Scenario, and an implementation roadmap including a brief summary of proposed code updates and coordinated next steps required to facilitate the defined vision.

A campus vision requires careful consideration of implementation and phasing, so this report will determine a strategy to lead from the conceptual plan to full build-out, through a menu of near, medium, and long terms steps. We will support the implementation strategy with a series of phasing illustrations that indicate how the concepts will evolve.

6.3 Review Draft Master Plan Report — We will review the draft plan report with the PMT.

6.4 PAC #5 — We will review the Final Innovation Campus Plan with our Advisory Committee in a fifth meeting and make any subsequent changes to the report before presenting it to the Planning Commission. We will develop an agenda, presentation and meeting summary.

6.5 Planning Commission Work Session — We will review the Final Innovation Campus Plan in an informational work session with the McMinnville Planning Commission.

6.6 City Council Work Session — We will review the Final Innovation Campus Plan in an informational work session with the McMinnville City Council.

6.7 Final Master Plan Report — After receiving PMT, PAC, City Council and Planning Commission feedback on the Plan report, we will refine as a final document.

Task 6 Deliverables:

- Draft Master Plan Report
- Final Master Plan Report
- Brand Identity Presentation, Visual Style Guide PDF, Website Design Presentation, Website BETA Presentation, Final Website for Launch
- PAC #5 agenda, presentation and summary

Task 6 Meetings

- Weekly PMTs
- PMTs to focus on presentations of Brand Identity and Website
- PAC Meeting #5
- Planning Commission work session
- City Council work session

TASK 7: FINAL INFRASTRUCTURE IMPROVEMENTS REPORT
(PARTIALLY CONCURRENT WITH TASKS 5; 3/2025 - 12/2025)

7.1 Draft Infrastructure Improvements Report — An Infrastructure Improvements Report will be prepared to evaluate the projected demands of the preferred concept while incorporating phasing to better understand the capabilities of the existing infrastructure to support the planned growth. The report will review the existing water, sewer, storm and power master plans compared to their proposed improvement schedules over the duration of the plan, informed by discussions with public works staff and knowledge of the status of the plans will guide us to provide a report on issues of capacity. Model scenarios will be run by the master plan team to verify system capacity and identify system capital improvement needed to facilitate the planned change in use. The currently planned capital improvements fee structure provided by the current planning cycle of McMinnville will help the team identify areas where funding models may not fully cover the identified infrastructure needs and the team can provide ideas for funding opportunities based on other similar projects. Clearly identifying the projected system improvements outside the current master plan boundary makes sure that these are accounted for in the improvement report. Lancaster Mobley will also provide a summary of transportation improvements required to address the traffic generated by the preferred scenario, along with proposed multi-modal improvements. It is assumed that Jacobs will complete the system-wide analysis of water and sewer system capacity with input from Atwell.

7.2 CC/PC/PAC#6 Work Session -- We will review the draft Infrastructure Improvements Report with the PAC, the Planning Commission and City Council in a joint work session. We will develop an agenda and presentation for this meeting.

7.3 Finalize Infrastructure Report – We will finalize the Infrastructure Improvements Report as a

stand-alone document that matches the format of the Master Plan document.

Task 7 Deliverables:

- Draft and Final Infrastructure Improvements Report including CIP list of both private and public improvements required to support the Master Plan
- CC/PC/PAC #6 agenda and presentation

Task 7 Meetings:

- Weekly PMTs
- CC/PC/PAC #6 Joint Work Session

EXHIBIT 2

FEES

Walker Macy proposes to accomplish the scope of work above within a budget of **\$384,000 including expenses**, with the following breakdown by project component.

| | Fee Per Task |
|--|------------------|
| Task 1: Orientation/Kickoff | \$36,208 |
| Task 2: Existing Conditions | \$45,180 |
| Task 3: Draft Campus Master Plan Scenarios | \$58,048 |
| Task 4: Refined Master Plan Scenarios | \$83,692 |
| Task 5: Design and Development Standards | \$55,191 |
| Task 6: Innovation Campus Master Plan Report | \$69,565 |
| Task 7: Final Infrastructure Improvements Report | \$32,058 |
| Expenses (estimated, not to exceed) | \$4,058 |
| Total | \$384,000 |

Work will be billed monthly based on a percentage of work completed by task. Expenses will be billed at cost within each task and will include items such as printing and postage as well as travel to meetings in McMinnville. We assume that if the expense budget is not exceeded, we will bill any remainder towards labor.



STAFF REPORT

DATE: May 28, 2024
TO: Mayor and City Councilors
FROM: Tom Schauer, Senior Planner
SUBJECT: Ordinance No. 5145: (Docket G 3-23) Zoning Ordinance Amendments Regarding Trees

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. 5145, amending the McMinnville Municipal Code (MMC), Title 17 “Zoning” regarding the provisions for tree removal, major pruning, and tree standards in Chapter 17.58 of the Zoning Ordinance and tree-related definitions in Chapter 17.06. This is a legislative action, recommended by the Planning Commission and staff.

