

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

City Council Meeting Agenda Tuesday, June 27, 2017

6:00 p.m. – Dinner Meeting 7:00 p.m. – Regular Council Meeting

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

6:00 PM - DINNER MEETING - CONFERENCE ROOM

- 1. CALL TO ORDER
- 2. REVIEW CITY COUNCIL AGENDA
- 3. ADJOURNMENT

7:00 PM - REGULAR COUNCIL MEETING - COUNCIL CHAMBERS

- CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. INVITATION TO CITIZENS FOR PUBLIC COMMENT The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a topic already on the agenda; 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 the duration of these comments.

4. PUBLIC HEARING

a. Proposed supplemental budget for the fiscal year ending June 30, 2017 (related to the Airport Maintenance Fund).

5. PRESENTATIONS

 Receive Report and Recommendation from Gary Eastlund, Hagan Hamilton to approve the 2017 – 2018 Property, Liability, Workers Compensation, and Auto Insurance Coverages.

6. CONSENT AGENDA

- a. Consider the Minutes of the October 13, 2015 Meeting.
- b. Approve Recology Rates.
- c. Liquor License Application Open Claim Vineyard LLC (2803 NE Orchard Avenue)

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702. For TTY services, please dial 711.

7. RESOLUTIONS

- a. **Resolution No. 2017-41:** A Resolution increasing the Planning permitting fees by approximately 1.7% for fiscal year 2017-2018, effective July 1, 2017.
- b. **Resolution No. 2017-42:** A Resolution adopting a supplemental budget for fiscal year 2016-2017 and making supplemental appropriations.
- c. **Resolution No. 2017-43:** A Resolution making a budgetary transfer of appropriation authority for fiscal year 2016-2017.
- d. **Resolution No. 2017-44:** A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.
- e. **Resolution No. 2017-45:** A Resolution adopting a new fee schedule for ambulance services provided by the City of McMinnville and repealing Resolution No. 2016-35.
- f. **Resolution No. 2017-46:** A Resolution Declaring the City's election to receive state revenues.
- g. **Resolution No. 2017-47:** A Resolution Extending the City of McMinnville's workers compensation coverage to the City of McMinnville volunteers.
- h. **Resolution No. 2017-48:** A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760.
- i. **Resolution No. 2017-49:** A Resolution adopting the budget for the fiscal year beginning July 1, 2017; making the appropriations; imposing the property taxes; and categorizing the property taxes.
- j. Resolution No. 2017-50: A Resolution awarding the contract for the NW Hill Road Improvements Project, Project 2015-16.
- k. **Resolution No. 2017-51:** A Resolution ratifying an amendment to the collective bargaining agreement between the City of McMinnville and the International Association of Fire Fighters, Local 3099 (IAFF) for Part Time plus employees to be represented by the bargaining group for the period starting July 1, 2017.

8. ORDINANCES

- a. Second Reading on Ordinance No. <u>5023</u>: An Ordinance Amending The McMinnville Zoning Ordinance Specific To Section 17.53.101(L) (Land Division Standards – Street Grades And Curves) To Allow Local Street Grades Up To And Including Fifteen (15) Percent.
- b. Second Reading on Ordinance No. <u>5024</u>: An Ordinance Amending Planned Development Ordinance No. 4868 To Allow Exceptions To Current Street Grade, Block Length, Block Circumference And Lot Depth To Width Standards And To Amend An Approved Residential Subdivision And Phasing Plan On Approximately 132 Acres Of Land.
- c. First Reading with possible Second Reading of Ordinance No. 5027: An Ordinance Amending The McMinnville Zoning Ordinance Specific To Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), And Chapter 17.06 (Definitions).
- d. **First Reading with possible Second Reading of Ordinance No. <u>5028</u>: An Ordinance amending the McMinnville City Code, Chapter 2.33, specific to the Landscape Review Committee.**

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- e. **First Reading with possible Second Reading of Ordinance No.** <u>5029</u>: An Ordinance repealing Ordinance 4267 and granting a non-exclusive gas utility franchise to Northwest Natural Gas Company.
- 9. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
 - c. Cash & Investment Report
 - d. Building Division Report
- 10. ADJOURNMENT

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Insurance, It's What We Do.

June 19, 2017

McMinnville City Councilors Scott Hill, Mayor Jeff Towery, City Manager life auto home health business employee benefits



Re:

Insurance Programs Stewardship Report

July 1, 2017 – June 30, 2018

I would like to thank you for your continued support of Hagan Hamilton as your Agent of Record for the City insurance programs. I have reviewed the renewal proposals and my recommendation to the Council is to accept the renewal offers from CIS for:

- PROPERTY/LIABILITY
- AUTO
- MECHANICAL BREAKDOWN
- WORKERS COMPENSATION

The proposed annual contribution for the CIS Package, not including the workers compensation, is \$454,655. This represents a 4.1% increase over the prior year contribution of \$436,631, which is in line with the average member increase of 3% to 5%.

The CIS workers compensation renewal has decreased slightly. The City experience modification factor dropped from .88 to .76 which resulted in a deposit premium of \$92,583 down from \$94,230 last year.

With regard to the Airport Liability Insurance I recommend acceptance of the renewal proposal from Ace Property and Casualty Insurance Company for:

AIRPORT OWNERS AND OPERATORS LIABLITY

The renewal premium for the Airport Liability policy is the same as the expiring policy term at \$5,675.

In looking to the future, it is difficult to predict where the insurance premiums will be in the next few years. I am optimistic that future premiums will remain fairly static, and I will keep you informed of any changes as soon as they come to my attention. Thank you again for your past, present and future support of me and Hagan Hamilton Insurance.

Respectfully

Gary F. Eastlund CIC ARM CRM Risk Management Consultant



City of McMinnville 230 NE Second Street McMinnville, OR 97128 (503) 435-5702

www.mcminnvilleoregon.gov

Agenda Item Summary

DATE: June 27, 2017

FROM: Melissa Grace, City Recorder/ Legal Assistant

SUBJECT: Consent Agenda

There are three items on the Consent Agenda:

a. Minutes of the October 13, 2015 Meeting.

- b. Approval of the Recology Western Oregon rates.
- c. Request from Open Claim Vineyard LLC for a liquor license at 2803 NE Orchard Avenue.

Please see attached Recology Western Oregon Summary Rate Sheet effective July 1, 2017 and the attached liquor license recommendation.

CITY OF McMINNVILLE MINUTES OF REGULAR MEETING

Of the McMinnville City Council

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

Tuesday, October 13, 2015, at 7:00 p.m.

Presiding: Rick Olson, Mayor

Recording: Rose A. Lorenzen, Recording Secretary

Councilors: <u>Present</u> <u>Absent</u>

Remy Drabkin Alan Ruden Kevin Jeffries Kellie Menke

Larry Yoder Scott Hill

Also present were City Manager Martha Meeker, Planning Director Doug Montgomery, Finance Director Marcia Baragary, Dave Adams, Jerry

Eichten, and Don Iler.

AGENDA ITEM

4.

1. CALL TO ORDER: Mayor Olson called the meeting to order at 9:02

p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE: Councilor Jeffries led the Pledge of

Allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Olson

invited the public to comment.

JW Millegan, McMinnville resident, said he had a home and office in the Urban Renewal District. He was having retrofitting issues with his office. He wanted to be downtown in a historic building, but many of those buildings were not earthquake resistant. He thought some Urban Renewal funding should go to seismic retrofitting downtown.

Mark Davis, McMinnville resident, stated Urban Renewal included housing and he thought it tied into the affordable housing efforts. Getting pedestrians in the Urban Renewal District was a lot simpler if they were already living there.

MINUTES OF THE AUGUST 19, 2015 CITY COUNCIL WORK

SESSION

4.a.

Consider the minutes of the August 19, 2015 City Council Work Session.

Councilor Drabkin MOVED to approve the minutes of the August 19, 2015 City Council Work Session as presented. SECONDED by Councilor Hill and PASSED unanimously.

5.

PROCLAMATION – Hands and Words Are Not For Hurting

Mayor Olson read the proclamation declaring October 18-24, 2015 as the 10th annual Hands and Words Are Not For Hurting Week.

Library Director Jenny Berg and the Hands and Words Bear led the Hands and Words Are Not For Hurting Pledge.

6.

6.a.

ORDINANCES

Ordinance No. 4994: An Ordinance amending the McMinnville Municipal Code provisions incorporating a Local Transient Loding Tax (Ordinances No. 4974 and 4970).

Finance Director Baragary stated there were two changes that would be made to the Code. One had to do with HB 2656 which clarified whoever collected the payment for the lodging also collected the tax. The issue was online travel companies who collect the tax and remit it to the City. This ordinance aligned the City's process with the State's process. The other change was in regard to delinquent tax payments and charging a 4% per annum late fee. That was a complicated way to calculate interest and it was changed to 1% per month.

City Attorney Gowell read by title only Ordinance No. 4994, amending the McMinnville Municipal Code provisions incorporating a Local Transient Lodging Tax (Ordinances No. 4974 and 4970). The title of the ordinance was read for the second time.

Ordinance No. 4994 PASSED by a unanimous roll-call vote.

7.

7.a.

RESOLUTIONS

Resolution No. 2015-48: Awarding the contract for the Library Plaza Enhancement Project to Blue Spruce Builders, Project 2015-12.

Library Director Berg stated this resolution authorizes a contract with the construction firm Blue Spruce Builders, to finish the Library Plaza Enhancement Project and install the pavers.

Councilor Hill MOVED to approve Resolution No. 2015-48. SECONDED by Councilor Yoder and PASSED unanimously.

8.	ADVICE/INFORMATION ITEMS
	None.
9.	ADJOURNMENT: Mayor Olson adjourned the meeting at 9:14 p.m.
	City Recorder



Mr. Jeff Towery City Manager City of McMinnville 230 E. 2nd St. McMinnville, OR 97128

March 31st, 2017

Dear Jeff:

Enclosed are the schedules that make up the Rate Review Report and Annual Financial Report as outlined in our Solid Waste Collection Franchise Agreement. They are as follows:

- 1. The Rate Review Report (attached), which includes the following:
 - a. All the actual expenses incurred in the preceding calendar year, and all allowable expenses that we reasonably anticipate will be incurred in the current year
 - b. The allocation factors and percentages used to allocate shared expenses
 - c. The actual and expected Operating Ratios for the preceding and current year
 - 2. The 2016 Reviewed Financial Statement for RWO Valley (attached)
 - 3. Rate sheets showing current and proposed rates (to be provided by 6/1/17)
 - 4. An explanation of any changes to rates or services offered (appears below)
 - 5. A summary of recent operational changes and improvements (appears below)

PROPOSED CHANGES TO RATES AND/OR SERVICES

The calculated projections indicate our operating ratio will be outside the Operating Ratio Range of 85% to 91%, as detailed in the Agreement. However, these projections include our estimates of the expenses related to the new curbside yard debris and glass programs, which are still growing. While the actual expenses will depend heavily on the number of customers who elect to add one or both carts, collection revenue will vary based on the number of customers who elect to change their service level (cart size, collection frequency, etc.) in response to the new diversion opportunities we have provided for them. As a result, we are prepared to honor the terms of the proposal as approved by the City last June. This includes a 5.0% adjustment on all cart and container rates, in what will be phase 2 of that three-year plan. This would mean that a customer with a 96 gallon roll-cart for trash and weekly service, the increase of \$1.77 would bring their rate to \$37.22 per month. For a customer with a 96 gallon roll-cart for trash and every other week service, the increase of \$1.15 would bring their rate to \$24.20 per month.

Considering the number of changes to elected officials and staff that have occurred since the original agreement was made, we would be happy to sit down with City staff and/or the council at a work session to review the details of the plan, where we are currently, and what growth we are anticipating to see in the use of this service during the next several months.

Assuming the City has no objection to this plan, rate sheets will be delivered to the City by June 1st, 2017, with the new rates to be effective on July 1st, 2017.



PROPOSED CHANGES TO MEDICAL WASTE AND DISPOSAL RATES

We are proposing to increase medical waste collection rates by 2.0% to reflect an increase in the disposal rates charged to us by our vendor. This change will be included on the rate sheets we submit on June 1st.

We are not expecting a major change in the disposal rates we pay at Riverbend Landfill. The rate sheets we submit on June 1st should include an adjustment of ~ 2.0% for the debris box garbage ton rate. The disposal expense we projected for garbage collected from our cart and container customers included a similar estimate. If anything should change regarding the availability of our current disposal site, or if we are notified of a significant increase in our disposal expense, we will need to initiate an out-of-calendar review and special rate request, once we can determine the changes in our costs, and the resulting impact to our collection rates.

OPERATIONAL CHANGES & IMPROVEMENTS

We continue to make progress toward our goal of converting our recycling center into a full-service transfer station. While the future of Riverbend Landfill remains unclear, we are committed to ensuring that we have the ability to provide collection services to our customers. In the interim, we hope to utilize the improved facility to maximize our waste diversion and recovery efforts.

While operations are generally moving forward as projected and expected, we continue to make changes in the interest of improved customer service. After months of planning, our phone systems are scheduled to be replaced, beginning in April. We look forward to the improved communications with our communities and customers. During this past winter's severe weather, we saw an increased interest in our local Facebook page. Customers told us they liked having quick access to information about current service delays, as well as the photos posted by our drivers.

We have also worked hard company-wide to reduce the number of accidents and incidents. With help from our safety committees and local and regional staff, we are committed to drop these numbers even further in 2017. Our goal is to do everything we can to get the work done and send our fellow employee-owners home safely at the end of the day.

I would appreciate the opportunity to discuss any questions you may have before we make our presentation to the City Council. Please call my office at 503-474-4856 at your convenience.

Respectfully,

Fred Stemmler, CPA General Manager

RECOLOGY WESTERN OREGON

MCM CITY OF MCMINNVILLE

SUMMARY RATE SHEET EFF. DATE: 7/1/2017

IVIOIVI	OTT OF WOMINITUREE			LII. DAIL.	77 17 20 17
		CURRENT			NEW
CODE	DESCRIPTION	RATE	INC %	INC \$\$	RATE

CAN & CART SERVICES - CURBSIDE

CURRSIDE: WITHIN 4 FEET OF THE CURR OR ROAD, AND AWAY FROM ALL CARS, MAIL ROYES, OR OTHER ITEMS

CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS.								
32 GALLON CAN SERVICE (CUSTOMER PROVIDES CAN)					MON	NTHL	Y RATES	
CNGWC	32G CAN-CURB	\$	22.45	5.00%	\$	1.12	\$	23.57
CNGEC	32G CAN EOW-CURB	\$	14.59	5.00%	\$	0.73	\$	15.32
CNGMC	32G CAN OAM-CURB	\$	7.83	5.00%	\$	0.39	\$	8.22
OCCC	CAN ON CALL CURB	\$	7.83	5.00%	\$	0.39	\$	8.22
32 GALLO	ON CART SERVICE					MON	NTHL	Y RATES
32GWC	32G CART-CURB	\$	21.26	5.00%	\$	1.06	\$	22.32
32GEC	32G CART EOW-CURBSIDE	\$	13.80	5.00%	\$	0.69	\$	14.49
32GMC	32G CART MONTHLY-CURB	\$	7.44	5.00%	\$	0.37	\$	7.81
OC3C	32 GAL CART ON CALL CURB	\$	7.44	5.00%	\$	0.37	\$	7.81
		MONTHLY RATES						
90 GALLO	ON CART SERVICE					MON	NTHL	Y RATES
90 GALLO 90GWC	ON CART SERVICE 90G CART-CURB	\$	35.45	5.00%	\$	MON 1.77	\$	Y RATES 37.22
		\$	35.45 23.05	5.00% 5.00%	\$			
90GWC	90G CART-CURB				_	1.77	\$	37.22
90GWC 90GEC	90G CART-CURB 90G CART EOW-CURB	\$	23.05	5.00%	\$	1.77 1.15	\$ \$	37.22 24.20
90GWC 90GEC 90GMC OC9C	90G CART-CURB 90G CART EOW-CURB 90G CART OAM-CURB	\$ \$	23.05 12.41	5.00% 5.00%	\$	1.77 1.15 0.62	\$ \$ \$	37.22 24.20 13.03
90GWC 90GEC 90GMC OC9C	90G CART-CURB 90G CART EOW-CURB 90G CART OAM-CURB 90 GAL CART ON CALL CURB	\$ \$	23.05 12.41	5.00% 5.00%	\$	1.77 1.15 0.62	\$ \$ \$	37.22 24.20 13.03
90GWC 90GEC 90GMC OC9C MONTHL 90GOC	90G CART-CURB 90G CART EOW-CURB 90G CART OAM-CURB 90 GAL CART ON CALL CURB Y CART RENT (FOR ON-CALL SERVICE)	\$ \$ \$	23.05 12.41 12.41	5.00% 5.00% 5.00%	\$ \$	1.77 1.15 0.62 0.62	\$ \$ \$ \$	37.22 24.20 13.03 13.03
90GWC 90GEC 90GMC OC9C MONTHL 90GOC	90G CART-CURB 90G CART EOW-CURB 90G CART OAM-CURB 90 GAL CART ON CALL CURB Y CART RENT (FOR ON-CALL SERVICE) 90G CART WILL CALL-CURB	\$ \$ \$	23.05 12.41 12.41	5.00% 5.00% 5.00%	\$ \$	1.77 1.15 0.62 0.62	\$ \$ \$ \$	37.22 24.20 13.03 13.03

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

CAN & CART SERVICES - NON-CURBSIDE (SIDEYARD)

NON-CURB	SIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARA	GES AND	FENCED AR	EAS.			
32 GALL	ON CAN SERVICE (CUSTOMER PROVIDE	S CAN)			MOI	NTHL	Y RATES
CNGWS	32G CAN-SIDE	\$	23.63	5.00%	\$ 1.18	\$	24.81
CNGES	32G CAN EOW-SIDE	\$	15.37	5.00%	\$ 0.77	\$	16.14
CNGMS	32G CAN OAM-SIDE	\$	8.28	5.00%	\$ 0.41	\$	8.69
OCCS	CAN ON CALL SIDE	\$	8.28	5.00%	\$ 0.41	\$	8.69
32 GALL	ON CART SERVICE				MOI	NTHL	Y RATES
32GWS	32G CART-SIDE	\$	33.08	5.00%	\$ 1.65	\$	34.73
32GES	32G CART EOW-SIDEYARD	\$	21.52	5.00%	\$ 1.08	\$	22.60
32GMS	32G CART MONTHLY-SIDE	\$	11.58	5.00%	\$ 0.58	\$	12.16
OC3S	32 GAL CART ON CALL SIDE	\$	11.58	5.00%	\$ 0.58	\$	12.16
90 GALL	ON CART SERVICE				MOI	NTHL	Y RATES
90GWS	90G CART-SIDE	\$	54.38	5.00%	\$ 2.72	\$	57.10
90GES	90G CART EOW-SIDE	\$	35.35	5.00%	\$ 1.77	\$	37.12
90GMS	90G CART OAM-SIDE	\$	19.01	5.00%	\$ 0.95	\$	19.96
OC9S	90 GAL CART ON CALL SIDE	\$	19.01	5.00%	\$ 0.95	\$	19.96
MONTH	Y CART RENT (FOR ON-CALL SERVICE)						
90GOS	90G CART WILL CALL-SIDE	\$	2.70	0.00%	\$ -	\$	2.70
SPECIAL	PICK-UP (FOR OFF-SCHEDULE COLLEC	TION)			RA	TE P	ER EACH
SP32S	SPEC P/U 32G CART NON CURBSIDE	\$	11.58	5.00%	\$ 0.58	\$	12.16
SP90S	SPEC P/U 90G CART NON CURBSIDE	\$	19.01	5.00%	\$ 0.95	\$	19.96

Note: Recycle carts dumped as trash due to contamination may be charged the special pick-up rate.

RECOLO MCM	GY WESTERN OREGON CITY OF MCMINNVILLE					IMMAR' DATE:		TE SHEET 1/2017
IVICIVI	CITY OF MCMINIVILLE	CI	JRRENT		EFF.	DATE:		NEW
CODE	DESCRIPTION		RATE	INC %	IN	C \$\$		RATE
	SERVICES & FEES	l l	IVATE	1140 70		Ο ΨΨ		IVATE
	- PER UNIT CHARGES (APPROX. 32 GA	LLONS	PFR UNIT)		RA	TF P	ER EACH
XBAG	EXTRA BAG(S)	\$	5.60	5.00%	\$	0.28	\$	5.88
XBOX	EXTRA BOX	\$	5.60	5.00%	\$	0.28	\$	5.88
XCAN	EXTRA CAN(S)	\$	5.60	5.00%	\$	0.28	\$	5.88
XMISC	EXTRA MISC	\$	5.60	5.00%	\$	0.28	\$	5.88
X32	EXTRA 32G CART(S)	\$	5.60	5.00%	\$	0.28	\$	5.88
X90	EXTRA 90G CART(S)	\$	8.89	5.00%	\$	0.44	\$	9.33
	TEM COLLECTION (SVC CHARGE + CHA			0.0070	, ·	0	<u> </u>	7.00
	ED ARE FOR COLLECTION AT CURB. ADDITIONAL		•	OR RETRIEV	AL.	RA	TE P	ER EACH
APF	REFRIGERATOR/FREEZER	\$	29.29	0.00%	\$	-	\$	29.29
APL	APPLIANCE	\$	11.72	0.00%	\$	-	\$	11.72
FURN	FURNITURE CHARGE	\$	17.57	0.00%	\$	-	\$	17.57
TREE	EXTRA CHRISTMAS TREE	\$	11.20	5.00%	\$	0.56	\$	11.76
IRSC	IN ROUTE SERVICE CHARGE	\$	22.28	5.00%	\$	1.11	\$	23.39
SC	SERVICE CHARGE	\$	22.28	5.00%	\$	1.11	\$	23.39
RELATE) FEES	•			•	RA	TE P	PER EACH
CRIR	CART REDELIVERY IN ROUTE	\$	10.00	0.00%	\$	_	\$	10.00
CROR	CART REDELIVER OUT OF ROUTE	\$	20.00	0.00%	\$	-	\$	20.00
CORDF	CONTAINER RE-DELIVERY FEE	\$	32.77	5.00%	\$	1.64	\$	34.41
Note: Re-De	elivery fees apply for resume service after suspend.							
CCF	CART CLEANING FEE	\$	10.00	0.00%	\$	RA	TE P	10.00
CRF	CART REPLACEMENT FEE	\$	65.00	0.00%	\$		\$	65.00
	icement fee is used for loss/damage beyond normal			0.0070	Ψ	DA		PER EACH
WLI	WIND LATCH INSTALLATION	\$	15.00	0.00%	\$	- KA	\$	15.00
RF	REINSTATEMENT FEE	\$	15.00	0.00%	\$	_	\$	15.00
NSFCF	RETURNED CHECK FEE	\$	25.00	0.00%	\$	-	\$	25.00
FRONT	-LOAD CONTAINER SERVICE							
	CONTAINERS	•		•	ı			Y RATES
1GW	1YD TRASH	\$	153.78	5.00%	\$	7.69	\$	161.47
1GE	1YD TRASH EOW	\$	90.69	5.00%	\$	4.53	\$	95.22
1GM	1YD TRASH MONTHLY	\$	56.75	5.00%	\$	2.84	\$	59.59
10C	ON CALL-1YD TRASH	\$	32.05	5.00%	\$	1.60	\$	33.65
1XP	EXTRA PICK UP-1YD TRASH	\$	32.05	5.00%	\$	1.60	\$	33.65
	D CONTAINERS				•			Y RATES
1HGW	1.5YD TRASH	\$	189.52	5.00%	\$	9.48	\$	199.00
1HGE	1.5YD TRASH EOW	\$	108.55	5.00%	\$	5.43	\$	113.98
1HGM	1.5YD TRASH MONTHLY	\$	65.00	5.00%	\$	3.25	\$	68.25
1HOC	ON CALL-1.5YD TRASH	\$	41.15	5.00%	\$	2.06	\$	43.21
1HXP	EXTRA PICK UP-1.5YD TRASH	\$	41.15	5.00%	\$	2.06	\$	43.21

RECOLOGY WESTERN OREGON **SUMMARY RATE SHEET MCM** CITY OF MCMINNVILLE EFF. DATE: 7/1/2017 **CURRENT** NEW CODE **DESCRIPTION RATE** INC % **INC \$\$ RATE** 2 YARD CONTAINERS MONTHLY RATES 2GW 2YD TRASH 225.24 5.00% 11.26 236.50 2GE 2YD TRASH EOW \$ 126.44 5.00% \$ \$ 132.76 6.32 \$ 2GM 2YD TRASH MONTHLY 73.24 5.00% \$ 3.66 \$ 76.90 20C ON CALL-2YD TRASH \$ 50.22 5.00% \$ 2.51 \$ 52.73 2XP EXTRA PICK UP-2YD TRASH \$ 50.22 5.00% \$ 2.51 \$ 52.73 **3 YARD CONTAINERS** MONTHLY RATES 3GW 3YD TRASH 5.00% \$ 296.73 \$ 14.84 \$ 311.57 3GE 3YD TRASH EOW 162.16 170.27 \$ 5.00% \$ 8.11 \$ 3GM 3YD TRASH MONTHLY \$ 89.75 5.00% \$ 4.49 \$ 94.24 \$ 30C ON CALL-3YD TRASH 68.36 5.00% \$ 3.42 \$ 71.78 3XP EXTRA PICK UP-3YD TRASH \$ 68.36 5.00% \$ 3.42 \$ 71.78 **4 YARD CONTAINERS** MONTHLY RATES \$ 5.00% 4GW **4YD TRASH** 368.21 \$ 18.41 386.62 4GE 4YD TRASH EOW 197.90 5.00% 9.90 \$ \$ \$ 207.80 4GM 4YD TRASH MONTHLY \$ 106.28 5.00% \$ 5.31 \$ 111.59 40C ON CALL-4YD TRASH \$ 86.54 5.00% \$ 4.33 90.87 \$ 4XP EXTRA PICK UP-4YD TRASH \$ 86.54 5.00% \$ 4.33 \$ 90.87 **5 YARD CONTAINERS** MONTHLY RATES \$ 439.71 5.00% 5GW 5YD TRASH \$ 21.99 \$ 461.70 5GE 5YD TRASH EOW \$ 233.65 5.00% \$ 245.33 11.68 \$ 5GM 5YD TRASH MONTHLY \$ 122.79 5.00% \$ 6.14 \$ 128.93 50C ON CALL-5YD TRASH \$ 104.69 5.00% \$ 5.23 109.92 \$ \$ 5XP EXTRA PICK UP-5YD TRASH 104.69 5.00% \$ 5.23 \$ 109.92 **6 YARD CONTAINERS MONTHLY RATES** 6GW **6YD TRASH** \$ 511.17 5.00% \$ 25.56 536.73 \$ \$ 13.47 6GE **6YD TRASH EOW** 269.38 5.00% \$ \$ 282.85 6GM **6YD TRASH MONTHLY** \$ 139.28 5.00% \$ 6.96 \$ 146.24 \$ 128.99 60C ON CALL-6YD TRASH \$ 122.85 5.00% 6.14 \$

6XP	EXTRA PICK UP-6YD TRASH	\$ 122.85	5.00%	\$ 6.14	\$	128.99
8 YARD	CONTAINERS			MOI	итн	LY RATES
8GW	8YD TRASH	\$ 599.44	5.00%	\$ 29.97	\$	629.41
8GE	8YD TRASH EOW	\$ 313.52	5.00%	\$ 15.68	\$	329.20
8GM	8YD TRASH MONTHLY	\$ 159.64	5.00%	\$ 7.98	\$	167.62
8OC	ON CALL-8YD TRASH	\$ 145.26	5.00%	\$ 7.26	\$	152.52
8XP	EXTRA PICK UP-8YD TRASH	\$ 145.26	5.00%	\$ 7.26	\$	152.52

CONTAIN	IER MONTHLY RENT (C	HARGED TO WILL-0	CALL	CUSTOM	ERS, SAN	1E FC	OR ALL S	SIZES)
RNT1	1YD RENT - TRASH		\$	20.00	0.00%	\$	-	\$	20.00

FRONT-LOAD COMPACTOR RATE FACTORS - For all compacted material, including pre-compacted waste.

Compactor Rating	4 : 1	3:1	2:1
Factor applied to container rate of same size	1.5	1.3	1.12

RECOLOGY WESTERN OREGON **SUMMARY RATE SHEET MCM** CITY OF MCMINNVILLE **EFF. DATE:** 7/1/2017 **CURRENT NEW** CODE **DESCRIPTION RATE** INC % **INC \$\$ RATE DEBRIS BOX SERVICES** SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES) **RATE PER HAUL** 42.16 DEL **DELIVERY CHARGE** 41.21 2.30% \$ 0.95 \$ 10HG TRASH BOX HAUL FEE (ALL SIZES) \$ 2.30% \$ 159.67 156.08 3.59 \$ 40CG COMPACTOR HAUL FEE (ALL SIZES) \$ 186.37 2.30% \$ 4.29 \$ 190.66 **DEBRIS BOX DISPOSAL FEES** RATE PER UNIT **DFDM** DISPOSAL FEE - DEMOLITION (\$\$/TON) 40.12 4.48% \$ \$ 1.80 41.92 \$ DFG DISPOSAL FEE - GARBAGE (\$\$/TON) \$ 40.12 4.48% \$ 1.80 41.92 \$ **DFWD** DISPOSAL FEE - CLEAN WOOD (\$\$/TON) \$ 22.67 48.21% \$ 10.93 \$ 33.60 DFYD DISPOSAL FEE - YARD DEBRIS (\$\$/YD3) \$ 0.00% \$ \$ Note: Recycling ton fees will be equal to or less than trash fees, based on current market pricing. TEMPORARY DEBRIS BOXES - COD RATES (INCLUDES HAUL & AVERAGE DISPOSAL FOR BOX SIZE) 10DG 10 YARD BOX W/DISPOSAL \$ 293.40 2.30% \$ 6.75 \$ 300.15 20DG 20 YARD BOX W/DISPOSAL \$ 411.81 2.30% \$ 9.47 \$ 421.28 **30DG** 30 YARD BOX W/DISPOSAL \$ 530.25 2.30% \$ 12.20 \$ 542.45 **RELATED FEES RATE PER DAY** DAILY RENTAL FEE 2.30% **RENTD** 10.89 \$ 0.25 | \$ 11.14 Note: Daily Rent applies after 48 hours, excluding evenings and weekends. **RATE PER MONTH RENTM** MONTHLY RENTAL FEE 153.75 2.30% \$ 3.54 | \$ 157.29 Note: Monthly rent applies for customers who keep a box for a year or longer. RATE PER HOUR TIME TRUCK TIME FEE \$ 124.89 2.30% \$ 2.87 \$ 127.76 \$ \$ 1T1E 1 TRUCK - 1 EMPLOYEE 131.10 5.00% \$ 6.56 137.66 1 TRUCK - 2 EMPLOYEES 9.83 1T2E 196.63 5.00% \$ \$ 206.46 Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas. TEMPORARY RENTAL CONTAINERS **RATE PER EACH DELV 3 YD RENTAL FOR TRASH** 27.59 2.30% 0.63 3YRGD \$ \$ \$ 28.22 3YRGP SERVICE 3 YD RENTAL FOR TRASH \$ 91.20 2.30% \$ 2.10 \$ 93.30 3YRXD ADDL DAY - 3YD RENT CONTAINER \$ 2.00 0.00% \$ \$ 2.00 Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days. **BULKY ITEMS - DEBRIS BOX** STARDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS

STAKDAKD	LEES APPLY LOR THESE LIEWS IL DECLARED & SELA	KAILDA	CCORDING I	O INSTRUCT	IONS.			
ADDITIONA	L FEES MAY APPLY FOR ITEMS FOUND IN LOADS.					RA	TE PI	ER EACH
TOFFR	TIRE CHARGE NO RIM	\$	4.69	0.00%	\$	-	\$	4.69
TONR	TIRE CHARGE ON RIM	\$	9.37	0.00%	\$	-	\$	9.37
APPL	APPLIANCE	\$	11.72	0.00%	\$	-	\$	11.72
APF	REFRIGERATOR/FREEZER	\$	29.29	0.00%	\$	-	\$	29.29
MEDICAL	WASTE COLLECTION SERVICES					RA	TE PI	ER EACH
M4HSC	4.7 QT SHARPS CONTAINER	\$	21.89	2.00%	\$	0.44	\$	22.33
M10SC	10 QT SHARPS CONTAINER	\$	25.33	2.00%	\$	0.51	\$	25.84
M23SC	23 QT SHARPS CONTAINER	\$	48.04	2.00%	\$	0.96	\$	49.00
9CDBC	9GAL CONFIDENTIAL DOCUMENT BOX	\$	35.57	2.00%	\$	0.71	\$	36.28
M21BX	21 GAL MEDICAL WASTE BOX	\$	37.83	2.00%	\$	0.76	\$	38.59
M48BX	48 GAL MEDICAL WASTE BOX	\$	44.25	2.00%	\$	0.89	\$	45.14
M8GBP	RX MED WASTE TUB	\$	95.55	2.00%	\$	1.91	\$	97.46
N - 4 - A -I -I ! 4 !	and fore many apply for accompaight tube. I have a sub-				-41			

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount

(excluding amounts in dispute over billing or service issues).

Billing Terms: Commercial Accounts are billed on a monthly basis. Residential accounts are billed once every three months, in advance.

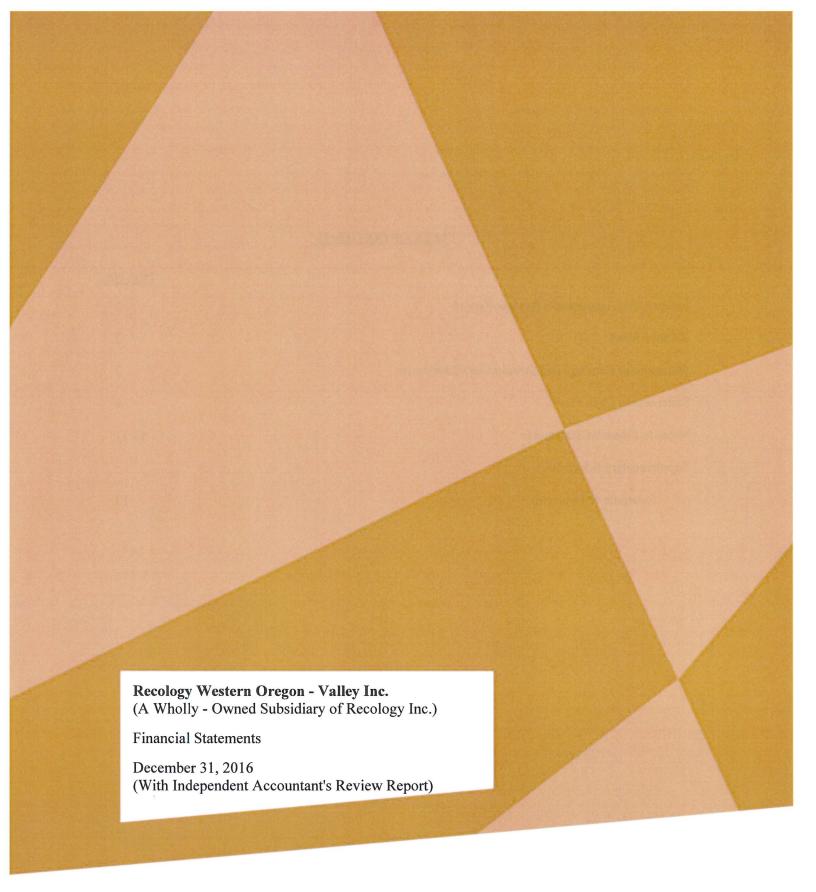




TABLE OF CONTENTS

	Page No.
Independent Accountant's Review Report	1
Balance Sheet	2
Statement of Earnings and Stockholder's Investment	3
Statement of Cash Flows	4
Notes to Financial Statements	5 - 11
Supplementary Information	
Schedule of Expenses	12



INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors of Recology Western Oregon - Valley Inc. McMinnville, Oregon

We have reviewed the accompanying financial statements of Recology Western Oregon - Valley Inc., which comprise the balance sheet as of December 31, 2016 and the related statements of earnings and stockholder's investment and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Accountant's Responsibility

Our responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require us to perform procedures to obtain limited assurance as a basis for reporting whether we are aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. We believe that the results of our procedures provide a reasonable basis for our conclusion.

Accountant's Conclusion

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

Supplementary Information

The supplementary information included in the Schedule of Expenses is presented for purposes of additional analysis and is not a required part of the basic financial statements. The information is the representation of management. We have reviewed the information and, based on our review, we are not aware of any material modifications that should be made to the information in order for it to be in accordance with accounting principles generally accepted in the United States of America. We have not audited the information and, accordingly, do not express an opinion on such information.

Armanino^{LLP}

San Ramon, California

Aumanino LLP

March 23, 2017

An Independent firm associated with

MOORE STEPHENS

(A Wholly - Owned Subsidiary of Recology Inc.)

Balance Sheet

December 31, 2016

Assets

Current assets:	
Accounts receivable, net of allowance for doubtful accounts	
of \$31,381	\$ 1,283,841
Prepaid expenses	64,225
Due from parent	121,280
Total current assets	1,469,346
Property and equipment:	
Machinery and equipment	2,261,665
Less accumulated depreciation	(2,213,158)
Property and equipment, net	48,507
Total assets	\$ 1,517,853
Liabilities and Stockholder's Investment	
0	
Current liabilities:	
Accounts payable	\$ 19,209
	\$ 19,209 360,711
Accounts payable	\$
Accounts payable Accrued liabilities	\$ 360,711
Accounts payable Accrued liabilities Deferred revenues Total current liabilities	\$ 360,711 876,210 1,256,130
Accounts payable Accrued liabilities Deferred revenues	\$ 360,711 876,210

See accompanying notes to financial statements and independent accountant's review report.

(A Wholly - Owned Subsidiary of Recology Inc.) Statement of Earnings and Stockholder's Investment For the Year Ended December 31, 2016

		Percent
Revenues	\$ 10,796,611	100.0
Cost of operations		
Disposal costs	1,413,590	13.1
Labor costs	1,859,855	17.2
Operational expenses	4,676,193	<u>43.3</u>
Total cost of operations	7,949,638	73.6
Gross profit	2,846,973	26.4
General and administrative expenses	1,887,078	<u>17.5</u>
Earnings from operations	959,895	$\frac{17.5}{8.9}$
Other income		
Interest income	11,812	0.1
Gain on sale of equipment	3,500	0.0
	15,312	$\frac{0.0}{0.1}$
Net earnings	975,207	<u>9.0</u>
Stockholder's investment, net, beginning of year	168,553	
Net distributions to parent and affiliates	(882,037)	
Stockholder's investment, net, end of year	\$ 261,723	

See accompanying notes to financial statements and independent accountant's review report.

(A Wholly - Owned Subsidiary of Recology Inc.)
Statement of Cash Flows
For the Year Ended December 31, 2016

Cash flows from operating activities:		
Net earnings	\$	975,207
Adjustments to reconcile net earnings to net cash provided by		ŕ
operating activities:		
Depreciation		26,939
Gain on sale of equipment		(3,500)
Provision for bad debts		78,247
Changes in assets and liabilities:		
Accounts receivable		(211,269)
Prepaid expenses		(7,723)
Due from parent		221,753
Accounts payable		(25,138)
Accrued liabilities		(213,526)
Deferred revenues	_	37,547
Net cash provided by operating activities		878,537
Cash flows from financing activities:		
Net distributions to parent and affiliates		(878,537)
Net change in cash		_
Cash, beginning of year		
Cash, end of year	\$	-
Supplemental disclosure of noncash activities:		
Property and equipment distributed to parent	\$	3,500

See accompanying notes to financial statements and independent accountant's review report.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(1) Accounting Policies

(a) Organization

Recology Oregon Waste - Valley Inc. (the "Company"), is a wholly - owned subsidiary of Recology Oregon Inc., which is a wholly - owned subsidiary of Recology Inc. (the "Parent" or "Recology"), which in turn is wholly - owned by the Recology Employee Stock Ownership Plan (the "Recology ESOP" or the "ESOP").

(b) Revenue Recognition and Accounts Receivable

The Company recognizes revenue on an accrual basis when services are performed. Deferred revenues primarily consist of revenues billed in advance that are recorded as revenue in the period in which the related services are rendered. The majority of the Company's revenue is subject to rate regulation by the municipalities in which it operates.

The Company's receivables are recorded when billed and represent claims against third parties that will be settled in cash. The carrying value of the Company's receivables, net of the allowance for doubtful accounts, represents their estimated net realizable value. The Company estimates its allowance for doubtful accounts based on several factors, including historical collection trends, type of customer, existing economic conditions and other factors.

(c) Property and Equipment

Property and equipment, including major renewals and betterments, are stated at cost. It is the Company's policy to periodically review the estimated useful lives of its property and equipment. Depreciation is calculated on a straight-line basis over the estimated useful lives of assets as follows:

	Estimated useful lives
Buildings	20-40 years
Leasehold improvements	Shorter of lease
	or useful life
Machinery and equipment	6-8 years
Furniture and fixtures	8 years
Vehicles	9 years
Containers	10 years

Depreciation expense on the above amounted to \$26,939 for the year ended December 31, 2016. The cost of maintenance and repairs is charged to operations as incurred; significant renewals and betterments are capitalized.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(1) Accounting Policies (continued)

(d) Environmental Remediation Liabilities

The Company accrues for environmental remediation costs when they become probable and estimable, normally based on its best estimate within a range. If no amount within the range appears to be a better estimate than any other, the low end of such ranges is used. Remediation costs are estimated by environmental remediation professionals based upon site remediation plans they develop and on their experience working with regulatory agencies and the Company's environmental staff and legal counsel. All estimates require assumptions about future events due to a number of uncertainties, including the nature and extent of any contamination, the appropriate remedy or remedies, the final apportionment of responsibility among the potentially responsible parties, if any are identified, the financial viability of other potentially responsible parties, and regulatory agency requirements. Thus, actual costs incurred may differ from the Company's initial estimate. These estimates do not take into account discounts for the present value of total estimated future costs, as the timing of cash payments is not reliably determinable. The Company regularly evaluates the recorded liabilities when additional information becomes available or regulatory changes occur to ascertain whether the accrued amounts are accurate. The Company does not recognize recoverable amounts from other responsible parties or insurance carriers until receipt is deemed probable. No environmental liabilities were accrued at December 31, 2016.

(e) Impairment of Long-Lived Assets

The Company's policy is to review estimated undiscounted future cash flows and other measures of asset value for its operations when events or changes in circumstances indicate the carrying value of an asset may not be fully recoverable. If an asset is deemed impaired, a loss is recognized.

During the year ended December 31, 2016, there were no events or changes in circumstances that indicated the carrying value of an asset was not fully recoverable.

(f) Income Taxes

Effective October 1, 1998, the Parent elected to become an S corporation with the Company electing to be treated as a Qualified Subchapter S corporation subsidiary. Under S corporation rules, the Parent's taxable income and losses are passed through to the ESOP, the Parent's sole stockholder, which is exempt from income tax, and the Company is treated as a division of the Parent having no separate income tax obligations. The Parent has not allocated the income tax expense to the Company.

The Company recognizes income tax positions only if those positions are more likely than not of being sustained. Recognized income tax positions are measured at the largest amount that has a greater than 50% likelihood of being realized. Changes in recognition or measurement are reflected in the period in which the change in judgment occurs. The Company's accounting policy for evaluating uncertain tax positions is to accrue estimated benefits or obligations relating to those positions.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(1) Accounting Policies (continued)

(f) Income Taxes (continued)

The Company records interest related to unrecognized tax benefits as interest expense and penalties as an administrative expense. For the year ended December 31, 2016, there was no interest or penalties recorded because the Company has no uncertain tax positions that meet the more likely than not threshold.

(g) Cash Concentration Account

The Company's bank account is linked to the Parent's concentration account. Cash balances (or deficits) at the end of each day are automatically transferred to (or from) the concentration account, so that at the end of any particular day, as well as at year-end, the Company's bank account has a zero balance, with related amounts debited or credited to the underlying intercompany account.

(h) Allocations

The Company includes allocated charges from the Parent and affiliates in operating expenses. The charges are allocated by applying activity appropriate factors to direct and indirect costs of the Parent and affiliates or based upon established fees.

(i) Use of Estimates

Management of the Company has made a number of estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with accounting principles generally accepted in the United States of America. The more significant estimates requiring the judgment of management include the valuation of the allowance for doubtful accounts and accrued franchise fees. Actual results could differ from those estimates.

(j) Stockholder's Investment

The Company has 1,000 shares of common stock authorized and 500 shares issued and outstanding with no par value as of December 31, 2016. Stockholder's investment, net is comprised of the legal capital plus cumulative contributions net of distributions.

(k) Fair Value of Financial Instruments

The carrying amounts reported in the balance sheet of the assets and liabilities, which are considered to be financial instruments (such as receivables, accounts payable, and accrued liabilities), approximate their fair value based upon current market indicators.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements
December 31, 2016

(2) Operations

The Company collects refuse and recyclables in the City of McMinnville and surrounding municipalities in Yamhill and Polk Counties. The Company's refuse collection rates are set by these municipalities. The rate setting process may result in the disallowance of certain costs and/or delays in cost recovery, as well as differences in the timing of when revenues and expenses are recognized.

During the year ended December 31, 2016, the Company disposed of the yard debris collected by its operations at a composting facility owned and operated by an affiliate.

(3) Commitments and Contingencies

Substantially all of the assets of the Company are pledged to secure obligations of the Parent. The Company, along with the Parent and the Parent's wholly - owned subsidiaries, has guaranteed the repayment, on a joint and several basis, of any and all obligations under the Parent's Revolving Credit Agreement. The Company could be required to honor the guarantee upon an uncured default event, as defined in the Parent's Revolving Credit Agreement. The Parent's Revolving Credit Agreement expires on April 12, 2018. At the Parent's fiscal year-end, September 30, 2016, there was \$23.0 million outstanding on the Parent's Revolving Credit Agreement and there were standby letters of credit issued for \$182.4 million. The Parent has represented to the Company that it is in compliance with all covenants of the Revolving Credit Agreement.

The Company, along with the Parent and the Parent's wholly - owned subsidiaries, has guaranteed the payment of amounts owed to unrelated third parties, which provided the equipment financing to affiliates of the Company. The affiliates are obligated to the unrelated third parties with various expiration dates through June 2024. At the Parent's fiscal year-end, September 30, 2016, the outstanding principal on the financed equipment recorded by the affiliates was \$59.9 million.

The Company and the Parent are involved in various legal actions arising in the normal course of business. It is the Company's opinion that these matters are adequately provided for or that the resolution of such matters will not have a material adverse impact on the financial position or results of operations of the Company or the Parent.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(4) Equipment and Property Obligations

The Company has cancelable agreements with an affiliate whereby it pays for the use of certain operating equipment. Future annual payments for continued use of the equipment and property, and in aggregate, as of December 31, 2016 are as follows:

Year ending December 31:

2017	\$	651,891
2018		597,013
2019		528,717
2020		330,521
2021		330,468
Thereafter		512,826
Total Payments	<u>\$2</u>	2,951,436

Rental expense for the year ended December 31, 2016 was \$613,390 including amounts under short-term rental agreements with third parties and affiliates.

Under the terms of the equipment lease agreement with an affiliate, and in accordance with existing rate policies, the Company may continue to use certain equipment under operating leases without a related payment once the affiliate's equipment cost and related interest have been funded through operating lease payments.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(5) Transactions with Related Parties

During the year ended December 31, 2016, operating and other expenses of the Company included allocated charges from the Parent and affiliates. Such charges are based upon the direct and indirect costs of the Parent and affiliates, or established fees, and allocated based on specific activities. The allocated charges are as follows:

Parent:

i di ciit.	
Health insurance	\$ 286,548
Worker's compensation	54,173
401(k) employer portion	(1,713)
General and vehicle insurance	134,119
	437,127
Affiliates:	
Collection revenue	(525,183)
Freight costs	-
Rental of equipment	468,106
Property rental	12,240
Disposal costs	734,805
Processing fees	720,976
General and administration allocation	971,695
Truck and garage	941,716
Regional management and accounting fees	340,043
	3,664,398
Total	\$ 4,101,525

During the year ended December 31, 2016, amounts due from or payable to Parent and affiliates were accumulated by the Company and, as of the Parent's fiscal year-end, September 30, 2016, the net amount was settled by way of capital contributions or distributions. Changes in amounts due from or payable to Parent or affiliates are presented as an operating activity in the statement of cash flows, except as related to expenditures attributable to property and equipment. For the three months from October 1, 2016 to December 31, 2016, the net amount was not settled by way of capital contributions or distributions.

(A Wholly - Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2016

(6) Employee Stock Ownership Plan

In 1986, the Parent established an employee stock ownership plan and trust, which purchased all of the Parent's outstanding stock. The ESOP is a noncontributory plan that covers substantially all of the employees of the Company and other Recology subsidiaries. Employees, except under certain conditions, become fully vested after a requirement of three years of service. No vesting occurs until the full service requirement is satisfied.

The Parent's common stock is not traded on an established market. Presently, all shares are held by the ESOP. All distributions will be made from the ESOP in cash, which is received from Recology, or shares, subject to immediate repurchase by Recology. A participant who is vested is entitled to begin receiving a distribution from his or her ESOP account at a future date following his or her termination of employment. Distributions may be made in a lump-sum, equal annual installments over a period generally not to exceed five years, or a combination of the foregoing, generally as determined by the ESOP Administrative The Committee also generally determines the time and manner of Committee (the Committee). distributions, subject to the following limitations: (i) in the event of a participant's retirement, disability, or death, distribution must begin prior to September 30 of the plan year following the plan year in which employment terminates; and (ii) if a participant's employment terminates for any other reason, distribution must begin prior to September 30 of the sixth plan year following the plan year in which employment terminates, although the Committee may further defer distributions that are not attributable to post-1986 shares until the participant reaches the age that he or she would be required to reach in order to qualify for retirement under the ESOP. Each participant who has attained age 55 and has participated in the ESOP for at least 10 years may elect to receive cash distributions for in-service withdrawals attributable to post-1986 shares allocated to his or her account. An eligible participant is entitled to elect payment attributable to as much as 25% of his or her eligible shares during the first five years of election and up to 50% of eligible shares in the sixth year. The cash distributions are based upon the appraised value of Recology stock and other assets, if any, as of the most recent valuation of the participant's account.

The Parent makes contributions to the ESOP to make benefit payments to eligible participants under the Plan.

(7) Subsequent Events

The Company has evaluated its subsequent events through March 23, 2017, which is the date the financial statements were available for issuance.

SUPPLEMENTARY INFORMATION

(A Wholly - Owned Subsidiary of Recology Inc.)
Schedule of Expenses
For the Year Ended December 31, 2016

Operational expenses	
Contract labor	\$ 6,008
Depreciation	26,939
Franchise fees	252,999
Fuel	397,971
Insurance	134,120
Supplies	75,090
Operational lease expense	613,390
Recycling processing costs	720,976
Repair and maintenance	1,515,367
Taxes and licenses	174,405
Yard debris funding	734,805
Other operational expenses	24,123
	\$ 4,676,193
General and administrative expenses	
General administration allocation	\$ 971,695
Regional management and accounting fees	340,043
Advertising and promotion	13,679
Bad debt	78,247
Contributions	31,857
Billing services	54,831
Dues and subscriptions	23,833
Education and training	13,999
Bank service charges	39,990
Meals and entertainment	5,432
Office supplies	11,011
Postage	16,330
Professional services	190,444
Telephone	76,844
Travel	15,951
Other administration	 2,892
	\$ 1,887,078

See independent accountant's review report.