The proposal would create categories of “simple” and “complex” permits for removal of trees which are subject to Chapter 17.58. Applications for simple permits and major pruning would now be reviewed by staff, while applications for complex permits would continue to be reviewed by the Landscape Review Committee. Provisions of Chapter 17.58 are also updated for internal consistency with the City’s Complete Street Standards, and the provisions for administration of tree permits are updated.

Background:

Staff originally brought this item to the Planning Commission on June 15, 2023, and the hearing was subsequently continued. At that time, staff presented proposed amendments to Chapter 17.57 of the Zoning Ordinance addressing landscape plans and landscaping and proposed amendments to Chapter 17.58 of the Zoning Ordinance addressing provisions for tree removal, major pruning of trees, and tree standards.

This work is now being addressed in two separate parts: the landscaping provisions of Chapter 17.57 and the tree provisions of Chapter 17.58 of the Zoning Ordinance. This ordinance

addresses the amendments to the tree provisions of Chapter 17.58 and associated tree related definitions in Section 17.06.045. The landscape provisions of Chapter 17.57 will be brought forward separately at a future date following additional work with the Landscape Review Committee.

Based on the Planning Commission recommendation, a revised draft of amendments to Chapter 17.58 and Section 17.06.045 is attached as ***Attachment A*** to Ordinance No. 5145. Staff recommends approval of the proposed amendments.

The initial draft of the proposed amendments was recommended by the Landscape Review Committee. Following the initial recommendation of the Landscape Review Committee (LRC), there have been some further discussions with the LRC, staff, and agencies regarding additional issues discussed below.

The proposed amendments are intended to address a limited, narrow scope of issues. The current proposal is not intended to address a broader review of tree- and landscaping-related issues which would be undertaken at a future date in conjunction with broader review of natural feature issues and policy considerations.

Discussion:

The proposed amendments to Chapter 17.58 are intended to address key issues summarized below.

Chapter 17.58. Trees

Currently, Chapter 17.58 of the Zoning Ordinance requires applications for permits for tree removal and major pruning to be reviewed and approved by the Landscape Review Committee for any of the following:

- 17.58.020 Applicability. The provisions of this ordinance shall apply to:
- A. Individual significant or historic trees as defined in this ordinance.
 - B. All trees with trunks located completely or partially within any public area or right-of-way;
 - C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;
 - D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

Other than for exemptions specified in Section 17.58.060, the following criteria currently apply to applications for tree removal or major pruning.

17.58.050 Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.
- B. The tree is in conflict with public improvements.
- C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.
- D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

Further, approval of a tree removal application is typically conditioned on replacement with a suitable tree selected from the approved street tree list, planted subject to applicable specifications.

The key provisions of the proposed amendments to Chapter 17.58 and 17.06 are:

- To define two classes of applications for tree removal and major pruning: "simple" and "complex", where applications for "simple" removal and major pruning would be reviewed by staff and "complex" applications would be reviewed by the Landscape Review Committee. The purpose is to streamline the review of those applications which have routinely been deemed necessary and have been approved by the Landscape Review Committee, while ensuring other applications continue to be reviewed by the Committee.
- The Landscape Review Committee also recommended that the applicability provision be amended to remove the following from Section 17.58.020(C), *"All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections."*
- Update the provisions for internal consistency with the City's adopted Complete Street standards.
- Update the provisions for administration of tree permits.
- The Landscape Review Committee also recommended changes to street tree standards in Section 17.58.090(E) to reduce the spacing requirements between street trees and certain utilities to ensure there are adequate areas where street trees can be planted as there are more narrow lots and closer spacing of utility services. Staff is recommending additional coordination and review on this section, to be brought back together with the landscaping amendments. Therefore, amendments are not proposed to this subsection at this time. The current code still allows for variations to the distances which may be granted by the Public Works Director.

The proposed draft incorporates changes from the original draft to address issues below. These were included in the draft reviewed and recommended by the Planning Commission.

- The original draft included criteria that required staff "shall" approve applications for simple tree removal permits without consideration of alternatives that could potentially

resolve an issue without tree removal. This would have also applied to healthy, large, mature trees. The revised draft allow staff to consider options to resolve issues without tree removal.

- The original draft used the same criteria for simple street tree removal permits and major pruning permits. There are situations where major pruning is necessary, where the criteria for tree removal aren't applicable. Therefore, separate criteria have been provided for major pruning.
- The original draft specified that applications for complex tree removal permits were to be reviewed by the Landscape Review Committee, but didn't specify criteria. The updated draft includes review criteria for complex tree removal permit applications.
- Some of the street tree planting standards pre-dated adoption of the City's current "Complete Street" standards and were in conflict with the street tree provisions of the current "Complete Street" standards. This section has been updated to provide internal consistency between code provisions.

Attachments:

- Attachment 1 to Staff Report: Ordinance No. 5145
 - Attachment A to Ordinance No. 5145: Proposed Amendments
 - Attachment B to Ordinance No. 5145: Decision Document

Fiscal Impact:

The most common street tree removal permit applications require review by the Landscape Review Committee (LRC). Most of these are applications that are approved by the LRC and conditioned upon planting of replacement trees. These applications represent a disproportionate share of staff and LRC time and resources. If the ordinance is adopted, the most common permit applications would be processed administratively by staff, contributing to efficiencies. If the ordinance is not adopted, these would continue to be processed by the LRC.