Recology Western Oregon - Valley 2016 Results of Operations and 2017 Projections

necessary recession	Recology Western Oregon - Valley 2016 Results of Operations and 2017 Projections RWO - Valley Total City of McMinnville										
N. S.			RW					_			
		2016 Calendar		2017 Projected			2016 Calendar	/	Adjustments and		2017 Projected
Recology.		Year		Rate	Allocation		Year		Projected		Rate
Western Oregon		Actual		Year	Method		Actual		Changes		Year
						Dat	e Adj. % >>>		•		
REVENUE Collection Services - Residential	\$	5,396,288	\$	5,480,612	Actual	\$	e Adj. % >>> 2,789,405	\$	5.00% 62,120	\$	Yr 2 of 3 2,851,524
Collection Services - Commercial	\$	2,882,553	\$	3,035,139	Actual	\$	1,887,816	\$	127,025	\$	2,014,840
Collection Services - Debris Box	\$	916,023	\$	948,559	Actual	\$	470,142	\$	26,251	\$	496,393
COLLECTION SERVICES:	\$	9,194,863	\$	9,464,311	Actual	\$	5,147,362			\$	5,362,758
Proposed Rate Adjustment					Actual		ON C/C/C >>>	\$	243,318	\$	243,318
Revenue - DB Disposal Revenue - Medical Waste	\$	491,391 131,848	\$ \$	508,845 134,484	Actual Actual	\$	278,496 114,514	\$ \$	15,550 3,713	\$ \$	294,047
Revenue - Other (fees & related)	\$	72,529	\$	76,890	Actual	\$	48,801	\$	2,725	\$	118,227 51,526
Non-Franchised Revenue	\$	905,979	\$	1,374,182	Actual	\$		\$	-	\$	-
Total Revenue	\$	10,796,610	\$	11,558,713		\$	5,589,173	\$	480,702	\$	6,069,875
LABOR EXPENSES											
Operational Personnel	\$	1,373,443	\$	1,400,912	Labor Hours	\$	619,835	\$	12,397	\$	632,232
NEW PROGRAM - LABOR	\$	· · · -		BY JUR >>>	Program	\$	· -	\$	87,958	\$	87,958
Payroll Taxes	\$	116,678	\$	128,402	Labor Hours	\$	52,657	\$	5,291	\$	57,948
Medical Insurance	\$	294,273	\$	317,077	Labor Hours	\$	132,805	\$	10,291	\$	143,097
Other Benefits	\$	75,460	\$	130,436	Labor Hours	\$	34,055	\$	24,810	\$	58,866
Total Labor Expense	\$	1,859,855	\$	1,976,827		\$	839,352	\$	140,748	\$	980,100
DISPOSAL Charges	٠	4.050.000	Φ.	4 404 44 1	\/aaa=1\\/**\	۴	004 000	Φ.	07 100	•	700 00-
Disposal Charges NEW PROGRAM - DISPOSAL	\$	1,350,663	\$	1,404,414 BY JUR >>>	Vessel Weights	\$	681,698	\$ \$	27,128	\$ \$	708,827
Yard Debris/wood & Other Funding	\$	734,805	\$	905,269	Program Program	\$	666,189	\$	10,230 154,545	\$	10,230 820,734
Medical Waste & Supplies	\$	62,927	\$	63,000	Med. Waste	\$	54,807	\$	64	\$	54,871
Total Disposal Expense	\$	2,148,396	\$	2,372,682		\$	1,402,694	\$	191,968	\$	1,594,662
OPERATIONAL EXPENSES	·						, ,	·	•		, ,
Fuel	\$	291,045	\$	380,248	Franchised Labor	\$	151,867	\$	46,546	\$	198,413
Repairs and Maintenance	\$	1,251,118	\$	1,332,893	Franchised Labor		652,834	\$	42,670	\$	695,503
NEW PROGRAM - OPS COSTS	\$	· · · -		BY JUR >>>	Program	\$	-	\$	86,564	\$	86,564
Business Taxes and PUC	\$	126,136	\$	152,021	Franchised Labor	\$	65,818	\$	13,507	\$	79,324
Franchise Fees	\$	252,999	\$	256,034	Actual	\$	148,978	\$	12,813	\$	161,791
Supplies & Uniforms Operational Supplies/Safety	\$	28,685 46,405	\$ \$	26,589 50,067	Labor Hours Labor Hours	\$	12,946 20,943	\$ \$	(946) 1,653	\$	12,000 22,595
Contract Labor	\$	6,008	\$	-	Labor Hours	\$	20,943	\$	(2,711)		-
Depreciation and Amortization	\$	-	\$	-	Franchised Labor	\$	_,	\$	(=,,)	\$	-
Operational Lease and Rent	\$	573,365	\$	623,306	Franchised Labor	\$	299,182	\$	26,059	\$	325,241
Insurance Expense	\$	134,120	\$	131,195	Labor Hours	\$	60,528	\$	(1,320)		59,208
Recycling Expense	\$	720,976	\$	755,637	Recycling	\$	401,350	\$	19,295	\$	420,645
Purchase Recyclables Operational Lease and Rent - N/F	\$	40,025	\$	- 40,825	Recycling Actual	\$ \$	-	\$ \$	-	\$ \$	-
Fuel - Non-Franchised (N/F)	\$	106,926	\$	139,697	Actual	\$	-	\$	-	\$	-
Repairs and Maintenance - N/F	\$	264,249	\$	292,586	Actual	\$	-	\$	-	\$	-
Business Taxes and PUC - N/F	\$	48,269	\$	40,000	Actual	\$	-	\$	-	\$	-
Depreciation and Amortization N/F	\$	26,939	\$	26,852	Actual	\$	-	\$	- (4.540)	\$	-
Other Operational	\$	24,123	\$	14,049	Labor Hours	\$	10,887	\$	(4,546)	\$	6,341
Total Operations Expense	\$	3,941,388	\$	4,261,998		\$	1,828,044	\$	239,582	\$	2,067,626
SUBTOTAL	\$	2,846,972	\$	2,947,205		\$	1,519,083	\$	(91,596)	<u>\$</u>	1,427,487
ADMINISTRATIVE EXPENSES											
Management Services	\$	323,897	\$	346,761	Computed	\$	167,675	\$	14,421	\$	182,096
Administrative Services Non-Admin, Labor	\$	971,695 16,147	\$	1,040,284	Computed Franchised Labor	\$ \$	503,026	\$	43,263	\$ \$	546,289 6,596
Office Supplies	\$	11,010	\$ \$	12,640 15,636	Customers	\$	8,426 5,317	\$ \$	(1,830) 2,234	\$	6,596 7,551
Postage	\$	16,330	\$	18,494	Customers	\$	7,886	\$	1,045	\$	8,931
Billing services	\$	54,831	\$	58,813	Customers	\$	26,478	\$	1,923	\$	28,401
Dues and Subscriptions	\$	23,833	\$	21,691	Customers	\$	11,509	\$	(1,034)		10,475
Telephone	\$	76,844	\$	79,544	Customers	\$	37,109	\$	1,304	\$	38,413
Bank Service Charges Professional fees	\$ \$	39,990 190,444	\$ \$	39,103 24,346	Customers Customers	\$ \$	19,312	\$ \$	(428)		18,883 11,757
Travel	\$	15,951	\$	24,346 14,477	Customers	\$	91,967 7,703	\$	(80,210) (712)		6,991
Advertising and Promotions	\$	13,679	\$	9,198	Customers	\$	6,606	\$	(2,164)		4,442
Business Meals & Entertainment	\$	5,432	\$	6,192	Customers	\$	2,623	\$	367	\$	2,990
Education & Training	\$	13,999	\$	14,603	Customers	\$	6,760	\$	291	\$	7,052
Contributions	\$	31,857	\$	17,475	Customers	\$	15,384	\$	(6,945)		8,439
Bad Debt Other Administrative	\$	78,247	\$	61,025 754	Customers	\$	37,786	\$	(8,317)		29,470
	\$	2,892	\$		Customers		1,397	\$	(1,032)	\$	364
Total Admin Expense EARNINGS FROM OPERATIONS	\$	1,887,078 959,894	<u>\$</u>	1,781,037		<u>\$</u> \$	956,964 562,120	<u>\$</u> \$	(37,824)	<u>\$</u> \$	919,139 508,348
	<u>\$</u> \$		\$	1,166,168	Not Alloasted	_	562,120	_	(53,772)	\$	500,346
Interest Income Loss on Asset Disposal	\$	(11,812) (3,500)		(12,174)	Not Allocated Not Allocated	\$	-	\$ \$	-	Ф 2	-
NET INCOME BEFORE TAX	\$	975,206	\$	1,178,342	1 tot / tilodated	\$	562,120	\$	(53,772)	\$	508,348
Operating Margin	Ė	9.03%	_	10.19%		Ė	10.06%	Ė	5.00%	Ė	8.37%
Calculated Operating Ratio		90.59%		89.53%			89.38%		Yr 2 of 3		91.25%
Calculated Operating Italio	_	30.33/0		03.00/0			03.00/0	_		<u> </u>	31.23%

Recology Western Oregon - Valley 2016 Results of Operations and 2017 Projections

\mathbf{D}_{i}		RW	O - Valley Total		City of McMinnville				
Recology. Western Oregon WASTE ZERO	2016 Calendar Year Actual		2017 Projected Rate Year	Allocation Method		2016 Calendar Year Actual	Adjustments and Projected Changes		2017 Projected Rate Year
Allocation Data:									
2016 Revenue (All RWO-VAL) 2016 Revenue Percent	\$ 10,796,610 100.00%	\$	11,558,713 100.00%		\$	5,589,173 51.77%		\$	6,069,875 52.51%
2016 Labor Hours 2016 Disposal 2016 Recycling 2016 Customer Count 2016 Yard Debris 2015 Medical Waste 2016 Franchised Labor	100.00% 100.00% 100.00% 100.00% 100.00% 100.00%		100.00% 100.00% 100.00% 100.00% 100.00% 100.00%			45.13% 50.47% 55.67% 48.29% 90.66% 87.10% 52.18%	allocations exclude new programs		45.13% 50.47% 55.67% 48.29% 90.66% 87.10% 52.18%
Operating Ratio Calculation									
Total Expenses: Total Labor Total Disposal Total Operational Total Administrative Total	\$ 1,859,855 \$ 2,148,396 \$ 3,941,388 \$ 1,887,078 \$ 9,836,716	\$	1,976,827 2,372,682 4,261,998 1,781,037 10,392,546		\$ \$ \$ \$ \$	839,352 1,402,694 1,828,044 956,964 5,027,054		\$ \$ \$	980,100 1,594,662 2,067,626 919,139 5,561,527
Less Non Allowable Expenses: Interest on Purchase of routes Contributions Amortization	\$ - \$ (31,857) \$ -	\$ \$ \$	- (17,475) -		\$	- (15,384)		\$	- (8,439)
Less "Pass Through Expenses: Franchise Fees	\$ (252,999)	\$	(256,034)		\$	(148,978)		\$	(161,791)
Allowable Expenses	\$ 9,551,860	\$	10,119,037		\$	4,862,691		\$	5,391,297
Revenue Revenue	\$ 10,796,610	\$	11,558,713		\$	5,589,173		\$	6,069,875
Less "Pass Through Expenses: Franchise Fees	\$ (252,999)	\$	(256,034)		\$	(148,978)		\$	(161,791)
Revenue (net of Pass Through)	\$ 10,543,611	\$	11,302,679		\$	5,440,195		\$	5,908,084
Operating Ratio: Allowable Expenses divided by	\$ 9,551,860	\$	10,119,037		\$	4,862,691		\$	5,391,297
Revenue (net of Pass Through)	\$ 10,543,611	\$	11,302,679		\$	5,440,195		\$	5,908,084
Calculated Operating Ratio	<u>90.59</u> %		<u>89.53</u> %			<u>89.38</u> %	5.00% Yr 2 of 3	nt 	<u>91.25</u> %



City Recorder Use						
Final Action: Approved	□ Disapproved					

Liquor License Recommendation

	pen Claim Vineyard LLC / Brett and Marya Wa 303 NE Orchard Avenue, McMinnville, Or	all
Is the business at this location Yes No If yes, what is the name of the	,	
Hours of operation: Not open Entertainment: N/A Hours of Music: N/A Seating Count: N/A	to the public	
EXEMPTIONS: (list any exemptions)		
Exemption request for alcohol serv	er education. No sales or consumption on sit	te.
Criminal Records Check: Recommended Action:	ment System Check: 1 Yes I No c Yes I No clear Approve I Disapprove Approve	lear
Thather She Chief	of Blice	-
Chief of Police / Designee	City Manager / Desig	nee



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Mayor and City Councilors

FROM: Heather Richards, Planning Director

SUBJECT: Resolution No. 2017-41: Planning Permitting Fees

Council Goal:

Promote sustainable growth and development.

Plan and construct capital projects.

Report in Brief:

This is an action to consider Resolution No. 2017-41, a resolution increasing the Planning Department's Processing Fees for fiscal year 2017-2018 by approximately 1.7%, the Portland CPI.

Background:

Resolution No. 2003-35 adopted the current Planning Fee Schedule, with an allowance for a fee increase consideration every year to reflect increases (or decreases) in the prior year's Portland CPE-W index.

Discussion:

The Portland CPE-W index increased 1.7% over the past year. The proposed fee schedule reflects that increase. Below is a table outlining the proposed fees and the amount that they are increasing from the previous year.

Attachments: Decelution No. 2017 44

PLANNING DEPARTMENT PROCESSING FEES

	NEW FEE	Increase
	# 450.00	from 2016
Administrative Variance *	\$150.00	\$5.00
Annexation:	#705.00	# 45.00
Segment 1: Initial application fee	\$795.00	\$15.00
Segment 2: For annexations upon	\$850.00	\$15.00
approval by City	#40.000.00	NIO
Council	\$13,000.00	N/C
Segment 3: For annexations set for		
non- primary or non-general election		
ballots (No Segment 3 costs associated with		
general or primary elections)		
Appeal from Planning Commission	\$610.00	\$10.00
Decision	φο.ο.οο	Ψ10.00
Appeal from Planning Director Decision	\$205.00	\$5.00
Bed & Breakfast Establishment (< 3	\$150.00	\$5.00
bedrooms)	\$25.00	,
Annual Renewal Fee	·	
Classification of an unlisted use *	\$420.00	\$10.00
Comprehensive Plan Amendment	\$1,415.00	\$25.00
Comprehensive Plan or Zoning	\$1,990.00 + 50% of costs	\$35.00
Ordinance Text Amendment	incurred in excess of base fee	·
Conditional Use Permit	\$1,075.00	\$20.00
Expedited Land Division Application:		
Partition	\$440 + appeal deposit	\$10.00
Subdivision ≤ 10 lots	\$580 + \$15/lot + appeal	\$10.00
Subdivision (more than 10 lots)	deposit	
Appeal Deposit	\$1,625 + \$15/lot + appeal	\$30.00
	deposit	
	\$3,580	\$60.00
Historic Landmark Clearance/Building	No Fee	N/C
Alteration	•	
Home Occupation Permit	\$150.00	\$5.00
Annual Renewal Fee	\$25.00	N/C
Landscape Plan Review	\$145.00	\$5.00
Large Format Commercial Development	\$410.00	\$10.00
(variance to standards)	M4 005 - M45" -	# 00.00
Manufactured Home Park *	\$1,625 + \$15/lot	\$30.00
Measure 49 Claim	\$670.00	\$15.00
Model Home Permit	\$125.00	\$5.00
Parking Lot	\$145.00	\$5.00
Parking Variance for historic Structure *	\$150.00	\$5.00
Partition of Land (tentative) *	\$440.00	\$10.00

Attachments: Resolution No. 2017-41

	NEW FEE	Increase
		from 2016
Planned Development Amendment	\$885.00	\$15.00
Planned Development:		
In addition to any applicable zone		
change fee:		
Residential Rate	\$15.00 per Dwelling Unit**	
Commercial Rate	\$25.00/1000 sq. ft. of bldg	
Industrial Rate	\$10.00/1000 sq. ft. of bldg	
Property Line Adjustment *	\$175.00	\$5.00
Recreational Vehicle Park Permit *	\$740.00	\$15.00
Sign Standards Exception (variance)	\$990.00	\$20.00
Solar Collection System Variance	\$990.00	\$20.00
Street Vacation	\$675.00	\$15.00
Subdivision ≤ 10 lots	\$580 + \$15/lot	\$10.00
Subdivision (tentative) more than 10	\$1,625 + \$15/lot	\$30.00
lots *		
Temporary Living Unit Permit	\$150.00	\$5.00
Semi-Annual Renewal Fee	\$25.00	N/C
Transitional Parking Permit	\$575.00	\$10.00
Urban Growth Boundary Amendment	\$1,990 + 50% of costs	\$35.00
	incurred in excess of base fee	
Vacation Home Rental Establishment	\$150.00	\$5.00
Annual Renewal Fee	\$25.00	N/C
Variance (Land Division)	\$990.00	\$20.00
Variance (Zoning)	\$990.00	\$20.00
Zone Change	\$1,625.00	\$30.00

The City of McMinnville has not conducted a fee study since 2003. The City of McMinnville by policy has chosen not to collect a full cost recovery on development applications and consequently has some of the lowest planning fees in the region. A sample comparison with other communities is reflected below.

Type of	McMinnville	Newberg	Oregon City	Tigard	Woodburn
Application					
Partition of	\$440.00	\$798.00	\$3,956.00	\$4,830.00	\$2,478,00
Land					
Subdivision	\$1,625.00	\$5,929.00	\$4,136.00	\$6,708.00	\$7,497.00
Lot Fee	\$15.00 /DU	\$71.00/lot	\$414.00/lot		
Planned	\$1,625.00	\$3,376.00		\$9,286.00	\$2,985.00
Development	\$15.00/DU				
Property Line	\$175.00	\$798.00	\$1,158.00	\$731.00	\$599.00
Adjustment					
Variance	\$990.00	\$798.00	\$2,496.00		\$2,432.00
Zone Change	\$1,625.00	\$2,106.00	\$2,798.00	\$4,577.00	\$3,074.00

Attachments: Resolution No. 2017-41

Fiscal Impact:

This fee increase will increase revenue projections in the Planning Department for permitting fees by approximately 1.7%.

Council Options:

- 1. Approve the Resolution.
- 2. Modify the proposed fee schedule and approve the Resolution as modified.
- 3. Request more information.
- 4. Do not approve the Resolution maintaining the Planning Department's Processing Fees as they currently stand.

Recommendation/Suggested Motion:

"I move to approve Resolution No. 2017-41."

Attachments: Resolution No. 2017-41

A Resolution increasing the Planning permitting fees by approximately 1.7% for fiscal year 2017-2018, effective July 1, 2017.

RECITALS:

The City of McMinnville collects permitting fees for land-use applications to help offset the review costs associated with new development projects; and

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 the a proportionate share of the costs associated with their projects; and

Resolution No. 2003-35 established an annual review and fee increase per the prior year's Portland CPE-W index.

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 Permitting Fees will be as established by the fee schedule attached to this Resolution.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the

2. This Resolution will take effect July 1, 2017.

27 th day of June, 2017 by the following	owing votes:	
Ayes:		
Nays:		
Approved this 27th day of June, 2		
	MAYOR	
Approved as to form:		
CITY ATTORNEY		

PLANNING DEPARTMENT PROCESSING FEES

City of McMinnville

Effective July 1, 2017 (updated 7-1-17)

	FEE
Administrative Variance *	\$150.00
Annexation:	
Segment 1: Initial application fee	\$795.00
Segment 2: For annexations upon approval by	\$850.00
City Council	*
Segment 3: For annexations set for non- primary or	\$13,000.00
non-general election ballots	
(No Segment 3 costs associated with general or	
primary elections)	# 040.00
Appeal from Planning Commission Decision	\$610.00
Appeal from Planning Director Decision	\$205.00
Bed & Breakfast Establishment (< 3 bedrooms)	\$150.00
Annual Renewal Fee Classification of an unlisted use *	\$25.00
	\$420.00
Comprehensive Plan Amendment Comprehensive Plan or Zoning Ordinance Text	\$1,415.00 \$1,990.00 + 50% of costs incurred in
Amendment	excess of base fee
Conditional Use Permit	\$1,075.00
Expedited Land Division Application:	Ψ1,073.00
Partition	\$440 + appeal deposit
Subdivision ≤ 10 lots	\$580 + \$15/lot + appeal deposit
Subdivision (more than 10 lots)	\$1,625 + \$15/lot + appeal deposit
Appeal Deposit	\$3,580
Historic Landmark Clearance/Building Alteration	No Fee
Home Occupation Permit	\$150.00
Annual Renewal Fee	\$25.00
Landscape Plan Review	\$145.00
Large Format Commercial Development (variance to	\$410.00
standards)	
Manufactured Home Park *	\$1,625 + \$15/lot
Measure 49 Claim	\$670.00
Model Home Permit	\$125.00
Parking Lot Parking Variance for historic Structure *	\$145.00
Partition of Land (tentative) *	\$150.00 \$440.00
Planned Development Amendment	\$440.00 \$885.00
Planned Development:	\$665.00
•	
In addition to any applicable zone change fee:	\$15.00 per Dwelling Unit**
Residential Rate	\$25.00/1000 sq. ft. of bldg
Commercial Rate	\$10.00/1000 sq. ft. of bldg
Industrial Rate	
Property Line Adjustment *	\$175.00
Recreational Vehicle Park Permit *	\$740.00
Sign Standards Exception (variance)	\$990.00
Solar Collection System Variance	\$990.00

Street Vacation	\$675.00	
Subdivision ≤ 10 lots	\$580 + \$15/lot	
Subdivision (tentative) more than 10 lots *	\$1,625 + \$15/lot	
Temporary Living Unit Permit	\$150.00	
Semi-Annual Renewal Fee	\$25.00	
Transitional Parking Permit	\$575.00	
Urban Growth Boundary Amendment	\$1,990 + 50% of costs incurred in	
	excess of base fee	
Vacation Home Rental Establishment	\$150.00	
Annual Renewal Fee	\$25.00	
Variance (Land Division)	\$990.00	
Variance (Zoning)	\$990.00	
Zone Change	\$1,625.00	
* Applications are subject to Director's decision. If a public hea	aring is requested, the fee for the hearing	
request would be 50% of the original application fee.	, , , , , , , , , , , , , , , , , , ,	
**If accompanied by a subdivision or manufactured home park	application, \$5.00 per dwelling unit, plus	
the subdivision or manufactured home park fee.	T	
Notes:		
Joint applications will be charged 100 percent of the	highest planning fee, plus one-half	
of all additional fees related to the proposal.		
2. Fees shall be adjusted on July 1 of each year to ref	lect increases (or decreases) in the	
prior year's Portland CPI-W* index.		

PLANNING DEPARTMENT PROCESSING FEES City of McMinnville

3. Planning Department processing fees, as noted in this schedule, related to development of low-income housing shall be reduced by 50 percent.

Effective July 1, 2017

Building Permit Review	
Residential –	
Value less than \$100,000	No Charge
Value \$100,000 +	\$20.00
Multi-family residential (per project)	\$75.00
Commercial/Industrial –	
Value less than \$100,000	No Charge
Value \$100,000 - \$500,000	\$45.00
Value greater than \$500,000	\$115.00

*2016 CPI-W = 1.7%



CITY OF McMINNVILLE FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

MEMORANDUM

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution No. 2017-42, A Resolution adopting a supplemental budget for fiscal year

2016-2017 and making supplemental appropriations.

Discussion:

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). A supplemental budget may increase total expenditures in a fund's adopted budget. If the supplemental budget increases a fund's expenditures by 10 percent or less the supplemental budget may be adopted at a regularly scheduled meeting of the governing body. If the supplemental budget will increase a fund's expenditures by more than 10 percent, a public hearing must be held by the governing body and public comment must be taken before adoption of the supplemental budget.

Resolution No. 2017-42 proposes a supplemental budget for the Telecommunications Fund and the Airport Maintenance Fund.

<u>Telecommunications Fund</u> – Resolution No. 2017-42 proposes a supplemental budget to allow the City to turnover higher than anticipated telecommunication fee revenues to McMinnville Community Media (MCM). The supplemental budget increases materials and services appropriations from \$234,500 to \$244,500 to allow disbursement of cable franchise fees and public, education, and governmental (PEG) access fees, as provided for in the City's agreement with MCM.

The increase in Telecommunications Fund expenditures does not exceed 10 percent of total expenditures in the adopted budget of the fund. Therefore, a public hearing is not required.

<u>Airport Maintenance Fund</u> – Resolution No. 2017-42 also proposes a supplemental budget in the Airport Maintenance Fund due to an unanticipated change in the project to rehabilitate Runway 4-22 at the McMinnville Municipal Airport. Appropriations for fiscal year 2016-2017 were based on estimated construction costs in a Federal Aviation Administration (FAA) Agreement executed in April 2016. In February 2017, the Agreement was amended to facilitate proper FAA engineering consulting and oversight services related to relocation of FAA facilities impacted by the City's rehabilitation of Runway 4-22. Total estimated cost of the relocation of FAA facilities is \$541,072. The amended Agreement includes a provision for the FAA to reimburse the City for these estimated additional costs.

The supplemental budget increases capital outlay appropriations in the Airport Maintenance Fund from \$2,740,000 to \$3,282,000 to reflect the additional project scope and costs.

The increase in Airport Maintenance Fund expenditures exceeds 10 percent of total expenditures in the adopted budget of the fund. Therefore, the governing body is required to hold a public hearing and take public comment prior to adopting the supplemental budget.

As required by ORS 294.473, a public hearing for the governing body to take public comment on the supplemental budget is scheduled for June 27, 2017. Appropriate notice of the public hearing was published in the News Register.

Attachment:

Resolution No. 2017-42, A Resolution adopting a supplemental budget for fiscal year 2016-17 and making supplemental appropriations.

Action:

A motion is needed to approve Resolution No. 2017-42.

A Resolution adopting a supplemental budget for fiscal year 2016-2017 and making supplemental appropriations

RECITAL:

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). The governing body must adopt a resolution to adopt the supplemental budget and make any necessary appropriations.

A supplemental budget is necessary in the Telecommunications Fund to allow the City to turnover higher than anticipated telecommunication fee revenues to McMinnville Community Media (MCM). The supplemental budget increases materials and services appropriations from \$234,500 to \$244,500 to allow disbursement of cable franchise fees and public, education, and governmental (PEG) access fees, as provided for in the City's agreement with MCM.

A supplemental budget is necessary in the Airport Maintenance Fund due to an unanticipated change in the project to rehabilitate Runway 4-22 at the McMinnville Municipal Airport. Appropriations for fiscal year 2016-2017 were based on estimated construction costs in a Federal Aviation Administration (FAA) Agreement executed in April 2016. In February 2017, the Agreement was amended to facilitate proper FAA engineering consulting and oversight services related to relocation of FAA facilities impacted by the City's rehabilitation of Runway 4-22. Total estimated cost of the relocation of FAA facilities is \$541,072. The amended Agreement includes a provision for the FAA to reimburse the City for these estimated additional costs. This supplemental budget increases capital outlay appropriations from \$2,740,000 to \$3,282,000 to reflect the additional project scope and costs.

As required by ORS 294.473, a public hearing to take public comment on the supplemental budget was held by the governing body at the June 27, 2017, Council meeting. Appropriate notice of the public hearing was published in a local newspaper of general circulation prior to the public hearing.

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

- 1. Adopt the following Supplemental Budget: The Council of the City of McMinnville adopts the following Supplemental Budget for 2016-2017 in the Telecommunications Fund and Airport Maintenance Fund.
- 2. **Make Supplemental Appropriations:** The additional appropriations for fiscal year 2016-2017 are hereby appropriated as follows:

Telecommunications Fund resource and requirement increases related to higher than anticipated telecommunications fee revenues for fiscal year 2016-2017. It is necessary to increase appropriations in the Materials and Services category to allow disbursement of the additional franchise and PEG access fees to McMinnville Community Media.

Telecommunications Fund: Resources:	Adopted <u>B</u> <u>udget</u>	Budget <u>Adj</u> <u>ustment</u>	Amended <u>Budget</u>
Beginning Fund Balance Licenses and Permits Miscellaneous Total Resources	\$ 1,750 234,500 100 \$ 236,350	10,000	\$ 1,750 244,500 <u>100</u> \$ 246,350
Telecommunications Fund:	Adopted <u>B</u> udget	Budget <u>Adj</u> ustment	Amended
Telecommunications Fund.	<u>uuget</u>	ustilient	<u>Budget</u>
Requirements: Materials & Services	\$ 234,500	10.000	\$ 244,500

Airport Maintenance Fund resource and requirement increases due to an unanticipated change in the FAA agreement related to rehabilitation of Runway 4-22 at the McMinnville Municipal Airport. It is necessary to increase appropriations in the Capital Outlay category for Land Improvements for the unanticipated increase in project scope and costs.

Airport Maintenance Fund:	Adopted Budget	Budget <u>Adj</u> ustment	Amended Budget
Resources:			
Beginning Fund Balance	\$ 868,084		\$ 868,084
Intergovernmental	3,397,176	542,000	3,939,176
Charges for Services	247,200		247,200
Miscellaneous	11,300		11,300
Total Resources	<u>\$4,523,760</u>	542,000	<u>\$5,065,760</u>
Requirements:			
Materials & Services	882,775		882,775
Capital Outlay	2,740,000	542,000	3,282,000
Transfers Out to General Fund	75,721		75,721
Contingency	300,000		300,000
Ending Fund Balance	525,264		525,264
Total Requirements	<u>\$ 4,523,760</u>	542,000	\$5,065,760

This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:

Ayes:		
•		
Nayes:		

Approved this 27th day of June 2017.	
Approved as to form:	MAYOR
CITY ATTORNEY	



CITY OF McMINNVILLE FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

MEMORANDUM

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution No. 2017-43, A Resolution making a budgetary transfer of appropriation authority for

fiscal year 2016 – 2017.

Discussion:

When the fiscal year 2016–2017 budget was adopted by the City Council on June 28, 2016, total appropriations for Emergency Medical Services in the adopted Ambulance Fund budget were \$4,145,455. Due to unanticipated circumstances, it is estimated that expenditures in the Ambulance Fund will exceed the budgeted amount for the 2016-2017 fiscal year by approximately \$65,000.

In September 2016, the City Council approved two additional Firefighter/EMT positions to act as "floaters", thereby reducing the number of overtime shifts worked by Ambulance personnel. When the fiscal year 2016 – 2017 budget was adopted by City Council on June 28, 2016, the unanticipated cost of the two additional positions was not included in the adopted budget.

The additional positions reduced the cost of overtime for shift coverage as anticipated. However, due to unexpected injuries and vacancies, overtime costs exceeded the budgeted amount. In addition, part-time employees provided shift coverage. As a result, the cost of part-time employee hours also exceeded the budgeted amount.

Oregon Revised Statute (ORS) 294.436(1) allows a governing body to authorize a transfer of appropriation authority, after a budget has been adopted, by passing a resolution that transfers contingency appropriation to the appropriation category from which it will be expended.

Resolution No. 2017-43 transfers \$65,000 in appropriation authority from the Ambulance Fund contingency appropriation to the Ambulance Fund Personnel Services appropriation category.

Attachment:

Resolution No. 2017-43, A Resolution making a budgetary transfer of appropriation authority for fiscal year 2016 – 2017.

Action:

A motion is needed to approve Resolution No. 2017-43.

A Resolution making a budgetary transfer of appropriation authority for fiscal year 2016-2017.

RECITAL:

Oregon Revised Statute (ORS) 294.436(1) allows a governing body to authorize a transfer of appropriation authority after a budget has been adopted by passing a resolution or ordinance. Transfers may be made from an operating contingency appropriation to the appropriation category from which it will be expended.

In September 2016, the City Council approved two additional Firefighter/EMT positions to act as "floaters", thereby reducing the number of overtime shifts worked by Ambulance personnel. When the fiscal year 2016 – 2017 budget was adopted by City Council on June 28, 2016, the unanticipated cost of the two additional positions was not included in the adopted budget.

The additional positions reduced the cost of overtime for shift coverage as anticipated. However, due to unexpected injuries and vacancies, overtime costs exceeded the budgeted amount. In addition, part-time employees provided shift coverage. As a result, the cost of part-time employee hours also exceeded the budgeted amount.

Therefore, it is necessary to transfer a total of \$65,000 in appropriation authority, as allowed in ORS 294.436(1), from the Ambulance Fund operating contingency appropriation to the Ambulance Fund Personnel Services appropriation category.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF McMINNVILLE, OREGON that the following transfer of appropriation authority under the fiscal year 2016-2017 City of McMinnville Amended Budget is hereby made, to wit:

1. The following emergency need exists in the **AMBULANCE FUND**:

In the PERSONNEL SERVICES category due to unanticipated costs for shift coverage.

AMBULANCE FUND:	Amended <u>Budget</u>	Budget <u>Adj</u> <u>ustment</u>	i Amended <u>Budget</u>
Emergency Medical Services	4,145,455	65,000	4,210,455
Transfers Out to Other Funds	325,326		325,326
Operating Contingencies	300,000	(65,000)	235,000
Requirements	\$ 4,770,781	\$	\$ 4,770,781

This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Ayes:		
Nays:		
Approved this 27th day of June 2017.		
Approved as to form:	MAYOR	_
CITY ATTORNEY		

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:



McMinnville Fire Department

MEMORANDUM

TO: Jeff Towery, City Manager

FROM: Rich Leipfert, Fire Chief

DATE: June 21, 2017

RE: McMinnville Rural Fire Protection District (MRFPD) Contract Renewal

Resolution

Attached are the Council Resolution and the contract for the Fire Service provided to the MRFPD. This contract includes a 5 percent increase from last year's contract. The contract allows for the City of McMinnville to provide fire protection services to the McMinnville Rural Fire Protection District in exchange for monetary compensation. The total renumeration for services outlined in the 2017 – 2018 contract are \$364.681.

In addition to this amount the Rural District provided \$140,000 for the purchase of a refurbished Urban Interface engine to replace the retired rural district engine. In addition, this year the rural district has budgeted to fund the replacement of a firefighting skid unit for one of our brush trucks. This is another example of working through partnerships to address services to all of our citizens.

The MRFPD Board has approved the contract as of 6/20/2017.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, authorized by ORS 190.010, is made this ____ day of June, 2017, by and between the CITY OF MCMINNVILLE, an Oregon municipal corporation, hereinafter referred to as "CITY", and the MCMINNVILLE RURAL FIRE PROTECTION DISTRICT (MRFPD), an Oregon municipal corporation, hereinafter referred to as "DISTRICT", the promises and agreements of each being in consideration of the promises and agreements of the other.

The parties agree as follows:

1. <u>Term:</u> The term of this Agreement is one (1) year, beginning on the 1st day of July, 2017 and ending on the 30th day of June, 2018.

2. Scope of Services:

- A. The CITY agrees to provide fire protection throughout the DISTRICT, as required. In providing fire protection throughout the DISTRICT, the CITY, through its Fire Department, shall:
 - 1. Provide fire suppression throughout the DISTRICT.
 - 2. Provide the use of available pumpers, tenders and ladder equipment, and all other necessary equipment, as well as sufficient personnel to operate said apparatus, subject to the condition that reasonably sufficient apparatus and personnel shall remain within the CITY to assure adequate fire protection to the CITY. If the demands of the DISTRICT exceed the available apparatus and personnel which the CITY can provide, the CITY agrees to invoke then current mutual aid agreements as may be necessary to supplement the CITY'S apparatus and personnel.
 - 3. Review building and construction plans within the DISTRICT.
 - a. Request that Yamhill County submit all plans for new developments/construction in the DISTRICT requiring a "fire-and-life-safety" plan check to CITY for review. Plans will be reviewed for fire access, fire-flow, built-in-fire protection, road grades, and other fire code issues.
 - b. Perform field inspections to ensure new development and construction is accomplished in accordance with reviewed plans as regards those items listed in (3)(a) above.
 - 4. Investigate all fires within the DISTRICT to determine cause.
 - 5. Initiate and sustain a program of study, reasonably calculated to result in the formulation and necessary revision of operating procedures necessary to maintain a high level of fire protection within the DISTRICT.
 - 6. Review and propose fire codes and ordinances for adoption by the DISTRICT.

- 7. Investigate all fire code complaints; perform on-site inspection to determine validity of complaint.
- 8. Perform inspections as required by a priority plan adopted by the DISTRICT and agreed to by the CITY. Conduct home fire-safety inspections upon request.
- 9. Enforce codes, ordinances, and regulations adopted by the DISTRICT, including the assessment and collection of fees in accordance with Code Enforcement Fee Schedule adopted by DISTRICT.
- 10. Maintain, for the DISTRICT, adequate records of activity as may be required by the Insurance Services Office and the Oregon State Fire Marshal.
- 11. Participate in mutual aid agreements with the fire protection districts which are contiguous with the MRFPD and establish and maintain an automatic aid agreement in areas in which service might be improved by such an agreement, so long as it is in the best interests of all parties to do so.
- 12. Subject to the provisions of Section 2A of this agreement, the CITY shall maintain and operate an adequate fire protection service in the DISTRICT. CITY shall use due diligence to maintain continuous and uninterrupted service. Under no circumstances is the CITY liable to the DISTRICT for interruption or failure of service caused by acts of nature, unavoidable accident, or other circumstances beyond the control of the CITY through no fault of its own.
- 13. The CITY shall operate the fire protection program authorized by this Agreement twenty-four (24) hours per day, seven (7) days per week.
- 14. The CITY shall take all reasonable steps to maintain all of its trucks, equipment and the entire system in a good state of repair, and shall at all times conduct its operation under this Agreement in a safe and professional manner so as not to present a danger to the public or DISTRICT.
- 15. The CITY shall consider the needs of the DISTRICT when designing and purchasing fire apparatus, with specific regard to hill climbing ability, maneuverability, foam production and compatibility with rural fire applications.
- 16. The DISTRICT shall have the right to use the CITY Fire Department conference room for the DISTRICT'S regularly scheduled meetings, as well as specially scheduled meetings, given sufficient advance notice.
- 17. The CITY shall assist the Board of the DISTRICT in recommending the site for and development of future station needs as may be required in the DISTRICT.
- 18. The CITY shall provide public education as follows:
 - a. Conduct a Fire Prevention Open House each October, with announcement flyers sent to all students in all schools in the MRFPD area, including private schools.
 - b. Solicit opportunities to give fire safety education programs to all DISTRICT neighborhood associations on an annual basis.

- c. Mail out one newsletter per year to all rural district residents with pertinent fire safety information.
- 19. The CITY shall provide fire suppression training and provide for fire suppression preparedness as follows;
 - a. Equip all operations personnel with wild land fire fighting apparel.
 - b. Conduct training for all personnel in wild land fire behavior and urban/forest interface strategy and tactics prior to fire season.
 - c. Identify locations throughout the DISTRICT where water supply might be established or improved.
 - d. Train on rural water supply operations, with surrounding rural districts, to reduce turnaround time and improve water supply procedures in rural area.
 - e. Maintain a supply of forestry type fire suppression foam.
 - f. Develop a countywide major fire event plan to be implemented as a component of the City's and County's disaster plan.
 - g. Maintain nominal staffing (call back) and situation status management plan to ensure adequate fire defense resources in the event of simultaneous responses which may deplete onduty resources.
- B. The DISTRICT agrees that the CITY shall not be required to duplicate those efforts or services regularly provided by other governmental agencies; nor shall the CITY be required to provide any services which are, by law, reserved for another government agency.
- C. The CITY agrees to provide the DISTRICT with regular reports based on the fire protection services provided in Section 2A (see above) of this Agreement. Also, a copy of the annual audit of the City of McMinnville shall be provided to the DISTRICT. The DISTRICT agrees to provide a copy of the annual audit of the DISTRICT to the CITY.
- D. The CITY shall keep the DISTRICT informed of all new developments, issues or concerns affecting the fire operations of the CITY as they may relate to the DISTRICT. The CITY shall endeavor to notify the DISTRICT in advance of any public announcement concerning this Agreement that is to be made. The DISTRICT shall endeavor to notify the CITY of any developments or uses concerning the Agreement in advance of any public announcement on the subject.
- E. At all times during the term of this Agreement, the CITY and DISTRICT shall comply with all applicable laws, ordinances, rules and regulations of the United States of America and the State of Oregon, including all agencies and subdivisions thereof.
- F. The City agrees to support and defend the MRFPD where the MRFPD has taken action to implement rules and or ordinances at the request of, or when benefit accrues to, the City.

3. <u>Compensation:</u> The DISTRICT agrees to pay the CITY during the term of this Agreement the sum of \$364,681 for fire protection during fiscal year 2017-2018. In addition, as additional compensation, the CITY shall retain all fees collected by the CITY related to the Code Enforcement Fee Schedule adopted by DISTRICT.

4.

- A. The CITY and DISTRICT shall retain the right to renegotiate the service level and/or service cost as of the 30th day of June, 2017, by giving 180 days' prior written notice to the other party (see Sections 4 and 5).
- B. The DISTRICT agrees to make payments to the CITY according to the following schedule unless these funds are not made available by the county tax collector.

Payment #	<u>Due Date</u>	<u>Amount</u>
1	Dec. 15	\$ 182,341
2	Mar. 15	\$ 91,170
3	June 15	\$ 91,170

- C. The DISTRICT agrees that it will levy taxes during the term of this Agreement sufficient to provide the payments required to be made to the CITY during this Agreement.
- D. It is understood and agreed by the parties that no director, officer or other representative of the DISTRICT shall be individually liable for any payments due to the CITY.
- E. If, as a result of the tax limitation, the CITY is unable to provide the level of service described in Section 2 above, or the DISTRICT is unable to pay for the current level of services, then the parties agree to renegotiate in good faith the amount of compensation to be paid to the CITY for the services provided.
- E.F. It is understood that while this agreement is in place that the City will not bill for motor vehicle accident "Fire Fees" to residents of the McMinnville Rural Fire Protection District.
- 5. <u>Future Fee Increases:</u> The CITY and DISTRICT agree that the fee for each future year will be increased three percent per annum. The parties agree to enter into negotiations regarding a change in the three percent increase or any other change in the fee when requested by either party so long as said request to negotiate is given not less than 180 days prior to the expiration of the Agreement. In the event negotiations have not been completed by June 30, 2018, the CITY may decline to provide the services described in Section 2 of this Agreement.
- **6.** Renegotiation/Termination/Renewal: This Agreement shall be renewed unless CITY or DISTRICT gives written notice to the other party 180 days prior to the expiration of this Agreement, informing the other party that the notice-giving party wishes to renegotiate the terms of the Agreement or to terminate the Agreement.

- **A.** If notification of the intent to renegotiate this Agreement has been given, the parties agree that, prior to June 30, 2018, they will negotiate in good faith concerning the terms of this Agreement.
- **B.** If the DISTRICT has notified the CITY of its intent to renegotiate this Agreement and a successful renegotiation has not been completed before June 30, 2018, this Agreement shall be automatically extended for 90 days to allow continuing negotiations. This Agreement may be extended further by mutual agreement for additional increments of up to 90 days each.
- C. If notification of the intent to terminate this Agreement has been given, the Agreement shall terminate on the 30th day of June 2018. If both parties agree in writing, a termination pursuant to this section may be effective at an earlier date.

7. Rules of Construction/Interpretation:

- A. Unless otherwise specifically prescribed in this Agreement , the following provisions shall govern its interpretation and construction:
 - 1. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.
 - 2. Time is of the essence of this Agreement. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply promptly with any provisions of this Agreement by any failure of the other party to enforce prompt compliance with any of its provisions.
 - 3. Every duty and every act to be performed by either party imposes an obligation of good faith on the party to perform such.
- B. All notices, reports or demands required to be given in writing under this Agreement shall be deemed to be given a) when delivered personally to the person designated below, or b) when three (3) days have elapsed after it is deposited in the United States mail in a sealed envelope, registered or certified mail, postage prepaid, or c) on the next business day when sent by express mail, all addressed to the party to whom the notice is being given:

Fire Chief Rich Leipfert, City of McMinnville, 175 NE First St, McMinnville, Oregon 97128

Steve Leonard Chairman, McMinnville Rural Fire Protection District, 175 NE First St, McMinnville, Oregon 97128

- C. Neither the CITY nor the DISTRICT shall be relieved of its obligation to comply with any of the provisions of this Agreement by reason of any failure of the other party to enforce prompt compliance.
- D. The paragraph captions and headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- E. For purposes of determining time of performance, time shall be computed so as to exclude the first and include the last day of the prescribed period of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, the next working day shall be construed to be the last day of the prescribed period.
- F. None of the provisions of this Agreement shall be construed to create in the DISTRICT any right, interest or ownership in any real or personal property used by the CITY for the performance of this Agreement.
- 8. <u>Hold Harmless:</u> The parties agree that neither the CITY nor any of the CITY'S officers, agents, representatives, employees or volunteers shall be liable to the DISTRICT, or any owner within the DISTRICT, or any other person, for any claim for injury or damage or any loss or expense growing out of or resulting directly or indirectly from the performance of this Agreement, including but not limited to, a claim for alleged failure to provide fire fighting or fire protection apparatus or services, or for court costs and attorneys' fees (including an appeal filed in connection with any legal proceedings arising out of this Agreement).
- 9. **Discrimination:** The parties agree not to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this Agreement.
- 10. **Waiver of Breach:** A waiver of any breach of any provision of this Agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this Agreement.

City of McMinnville an Oregon Municipal	McMinnville Rural Fire Protection District, an
Corporation	Oregon Municipal Corporation
By:	Ву:
Scott Hill, Mayor	Steve Leonard, Chairman
Date:	Date:
Approved as to form:	
David Koch, City Attorney	

A Resolution providing for and approving a form of contract by and between the City of McMinnville, Oregon and the McMinnville Rural Fire Protection District.

RECITALS:

The present contract between the City of McMinnville and the McMinnville Rural Fire Protection District (MRFPD) expires June 30, 2017, and it is necessary that a new contract be executed. The new contract will be in full force and effect for a period up to and including June 30, 2018.

The City of McMinnville and the McMinnville Rural Fire Protection District have mutually agreed to the renewal of the fire protection service contract. This year it has been agreed to a five percent increase.

The City of McMinnville has the necessary equipment to furnish rural fire protection to the area surrounding and adjacent to the City.

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

1. That a contract prepared by the City Attorney, and submitted to the Council of the City of McMinnville on the 28th day of June 2017, be entered into by and between the City of McMinnville and the McMinnville Rural Fire Protection District for the period July 1, 2017 through June 30, 2018. The contract provides that the City shall furnish fire protection to the District and the inhabitants of the District. The contract, in the amount of \$364,681.00, is hereby approved and accepted as submitted. Payment shall be made as follows:

\$182,341.00 by December 15, 2017 \$ 91,170.00 by March 15, 2018 \$ 91,170.00 by June 15, 2018

- The Mayor is hereby authorized and directed to execute the contract in duplicate and to deliver one executed copy thereof to the McMinnville Rural Fire Protection District and to retain one executed copy thereof to be kept on file in the office of the City Recorder.
- 3. This Resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:

Ayes:	
Nays:	
Approved this 27 th day of June 2017.	

MAYOR

Approved as to Form:	
CITY ATTORNEY	



McMinnville Fire Department

MEMORANDUM

TO: Jeff Towery, City Manager

FROM: Rich Leipfert, Fire Chief

DATE: June 21, 2017

RE: Ambulance Rate Increase Resolution

Ambulance rate recovery from Medicare and Medicaid continues to be below the actual costs of providing service. While there may be some relief on the horizon in this matter through the Ground Emergency Medical Transportation project, a cost of living adjustment is warranted to assist in offsetting some of the general fund support for the ambulance service.

Staff is recommending a 2.2% increase as outlined in the resolution. The increase will raise resident rates from \$1,680 to \$1,722 and nonresident rates from \$1,890 to \$1,938. There will also be a mileage rate increase from \$23 per mile to \$24 per mile.

A Resolution adopting a new fee schedule for ambulance services provided by the City of McMinnville and repealing Resolution No. 2016-35.

RECITALS:

Generally, it has been the City's policy to increase ambulance rates each year by the amount of the Consumer Price Index (CPI) increase for the Portland-Salem metro area. This aligns rates with the increase in the cost of providing ambulance services. Raising rates each year also helps avoid the need to impose significant rate increases to "catch up" for years when ambulance rates were not increased. The CPI increase for ambulance rates which is applicable to the 2017 – 2018 fiscal year is 2.2 percent.

In addition, reimbursements from the state and federal government for ambulance services provided by the City continue to be substantially less than the cost of providing ambulance services.

Therefore, it is appropriate to raise rates for ambulance services to enable the City to meet the requirements for providing emergency ambulance services for the City's Ambulance Service Area (ASA) and to minimize General Fund support of the ambulance service.

The following emergency ambulance service fee schedule is submitted for adoption.

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

1. The fee schedule for ambulance service shall be as follows:

Base rate for each call:

Within City:	Advance life support Basic life support		,722.00 ,722.00
Outside City:	Advance life support Basic life support		,938.00 ,938.00
<u>Transfers</u> :	Specialty Care Transport	\$2	2,307.00
Medical Aid:		\$	486.00
Mileage:			\$ 24.00
Time Pay Contr	act Monthly Fee:		\$5.00

		<u>vvaiting rime</u> :	\$100 per nour or traction thereof.
		All medications and nor	nreusable supplies are included in base rate.
	2.	The fee schedule for Fi	re Med subscriptions shall be as follows:
		Within City:	\$70 per family
		Outside City:	\$90 per family
	3.	Resolution No. 2016	6-35 is hereby repealed in its entirety.
	4.	This Resolution shall ta force and effect until rev	ke effect July 1, 2017, and shall continue in full voked or replaced.
Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:			
	Ау	es:	
	Na	ays:	
	Аp	proved this 27th day of	June 2017.
			MAYOR
Approved as to Form:			
		CITY ATTORNEY	



FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution declaring the City's election to receive certain state shared

revenues

Discussion:

Oregon Revised Statute (ORS) 221.770(1) designates that a share of certain revenues of the state of Oregon shall be apportioned among and distributed to the cities of the state for general purposes as provided for in the ORS. The City shall not be included in apportionments or receive distributions of state shared revenues unless the city:

- Elects to receive distributions for the fiscal year by enactment of a resolution expressing that election and filing a copy of the resolution with the Oregon Department of Administrative Services not later than July 31 of the fiscal year
- Holds at least one public hearing, after adequate public notice, at which citizens have the opportunity to provide comment to the authority responsible for approving the proposed budget for the fiscal year on the possible uses of the State distributions and certifies its compliance as required by ORS 221.770(1)(b)
- Holds at least one public hearing, after adequate public notice, at which citizens
 have the opportunity to provide comment to, and ask questions of, the authority
 responsible for adopting the city budget on the proposed use of distributions in
 relation to the entire budget of the city for the fiscal year and certifies its compliance
 as required by ORS 221.770(1)(c)
- Levied a property tax for the year preceding the year in which revenue sharing is due under ORS 471.810 (Distribution of available moneys in Oregon Liquor Control Commission Account)

The City of McMinnville has complied with the requirements to hold public hearings, after adequate public notice, and has levied a property tax for the year preceding the year in which revenue sharing is due.