City Council Options:

Per Section 17.72.130(B) of the McMinnville Municipal Code:

Legislative hearings: Within 45 days following the public hearing on a comprehensive plan text amendment or other legislative matter, unless a continuance is announced, the Planning Commission shall render a decision which shall recommend either that the amendment be approved, denied, or modified:

- 1. Upon reaching a decision the Planning Commission shall transmit to the City Council a copy of the proposed amendment, the minutes of the public hearing, the decision of the Planning Commission, and any other materials deemed necessary for a decision by the City Council;*
- 2. Upon receipt of the decision of the Planning Commission, the City Council shall:*

- a. Adopt an ordinance effecting the proposed change as submitted by the Planning Commission, or*
- b. Adopt an ordinance effecting the proposed change in an amended form, or*
- c. Refuse to adopt the amendment through a vote to deny, or*
- d. Call for a public hearing on the proposal, subject to the notice requirements stated in Section 17.72.120(D).*

1. **ADOPT ORDINANCE NO. 5145** approving the proposed amendments for Docket G 3-23, as presented in Attachment A to the ordinance.

2. **ADOPT ORDINANCE NO. 5145 in an amended form**, approving the proposed amendments for Docket G 3-23, **with revisions**.

3. **CALL FOR A PUBLIC HEARING**, date-specific to a future City Council meeting.

4. **REFUSE TO ADOPT THE ORDINANCE**

Recommendation/Suggested Motion:

Staff recommends the Council adopt Ordinance No. 5145, which would approve Docket G 3-23, amendments to Section 17.06.045 "Tree Related Definitions" and Chapter 17.58 "Trees" of the Zoning Ordinance.

"BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS RECOMMENDED BY THE PLANNING COMMISSION AND SUBMITTED BY STAFF, I MOVE TO ADOPT ORDINANCE NO. 5145."

ORDINANCE NO. 5145**AN ORDINANCE AMENDING TITLE 17 (ZONING) OF THE MCMINNVILLE MUNICIPAL CODE TO AMEND SECTION 17.06.045 "TREE RELATED DEFINITIONS" AND CHAPTER 17.58 "TREES," AND APPROVING THE DECISION, FINDINGS, AND CONCLUSIONARY FINDINGS FOR DOCKET G 3-23.****RECITALS:**

WHEREAS, Docket G 3-23 is a legislative action amending provisions related to trees in Title 17 (Zoning) of the McMinnville Municipal Code.

WHEREAS, Docket G 3-23 was initiated on April 3, 2023 with notice of the proposed amendments and a June 15, 2023 Planning Commission public hearing submitted to DLCD on April 3, 2023 and May 9, 2023.

WHEREAS, on June 9, 2023, notice of the application and the June 15, 2023 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.

WHEREAS, on June 15, 2023, the Planning Commission held a duly noticed public hearing to consider the request. The hearing was continued to July 20, 2023. The hearing was subsequently continued to September 7, 2023, February 15, 2024, and April 18, 2024.

WHEREAS, on April 18, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments, subject to additional revisions to add definitions of "Complex Tree Removal Permit Application" and "Simple Tree Removal Permit Application" to the tree-related definitions of Section 17.06.045 of the Zoning Ordinance, and to correct typographical and scrivener errors. The proposed amendments also update the provisions for administration of tree permits.

WHEREAS, notice of the May 28, 2024 City Council meeting was posted on the City website in accordance with Oregon public meetings law.

WHEREAS, the City Council received the Planning Commission recommendation and staff report, and has deliberated.

WHEREAS, the City Council, being fully informed about said request, found that the requested amendments attached as Exhibit A conform to the applicable criteria, including the Comprehensive Plan goals and policies, as well as the McMinnville Zoning Ordinance, based on the material submitted by the Planning Department and the findings of fact and conclusionary findings for approval in Exhibit B.

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

1. The McMinnville Zoning Ordinance is amended as provided in Exhibit A; and

2. The Council adopts the Decision, Findings, and Conclusionary Findings for Docket G 3-23 attached as Exhibit B; and
3. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 28th day of May 2024, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Approved as to form:

Attest:

City Attorney

City Recorder

EXHIBITS:

- A. Amendments to McMinnville Zoning Ordinance (Title 17 of McMinnville Municipal Code)
- B. Decision, Findings, and Conclusionary Findings for Docket G 3-23

McMinnville Zoning Ordinance
Amendments to Provisions Relating to Trees

New text is in **bold, italic, underline text**. Deleted text is in ~~strikethrough text~~

Chapter 17.06

DEFINITIONS

(as adopted by Ord. 5106, 2021; Ord. 5034, August 8, 2017)

Sections:

| | |
|-----------|--|
| 17.06.010 | Generally. |
| 17.06.015 | General Definitions. |
| 17.06.020 | Special Definitions. |
| 17.06.025 | Airport Overlay Zone Related Definitions. |
| 17.06.030 | Flood Area Zone Related Definitions. |
| 17.06.035 | Landscaping Related Definitions. |
| 17.06.036 | Marijuana Activities Related Definitions. |
| 17.06.040 | Sign Related Definitions. |
| 17.06.045 | Tree Related Definitions. |
| 17.06.050 | Wireless Communication Facilities Related Definitions. |
| 17.06.060 | Historic Preservation Related Definitions. |

17.06.020 Special Definitions.

...

17.06.045 Tree Related Definitions. For the purpose of Trees (Chapter 17.58), the following definitions shall apply.

...

Complex Tree Removal Permit Application – An application for a tree removal permit for a tree subject to the requirements of Chapter 17.58, which is not related to the issues addressed in the criteria for a “Simple Tree Removal Permit” specified in Chapter 17.58, and which is related to the criteria for a “Complex Tree Removal Permit” specified in Chapter 17.58.

...

Simple Tree Removal Permit Application - An application for a tree removal permit for a tree subject to the requirements of Chapter 17.58, which is related to one or more of the issues addressed in the criteria for a “Simple Tree Removal Permit” specified in Chapter 17.58.

...

Chapter 17.58

TREES
(as adopted by Ord. 4654B Dec. 9, 1997)

Sections:

- 17.58.010 Purpose.
- 17.58.020 Applicability.
- 17.58.030 Definitions.
- 17.58.040 Tree Removal/Replacement.
- 17.58.045 Downtown Trees.
- 17.58.050 **Application** Review **and** Criteria.
- 17.58.060 Permit Exemptions.
- 17.58.070 Topping.
- 17.58.075 Protection of Trees.
- 17.58.080 Street Tree Planting - When Required.
- 17.58.090 Street Tree Standards.
- 17.58.100 Street Tree Plans.
- 17.58.110 Street Tree Planting.
- 17.58.120 Street Tree Maintenance.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.020 Applicability. The provisions of this ordinance shall apply to:

- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees with trunks located completely or partially within any public area or right-of-way;
- ~~C. All trees with trunks located completely within any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections;~~
- C.** ~~D.~~ All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review; (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).

17.58.030 Definitions. For the purpose of this section, refer to Section 17.06.045 for Tree related definitions. (Ord. 4952 §1, 2012).

17.58.040 Tree Removal/Replacement

- A. The removal or major pruning of a tree, if applicable under Section 17.58.020, shall require City approval, unless specifically designated as exempt by this ordinance. Persons wishing to remove or prune such trees shall file an application for a permit with the ~~McMinnville Planning Department~~. City. The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action, and the costs associated with tree removal, replacement, and repair of any other public infrastructure impacted by the tree removal or major pruning. ~~Requests for tree removal or pruning of trees outside of the Downtown Tree Zone~~. **Applications shall be reviewed by the City Manager or City Manager's Designee (hereafter "Manager") or the Landscape Review Committee as provided in this Chapter, including Section 17.58.050. Only applications for Complex Tree Removal Permits** shall be forwarded to the McMinnville Landscape Review Committee for a decision within 30 (thirty) days of submittal, **except as authorized in Section 17.58.050**. Requests for tree removal within the Downtown Tree Zone shall be submitted to the ~~McMinnville Planning Department~~ City. Such requests shall be acted upon as soon as practicable, with consideration given to public safety, value of the tree to the public, and work schedules. The ~~Planning Director or their designee~~ Manager should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or ~~Planning Director~~ Manager, as appropriate, may approve, approve with conditions, or deny the request based on the criteria stated in Section 17.58.050. A decision of the committee or ~~Director~~ Manager may be appealed to the Planning Commission if written notice of the appeal is filed with the ~~Planning Department~~ City within 15 (fifteen) days of the committee's or ~~Director's~~ Manager's decision. A decision made by the ~~Planning Director~~ Manager in response to a request to remove an unsafe tree, or a tree causing repeated and excessive damage to sidewalks or other public or private improvements or structures shall be final, unless appealed by the applicant; no other party shall have standing to appeal.
- B. Trees subject to this ordinance **which are approved for removal or pruning** shall be removed or pruned following accepted **arboricultural pruning standards practices, such as those published by the International Society of Arboriculture (ISA) and any standards** adopted by the City. The ~~Planning Director~~ Manager, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current Downtown Tree Zone inventory assessment as unhealthy, dangerous to the public, inappropriate for the downtown area, or otherwise in need of removal.
- C. The applicant shall be responsible for all costs associated with the tree removal or pruning, or as otherwise required by this ordinance, and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.
- D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree approved by the city, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of

Tree Landscape Appraisers. Every attempt should be made to plant replacement trees in the same general location as the tree being removed. In the event that a replacement tree cannot be planted in the same general location, a condition of approval may be required to allow for the replacement tree to be planted in another location in the City as part of the City's annual tree planting program.

- E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two inch thick layer of topsoil shall be placed over the remaining stump and surface roots. The area shall be crowned at least two inches above the surrounding grade to allow for settling and shall be raked smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be re-seeded.
- F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Manager's or Landscape Review Committee's decision. The Manager or Landscape Review Committee may allow for additional time to complete the tree replacement to allow for planting in favorable seasons and to promote tree survivability.
- G. Other conditions may be attached to the permit approval by the Manager or McMinnville Landscape Review Committee as deemed necessary.
- H. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees outside the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees to minimize the potential for sidewalk / tree root conflict. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.045 Downtown Trees.