Resolution No. 2017-46 satisfies the requirement of 221.770(1)(a) which requires the City to elect to receive distribution of State shared funds by adopting such resolution. Upon Council adoption, City staff will file the Resolution with the Department of Administrative Services no later than July 31, 2017.

Attachment: Resolution No. 2017-46, A Resolution declaring the City's election to receive certain state shared revenues.

Action: City Council approval of Resolution No. 2017-46.

A Resolution declaring the City's election to receive certain state shared revenues.

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

1. Pursuant to ORS 221.770, the City hereby elects to receive state shared revenues for fiscal year 2017 – 2018.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the $\underline{27}^{th}$ day of June, 2017 by the following votes:

Ayes:	
Nays:	
Approved this <u>27th</u> day of Jun	ne, 2017.
	MAYOR
Approved as to form:	WIXT OIL
Approved as to form.	
CITY ATTORNEY	

I certify that a public hearing before the Budget Committee was held on May 17, 2017 and a public hearing before the City Council was held on June 13 2017, giving citizens an opportunity to comment on use of State Revenue Sharing.
CITY RECORDER



FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution extending workers' compensation coverage to City of McMinnville

volunteers

Discussion:

For purposes of workers compensation coverage, Oregon Revised Statute (ORS) 656.031 defines municipal personnel, other than those employed full-time or part-time, as volunteer personnel. A city utilizing volunteer personnel may elect to have such personnel covered by workers compensation insurance by filing a written application with the city's insurer. The city must also submit a resolution to the insurer declaring its intent to cover volunteer personnel and provide a description of the work to be performed by such personnel.

The City annually submits a written application to City County Insurance Services (CIS) electing to cover volunteer personnel under its workers compensation insurance plan. Resolution No. 2017-47 extends workers' compensation coverage to City of McMinnville volunteers and meets ORS and CIS requirements.

Attachment: Resolution No. 2017-47, A Resolution extending workers' compensation coverage to City of McMinnville volunteers.

Action: City Council approval of Resolution No. 2017-47.

A Resolution extending workers' compensation coverage to City of McMinnville volunteers.

RECITALS:

The City of McMinnville's insurance provider is CityCounty Insurance Services (CIS). CIS provides coverage to City volunteers under certain circumstances. Adoption of a resolution setting out the information below is a prerequisite to coverage.

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

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public safety volunteers

An assumed monthly wage of \$1600 per month will be used for public safety volunteers in the following volunteer positions:

Police reserve

Firefighter

Police Citizen Emergency Response Team members

2. Police and Fire non-public safety volunteers

The assumed monthly wage for the following Police and Fire volunteers is as specified for each:

Parking and code enforcement - \$800 per month

Police chaplains – minimum wage

Fire and Life Safety – minimum wage

3. Volunteer boards, commissions and councils for the performance of administrative duties.

An aggregate assumed <u>annual</u> wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are specified on Attachment A, attached to and incorporated into this Resolution by this reference.

4. Non-public safety volunteers

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed.

Parks and Recreation, including Kids on the Block (KOB)

Senior Center

Public Works

Library

Park Watch

5. Public Events

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation:

Mayor's Charity Ball

Annual triathlon

City sponsored community events

6. Community Service Volunteers/Inmates

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by McMinnville Municipal Court.

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work:

- a. City provides advance written notice to CIS underwriting requesting the coverage,
- b. CIS approves the coverage and date of coverage, and
- c. CIS provides written confirmation of coverage.

8. Rosters

The City will maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and will make the rosters available at the time of a claim or audit to verify coverage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the $\underline{27}^{th}$ day of June 2017 by the following votes:

	Ayes:	
	Nays:	
	Approved this <u>27th</u> day of June 2017.	
		MAYOR
Approv	ved as to Form:	
	CITY ATTORNEY	

Workers' Compensation Renewal Boards, Commissions, Councils, and Committee NCII Code #8742V 2017 - 2018

WC Volunteer Resolution Attachment A

Type of City Organization	Assumed Wage	Totals
Type of City Organization	waye	iotais
City Council		
Mayor		
City Councilor Ward # 1		
City Councilor Ward # 1		
City Councilor Ward # 2		
City Councilor Ward # 2		
City Councilor Ward # 3		
City Councilor Ward # 3	2,500	2,500
Airport Commission	2,500	2,500
Audit Committee	2,500	2,500
Board of Appeals	2,500	2,500
Budget Committee	2,500	2,500
Advisory Board - Building Code	2,500	2,500
Citizen's Advisory Committee	2,500	2,500
Historic Landmarks Committee	2,500	2,500
Landscape Review Committee	2,500	2,500
Mayor's Charity Ball Advisory Board	2,500	2,500
McMinnville Urban Area Mgt Commission	2,500	2,500
McMinnville Urban Renewal Advisory Committee	2,500	2,500
Planning Commission	2,500	2,500
Affordable Housing Task Force	2,500	2,500
Total		\$ 35,000



FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution certifying provision of municipal services by the City of McMinnville

as required by ORS 221.760

Discussion:

Oregon Revised Statute (ORS) 221.760(1) designates certain prerequisites for cities in a county of over 100,000 population to receive State shared revenues from cigarette, gas, and liquor taxes. The ORS states that the officer responsible for disbursing such funds to cities shall disburse such funds, in the case of a city located within a county having more than 100,000 inhabitants, only if the officer reasonably is satisfied that the city provides four or more of the following municipal services:

- a) Police protection
- b) Fire protection
- c) Street construction, maintenance and lighting
- d) Sanitary sewers
- e) Storm sewers
- f) Planning, zoning and subdivision control
- g) One or more utility services

Resolution No. 2017-46 certifies that the City meets the prerequisites for receiving cigarette, gas and liquor taxes.

Attachment: Resolution No. 2017-48, A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760

Action: City Council approval of Resolution No. 2017-48.

A Resolution certifying provision of municipal services by the City of McMinnville as required by ORS 221.760.

RECITALS:

ORS 221.760 provides that a city located within a county that has more than 100,000 inhabitants according to the most recent federal decennial census must provide four or more municipal services in order to qualify to receive revenues from cigarette, gas, and liquor taxes (Shared Revenues). These revenues are provided for in ORS 323.455, 366.785 to 366.820, and 471.805.

The services to be considered are:

- 1) Police protection
- 2) Fire protection
- 3) Street construction, maintenance, lighting
- 4) Sanitary sewer
- 5) Storm sewer
- 6) Planning, zoning, subdivision control
- 7) One or more utility services

To assist the state officer responsible for determining the eligibility of the City to receive these revenues in accordance with ORS 221.760, the City may certify its eligibility.

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

- 1. The City certifies that it provides the following municipal services as enumerated in ORS 221.760(1):
 - 1) Police protection—Yes
 - 2) Fire protection—Yes
 - 3) Street construction, maintenance, lighting—McMinnville Water and Light provides lighting
 - 4) Sanitary sewer—Yes
 - 5) Storm sewer—Yes
 - 6) Planning, zoning, subdivision control—Yes
- 2. This Resolution will take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:

Approved as to form:	MAYOR

Approved this $\underline{27}^{\text{th}}$ day of June 2017.

CITY ATTORNEY



FINANCE DEPARTMENT 230 NE Second Street

McMinnville, Oregon 97128 www.mcminnvilleoregon.gov

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Marcia Baragary, Finance Director

SUBJECT: Resolution Adopting Fiscal Year 2017 – 2018 Budget

Discussion:

Oregon Revised Statute (ORS) 294.456 requires the governing body of the local government to enact a resolution adopting the budget for each fiscal year. The Resolution before the Council adopts the 2017-2018 budget for the fiscal year beginning July 1, 2017, makes appropriations, imposes property taxes, and categorizes property taxes.

ORS 294.456 allows the governing body to make certain changes to the budget that was approved by the budget committee. Total expenditures in the approved budget of a fund may be increased. If the total increase in a fund does not exceed 10 percent of the fund expenditures, a public hearing is not required. As presented, the Resolution adopting the 2017-2018 Budget includes the following changes:

2016–2017 projects carried forward to 2017-2018

- Airport Maintenance Fund Approximately \$57,000 for professional services for environmental design and construction related to Runway 4-22 at the Municipal Airport
- Transportation Fund Total of \$475,000 in professional services and capital outlay appropriations for bond related projects, including 1st and 2nd Street pedestrian improvements and 2nd Street and Alpine Avenue street improvements
- Park Development Fund \$120,000 for professional services for the Northwest Neighborhood Park
- Wastewater Capital Fund Total of \$317,000, with \$150,000 for professional services for filtration system expansion and with \$167,000 for capital outlay appropriations for I&I reduction projects

Increase in appropriations for 2017-2018

 General Fund, Park and Recreation Department – Increased by \$11,000 for main water heater at Community Center; to be spent only if replacement of heater is necessary Total increases in expenditures in the budget approved by the Budget Committee, as proposed in Resolution No. 2017-49, do not exceed 10 percent of expenditures in any of the funds. Therefore, a public hearing is not required.

Attachment: Resolution No. 2017-49, A Resolution adopting the budget for the fiscal year beginning July 1, 2017, making appropriations, imposing property taxes, and categorizing property taxes

Action: City Council approval of Resolution No. 2017-49.

RESOLUTION NO. 2017-49

A Resolution adopting the budget for the fiscal year beginning July 1, 2017; making the appropriations; imposing the property taxes; and categorizing the property taxes.

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

- 1. Adopting the Budget: The City Council for the City of McMinnville hereby adopts the budget for 2017 2018, now on file at City Hall, 230 NE Second Street, McMinnville, Oregon, as approved by the Budget Committee and amended by the City Council, in the sum of \$ 114,773,667
- **2. Making Appropriations:** The amounts for the fiscal year beginning July 1, 2017 are for the purposes shown below and are hereby appropriated as follows:

General Fund

Administration		1 172 120
Finance		1,173,438 764,389
		•
Engineering		1,035,290
Planning		693,772
Police		8,246,883
Municipal Court		515,651
Fire		3,018,518
Parks & Recreation		2,714,181
Park Maintenance		1,176,863
Library		1,600,625
Not Allocated to Organizational Unit or Program:		
Debt Service		423,775
Transfers Out To Other Funds		2,059,242
Operating Contingencies	_	900,000
Total General Fund Appropriation	\$_	24,322,627
Total General Fund Appropriation	\$_	24,322,627
Total General Fund Appropriation Special Assessment Fund	\$_	24,322,627
	\$_	24,322,627 72,300
Special Assessment Fund	\$_	
Special Assessment Fund Community Assessments and Grants	\$_	72,300
Special Assessment Fund Community Assessments and Grants Transfers Out To Other Funds	· -	72,300 6,337
Special Assessment Fund Community Assessments and Grants Transfers Out To Other Funds Operating Contingencies	· -	72,300 6,337 20,000
Special Assessment Fund Community Assessments and Grants Transfers Out To Other Funds Operating Contingencies	· -	72,300 6,337 20,000
Special Assessment Fund Community Assessments and Grants Transfers Out To Other Funds Operating Contingencies Total Special Assessment Fund Appropriation	· -	72,300 6,337 20,000
Special Assessment Fund Community Assessments and Grants Transfers Out To Other Funds Operating Contingencies Total Special Assessment Fund Appropriation Transient Lodging Tax Fund	· -	72,300 6,337 20,000 98,637

Telecommunications Fund		
Public Education Access		243,785
Operating Contingencies		1,450
Total Telecommunications Fund Appropriation	\$	245,235
Emergency Communications Fund		
911 Emergency Communications		855,616
Operating Contingencies		75,000
Total Emergency Communications Fund Appropriation	\$	930,616
Street (State Gas Tax) Fund		
Street Maintenance and Improvements		1,753,900
Transfers Out To Other Funds		646,741
Operating Contingencies		250,000
Total Street (State Gas Tax) Fund Appropriation	\$	2,650,641
Airport Maintenance Fund		
Airport Maintenance and Operations		4,573,827
Transfers Out To Other Funds		123,902
Transfers Out To Other Funds Operating Contingencies		123,902 300,000
	 \$	·
Operating Contingencies	 \$	300,000
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building	\$ <u></u>	300,000 4,997,729
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund	\$ <u></u>	300,000
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building	\$ \$ \$	300,000 4,997,729
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds	\$ \$ \$	300,000 4,997,729 - 3,052
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements	\$ \$	300,000 4,997,729 - 3,052 3,052 13,314,700
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service	\$ \$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service Transfers Out To Other Funds	\$ \$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248 165,846
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service Transfers Out To Other Funds Project Contingencies	\$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248 165,846 500,000
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service Transfers Out To Other Funds	\$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248 165,846
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service Transfers Out To Other Funds Project Contingencies Total Transportation Fund Appropriation	\$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248 165,846 500,000
Operating Contingencies Total Airport Maintenance Fund Appropriation Public Safety Facilities Construction Fund Police and Civic Hall Building Transfer Out to Other Funds Total Public Safety Fac Construct Fund Appropriation Transportation Fund Street Capital Improvements Debt Service Transfers Out To Other Funds Project Contingencies	\$	300,000 4,997,729 - 3,052 3,052 13,314,700 201,248 165,846 500,000

Project Contingencies		3,356
Total Park Development Fund Appropriation	\$	1,842,303
Debt Service Fund Debt Service		2 447 400
		3,417,100
Total Debt Service Fund Appropriation	\$	3,417,100
Building Fund		
Building Plan Review and Inspection		540,536
Transfers Out To Other Funds Operating Contingencies		84,385 75,000
Total Building Fund Appropriation	\$	699,921
Wastewater Services Fund Administration		620.055
Plant		639,955 1,818,891
Environmental Services		494,920
Conveyance Systems		791,502
Transfers Out To Other Funds		5,973,386
Operating Contingencies		300,000
Total Wastewater Services Fund Appropriation	\$	10,018,654
Wastewater Capital Fund		
Sewer Capital Improvements		5,440,902
Transfers Out To Other Funds		221,294
Project Contingencies		500,000
Total Wastewater Capital Fund Appropriation	\$	6,162,196
Ambulance Fund		
Emergency Medical Services		4,420,515
Transfers Out To Other Funds		325,092
Operating Contingencies	-	300,000
Total Ambulance Fund Appropriation	\$	5,045,607
Information Systems & Services Fund		
Information Technology Services		1,081,046
Operating Contingencies		65,000
Total Information Systems & Services Fund Appropriation	\$	1,146,046

Resolution No. 2017-49

Property, Liability and Workers Compensation Insurance Transfers Out To Other Funds Operating Contingencies Total Insurance Services Fund Appropriation Total Appropriations, All Funds Total Unappropriated and Reserved Amounts, All Funds Total Unappropriated and Reserved Amounts, All Funds Total Adopted Budget 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Limitation General Fund S5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes: Ayes:	Insurar	nce Services Fund			
Total Insurance Services Fund Appropriation \$ 1,250,068 Total Appropriations, All Funds 77,684,600 Total Unappropriated and Reserved Amounts, All Funds 37,089,067 Total Adopted Budget 114,773,667 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Government Limitation Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 Category Totals \$5.0200 / \$1,000 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:	•		pensation Insurance		1,104,300
Total Appropriations, All Funds Total Unappropriated and Reserved Amounts, All Funds Total Adopted Budget 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Limitation General Government Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:					•
Total Appropriations, All Funds Total Unappropriated and Reserved Amounts, All Funds Total Adopted Budget 37,684,600 114,773,667 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:	Operati	ing Contingencies			100,000
Total Unappropriated and Reserved Amounts, All Funds 7,089,067 Total Adopted Budget 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Government Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:		Total Insurance Service	es Fund Appropriation	\$	1,250,068
Total Unappropriated and Reserved Amounts, All Funds 7,089,067 Total Adopted Budget 3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Government Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:	Total A	ppropriations. All Funds		<u> </u>	77.684.600
3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Limitation General Fund Debt Service Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:			Amounto All Fundo	*	<u> </u>
3. Imposing & Categorizing Property Taxes: The City Council for the City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General General Government Limitation General Government Limitation General Fund Debt Service Fund \$5.0200 / \$1,000 3,486,085 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:	Total U	nappropriated and Reserved	Amounts, All Funds		· · ·
City of McMinnville hereby imposes the property taxes provided for in the Adopted Budget at the rate of \$5.0200 per \$1,000 of assessed value for general operations and in the amount of \$3,486,085 for general obligation bond debt service; and that these taxes are hereby imposed and categorized for tax year 2017 - 2018 upon the assessed value of all taxable property within the City. Subject to General Government Government Limitation Limitation General Fund \$5.0200 / \$1,000 Debt Service Fund \$5.0200 / \$1,000 Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:	Total A	Adopted Budget			114,773,667
Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:					
Category Totals \$5.0200 / \$1,000 3,486,085 This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:			General Government		General Government
This resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:			General Government Limitation		General Government Limitation
and effect until revoked or replaced. Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June 2017 by the following votes:			General Government Limitation		General Government Limitation
	Debt Service Fund	ory Totals	General Government Limitation \$5.0200 / \$1,000		General Government Limitation 3,486,085
Ayes:	This resolution s and effect until revoked of Adopted by the C	hall take effect immediately upor replaced. Common Council of the City o	General Government Limitation \$5.0200 / \$1,000 \$5.0200 / \$1,000 pon passage and shall of		General Government Limitation 3,486,085 3,486,085 in full force
	This resolution s and effect until revoked of Adopted by the C	hall take effect immediately upor replaced. Common Council of the City o	General Government Limitation \$5.0200 / \$1,000 \$5.0200 / \$1,000 pon passage and shall of		General Government Limitation 3,486,085 3,486,085 in full force

Approved this 27th day of June 2017.

Nays:

	MAYOR
Approved as to form:	
CITY ATTORNEY	



City of McMinnville Community Development Department 231 NE Fifth Street McMinnville, OR 97128 (503) 434-7312

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Jeff Towery, City Manager

FROM: Larry Sherwood, Project Manager

VIA: Mike Bisset, Community Development Director SUBJECT: NW Hill Road Improvements Project Contract Award

Council Goal:

Plan and Construct Capital Projects - Continue to plan and implement Transportation Bond improvements.

Report in Brief:

This action is the consideration of a resolution to award a public improvement contract in the amount of \$6,975,000.00 to Pacific Excavation, Inc. for the construction of the NW Hill Road Improvements Project, Project 2015-16.

Background:

The NW Hill Road Improvements Project is the largest of the five Capital Improvement Projects identified within the Transportation Bond approved by voters in 2014. Located at the western limits of town, Hill Road is currently an existing 2-lane rural corridor with narrow travel lanes, narrow shoulders, and no sidewalks or bike lanes. This project will construct widening and other improvements between NW 2nd Street and NW Baker Creek Road including; wider travel lanes; bike lanes; sidewalks; turn lanes; landscaping; street lighting; drainage improvements; and improved roadway geometry. The "Scurves" at Fox Ridge Road will be softened and roundabouts will be constructed at Hill Roads intersections with Baker Creek Road and Wallace Road.

The attached vicinity map and aerial view reflects the work area covered by the contract. The project is expected to start in July and be completed by October 31, 2018.

Discussion:

On Thursday, June 15, 2017, seven bids were received, opened, and publicly read for the construction of the NW Hill Road Improvements Project, Project 2015-16. The bid results are as follows:

•	Pacific Excavation, Inc.	\$6,975,000.00
•	Emery & Sons Construction Group	\$7,158,603.50
•	Kerr Contractors Oregon, Inc.	\$7,449,749.00
•	Oregon Mainline Paving, LLC	\$7,503,233.60
•	Carter & Company, Inc.	\$7,643,803.46
•	James W. Fowler Co.	\$7,776,766.00
•	Kodiak Pacific Construction	\$7,961,961.00

The construction estimate for this work was \$6,778,790.00

The bids were checked for completeness, including a review of the following:

- Was the bid submitted, on time, in a properly sealed and labeled envelope?
- Was the Bid Form properly filled out and executed?
- Was a Bid Bond included?
- Were the project addenda acknowledged?
- Was the First Tier Subcontractor Form turned in on time?

All seven bids were complete and met the City's requirements. A detailed breakdown of the received bids is on file in the Engineering Department.

The bid from Pacific Excavation Company, in the amount of \$6,975,000.00, was deemed to be the lowest responsible and responsive bid.

Attachments:

- 1. Resolution
- 2. Project Vicinity Map and aerial view

Fiscal Impact:

The project is funded by 2014 transportation bond proceeds and is included in the proposed FY18 Transportation Fund (Fund 45) budget.

Recommendation:

Staff recommends that the City Council adopt the attached resolution to award a public improvement contract in the amount of \$6,975,000.00 to Pacific Excavation Company for the construction of the NW Hill Road Improvements Project, Project 2015-16.

RESOLUTION NO. 2017-50

A Resolution awarding the contract for the NW Hill Road Improvements Project, Project 2015-16.

RECITALS:

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At 2:00pm on June 15, 2017, seven bids for the NW Hill Road Improvements Project, Project 2015-16, were publicly opened and read aloud.

The low bidder, Pacific Excavation, Inc., met all of the bid requirements, and should be considered the lowest responsible bidder.

The project is funded by 2014 transportation bond proceeds and is included in the proposed FY18 Transportation Fund (45) budget.

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

- 1. That entry into a public improvement contract with Pacific Excavation, Inc., in the amount of \$6,975,000.00, with a substantial completion date of October 31, 2018 for the NW Hill Road Improvements Project, Project 2015-16, is hereby approved.
- 2. That the City Manager is hereby authorized and directed to execute the public improvement contract.
- 3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the <u>27th</u> day of June 2017 by the following votes:

Ayes	
Nays:	
Approved this 27th day of June 2	2017.
Approved as to form:	MAYOR
CITY ATTORNEY	_



NW HILL ROAD IMPROVEMENTS

CITY OF McMINNVILLE
YAMHILL COUNTY, OREGON
MAY, 2017

NOTICE TO EXCAVATORS:

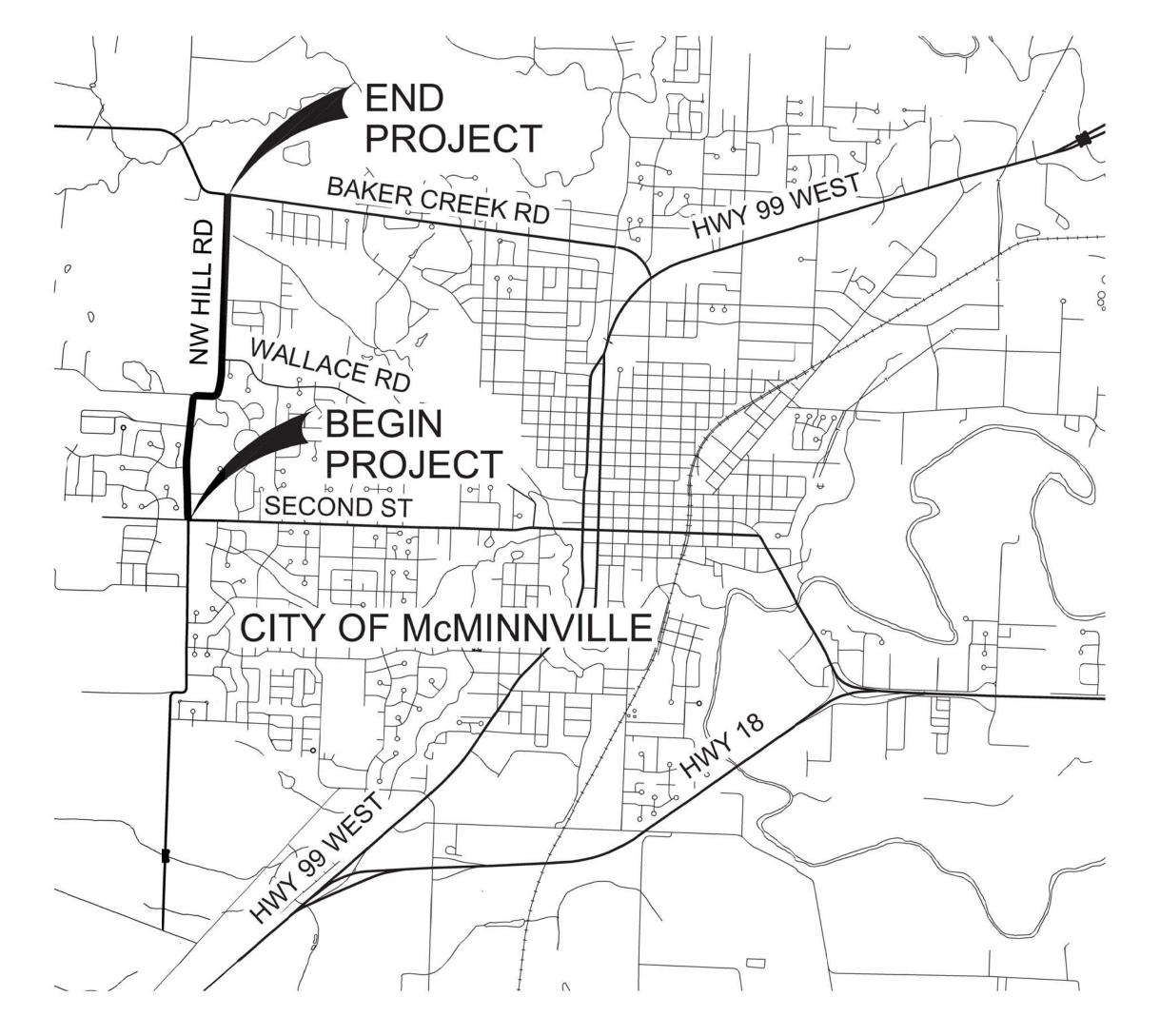
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.