- A. The pruning and removal of street trees within the Downtown Tree Zone shall be the responsibility of the City, and shall be undertaken at public expense.
- B. The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014, as may be subsequently amended. Specific design drawings and specifications have been developed for trees within the Downtown Tree Zone. Such design specifications may be periodically updated by the City to include specifications such as tree root barriers, watering tubes or structures, tree grates, and removable pavers, and shall graphically describe the proper method for planting trees within the Downtown Tree Zone to minimize the potential for sidewalk / tree root conflict.
- C. The City shall adopt implementation measures that cause, through rotation over time, the development of a variable aged stand of trees within the Downtown Tree Zone. In order to implement this policy, the ~~Planning Director~~ Manager shall authorize, but shall limit, annual tree removal within the downtown to no more than three (3) percent of the total number of existing downtown trees in the Downtown Tree Zone.
- D. A street tree within the Downtown Tree Zone may be removed if the ~~Planning Director~~ Manager determines that the tree is causing repeated and excessive

damage to sidewalks or other public or private improvements or structures. (Ord. 5027 §2, 2017).

~~17.58.050 — Review Criteria. A permit for major pruning or tree removal shall be granted if any of the following criteria apply:~~

- ~~A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist.~~
- ~~B. The tree is in conflict with public improvements.~~
- ~~C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program.~~
- ~~D. Verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).~~

17.58.050 Application Review and Criteria.

A. Application for Simple Tree Removal Permit.

- 1. Review. Applications for simple tree removal permits shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.**
- 2. Criteria. Each tree proposed for removal must meet at least one of the following criteria:**
 - a. The tree is a hazard as determined by a Certified arborist, and the arborist has demonstrated that less intensive options than removal, such as pruning, cabling, or bracing of limbs would not abate the hazard or would have a significant adverse effect on the health of the tree.**
 - b. The tree is dead or in an advanced state of decline.**
 - c. The tree species is on the nuisance list for Oregon or the list of invasive trees published by OSU Extension.**
 - d. Tree is infested with pests or disease.**
 - e. The tree roots are causing damage to sidewalks or other infrastructure, and the damage can't reasonably be abated without removing the tree. In evaluating whether the damage can be reasonably abated without removing the tree, consideration shall be given to impacts of the necessary abatement on the tree's health, further damage to infrastructure that would occur if the tree is retained, and alternative methods of abatement that would retain and protect the tree and prevent further damage. When considering reasonable abatement methods, greater priority shall be placed on retention of larger, healthy trees.**
 - f. The tree has sustained physical damage to an extent that necessitates its removal to address an issue of safety or tree health and aesthetics.**
 - g. The proposed removal is part of an approved development project, a public improvement project where no reasonable alternative is available, or is part of a street tree improvement program. When considering reasonable alternatives, greater priority shall be placed on retention of larger, healthy trees.**
 - h. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list**

the decision shall also meet any applicable requirements related to the protection of such trees.

3. Arborist Verification. In order to meet any of the above criteria for removal verification of tree health or a tree's impacts on infrastructure shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City. The Manager may waive the requirement for verification by an Arborist if it is reasonable to determine a tree is dead by inspection or other documentation required by the Manager. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
4. At the Manager's discretion, any simple tree removal permit application may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

B. Application for Tree Major Pruning Permit.

1. Review. Applications for major pruning of trees shall be reviewed by the Manager in accordance with the requirements of this Chapter on a form containing information required by the Manager.
2. Criteria. Each tree proposed for major pruning shall meet all of the following criteria.
 - a. The pruning is necessary to reduce risk of hazard, maintain or improve tree health and structure, or improve aesthetics in accordance with accepted arboricultural practices, or to achieve compliance with public standards such as vision clearance, vertical clearance above sidewalks or roadways, or separation from overhead utilities.
 - b. The proposed pruning shall be consistent with the public purposes of Section 17.58.010 and shall not adversely affect the health of the tree. When pruning is necessary to reduce risk of hazard or achieve compliance with public standards, the tree structure and aesthetics shall be maintained to the extent practicable.
 - c. The proposed pruning will be performed consistent with accepted arboricultural practices, such as those published by the International Society of Arboriculture (ISA).
 - d. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.
3. Arborist Verification. In order to meet any of the above criteria for major pruning, verification of the need and consistency with the criteria for the proposed pruning shall be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
4. At the Manager's discretion, any application for major pruning of a tree may be referred to the Landscape Review Committee for review, to be reviewed by the Committee within 30 days of submittal of the application.