(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).

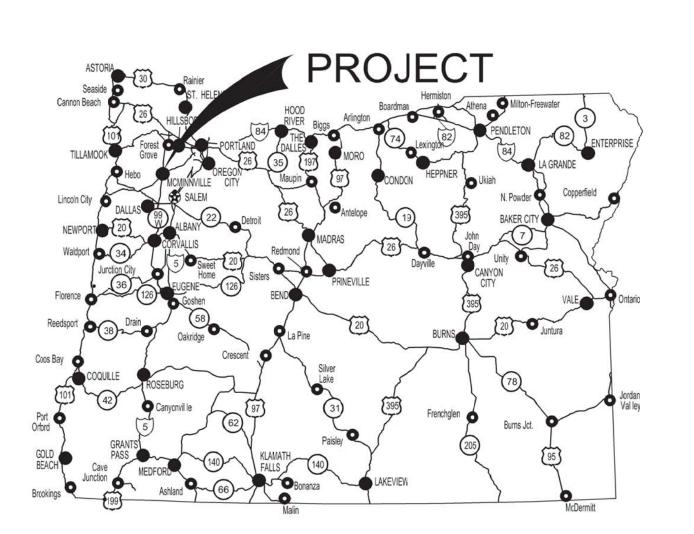
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OREGON INDEX MAP

TITLE SHEET, LOCATION MAP AND INDEX OF SHEETS **VERIFY SCALE** BAR IS ONE INCH ON ORIGINAL DRAWING.

EXPIRES: 06-30-17

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FILENAME: 669556-G101.dwg

PLOT DATE: 5/9/2017

PLOT TIME: 7:36:52₈M

1 of 189





McMinnville Fire Department

MEMORANDUM

DATE: June 21, 2017

TO: Jeff Towery, City Manager

FROM: Rich Leipfert, Fire Chief

Subject: IAFF Local 3099 MOU

In March of 2016 the City agreed with Local 3099, that should the Part Time Plus (PT+) positions for the Amity project were to move into the next fiscal year budget, then the City would reconvene negotiations to move the PT+ positions into the bargaining unit.

Attached is the ratified MOU bringing the PT+ positions into the bargaining unit as agreed. The financial implications of this move are based on insurance requirements. The total cost to the City to move the two PT+ positions into the union is \$2,384 annually; \$1,000 each in VEBA contributions and \$192 each annually in additional City premium costs.

The salaries and benefit packages, other than health insurance, remains the same as General Services PT+ positions.

Moving the positions into the union would allow the City more flexibility in scheduling. This would assist in reducing the number of back to back 24 hour shifts taken on by full time employees.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3099

AND

THE CITY OF McMINNVILLE

The International Association of Fire Fighters, Local 3099 (Association) and the City of McMinnville, Oregon (City) negotiated a collective bargaining agreement (CBA) to be effective July 1, 2015 through June 30, 2018. The City agreed to reconvene negotiations to add the Part Time Plus Firefighter/EMT and Part Time Plus Firefighter Paramedic. The Fire Chief has proposed, and the Association has approved, the following changes to the CBA due to that impact:

- Amend Article 1 (Recognition)
 (exclusive bargaining unit for all full-time and Part Time Plus (PT+) paid firefighters)
- 2. Amend Article 16 Section A Work Week and Hours of Work

The scheduled work week for PT+ firefighter shall be less than full time scheduled hours. M-F 8-5.

- 3. Amend Article 18 Administration of Salary Plan
 - a. Section G Premium Pay (No premium pay available for PT+)
- 4. Amend Article 19 Overtime/Compensation Add Section D Overtime Compensation for Part Time Plus Firefighters
 - a. Overtime shall be those hours that which exceed a 52 hour work week and will be paid at time and one half.
 - b. Call Shifts will be compensable at time and one half even if individual has not worked over 52 hours in the week. Call Shift hours paid at time and one half will not count towards FLSA overtime hours worked.

- 5. Amend Article 22 Holidays/Vacation
 - a. Section A Recognized Holidays for Fire Fighters
 - i. PT+ members receive 7 shifts towards Floating Holidays
 - b. Section C Vacation Accrual for Fire Fighters
 - i. PT+ members do not receive Vacation
- 6. Amend Article 23 Sick Leave
 - a. PT+ employees accrue prorated sick leave up to a maximum of 1680 hours
- 7. Amend Article 29 Health/Welfare/Life/Long Term Disability Insurance
 - a. Section A PT+ members will be included in the Union Health Care Plan as a single member plan.
- 8. Article 35 Wage Schedules
 - a. Section A. PT+ will be brought into the contract at current wage rate for positions in the General Services wage scale :

Firefighter/EMT Range: 322 Step A \$16.74 / hr

Fire Fighter/Paramedic Range: 330 Step A \$20.40 / hr

- 9. Appendix A
 - a. Job Units
 - i. PT+ Firefighter and PT+ Fire Fighter w/ Paramedic will be added to the Operations Unit.
- 10.MOU items amended into contract or SOG's:
 - Definition: A Part Time Plus position is a position which is regularly scheduled twenty (20) or more hours weekly. Those working in the PartTime Plus positions are entitled to limited fringe benefits
 - Part Time Plus employees are intended for Peak Activity Units and shall not be placed into the full time rotation with full time bargaining unit members except for call back shifts.

• Shifts worked by full time bargaining unit members shall not be converted to 40 hour work weeks or otherwise modified to cover the work of the PT+ positions.

Dated:	Dated:
International Association of Fire Fighters, Local 3099	City of McMinnville
	·
Sam Keeran, President	Jeff Towery, City Manager
Lucas Slavens, Vice President	Rich Leipfert, Fire Chief
Todd Godfrey, Secretary	David Koch, City Attorney
Scott Wallace, Treasurer	Melissa Grace, City Recorder

RESOLUTION NO. 2017-51

A Resolution ratifying an amendment to the collective bargaining agreement between the City of McMinnville and the International Association of Fire Fighters, Local 3099 (IAFF) for Part Time plus employees to be represented by the bargaining group for the period starting July 1, 2017.

RECITALS:

The Collective Bargaining Agreement between the International Association of Fire Fighters, Local 3099 and the City of McMinnville, dated July 1, 2015 through June 30, 2018,

The IAFF has ratified the MOU incorporating the changes to the agreement, conditioned upon the City's approval.

The annual fiscal impact is established at \$2,384.

۸.,...

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

- 1. The parties mutually agreed to add Part Time + Firefighter positions to the Fire Department Collective Bargaining Agreement as represented positions. This agreement takes effect July 1, 2017.
- 2. That the City Manager is authorized and directed to execute the MOU amending collective bargaining agreement.
- 3. That this Resolution will take effect immediately upon passage and will continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 27th day of June, 2017 by the following votes:

Ayes	
Nays:	
Approved this 27 th day of June, 2017.	
Approved as to form:	MAYOR

CITY ATTORNEY



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Mayor and City Councilors

FROM: Ron Pomeroy, Principal Planner

SUBJECT: Ordinance No. 5023 - G 2-17 (Zoning Ordinance Text Amendment to amend Chapter

17.53.101(L) (Land Division Standards – Street Grades and Curves)

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the second reading and vote of Ordinance No. 5023 (attached to this Staff Report), an ordinance amending Chapter 17.53.101(L) of the McMinnville Zoning Ordinance, (Land Division Standards – Street Grades and Curves) to allow local street grades up to and including fifteen (15) percent grades.

On May 18, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that they approve the proposed McMinnville Zoning Ordinance Text Amendment. City Council considered the ordinance at their meeting on June 13, 2017, and had the first reading of the ordinance. However, since it was not a unanimous vote in support of the ordinance the second reading was postponed to the next City Council meeting.

Exhibit A of Ordinance No. 5023 contains the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings.

Background:

In recent years, local development has encountered challenges to subdivision design (e.g., street grade, street orientation, lot configuration) in the McMinnville West Hills area due to the existence of numerous steep slopes and associated ravines traversing the hillside often at discordant angles. As urban development continues to move into more geographically challenging areas, increasing the allowable street grade for local streets may help to further efficient development supportive of greater densities and help provide additional residential housing opportunities for area residents.

The maximum street grade allowed for construction of local streets (non arterial and non collector streets) is currently limited by Section 17.53.101 (L) of the McMinnville Zoning Ordinance to a grade not to exceed 12 (twelve) percent. Currently the Planning Commission is provided the ability to approve steeper grades where existing conditions, particularly topography, make it otherwise impractical to create buildable lots. This action requires approval of a Variance or Planned Development application and is somewhat costly for the applicant in time and treasury. And due to the safety implications of street grades for emergency responders, the City felt it was more appropriate to establish a maximum threshold for street grades.

.....

Staff researched what other municipalities did in terms of street grades and worked with local partners, including the McMinnville Fire Department and Engineering to draft a code that the City feels is safe and allows development to occur in the West Hills.

Through these discussions, and some informal positive vetting with a local developer currently challenged with this limitation, staff is proposing amendments to a specific element of the Land Division Standards chapter of the McMinnville Zoning Ordinance. The proposed amendments address three areas: 1) street grade; 2) length of the steep street section; and, 3) residential fire suppression and are summarized below.

1) Street Grade

The City of Tigard has years of experience in allowing steep street residential development in numerous hillside areas; perhaps most notably in the Bull Mountain area located near the City's southern edge and west of Highway 99W. McMinnville Planning staff contacted the Tigard Engineering Department and discusses their City's allowance for the development of steeper streets. They indicated that some streets with up to an 18 percent grade have been locally permitted although this circumstance is not desirable from the engineering or fire safety perspective and not common. Rather, construction of local residential streets with grades up to 15 (fifteen) percent are permitted as a city standard as found in Tigard's development ordinance (Section 18.810.030(N)).

McMinnville Planning staff shared this information with the McMinnville Fire Department and found a commonality in that the McMinnville Fire Department also allows for street grades of up to 15 (fifteen) percent for construction in rural areas. There are also other provisions that apply to the often uneven and gravel based rural roads that are not applicable to paved streets constructed to urban standards located within the city limits. The McMinnville Fire Department concurs with and supports an amendment to allow local residential streets to be constructed with grades up to and including 15 (fifteen) percent with provisions noted below.

The Planning Department also recently discussed the possibility of this amendment with a developer currently facing this type of design challenge. In those discussions the developer, and their associated engineers, voiced great support for adoption of an amendment to increase the local residential street grade limitation from 12 (twelve) to 15 (fifteen) percent. Such an amendment would allow for additional flexibility in the design of the local street network and may result in the creation of additional residential building lots rather than the result of potentially oversized lots due to accessibility constraints.

2) Length of Steep Street Section

In considering adoption a standard to allow local streets of steeper grades, consideration of the practical movement and operation of Fire Department apparatus along those grades is critical. Increased grades place additional strain on the heavier Fire Department vehicles and can have the effect of decreasing speed of reaching their emergency destination. Shorter lengths of steeper grades can be more easily accommodated by these vehicles as the flatter intersections or sections of shallower grade act as "refuges" allowing the heavier vehicles to regain momentum. In rural areas, the McMinnville Fire Department allows street lengths with grades of 15 (fifteen) percent to be no more than 200 feet in length to help mitigate the grade effect on speed described above. In urban areas, it is recommended that the 200 foot maximum length for street lengths with grades of 15 (fifteen) percent also be adopted. This maximum street section length exhibiting an increased grade is based on Fire Department operational constraints. In particular, operation of the fire engine's pumps while the engine is parked on grades exceeding 12 (twelve) percent can cause increased load on the pumps potentially leading to equipment failure. Additionally, having "refuges" of shallower street grade spaced no more

than 200 feet apart allows an operationally safer angle on which to park the engine and operate the pumping system. As seen in the recommended code amendments below, these "refuges" would be a minimum of 75-feet in length and may often be found to occur at street intersections which are already locally constructed to national recommended Public Rights-of-Way Accessibility Guidelines (PROWAG) allowing a maximum five (5) percent slope. This also allows the Fire Department to pull hoses feet in any direction to reach all properties.

3) Residential Fire Suppression

For residences where access would be provided by streets with grades exceeding the City's historic standard of 12 (twelve) percent, additional street design standards and fire safety measures are recommended. This is to help provide an extra measure of safety not only for the individual residence that may be at risk, but also for additional adjacent or nearby residences that could easily be affected should there be an occurrence of a large residential fire. In response to that concern, it is recommended not only by the McMinnville Fire Department and the McMinnville Building Official, but is also becoming an industry standard, that residences that can only be reasonably reached by travel along a street with a grade exceeding 12 (twelve) percent must be provided with a residential fire suppression sprinkler system prior to the issuance of the final occupancy for the residence.

A draft version of Chapter 17.53.101 (Streets) - (L) Grades and curves, showing proposed amendments and deletions of existing text, are provided below. Text proposed to be added is shown in **bold underlined** font while text proposed to be removed is shown in **strikeout** font. The specific amendments that are being proposed are as follows:

"Chapter 17.53.101 (Streets) – (L) Grades and curves.

Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

- 1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
- 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept **steeper grades and** sharper curves"

Discussion:

The Planning Commission received both written and oral testimony in support and opposition to this legislative text amendment.

Supportive testimony focused on the following elements:

- Reasonable accommodations
- Opens up development in the West Hills and helps to preserve land better suited for farming.

Oppositional testimony focused on the following elements:

- Concern about the grade of the streets relative to safety (fire apparatus capacity, skateboarders, vehicular speeds)
- Concern about the ability for fire apparatus and school buses to navigate the street grade.
- Concern about whether or not all homes over a 12% street grade need to be sprinklered even if the home is built on one of the flat plateaus.

Representatives from McMinnville Fire and McMinnville Engineering were available to address the questions and concerns.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5023 which would approve the application for a planned development amendment as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

"THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5023."

ORDINANCE NO. 5023

AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO SECTION 17.53.101(L) LAND DIVISION STANDARDS – STREET GRADES AND CURVES) TO ALLOW LOCAL STREET GRADES UP TO AND INCLUDING FIFTEEN (15) PERCENT.

RECITALS:

In recent years, local development has encountered challenges to subdivision design (e.g., street grade, street orientation, lot configuration) in the McMinnville West Hills area due to the existence of numerous steep slopes and associated ravines traversing the hillside often at discordant angles. As urban development continues to move into more geographically challenging areas, increasing the allowable street grade for local streets may help to further efficient development supportive of greater densities and help provide additional residential housing opportunities for area residents; and

In concert with the McMinnville Engineering Department and Fire Department, staff drafted proposed amendments (G 2-17) to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards – Street Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council; and

A Planning Commission work session on this matter was held on April 20, 2017. The first public hearing before the McMinnville Planning Commission was held on May 18, 2017, after due notice had been provided in the local newspaper on Tuesday, May 9, 2017. At the May 18, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing, deliberated and, and voted unanimously to recommend approval of G 2-17 to the City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan text amendment criteria listed in Section 17.72.020 of the McMinnville Zoning Ordinance based on the material submitted and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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

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

- 1. That the Council adopts the Findings of Fact, Conclusionary Findings and Decision as documented in Exhibit A for G 2-17; and
- 2. That Chapter 17.53.101 (Streets) (L) Grades and curves, is amended as provided below. Text that is added is shown in **bold underlined** font while text that is removed is shown in strikeout font. The specific adopted amendments are as follows:

Chapter 17.53.101 (Streets) – (L) Grades and curves

Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

- A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
- 2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept **steeper grades and** sharper curves."

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

Ayes:	
Nays:	
	MAYOR
Attest:	Approved as to form:
CITY RECORDER	CITY ATTORNEY

Passed by the Council this 27th day of June 2017, by the following votes:



CITY OF MCMINNVILLE PLANNING DEPARTMENT 231 NE FIETH STREET

231 NE FIFTH STREET MCMINNVILLE, OR 97128

503-434-7311 www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.53 (LAND DIVISION STANDARDS) OF THE MCMINNVILLE ZONING ORDINANCE.

DOCKET: G 2-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.53 (Land

Division Standards) of the McMinnville Zoning Ordinance to update

provisions related to street grade limitations and requirements.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: May 18, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street,

McMinnville, Oregon.

DECISION MAKING

BODY: McMinnville City Council

DATE & TIME: June 13, 2017 and June 27, 2017. Meeting held at the Civic Hall, 200 NE

2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment:

McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works

Department. No comments in opposition have been received.

DECISION

the legislative zoning text amendments (G 2-17) to the McMinnville	e City Council.
//////////////////////////////////////	
City Council:	_ Date:
Planning Commission: Roger Hall, Chair of the McMinnville Planning Commission	_ Date:
Planning Department: Heather Richards, Planning Director	Date:

Based on the findings and conclusions, the Planning Commission recommends APPROVAL of

Application Summary:

The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions related to maximum street grade of non-arterial and non-collector streets.

The maximum street grade allowed for construction of local streets (non arterial and non collector streets) is currently limited by Section 17.53.101(L) of the McMinnville Zoning Ordinance to a grade not to exceed 12 (twelve) percent. While the Planning Commission is provided the ability to approve steeper grades where existing conditions, particularly topography, make it otherwise impractical to create buildable lots, this action requires approval of a Variance or Planned Development application and is somewhat costly for the applicant in time and treasury.

In recent years, local development has encountered challenges to subdivision design (e.g., street grade, street orientation, lot configuration) in the McMinnville West Hills area due to the existence of numerous steep slopes and associated ravines traversing the hillside often at discordant angles. As urban development continues to move into more geographically challenging areas, increasing the allowable street grade for local streets may help to further efficient development supportive of greater densities and help provide additional residential housing opportunities for area residents.

In concert with the McMinnville Engineering Department and Fire Department, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards – Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council.

The main topics that are proposed to be amended relate to street grade, length of steep street section, and residential fire suppression and are as follows:

Chapter 17.53.101 (Streets) – (L) Grades and curves, showing proposed amendments and deletions of existing text, are provided below. Text proposed to be added is shown in **bold underlined** font while text proposed to be removed is shown in **strikeout** font. The specific amendments that are being proposed are as follows:

"Chapter 17.53.101 (Streets) – (L) Grades and curves.

Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:

- 3. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
- 4. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept **steeper grades and** sharper curves"

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

Public Notices (on file)
Public Comments (on file)
Planning Commission Meeting Minutes, May 18, 2017 (on file)

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works Department. No comments in opposition have been received.

FINDINGS OF FACT

- 1. The City of McMinnville is proposing to amend Chapter 17.53 (Land Division Standards) of the McMinnville Zoning Ordinance to update provisions related to allowable street grade for non-arterial and non-collector streets.
- The maximum street grade allowed for construction of local streets (non arterial and non collector streets) is currently limited by Section 17.53.101(L) of the McMinnville Zoning Ordinance to a grade not to exceed 12 (twelve) percent. While the Planning Commission is provided the ability to approve steeper grades where existing conditions, particularly topography, make it otherwise impractical to create buildable lots, this action requires approval of a Variance or Planned Development application and is somewhat costly for the applicant in time and treasury.
 - In concert with the McMinnville Engineering Department and Fire Department, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.53.101(L) (Land Division Standards Grades and Curves) for consideration by the McMinnville Planning Commission and the McMinnville City Council.
- 3. This matter was referred to the following public agencies for comment: McMinnville Engineering Department, McMinnville Fire Department, McMinnville Building Department, and McMinnville Public Works Department. No comments in opposition have been received.
- 4. Public notification of the public hearing held by the Planning Commission was published in the May 9, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.

CONCLUSIONARY FINDINGS

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

- GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.
- Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:
 - 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
 - 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
 - 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
 - 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)
 - 5. Connectivity of local residential streets shall be encouraged. Residential culde-sac streets shall be discouraged where opportunities for through streets exist
- Policy 123.00 The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the property development and maintenance of the road network within the urban growth boundary.

<u>Finding</u>: Goal VI 1 and Policies 117.00, 118.00, and 123.00 are satisfied by this proposal in that in that the proposed modifications would allow and enable the safe provision or access to each residential lot approved through land use reviews. The proposed modifications to local streets are designed in a manner to work with existing topography and reduce the amount of cut and fill that would otherwise need to occur to establish a street network in such affected areas while maintaining public safety and maintenance standards. Approval of these modifications will support a continued implementation of Complete Streets networks and designs by supporting additional opportunities for residential street connectivity. Additionally, these proposed modifications were developed in cooperation with the City of McMinnville Engineering and Fire Departments.

- Policy 132.31.00 The City of McMinnville shall make the design, construction, and operation of a safe transportation system for all modes of travel a high priority.
- Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation

system.

- Policy 132.33.00 The McMinnville transportation system shall be designed with consideration of the needs of persons with disabilities by meeting the requirements set forth in the Americans with Disabilities Act (ADA).
- Policy 132.41.00 Residential Street Network A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:
 - 1. Pedestrian circulation;
 - 2. Enhancement of emergency vehicle access;
 - 3. Reduction of emergency vehicle response times;
 - 4. Reduction of speeds in neighborhoods; and,
 - 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics.
- Policy 132.52.00 Compliance with ADA Standards The City shall comply with the requirements set forth in the Americans with Disabilities Act regarding the location and design of sidewalks and pedestrian facilities with the City's right-of-way.
- Policy 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.
- Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

<u>Finding</u>: Policies 132.31.00, 132.32.00, 132.33.00, 132.41.00, 132.52.00, 153.00, and 155.00 are satisfied by this proposal in that in that the proposed modifications would ensure the operation of a safe transportation system for all modes of travel by, in part, supporting the rapid movement of fire, medical, and police vehicles through McMinnville's residential neighborhoods. Additionally, the proposed modifications allow for coordination with the national Public Right of Way Accessibility Standards (PROWAG) utilized by the McMinnville Engineering Department ensuring compliance with applicable Americans With Disabilities Act (ADA) requirements for street and intersection construction. These amendments, drafted with the assistance with the McMinnville Engineering and Fire Departments, would enhance the accessibility and operation of emergency vehicles to developed residential land in topographically challenging areas.

- GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.
- Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

<u>Finding</u>: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have

access to provide testimony and ask questions during the public review and hearing process.

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

General Provisions:

17.03.020 Purpose. The purpose of this ordinance 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, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

<u>Finding</u>: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Mayor and City Councilors

FROM: Ron Pomeroy, Principal Planner

SUBJECT: Ordinance No. 5024 – ZC 6-17 (Planned Development Amendment to an existing

multi-phase residential subdivision master plan for Hillcrest Development

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the second reading and vote of Ordinance No. 5024 (attached to this Staff Report), an ordinance approving a planned development amendment including an amended subdivision layout and phasing plan to an existing multi-phase residential subdivision master plan located generally north of Redmond Hill Road and West of Mt. Mazama and south of Fox Ridge Road and more specifically described as Tax Lot 801, Section 24, T. 4 S., R. 5 W., W.M.



West Hills Properties, LLC, is requesting approval to amend Planned Development Ordinance No. 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested as part of this Planned Development Amendment request is approval of an amended residential subdivision and phasing plan on approximately 132 acres of land.

On May 18, 2017, the McMinnville Planning Commission voted to recommend to the McMinnville City Council that the West Hills Properties, LLC application for a planned development amendment (ZC 6-17) be approved. City Council considered the ordinance at their meeting on June 13, 2017, and had the first reading of the ordinance. However, since it was not a unanimous vote in support of the ordinance the second reading was postponed to the next City Council meeting.

Exhibit A of Ordinance No. 5024 contains the Decision, Conditions of Approval, Findings of Fact, and Conclusionary Findings.

Background:

The applicant is requesting approval to amend Planned Development Ordinance 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards and to amend an approved residential subdivision and phasing plan on approximately 132 acres of land.

This request is to amend a Planned Development approved on April 24, 2007, when the McMinnville City Council adopted Ordinance No. 4868 for a zone change request from an R-1 (Single-Family Residential) zone to an R-2 PD (Single-Family Residential Planned Development) zone on a parcel of land approximately 164 acres in size. At the same time a phased subdivision request for approximately 4.0 acres of multifamily housing, 7.2 acres for park and storm water detention, and approximately 153 acres of residential housing (441 single-family detached residences, 50 single-family attached residences and 60 apartment units) was approved. It is the modification of this Ordinance and its implications to the attendant phased subdivision that is the subject of this Planned Development Amendment application.

Since that time, portions of that phased subdivision plan (referred to as the Hillcrest Planned Development) have been developed including the public park and storm water detention facility, multiple-family residential apartment complex and the Valley's Edge Phases 2 and 3 of the phased development plan. The remaining 132 acres of the original 164-acre multi-phase plan are the subject of this current zone change request.

Summary of Application:

The applicant has submitted a proposal to modify the existing Planned Development that currently encumbers this site to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested as part of this Planned Development Amendment request is approval of an amended residential subdivision and phasing plan on the remaining approximately 132 acres of land.

As noted in the Section 1 (Executive Summary) of the applicant's submittal, at the end of 2007 and continuing through 2009, the U.S. and local housing market experienced one of the most significant declines in many years. This recession quelled demand for new houing in McMinnville and across the Country and, according to the applicant, is the main cause for the delay in the further develoment of the Hillcrest Planned Development. The current demand for housing now makes it possible for the applicant to move forward with development of the balance of the previously approved Hillcrest Planned Development. However, during the interim years, new and udpated Americans with Disabilities Act (ADA) standards have been recommended and cities, including McMinnville, are requiring that these recommendations be implemented; the ADA standards related to development of rights-of-way are referenced as Public Right of Way Accessibility Guidelines (PROWAG).

Implementation of the PROWAG standards at street intersections necesssitate a redesign of some elements of the original street layout and subdivision plan and result in associated modifications to

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other elements of the plan. A brief description of each of the proposed types of modification that comprise this Planned Development amendment request are as follows:

1. Street Grade – Approval of the original subdivision concept was based, in part, on street intersections being designed with intersections grades of 10% or more. The applicant notes that the flattening of these intersections to 5% or less, based on new PROWAG standards and construction tolerances, requires that street segments leading into and exiting the flatter intersections must now be graded even steeper to make up for the grade lost by this flattening. Additionally, because streets must be designed with appropriate transitions (vertical curve) between the steep street segments and the shallow intersections to ensure safe sight distance and vehicle clearance, the grade of street segments outside of the intersection can be excessive if the original number and locations of intersections were to be held constant. This relationship is graphically demonstrated in Figure 1 on page 26 of the applicant's narrative.

As a practical matter, the resulting steeper street grades exceed that which is recommended by current standards of the Land Division chapter of the McMinnville Zoning Ordinance (Chapter 17.53.101(L). Current standards allow a maximum local (residential) street grade of up to 12% which is less than the 15% maximum grade requested by the applicant. The applicant is requesting an amendment to this standards to allow residential streets grades up and including 15% for street segments no longer than 200 linear feet.

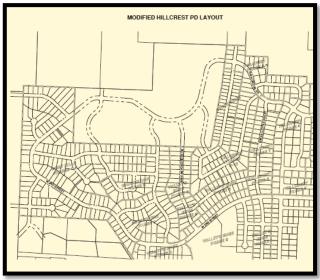
- 2. Lot Depth to Width Standard Section 1.53.105(B)(1) of the McMinnville Zoning Ordinance states that the depth of a lot shall not ordinarily exceed two times the average width. Page 10 of the applicant's narrative states that approximately 114 of the proposed lots throughout the site exceed this guideline due primarily to the need to accommodate an acceptable building envelope on lots where natural drainage ways and/or steep slopes occupy a portion of the rear yard area. Consequently, the applicant is seeking the ability to plat such lots through the allowance that can be made possible through the planned development amendment process.
- 3. Block Length In redesigning the street grades to meet current PROWAG standards in combination with the geography of the area, the block length in numerous locations is proposed to exceed the maximum allowance of 400 feet between street corners as specified in Section 17.53.103(B) of the McMinnville Zoning Ordinance. This is also, in part, due to the topographical features of the West Hills area of McMinnville being characterized by numerous ridges, steep slopes and ravines.
- 4. Block Circumference Due to the physical topographic challenges of the area noted above and implementation of the more recently applied PROWAG standards, the block circumference in numerous instances is proposed to be exceeded in the proposed plan. Section 17.53.103(B) of the McMinnville Zoning Ordinance limits block circumference to a maximum of 1,600 feet unless topography or the location of adjoining streets justifies an exception.

For the benefit of context for the City Council, the originally approved (2007) conceptual subdivision plan for this site is provided below:

Original Layout



Proposed Layout



The applicant has provided a detailed narrative and numerous exhibits to support the submitted Planned Development amendment land use request. The findings offered by the applicant are extensive and shall be included by reference in the Decision Document (Exhibit A) attached to Ordinance No. 5024, and Attachment 1 of this staff report. A summary discussion of selected elements is provided below.

DENSITY:

While the differences between these two phased development plans graphically presented above may not be readily apparent, Table 1 as provided on page 5 of the applicant's narrative, and reproduced below, provides a comparison of dwelling unit counts for both the originally approved and the proposed revised phased development plans for this site. As the shapes and sizes of the individual subdivision phases have changed due to the topographic and regulatory factors previously noted, it is perhaps most informative to review the total lots provided at the bottom of the Table.

Phase	Original Approval No. of Lots	Proposed No. of Lots	Already Constructed	Pct. Change from Ord. 4868
Hillcrest Phase 6	36	13		
Hillcrest Phase 7	34	26		
Hillcrest Phase 8	50	44		
Hillcrest Phase 9-10		57		
Hillcrest Total	120	140	0	16.67%
Northridge	43	43		
Northridge Total	43	43	0	0.00%
Valley's Edge Phase 2	52		36	
Valley's Edge Phase 3	50		28	
Valley's Edge Phase 4	69	10		
Valley's Edge Phase 5	56	25		
Valley's Edge Phase 6		23		
Brookshire Phase 1		46		
Brookshire Phase 2		48		
Valley's Edge Total	227	152	64	-4.85%
West Hills Phase 1-5	122	153		
Valley's Edge Total	122	153		25.41%
TOTAL	512	488	64	7.81%

In particular, 512 lots were approved for the original Planned Development phased development plan with 64 of those lots having now been constructed. Adding those 64 existing units, to the proposed 488 dwelling unit yields a new total of 552 dwelling units. This results in a proposed increase of 40 additional residential dwelling units above that which was originally approved in 2007. While the base zone of R-2 would allow a theoretical 821 dwelling units on the gross 132-acre site, the applicant is proposing a total of 552 dwelling units which is well under that number. The applicant proposed 446 lots to be detached single-family residences and 42 dwelling lots are proposed to be single-family attached dwellings and planned to be platted in the Northridge Phase of the development which is consistent with the originally approved 2007 phasing plan.

As shown in the various graphics provided on Sheets SU-01 – SU 03 in Exhibit A of the applicant's submittal, lot sizes in the modified Planned Development are proposed to range from 5,292 square feet to 33,942 square feet in size (Lot 217) with an average lot size of 9,547 square feet; while the applicant's narrative notes that the largest lot would be 35,305 square feet in size, the largest proposed lot, as confirmed through as email exchange with the applicant on May 5, 2017, confirms that Lot 217 on Sheet SU-03 is to be the largest lot with a proposed size of 33,942 square feet. This average lot size exceeds the minimum lot size of 7,000 square feet required by the R-2 zone by approximately 2,547 square feet (an average lot size approximately 36% greater than the minimum required lot size).

STREET GRADE

In order to implement PROWAG standards and achieve efficient development of the site, the applicant is requesting approval to construct certain street segments exceeding the 12% maximum grade permitted for local streets in Section 17.53.101(L) of the McMinnville Zoning Ordinance. The applicant proposed constructing certain street segments with up to a 15% street grade with segments of street grade between 15% and 12% being limited to no more than 200 linear feet in length as shown on Sheet P-02 of Exhibit A of the applicant's submittal. Such street segments are proposed to be separated by at least 75 linear feet of street grade not to exceed 12% to permit proper functioning of Fire Department apparatus in emergency operation conditions. This street layout and street grade proposal has been reviewed by the McMinnville Fire Department which finds that this proposal provides sufficient opportunity for emergency and fire response to be safely and adequately provided to each lot in these proposed neighborhoods. Additional comments from the Fire Department regarding these design standards is provided below in the Referrals section of this report.

BLOCK LENGTH

The applicant proposed to frequently exceed the maximum block length allowance of 400 feet between street intersections as specified in Section 17.53.103(B) of the McMinnville Zoning Ordinance. An overview of the topographic challenges of this site is provided on Sheet GR-00 of Exhibit A of the applicant's submittal. Additional graphic sheets that follow (GR-01, GR-02 and GR-03) provide a more detailed representation of how the various elements of the proposed phased development overlay with the existing site topography.

The applicant submitted a supplemental narrative on May 9, 2017, providing additional information relative to the proposed longer block lengths. The applicant indicates that applying the ADA standard makes it impossible to meet the City's block length standard in the context of this relatively steep sloped site because each new public street intersection results in interim street grades that are prohibitively steep. Therefore, eliminating some public street intersections, and subsequently lengthening the block length and block perimeters, is the best way to achieve the ADA guidelines at proposed intersections, while minimizing steep street grades, and maintain a 10% maximum street grade on collector roadways such as W 2nd Street. Sheet B-1 of that supplemental narrative provides the resultant block lengths should this planned development amendment be approved. For reference, Sheet B-2 of that supplement provides the originally approved (2007) block lengths for this phased subdivision. It is important to observe that the approved 2007 plan permitted block lengths of up to 1,802 linear feet (located along the south and west side of W 2nd Street as it traversed through the West Hills Phases 1 and 3 and Valley's Edge Phase 4 areas of the plan) compared to a proposed block length of 1,895 linear feet located in effectively the same location in this current plan (a difference of 93 linear feet). There are also other such similarities between these two plans. However, this observation is to note that the necessity to exceed this block length standard given the unique topography of this site was understood and endorsed by both the Planning Commission and the Council in the 2007 approval of the original planned development request for this site.

BLOCK CIRCUMFERENCE

The applicant also proposes to exceed the maximum block circumference maximum of 1,600 feet as specified in Section 17.53.103(B) of the McMinnville Zoning Ordinance. The applicant is requesting an exception to this limitation based on the topography of the site as allowed by this code section. The applicant provides a justification for this request based partially on topography and partially due to the implementation of the more recently applied PROWAG standards and their effect on engineering streets on steep, varied terrain. This justification can be found on page 35 of their submitted narrative

and in the supplemental narrative provided on May 9, 2017. Additionally, the applicant's graphics referenced above regarding Block Length are also instructive in demonstrating the topographic constraints leading to the request to exceed the City's block circumference standard. Those graphics are found on Sheets GR-00 through GR-03 of Exhibit A of the applicant's submittal.

OPEN SPACE

As part of the previously approved master plan for this development the applicant coordinated with the McMinnville Parks Department in the provision of a 7-acre park and associated storm water detention facility located along the south side of W 2nd Street and adjacent to the west edge of the existing multiple-family phase of this development.

Due to the topography of the site, quite a lot of the open space is actually found along and within the numerous drainage ravines that traverse this hillside in often divergent and meandering directions. However, originally only the stream corridor on the east side of the site was identified and protected through centering the stream corridor along common backyard property lines and protecting them with restrictive backyard easements. The requirements for protection of development of these areas is more stringent now than those in place when the original Planned Development was reviewed ten years ago. These drainage ravines for the entire site have now been fully mapped by the applicant and are proposed to be protected by way of private drainage easements of variable widths to be provided along the common backyard property lines of residential lots. This approach is the same as was endorsed and approved by the City in 2007 and is an effective and way to provide protection and preserve the natural storm conveyance function of these natural drainageways. While amassing these drainageways into a larger public open space is not feasible, a large public park has been developed within the neighborhood designed to serve the larger community.

It is recommended that in order to ensure adequate capacity of the channels to convey larger storm events, the subdivision plats shall state that the areas within the storm drainage easements shall be kept in their natural condition, and that no fill or other construction activities (including the construction of fences) will be allowed within the easement areas. Additionally, the covenants shall identify and specify the maintenance responsibilities for those easement areas. Staff recommends this same condition being carried forward to similarly protect these areas.

STORM WATER

The applicant has provided a Storm Water Report prepared by AKS-Engineering for the Hillcrest Planned Development master plan amendment proposal (Exhibit E of the applicant's submittal). The purpose of the report was to provide an evaluation of the effects of the master plan update on the existing seasonal drainage swales and downstream system. The system was modeled on the original 164 acre planned development approval inclusive of the single-family attached and detached lots, the multiple-family apartment complex, Westside public park and detention facility, proposed storm water facility Tract G (identified on Sheet ST-01 of Exhibit A of the applicant's narrative) and associated streets, sidewalks and underground utilities. The McMinnville Engineering Department has thoroughly reviewed this analysis and report and finds that the analysis and its findings are acceptable to the Engineering Department.

WATER

While McMinnville Water & Light had no comments on this application (see Referral section below) it is commonly known that McMinnville's water is provided by a gravity pressure system. Consequently, the current water pressure can sufficiently serve residential uses up to an elevation of 275 feet. Residential service above of this elevation will either need to be served by private water pump system(s) or by a second tier water reservoir system to be constructed by McMinnville Water & Light at a higher elevation at a later date. This elevation line is shown on Sheet P-01 of Exhibit A of the applicant's submittal.

TRAFFIC

The applicant has provided a Traffic Analysis Update Memo prepared by AKS-Engineering for the Hillcrest Planned Development master plan amendment proposal (Exhibit F of the applicant's submittal). The purpose of the report was to provide an evaluation of the effects of an increase of 40 dwelling units above that approved in the 2007 adoption of the original Hillcrest phased development plan. The analysis concludes that the improvement recommendations as noted in the 2007 decision remain valid. The McMinnville Engineering Department has thoroughly reviewed this analysis and report and finds that the analysis and findings are acceptable to the Engineering Department.

PEDESTRIAN

Pedestrian connections in the form of public sidewalks are required as part of public street design standards adopted in the McMinnville Transportation System Plan (TSP, 2010). Public sidewalks will be required along both sides of all public streets should the proposed Planned Development amendment be approved. This is an appropriate requirement for much of the development that occurs locally. However when a planned development is proposed, even an amendment to an existing planned development, an additional level of importance is placed on pedestrian connections.

Comprehensive Plan Policy 77.00 states "the internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways." The pedestrian pathways mentioned here are in addition the public sidewalks mentioned above. Toward this, the applicant notes that three mid-block pedestrian connections are proposed to provide for enhanced pedestrian circulation in situations where block length exceeds the city standard or where cul-de-sacs make pedestrian connections more challenging. Specifically, to address this, the applicant is proposing the provision of pedestrian access tracts in six locations:

- Tract A connecting two segments of Road A between the Northridge Phase and Hillcrest Phases 9-10
- Tract B connecting Road A in Hillcrest Phases 9-10 and NW Valley's Edge Street in the Hillcrest Phase 7
- Tract C connecting NW Valley's Edge Street in the Hillcrest Phase 7 and a variable width private backyard drainage easement that would be established along the backyards of the easterly lots in Hillcrest Phases 6 and 7 between Lot 380 of Hillcrest Phase 7 and W 2nd Street; the purpose of this tract is to provide a secondary access point to this drainage easement
- Tract D connecting a portion of Road A in Hillcrest Phases 9-10 and NW Mt. Ashland Lane in Valley's Edge Phase 5
- Tract E connecting C Loop in Brookshire Phase 2 to D Court in West Hills Phase1
- Tract F connecting C Loop to W 2nd Street both in West Hills Phase 1

Given the topography of this west hills area, the applicant has attempted in good faith to provide these additional pedestrian access and circulation amenities where possible. As some of these connections

traverse steep terrain, it is envisioned that some of these pedestrian connections will be provided with stairs to enable safe movement between adjoining elevations.

STREET TREES

The standards require street tree spacing of between 20 (twenty) and 40 (forty) feet apart dependent on the mature branching width of the approved tree(s). The McMinnville Zoning Ordinance requires that a street trees planting plan be submitted to and reviewed by the Landscape Review Committee as a condition of approval for residential subdivision development.

REFERRALS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. As of the date this report was written, the following comments had been received:

McMinnville Engineering Department

- The applicant is proposing to construct the extensions of 2nd Street and Horizon Drive to the minor collector standard contained in the Transportation System Plan (TSP). Per the adopted 2010 TSP, all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. Conditions 14, 15, and 16 of the existing subdivision approval for ZC18-06/S13-06 should be modified to reflect that the remaining streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
- Condition 10 of the existing subdivision approval for ZC18-06/S13-06 should be modified to read, and is represented as Condition of Approval #8 in the Decision Document for this Planned Development Amendment.
 - 10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- The requested street grade and block length exceptions are acceptable to the Engineering Department.
- The submitted Preliminary Stormwater Management Memo is acceptable to the Engineering Department.
- The submitted Traffic Analysis Update Memo acceptable to the Engineering Department.

McMinnville Fire Department

- 1) <u>GRADE:</u> Average road grade shall not exceed 12% except that any grade exceeding 12% shall be approved by the Fire Code Official (*during land use application*). No road grade shall exceed 15%.
- 2) When approved to exceed 12% grade, the following condition shall apply:
 - a) A maximum of 200 feet of road length may be allowed with a grade between 12% to 15% in any one section. The roadway must then level out below 12% for a minimum of length of 75 feet for firefighting operations.
 - b) Fire sprinklers shall be installed in any residential or commercial structure that is built on or whose access road is constructed to a grade of 12% or greater. The approval of fire sprinklers as an alternate means of fire safety shall be accomplished in accordance with the provisions of ORS 455.610(6) (Low Rise Residential Dwelling Code).

McMinnville Water & Light

MW&L has no comments on this application.

McMinnville Parks Department

After reviewing the material about the planned development changes, I do not find any changes that impact the neighborhood park detention area (2.77 acres). I imagine the park will receive a greater volume of water over time as hard surfaces are more fully developed and the neighborhood is complete. However, that is what was intended with the detention capacity within the park. We shall see if the original calculations were accurate. But there are no concerning issues relative to anticipated impacts to the park of immediate surrounds with the proposed plans.

Discussion:

The Planning Commission received both written and oral testimony in support and opposition to this application request.

Supportive testimony focused on the following elements:

- Existing planned subdivision
- Need for more buildable housing lots
- Developer is proven quality McMinnville developer
- Requests appear reasonable and meet the criteria of the Comprehensive Plan and Zoning Ordinance

Oppositional testimony focused on the following elements:

- Concern about the grade of the streets relative to safety (fire apparatus capacity, skateboarders, vehicular speeds)
- Concern about the amount of traffic planned to use Horizon Drive
- Concern about the water capacity and pressure above 275'
- Concern about soil erosion on the hill as it is built out.

Representatives from McMinnville Fire, McMinnville Engineering and McMinnville Water and Light were available to address the steep streets, traffic and water capacity concerns.

The concern about the soil erosion was reviewed with the building official and Condition of Approval #12 was added to ensure that future building plan reviews for individual home construction are aware of the need for additional geo-technical engineering. (Please see Attachment 4 to this staff report).

Additionally Condition of Approval #11 was developed as part of the Planning Commission motion to recommend approval of the request to ensure that pedestrian connectivity was provided for the extended block lengths. This was agreed to by the developer and a Memo was provided with a connectivity plan on May 20, 2017.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5024 which would approve the application for a planned development amendment as the proposal meets the policies of the McMinnville Comprehensive Plan and the criteria of the McMinnville Zoning Ordinance.

"THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5024."

RP:sjs

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ORDINANCE NO. 5024

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4868 TO ALLOW EXCEPTIONS TO CURRENT STREET GRADE, BLOCK LENGTH, BLOCK CIRCUMFERENCE AND LOT DEPTH TO WIDTH STANDARDS AND TO AMEND AN APPROVED RESIDENTIAL SUBDIVISION AND PHASING PLAN ON APPROXIMATELY 132 ACRES OF LAND.

RECITALS:

The subject site is located north of NW Redmond Hill Road, west of NW Mt. Mazama Street and south of NW Fox Ridge Road and is more specifically described as Tax Lot 801 Section 24, T. 4 S., R. 5 W., W.M.; and

The Planning Department received application ZC 6-17 on April 5, 2017, and deemed it complete on April 11, 2017. The first public hearing before the McMinnville Planning Commission was held on May 18, 2017, after due notice had been provided in the local newspaper on May 9, 2017, and written notice had been mailed to property owners within 300 feet of the affected property. At the May 18, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission voted unanimously to recommend approval of ZC 6-17 to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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

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

- 1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A for ZC 6-17; and
- 2. That the Conditions of Approval as documented in Exhibit A for ZC 6-17 are as follows:
 - 1. That the planned development overlay shall require the following setbacks:
 - A. Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.
 - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.

C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

- 2. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
- 3. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

- 4. That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
 - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
 - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
 - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In

- addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
- D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
- E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
- Prior to the issuance of the 290th building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City's and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
- 6. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).
- 7. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
 - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 - B. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

8. That condition of approval number 10 of S 13-06 is supplanted as follows: "The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars)

- associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat."
- 9. That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: "Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets."
- 10. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
- 11. That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.
- 12. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.
- 13. That Planned Development Ordinance No. 4868 is repealed in its entirety.
- 3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 27th of	day of June 2017, by the following votes:
Ayes:	
Nays:	
	MAYOR
Attest:	Approved as to form:
CITY DECORDED	OITY ATTORNEY
CITY RECORDER	CITY ATTORNEY



CITY OF MCMINNVILLE PLANNING DEPARTMENT

231 NE FIFTH STREET MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT REQUEST (ZC 6-17), TAX LOT 801, SECTION 25, T.4 S., R. 5 W., W.M., LOCATED GENERALLY NORTH OF REDMOND HILL ROAD AND WEST OF MT. MAZAMA AND SOUTH OF FOX RIDGE ROAD.

DOCKET: ZC 6-17

REQUEST: West Hills Properties, LLC, has submitted an application requesting

approval of a Planned Development Amendment (ZC 6-17) to an existing multi-phase residential subdivision master plan. The proposed

modifications are summarized as follows:

Street Grade - The applicant is requesting approval to exceed the

maximum grade of 12% for local residential streets.

Lot Depth to Width Standard - The applicant is requesting approval to exceed the lot depth to width standard of 2 to 1 that is not ordinarily

exceeded.

Block Length - The applicant is requesting approval to exceed the

maximum block length of 400 feet.

Block Circumference – The applicant is requesting approval to exceed the

maximum block circumference of 1,600 feet.

As part of this Planned Development amendment application the applicant is also requesting approval of an amended subdivision layout and phasing plan that would also increase by 40 the number of residential lots in the

multi-phase development plan.

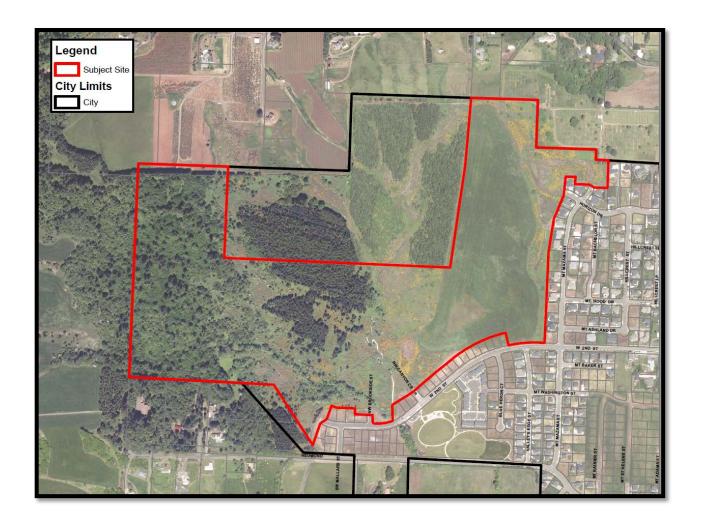
LOCATION: Tax Lot 801. Section 24. T.4 S., R. 5 W., W.M.

ZONING: The subject site's current zoning is R-2 PD

APPLICANT: West Hills Properties, LLC

2300 SW 2nd Street, Suite B McMinnville. OR 97128

STAFF: Ron Pomeroy, Principal Planner



HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: May 18, 2017, 6:30 p.m, McMinnville Civic Hall, 200 NE Second Street

McMinnville, OR 97128

DECISION-MAKING

BODY: McMinnville City Council

DATE & TIME: June 13, 2017, 7:00 p.m, and June 27, 2017, 7:00 pm, McMinnville

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

COMMENTS: This matter was referred to the following public agencies for comment:

McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments

are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission recommends that the City Council APPROVE zone change ZC 6-17 subject to the conditions of approval provided in this document.

//////////////////////////////////////	ONS
City Council:Scott Hill, Mayor of McMinnville	Date:
Planning Commission: Roger Hall, Chair of the McMinnville Planning Commission	Date:
Planning Department: Heather Richards, Planning Director	Date:

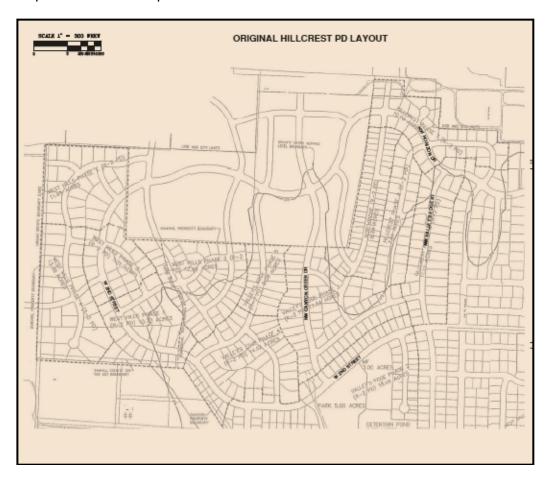
APPLICATION SUMMARY:

The applicant is requesting approval to amend Planned Development Ordinance 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also are quested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land.

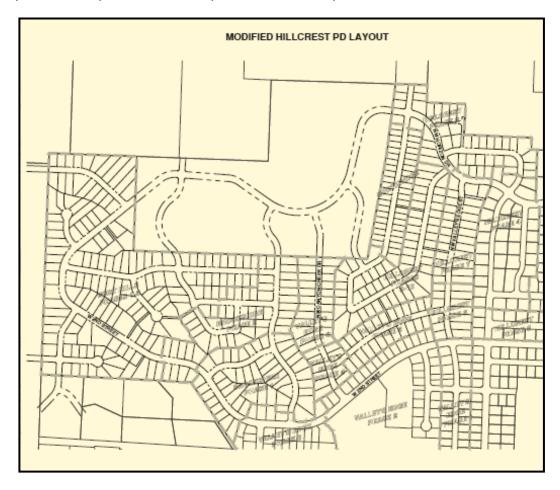
This request is to amend a Planned Development approved on April 24, 2007, when the McMinnville City Council adopted Ordinance No. 4868 for a zone change request from an R-1 (Single-Family Residential) zone to an R-2 PD (Single-Family Residential Planned Development) zone on a parcel of land approximately 164 acres in size. At the same time a phased subdivision request for approximately 4.0 acres of multifamily housing, 7.2 acres for park and storm water detention, and approximately 153 acres of residential housing (441 single-family detached residences, 50 single-family attached residences and 60 apartment units) was approved. It is the modification of this Ordinance and its implications to the attendant phased subdivision that is the subject of this Planned Development Amendment application.