C. Application for Complex Tree Removal Permit.

- 1. Review. Applications for complex tree removal permits shall be reviewed by the Landscape Review Committee in accordance with the procedures of this Chapter on a form containing information required by the Manager.**
- 2. Criteria. An application for a complex tree removal permit shall meet all of the following criteria:**
 - a. The tree removal is necessary to address a public purpose that is not addressed by the criteria for a Simple Tree Removal Permit, and the application does not merely circumvent the requirements for a Simple Tree Removal Permit.**
 - b. The tree removal is necessary to promote the public health, safety, welfare, and/or to accomplish a public purpose or program identified in the City's adopted plans, goals, and/or policies.**
 - c. The tree removal will be consistent with the overall furtherance of a healthy urban forest, including healthy, attractive street trees.**
- 3. The Landscape Review Committee may apply conditions of approval as specified in this Chapter and as may be necessary to offset the impact of the tree removal.**
- 4. If the tree is on an adopted list or inventory of trees identified by the City as part of an adopted tree protection program, such as a Heritage Tree list, the decision shall also meet any applicable requirements related to the protection of such trees.**

17.58.060 Permit Exemptions.

- A. Emergency Removal of** Hazardous Tree - If an imminent danger exists to the public or any private property owner or occupant, the City may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.
- B. Tree Impacting Public Infrastructure** – If a tree is causing damage to or impacting public infrastructure that the adjacent property owner is not responsible for repairing, such as pedestrian ramps, utility vaults, or public storm or sanitary sewer lines, the tree removal may be approved by the ~~Planning Director or their designee~~ **Manager**. The removal shall be in accordance with International Society of Arboriculture (ISA) standards. In the event that a replacement tree cannot be planted in the same general location as the tree removed, the replacement tree may be planted in another location in the City as part of the City's annual tree planting program.
- C. Maintenance** - Regular pruning maintenance which does not require the removal of over 20 percent of the tree's canopy, tree topping, or the disturbance of over 10 percent of the tree's root system is exempt from the provisions of this ordinance.
- D. Removal of downtown trees at the direction and initiative of the City Planning Director** **Manager**. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.070 Tree Topping It shall be unlawful for any person, firm, or the City to top any tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the **Manager or McMinnville** Landscape Review Committee, applying criteria developed by the City. (Ord. 4654B §1, 1997).

17.58.075 Protection of Trees

- A. It shall be unlawful for any person to remove, destroy, break, or injure any street tree or public tree. Individuals convicted of removing or destroying a tree without City approval shall be subject to paying to the City an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.
- B. It shall be unlawful for any person to attach or keep attached to any street or public tree or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.
- C. During the construction, repair, alteration or removal of any building or structure it shall be unlawful for any owner or contractor to leave any street tree or public tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.
- D. Excavations shall not occur within the drip line of any street tree or public tree without approval of the City, applying criteria developed by the Landscape Review Committee. Utility pole installations are exempted from these requirements. During such excavation or construction, any such person shall guard any street tree or public tree within the drip line, or as may be required by the **Manager or** Landscape Review Committee.
- E. All building material or other debris shall be kept outside of the drip line of any street tree or public tree. (Ord. 4654B §1, 1997).

17.58.080 Street Tree Planting—When Required. All new multi-family **residential** development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090. (Ord. 4654B §1, 1997).

17.58.090 Street Tree Standards.

- A. The species of the street trees to be planted shall be chosen from the McMinnville Street Tree List, as approved by Resolution ~~2016-22~~ **2019-26, and as may have been subsequently amended,** unless approval of another species is given by the McMinnville Landscape Review Committee. The Landscape Review Committee may periodically update the McMinnville Street Tree List as necessary to reflect current arborist practices and industry standards.
- B. Street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a ~~well~~ **well**-developed leader with tops and roots characteristic

- of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- C. Small or narrow stature trees (under 25 feet tall and less than 16 feet wide branching) should be spaced no greater than 20 feet apart; medium sized trees (25 feet to 40 feet tall, 16 feet to 35 feet wide branching) should be spaced no greater than 30 feet apart; and large trees (over 40 feet tall and more than 35 feet wide branching) should be spaced no greater than 40 feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the City for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the McMinnville Landscape Review Committee. When planting replacement trees within the Downtown Tree Zone, consideration shall be given to the height of adjacent buildings.
- D. **Except as provided in this Section, street trees shall be planted within a curbside planter strip or tree wells consistent with the applicable standards and dimensions of the City's adopted Complete Street standards, with the street trees centered between back of curb and front of sidewalk. However, where a street with sidewalk was previously constructed to a different standard, the Manager may authorize deviation to the street tree planting standards, with street trees planted in a narrower planter strip or behind the sidewalk.** When located adjacent to a local residential street or minor collector street, **Except when authorized by the Manager,** street trees shall **not** be planted within a curbside landscape strip measuring a minimum of three (3) **narrower than four (4)** feet in width **between the sidewalk and curb.** **When nonconforming conditions do not allow for trees to be planted in tree wells or planter strips along major collector or arterial streets per the adopted Complete Street standards,** ~~Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4)~~ **five (5)** feet from the back edge of the sidewalk. **Except when authorized by the Director,** ~~In no case shall a~~ **a street** tree **shall not** be planted closer than two and one-half (2 1/2) feet from the face of a curb. These standards may be superseded by design drawings and specifications as periodically developed and adopted by the City.
- E. Street trees shall not be planted within ten (10) feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty (20) feet of street light standards or street intersections, or within five (5) feet of a private driveway or alley. New utility poles shall not be located within five (5) feet of an existing street tree. Variations to these distances may be granted by the Public Works Director and as may be required to ensure adequate clear vision.
- F. Existing street trees shall be retained unless approved by the ~~Planning Director~~ **Manager** for removal during site development or in conjunction with a street construction project. Sidewalks of variable width and elevation may be utilized as approved by the ~~Planning Director~~ **Manager** to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way, or as approved by the City, shall be replaced within the street right-of-way at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the City an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the existing street tree to be removed shall be calculated using the

methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

- G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb, and if located within the Downtown Tree Zone shall follow the design drawing or updated design drawings and specifications as periodically developed and adopted by the City. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

17.58.100 Street Tree Plans

A. Submittal.

1. Subdivisions and Partitions: Street tree planting plans shall be submitted to the Landscape Review Committee for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and ~~Multi-family~~ **Multi-dwelling** Residential Development: Landscape plans, to include street tree planting as may be required by this ordinance, shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree planting plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and existing trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 4654B §1, 1997).

17.58.110 Street Tree Planting

A. Residential subdivisions and partitions.

1. Planting Schedule: Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in Section 17.53.153.

B. Commercial, Industrial, ~~Multi-family~~ **Residential**, Parking Lot Development.

1. Planting Schedule: Street trees required of a commercial, industrial, ~~multi-family~~ **residential**, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 4654B §1, 1997).

17.58.120 Street Tree Maintenance.

- A. Street trees shall be continually maintained, including necessary watering, weeding, pruning and replacement, by the developer or property owner for one full growing season following planting, or as may be required by the City.
- B. Street tree plans, or landscape plans including street trees, shall be maintained in perpetuity. In the event that a street tree must be replaced, the adjacent property owner or developer shall plant a replacement tree of a species from the approved street tree or landscape plan.
- C. Maintenance of street trees, other than those located in the Downtown Tree Zone shall be the continuing obligation of the abutting property owner. The City shall undertake regular maintenance of street trees within the Downtown Tree Zone in accordance with appropriate horticultural practices including pruning and fertilizing to properly maintain the health of such trees. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. Street trees, as they grow, shall be pruned to provide at least eight (8) feet of clearance above sidewalks and thirteen (13) feet above local streets, fifteen (15) feet above collector streets, and eighteen (18) feet above arterial streets. This provision may be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the City. Major pruning, as defined in Section 17.58.020, of a street tree must be approved by the City in accordance with Sections 17.58.040 **and 17.58.050**. (Ord. 5027 §2, 2017; Ord. 4654B §1, 1997).



City of McMinnville
Community Development
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DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE, DOCKET G 3-23, RELATING TO TREE PROVISIONS AND AMENDING SECTION 17.06.045 "TREE RELATED DEFINITIONS" AND CHAPTER 17.58 "TREES"

DOCKET: G 3-23

REQUEST: The City of McMinnville is proposing amendments to Section 17.06.045 "Tree Related Definitions" and Chapter 17.58 "Trees" of the Zoning Ordinance regarding trees. The proposal would create categories of "simple" and "complex" permits for removal of trees which are subject to Chapter 17.58. Applications for simple permits and major pruning would now be reviewed by staff, while applications for complex permits would continue to be reviewed by the Landscape Review Committee. Provisions of Chapter 17.58 are also updated for internal consistency with the City's Complete Street Standards, and the provisions for administration of tree permits are updated.

LOCATION: N/A. The proposal is a legislative text amendment.

ZONING: N/A. The proposal is a legislative text amendment.

APPLICANT: City of McMinnville

STAFF: Tom Schauer, Senior Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: April 18, 2024, 6:30pm (last continued from February 15, 2024).
Hybrid In-Person and Zoom Online Meeting:

In Person: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville

Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/89368634307?pwd=M0REY3RVSzFH eFdmK2pZUmJNdkdSZz09>

Zoom Meeting ID: 893 6863 4307

Zoom Passcode: 989853

Or you can call in and listen via zoom: 1-253-215-8782

ID: 893 6863 4307

BODY: McMinnville City Council

In Person: Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville

<https://mcminnvilleoregon.zoom.us/j/86446399879?pwd=RuMxpsb22WITVWZ4fPZRgaCobwciU9.1>

Zoom Meeting ID: 864 4639 9879

Or you can call in and listen via zoom: 1-253- 215- 8782
ID: 864 4639 9879

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

DECISION

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Date:

Date: _____

Date:

Ordinance No. 5145 (G 3-23)
Effective Date: June 27, 2024 (30 days after adoption date)
Page 15 of 18

This docket originally included amendments to Chapter 17.57 of the Zoning Ordinance addressing landscape plans and landscaping and proposed amendments to Chapter 17.58 of the Zoning Ordinance addressing provisions for tree removal, major pruning of trees. and tree standards.

This work is now being addressed in two separate parts: the landscaping provisions of Chapter 17.57 and the tree provisions of Chapter 17.58 of the Zoning Ordinance. The current proposal is the amendments to the tree provisions of Chapter 17.58. The landscape provisions of Chapter 17.57 will be considered separately at a future date following additional work with the Landscape Review Committee.

This application is a legislative proposal for proposed amendments to Chapter 17.58 of the McMinnville Zoning Ordinance adopting amended procedures and provisions for processing of applications for permits for tree removal and major pruning of trees subject to Chapter 17.58 of the Zoning Ordinance.

The amendment creates categories of “simple” and “complex” permits for removal of trees which are subject to Chapter 17.58. Applications for simple permits and major pruning would now be reviewed by staff, while applications for complex permits would continue to be reviewed by the Landscape Review Committee. Provisions of Chapter 17.58 are also updated for internal consistency with the City’s Complete Street Standards.

Based on the recommendation of the Planning Commission, the amendment also adds definitions of “Complex Tree Removal Permit Application” and “Simple Tree Removal Permit Application” to the tree-related definitions of Section 17.06.045 of the Zoning Ordinance, and it includes corrections to typographical and scrivener errors. The proposed amendments also update the provisions for administration of tree permits.

A revised draft of amendments to Section 17.06.045 and Chapter 17.58 is attached as ***Attachment 1 (See Exhibit A to Ordinance 5145)***. Staff is recommending approval of the proposed amendments to Section 17.06.045 and Chapter 17.58 consistent with the Planning Commission recommendation, incorporating the definitions, addressing the typographical and scrivener errors, and also updating the provisions for administration of tree permits.

II. ATTACHMENTS

- Attachment 1. Chapter 17.58. Proposed Amendments (on file with Planning Division, see also Attachment A to Ordinance 5145)

III. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. On April 3, 2023 and May 9, 2023, notice of the application and the June 15, 2023 Planning Commission public hearing was provided to DLCD.
2. On June 9, 2023, notice of the application and the June 15, 2023 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.

3. On June 15, 2023, the Planning Commission held a duly noticed public hearing to consider the request. The hearing was continued to July 20, 2023. The hearing was subsequently continued to September 7, 2023, February 15, 2024, and April 18, 2024.
4. On April 18, 2024, the Planning Commission held a duly noticed public hearing to consider the request. The Planning Commission recommended City Council approve the proposed amendments, subject to additional revisions to add definitions of "Complex Tree Removal Permit Application" and "Simple Tree Removal Permit Application" to the tree-related definitions of Section 17.06.045 of the Zoning Ordinance, and to correct typographical and scrivener errors. The proposed amendments also update the provisions for administration of tree permits.
5. Notice of the May 28, 2024 City Council meeting was posted on the City website in accordance with Oregon public meetings law.
6. On May 28, 2024, the City Council held a duly noticed public meeting to consider the recommendation of the Planning Commission and the proposal.

IV. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Zoning Ordinance

The Purpose Statement of the Zoning Ordinance serves as a criterion for Zoning Ordinance amendments:

Chapter 17.03. General Provisions.

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: SATISFIED. The proposed amendments continue to promote the public health, safety, convenience, and general welfare. The proposed amendments allow for procedures that provide efficient utilization of resources in processing routine permit applications, while ensuring the purposes and policies implemented through the standards continue to be achieved.

Chapter 17.58. Trees.

17.58.010 Purpose. The purpose of this ordinance is to establish and maintain the maximum amount of tree cover on public and private lands in the city; reduce costs for

energy, stormwater management, and erosion control; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance costs; to enhance the appearance, beauty and charm of the City; to increase property values and build stronger ties within neighborhoods; to implement applicable adopted Downtown Improvement Plan provisions; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 5027 §2, 2017; Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

FINDING: SATISFIED. The proposed amendments continue to achieve the purposes of Section 17.58.010, while streamlining the process for processing of routine tree permits.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

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.

FINDING: SATISFIED. The proposal is consistent with this applicable Goal of Chapter X of the Comprehensive Plan.

Proposed amendments were developed with the appointed Landscape Review Committee, and the public hearing process provided further opportunity for consideration of citizen involvement and input and associated deliberation.

The proposed amendments make adjustments to the current review procedures so that routine tree removal and pruning permits would be reviewed by staff, while providing for review of more complex applications by the appointed Landscape Review Committee, providing a higher level of engagement for those more complex and less routine applications.

May 26, 2024

Re: Public Comment regarding a new recreation center

Dear City Council,

As you prepare to make decisions regarding the city's efforts to move closer to a bond effort, I want to reiterate my support for a new "one stop shopping" recreation center and space.

As stated in prior comments, I was born and raised in McMinnville. As a child, I utilized just about every park and recreation service the City of McMinnville could provide. Now 48, I'm watching my children recreate on the same exact fields, in the same gyms and in the same pool with twice as many users and very little upgrades. The city has done an incredible amount of work over the last several years to get us to this point in the planning process for a new recreation facility. Let's trust the process and proceed with the next steps to move this forward despite funding worries. Those worries will never go away. The investment is sound.

The economic, social, health and environmental value of quality parks and recreation services is well researched. Quality parks and recreation are noted as one of the top three reasons that businesses cite in relocation decisions. In countless surveys, parks and recreation services are a major determinant of a community's livability. Communities that participate in sport and recreation develop strong social bonds, are safer places and the people who live in them are generally healthier and happier than places where physical activity isn't a priority.

Please help make our community stronger, safer and more livable!

Thank you for your time and service,

Lisa Macy-Baker
MacPAC Member
1107 NE Cows St.
McMinnville