Since that time, portions of that phased subdivision plan (referred to as the Hillcrest Planned Development) have been developed including the public park and storm water detention facility, multiple-family residential apartment complex and the Valley's Edge Phases 2 and 3 of the phased development plan. The remaining 132 acres of the original 164-acre multi-phase plan are the subject of this current zone change request.

For the benefit of context for the Commission, the originally approved (2007) conceptual subdivision plan for this site is provided below:







CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville's Comprehensive Plan and Zoning Ordinance:

- 14. That the planned development overlay shall require the following setbacks:
 - A. Development of the multi-family lot and single-family lots within the Northridge subdivision shall be to standard R-4 zone setbacks.
 - B. Lots within the Valley's Edge Phase 2 subdivision shall be to a standard R-3 zone setback.
 - C. All other lots shall meet applicable R-2 zoning setbacks.

The Planning Director is authorized to permit reductions or increases to these setback standards as may be necessary to provide for the retention of trees greater than nine (9) inches in diameter measured at 4.5 feet above grade. In no case, however, may the side yard setback be reduced to less than five feet, or the exterior side yard setback to less than 12 feet, or the distance from the property line to the front opening of a garage be

reduced to less than 18 feet without approval of the Planning Commission pursuant to the requirements of Chapter 17.69 (Variance). A request to adjust the setbacks for these lots shall be accompanied by a building plan for the subject site that clearly indicates the location of existing trees. Trees to be retained shall be protected during all phases of home construction.

- 15. That existing trees greater than nine inches in diameter above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the Planning Director prior to release of construction or building permits within the subject site. Requests for removal of such trees based upon claims of disease, or hazard should be accompanied by a report from a licensed arborist.
- 16. That the "Hillcrest" phased tentative subdivision plan (revised as necessary to comply with the adopted conditions of approval) be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer, and shall in no way be binding on the City.

The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

- 17. That site plans and building elevations for the proposed multi-family units must be submitted to the Planning Director for review and approval prior to the issuance of any building permits for said units. The following criteria shall apply:
 - A. The building layout must be nonlinear in design, even if to meet this goal the number of units has to be reduced.
 - B. The building roof lines and facades must be broken so as to avoid a flat, uniform appearance.
 - C. The site shall be heavily landscaped with emphasis on those sides facing a public street. Street-side landscaping shall include berming, and street trees a minimum of two-inch caliper at time of planting. In addition, parking lots shall be broken up by landscaping, and usable open space shall be provided within the development.
 - D. Signage shall be limited to a maximum of two free-standing monument-type signs, each not more than four feet in height and not exceeding 36 square feet in area. The signs, if illuminated, must be indirectly illuminated and non flashing.
 - E. Horizontal lap siding or similar type siding must be used (no T-111 or similar), and architectural composition roofing or a similar or higher grade type of roofing must be applied.
- 18. Prior to the issuance of the 290th building permit for the master planned development, the developer shall complete the installation of left-turn-lane improvements, meeting the City's

- and Yamhill County's standards, at the intersections of Hill Road / Horizon Drive and Hill Road / West Second Street.
- 19. That minimum lot sizes within the Hillcrest development may be reduced below 7,000 square feet, provided the overall residential density within the subject site (less the parkland and storm detention areas) does not exceed the net density allowed by the R-2 zone (gross density reduced by 25 percent to account for public infrastructure).
- 20. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grade exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application review process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required:
 - A. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
 - C. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

- 21. That condition of approval number 10 of S 13-06 is supplanted as follows: "The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associate with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat."
- 22. That condition of approval numbers 14, 15 and 16 of S 13-06 is supplanted as follows: "Per the adopted 2010 Transportation System Plan (TSP), all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. All streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets."
- 23. That the applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days prior to building permit issuance for said lots.
- 24. That in addition to the pedestrian connections shown on Sheet SU-00 of the applicant's submittal, pedestrian connections shall also be provided between NW Brookshire and NW

Canyon Creek Drive, NW Canyon Creek Drive and Road A, between Road A and the adjacent westerly edge of the subdivision (Tax Lot 809), between NW C Loop and NW Elizabeth, between Road D and the northwesterly edge of the subdivision (Tax Lot 809) and between Road E and NW 2nd Street. All private pedestrian connections shall be dedicated as tracts commonly held and maintained by a Homeowner's Association.

- 25. That based on a Geo-Technical Engineering report dated May 10, 2016, and the soils conditions shown in this report, foundations will necessitate design by a Geo-Technical Engineer. Each design must take into account what might occur to the down slope construction (Phase 4), when further development of the hillside occurs in the future. Since the May 10, 2016, report this hillside has been saturated with substantial rainfall. How this has affected any construction on the downside as well as future development should be taken into consideration in the design of Phase 4.
- 26. That Planned Development Ordinance No. 4868 is repealed in its entirety.

ATTACHMENTS:

- 1. ZC 6-17 Application and Attachments (on file)
- 2. Public Notices (on file)
- 3. McMinnville Ord. No. 4868 (on file)
- 4. Geotech Report by GeoPacific for West Hills Properties dated May 19, 2016 (on file)
- 5. Public Testimony Received (on file)
- 6. Planning Commission, May 18, 2017 Meeting Minutes (on file)
- 7. Memo from AKS Engineering and Forestry, dated May 30, 2017 (on file)

COMMENTS:

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

McMinnville Engineering Department

- The applicant is proposing to construct the extensions of 2nd Street and Horizon Drive to the minor collector standard contained in the Transportation System Plan (TSP). Per the adopted 2010 TSP, all remaining streets (including the extensions of 2nd Street and Horizon Drive) within the development area can be constructed to the local residential street standard. Conditions 14, 15, and 16 of the existing subdivision approval for ZC18-06/S13-06 should be modified to reflect that the remaining streets shall be improved with a 28-foot wide paved section, 5-foot wide curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets.
- Condition 10 of the existing subdivision approval for ZC18-06/S13-06 should be modified to read:
 - 10. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
- The requested street grade and block length exceptions are acceptable to the Engineering Department.
- The submitted Preliminary Stormwater Management Memo is acceptable to the Engineering Department.
- The submitted Traffic Analysis Update Memo acceptable to the Engineering Department.

McMinnville Fire Department

- 1) <u>GRADE:</u> Average road grade shall not exceed 12% except that any grade exceeding 12% shall be approved by the Fire Code Official (*during land use application*). No road grade shall exceed 15%.
- 2) When approved to exceed 12% grade, the following condition shall apply:
 - a) A maximum of 200 feet of road length may be allowed with a grade between 12% to 15% in any one section. The roadway must then level out below 12% for a minimum of length of 75 feet for firefighting operations.
 - b) Fire sprinklers shall be installed in any residential or commercial structure that is built on or whose access road is constructed to a grade of 12% or greater. The approval of fire sprinklers as an alternate means of fire safety shall be accomplished in accordance with the provisions of ORS 455.610(6) (Low Rise Residential Dwelling Code).

McMinnville Water & Light

MW&L has no comments on this application.

McMinnville Parks Department

After reviewing the material about the planned development changes, I do not find any changes that impact the neighborhood park detention area (2.77 acres). I imagine the park will receive a greater volume of water over time as hard surfaces are more fully developed and the neighborhood is complete. However, that is what was intended with the detention capacity within the park. We shall see if the original calculations were accurate. But there are no concerning issues relative to anticipated impacts to the park of immediate surrounds with the proposed plans.

FINDINGS OF FACT

- 1. West Hills Development, LLC, has submitted a Planned Development Amendment request (ZC 6-17) requesting approval to amend Planned Development Ordinance 4868 to allow exceptions to current street grade, block length, block circumference and lot depth to width standards. Also requested is approval to amend an approved residential subdivision and phasing plan on approximately 132 acres of land. The property is located generally north of Redmond Hill Road and West of Mt. Mazama and South of Fox Ridge Road and is more specifically described as Tax Lot 801, Section 24, T. 4 S., R. 5 W., W.M.
- 2. The site is currently zoned R-2 PD (Single-Family Residential Planned Development) and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
- Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- 4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
- 5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

The applicant provided findings for a wide range of Comprehensive Plan goals and policies, many of which were found to not apply to the request as the submitted application was for review of an approved Planned Development. However, all of the applicant's findings are incorporated herein as they were provided in the application. Staff concurs with the applicable findings provided by the applicant and offers the following additional findings.

Comprehensive Plan Volume I -

Chapter V. Housing and Residential Development – Land Use Controls

Planned Developments:

"The planned development (PD) is a method by which creative, large-scale development of land is encouraged for the collective benefit of the area's future residents. [..] As written, the planned development provisions are intended to provide specific benefits to a development (e.g., developed parks, retention of unique natural areas, etc.) [..] It is important that the City continue to scrutinize planned development designs to insure that amenities are being provided in excess of what is normally required.

4. Future planned developments should be carefully scrutinized to insure that there are trade-offs favorable to the community when zoning ordinance requirements are varied. Those trade-offs should not just include a mixture of housing types.

Additional Design Considerations:

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs.

- 2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. Planned developments can preserve large open areas for open space by clustering development in smaller areas. [..]
- 5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land."

<u>Finding</u>: Based on materials submitted by the applicant this proposal meets the intent of this portion of Volume I of the Comprehensive Plan relative to park space, open space and the provision of bike paths. Following the 2007 Planned Development approval for this site, the applicant worked with the McMinnville Parks Department to achieve the approximately 7-acre public park incorporating a functioning storm water facility sited along the major access into this development area. Additionally, the applicant has mapped the drainage ravines that carry storm runoff and traverse and meander throughout the site. The revised phased subdivision plan has aligned these natural drainageways with the common rear property lines of residential lots as much as practicable to allow their protection through restrictive easements to be maintained through homeowners associations to be created commensurate with the platting of subdivision phases. Additionally, the applicant has proposed the platting of six access tracts to serve as pedestrian connections at cul-de-sac and mid-block locations to enhance pedestrian connections through the topographically challenging hillside development area. Bikeways shall be provided as required by the adopted 2010 McMinnville Transportation System Plan (TSP).

In addition to that provided by the applicant, the following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are also applicable to this request:

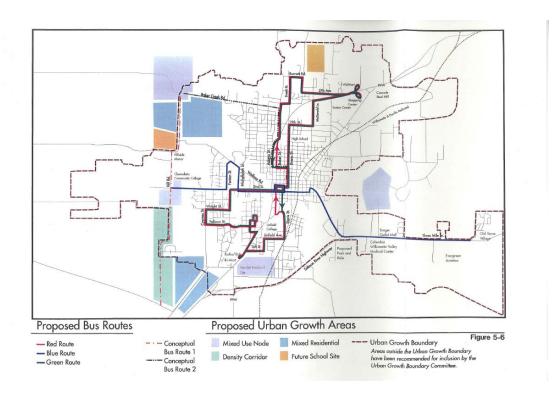
Comprehensive Plan Volume II –

Chapter V. Housing and Residential Development

Westside Density Policy:

- The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances of trade-offs shall be allowed and encouraged.
- 71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:
 - 1. The density of development in areas historically zoned for medium and high density development;
 - 2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
 - 3. The capacity of the services;
 - 4. The distance to existing or planned public transit;
 - 5. The distance to neighborhood or general commercial centers; and
 - 6. The distance from public open space.

<u>Finding</u>: Policies 71.01 and 71.10 are met by this proposal in that the development site is located on the west side of the city, proposed less than an average of the six dwelling units per acres and is located outside of existing or planned transit corridors as demonstrated by Figure 5-6 of the adopted McMinnville Public Transit Plan (below). The multiple-family component of the approved 2007 Planned Development for this area has already been constructed in a manner that dispersed this more dense type of development within the west hills area. Public open space has already been provide and developed as a public park adjacent to the multiple-family residential development. Additionally, this development site is adjacent to areas similarly zoned R-2 PD and developed accordingly with medium density residential development. While distance to neighborhood or general Commercial centers is not as critical to medium density residential development as it is to residential development of much higher densities, a neighborhood serving professional and commercial center exists eastward from this site along W 2nd Street which is the main roadway that will traverse the subject site.



Planned Development Policies:

- 72.00 Planned unit developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.
- 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.
- 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.
- 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

<u>Finding</u>: Policies 72.00, 74.00, 77.00 and 78.00 are met by this proposal in that the proposal encourages social and environmental benefits and retains natural and aesthetic features within the planned development area by moving proposed roadways away from natural drainageways and requiring their protection through the creation of restrictive easements. Additionally, the proposed street design complies with current adopted City public street standards as defined by the adopted 2010 McMinnville Transportation System Plan (TSP) and extends opportunities for continuation of public streets to other adjacent properties beyond the scope of this development. Pedestrian connections are also proposed at numerous mid-block and cul-de-sac locations to enhance pedestrian access and circulation throughout the neighborhood.

Residential Design Policies:

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and

availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

- 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.
- 81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.
- 82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.
- 83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

<u>Finding</u>: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the overall residential density, while less than the underlying R-2 zone, can be allowed through the review and approval of the requested modification of the previously approved planned development zoning designation. While maximum density under the opportunity presented by the R-2 zone is not occurring with this proposal, it is important to note that, due to the topographic constraints and regulatory requirements applicable to this site, the applicant has achieved re-phasing plan that accommodates an additional 40 residential lots above that which was previously approved for this site in 2007. The proposed amended street layout demonstrates connection with the existing surrounding street network and preserves the development potential of other adjacent land. Other areas within the development are proposed to be connected by pedestrian pathways increasing opportunities for off-street pedestrian mobility. In addition, given the physical dimensions of the site, streets have been oriented to create opportunities for solar access as practicable.

Lot Sales Policy:

99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

<u>Finding</u>: Policy 99.10 shall be satisfied by Condition of Approval #10.

Streets

Policies:

118.00 The City of McMinnville shall encourage development of roads that include the

following design factors:

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

<u>Finding</u>: Goal VI 1 and Policies 117.00, 118.00, and 119.00 are satisfied by this proposal in that the each of the proposed lots will abut public streets developed to City standards with adequate capacity to safely accommodate the expected trip generation from this development. Residential streets proposed within the development will connect at intersections except for the proposed cul-de-sac streets due to the presence topographical and water course constraints. The proposed street design will utilize connections to adjacent street stubs and have minimal adverse effects on the natural features of the land. In addition, street grades shall be designed in cooperation with the McMinnville Engineering and Fire Departments as reflected in the conditions of this Decision Document.

Bike Paths

Policies:

- 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.
- 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

<u>Finding</u>: Policies 132.00 and 132.15 are satisfied by this proposal in that the applicant proposes additional pedestrian pathways providing mid-block connections within the subdivision in situations where unique topography and steep water courses prevent other public connections. While the terrain makes the provision of separated bikeways challenging, public streets will be constructed to City standards to provide the opportunity for bicycle connections through this development area and beyond as required by the McMinnville TSP.

Supportive of General Land Use Plan Designations and Development Patterns

Policies:

The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.

<u>Finding</u>: Policy 132.27.00 is satisfied by this proposal in that the proposed street design reflects and supports the land use designation of the site and urban development patterns within the surrounding area.

Circulation

Policies:

- 132.41.00 Residential Street Network A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:
 - 1. Pedestrian circulation,
 - 2. Enhancement of emergency vehicle access,
 - 3. Reduction of emergency vehicle response times,
 - 4. Reduction of speeds in neighborhoods, and
 - 5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)
- 132.41.05 Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)
- Modal Balance The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)
- 132.41.25 Consolidate Access Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)
- 132.41.30 Promote Street Connectivity The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

<u>Finding</u>: Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this proposal in that the proposed street pattern provides a safe and efficient network of residential streets to serve the proposed and adjacent existing residential neighborhoods. The cul-de-sac streets are proposed in response to the noted existence of topographic and environmental constraints. The proposed street system is also designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the requirements of the McMinnville TSP and provision of additional private pedestrian pathways. Vehicular access points to the adjacent street system comply with this policy and

promote safe street connectivity to the surrounding transportation network.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Sanitary Sewer System

Policies:

- 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:
 - 1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.
 - 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
 - 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized
 - 4. Extensions will implement applicable goals and policies of the comprehensive plan.

Storm Drainage

Policies:

- 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.
- 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Water System

Policies:

- 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:
 - 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.

- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.
- For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.
- 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer – Land Development Criteria

Policies:

- 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:
 - Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
 - 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
 - Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
 - 4. Federal, state, and local water and waste water quality standards can be adhered to.
 - 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

<u>Finding</u>: Goal VII 1 and Policies 139.00, 142.00, 143.00.20, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Police and Fire Protection

Policies:

- 153.00 The City of McMinnville shall continue coordination between the planning and fire departments in evaluating major land use decisions.
- 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

<u>Finding</u>: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request. The concerns raised by the McMinnville Fire Department have been addressed with proposed modifications to street grade designs represented in the conditions of this Decision Document sufficient to ensure safe and efficient emergency access to protection to each lot.

Open Space

- 167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.
- 168.00 Distinctive natural features and areas shall be retained, whenever possible, in future urban developments.
- 169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

<u>Finding</u>: Policies 167.00, 168.00 and 169.00 are satisfied in that, in addition to the approximately 7-acre public park and adjacent storm water detention facility located along the north side of W 2nd Street, the applicant proposes to provide open spaces in the form of preserved drainage greenways that traverse the development area. These areas shall be maintained by a Home Owners Association according to CC&Rs as required by the 2007 Planning Commission subdivision approval that shall be recorded following approval of the Planning Director. The applicant is also proposing an additional storm water detention area near the southern edge (downhill side) of the development site to accommodate natural run-off which shall be designed and maintained in compliance with City requirements.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policies:

- 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.
- 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

<u>Finding</u>: Goal VIII 1 is satisfied in that the City of McMinnville will continue coordinate with the various suppliers of energy and energy transmission systems commensurate

with proposed developments. No such concerns were raised during the review of this proposal.

Energy Conservation

Policies:

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

<u>Finding</u>: Policy 178.00 is satisfied in that the applicant's proposal has utilized density averaging through the Planned Development process to achieve a mix of residential lot sizes, along with the developed multiple-family component, in addition to the proposed single-family attached and detached residential dwelling opportunities achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

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

Policies:

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

<u>Finding</u>: Goal VII 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

General Provisions:

17.03.020 Purpose. The purpose of this ordinance 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, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

<u>Finding</u>: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

Planned Developments:

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

<u>Finding</u>: Section 17.51.010 is satisfied by the request in that the applicant proposes a development plan to provide for single-family detached and detached lots. City policies noted above speak to proposing lower density than that allowed by the underlying zone due to unique circumstances or limitations on specific sites. It this instance, the development site is very challenging due to the steep and varied topography as well as the natural drainage ravines that traverse the site. These features combined make the provision of public streets and the creation of buildable lots challenging. However, the applicant has proposed modifying the existing approved phased development plan in a way that attains a greater number of residential building lots while identifying and protecting additional natural resources to a greater extent than was approved in the 2007 Planned Development approval. Specifically dedicated pedestrian walkway connections are also proposed for further enhance connectivity and circulation throughout the various phases of this Planned Development.

<u>17.51.020</u> Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

<u>Finding</u>: Section 17.51.020 (A-B) are satisfied by the request in that the applicant proposes a development type (single-family attached and detached residential) consistent with the residential zoning indicated on the comprehensive plan map and zoning map. This proposed amendment to the existing planned development approval for this site complies with Sub B of this standard.

<u>17.51.030</u> Procedure. The following procedures shall be observed when a planned development proposal (or in this case, an amendment to a previously approved Planned Development) is submitted for consideration:

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 - There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

- (2) Resulting development will not be inconsistent with the comprehensive plan objectives of the area;
- (3) The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels (as amended by Ordinance No. 4242, April 5, 1983);
- (4) The plan can be completed within a reasonable period of time:
- (5) The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- (7) The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the City as a whole.

<u>Finding</u>: Section 17.51.030 (C) is satisfied by the request in that the design objective of this proposal is to fulfill the City's policy direction to residential development commensurate with the underlying zone given topographic and environmental constraints. The applicant has indicated that this proposal can be completed in a reasonable period of time as long as the economy does not experience another drastic downturn that recently slowed down the development of other phases of this previously approved plan. The proposed street network is adequate to support anticipated traffic which can also be supported by the surrounding existing street network. Public facilities have the capacity to adequately serve the proposed development and there are no indications that the proposal will have an adverse effect due to pollutants or noise on surrounding areas or the City as a whole.

Review Criteria:

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

<u>Finding</u>: The requirements of Section 17.74.070 are met by this major modification to an existing planned development for the reasons enumerated in the finding provided for the Section 17.51.030(C) requirements provided above. In addition, the applicant has determined the ability to increase the number of single-family lots while providing additional environmental protections to existing drainageways. The proposed Planned Development amendment also offers a partially reconfigured local street system that, while providing access to each proposed lot, meets acceptable Fire Department standards while employing grades that, for shorter distances, exceed standard grade limitations. The applicant has proposed an innovative approach to increasing density while ensuring public safety and enhancing environmental protection.

2. Ordinance No. 4868 is applicable to this request and is noted in Attachment 4 of this Decision Document.

<u>Finding</u>: The subject request generally complies with the requirements of Ordinance 4868 as the proposal seeks to modify the Planned Development (zone change) approved by this ordinance. As a practical matter of administration, should this request be approved, Ordinance 4868 will be repealed and replaced with the ordinance enacting the approval of this request. Most of the elements of Ordinance 4868 will remain in addition to new conditions reflecting the modifications to the phased development plan proposed by the applicant. This newly enacted ordinance will also serve to continue the Planning Commission's 2007 approval of the phased subdivision plan as amended (S 13-06) in the same manner that Ordinance 4868 enabled that phased subdivision plan.

RP:sjs



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Mayor and City Councilors

FROM: Chuck Darnell, Associate Planner

SUBJECT: Ordinance No. 5027 - G 1-17: Zoning Text Amendments to amend Chapter 17.57

(Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions)

Council Goal:

Promote Sustainable Growth and Development.

Report in Brief:

This action is the consideration of Ordinance No. 5027, an ordinance amending Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance to update and revise the City of McMinnville's Landscaping and Trees programs. The updates and amendments are varied but are generally related to the review processes for the installation of landscaping and street trees and the requirements related to the maintenance of landscaping and trees in the city.

Background:

The Landscaping chapter (Chapter 17.57) of the McMinnville Zoning Ordinance establishes the regulations for landscaping of particular properties within the city including the process of review by the Landscape Review Committee, and the criteria that are used to review landscaping plans. The chapter also establishes which districts and uses are required to have landscaping, and how much of a site must be landscaped.

The Trees chapter (Chapter 17.58) of the McMinnville Zoning Ordinance establishes regulations for tree removal and installation of street trees, as well as the review processes and review criteria for each. Regulations related to the protection of trees are also included in this chapter as well as situations in which street tree planting is required, and the street tree standards that must be followed when planting and maintaining street trees.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017 Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017 existing text and identifying areas that were in need of updates to be more consistent with current practices and industry standards, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, having been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission and City Council.

The Planning Commission discussed the amendments proposed by the Landscape Review Committee during a work session discussion on February 16, 2017. The Planning Commission also opened a public hearing to consider the amendments at their regular meeting on March 16, 2017. Based on testimony received during the hearing, the Planning Commission decided to continue to the public hearing to May 18, 2017 to allow staff to incorporate additional amendments that were suggested during public testimony.

Testimony received related to additional organizational changes that could occur in the Zoning Ordinance chapters to make the regulations more cohesive and easier for the general public to understand. Amendments related to other refinements of the review and inspection processes were also proposed as part of the public testimony received. Finally, the McMinnville Chapter of the Native Plant Society provided input as to how the City could encourage the use of native plants in landscape plans. Those suggestions and testimony were reviewed by staff and incorporated into the draft amendments. The Landscape Review Committee reviewed the amendments again at their April 19, 2017 public meeting, and found them to be acceptable and recommended that they be brought forward again to the Planning Commission.

During the continued public hearing on May 18, 2017, the Planning Commission reviewed revised amendments to the two chapters that incorporated comments received during the previous public testimony. The Planning Commission unanimously recommended to the City Council that the proposed amendments be approved.

Discussion:

The main topics that are recommended to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and approved street tree list

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Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

In addition, other recommended amendments to the chapters that came out of public testimony received through the public hearing process include the following:

- Reorganization of the Landscaping chapter
- Refinement of Landscaping Purpose and Intent section
- Additions to information to be included in landscape plans
- Creation of Downtown Trees section in Trees chapter
- Ability for Landscape Review Committee to allow additional time for tree replacement
- Ability for City to request arborist report in more tree removal situations
- Relocation of some standards to Street Tree Maintenance section in Trees chapter

More detail and reasoning behind the specific amendments that are being proposed is provided below. Text proposed to be added is shown in **bold underlined** font while text proposed to be removed is shown in strikeout font.

Chapter 17.57 - Landscaping

1) Section 17.57.010:

Existing Language:

The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. [...]

Suggested Amendment:

The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
 - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - 3. Mitigate the loss of natural resources.
 - 4. <u>Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.</u>

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

- 5. Create safe, attractively landscaped areas adjacent to public streets.
- 6. Require the planting of street trees along the City's rights-of-way.
- 7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- 8. Provide shade, and seasonal color.
- 9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. <u>Unify development and enhance and define public and private places.</u>
- D. <u>Preserve existing mature trees.</u>
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. <u>Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.</u>
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.07050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020.

Reasoning for Amendment: The more comprehensive purpose and intent statement proposed will provide a framework and objectives for the City of McMinnville to follow in the administration of the landscaping program. The Landscape Review Committee can use the purpose and intent statements when considering individual landscape plans to ensure that they are achieving the broad goals of the City in terms of landscaping. Also, an objective was added to encourage the use of plants native to the Willamette Valley, as recommended and endorsed by the McMinnville Chapter of the Native Plant Society.

2) Section 17.57.030 and Section 17.57.040:

Existing Language:

These sections are currently titled "Plans – Submittal and review – Approval – Time limit for completion", and "Plans – Information to be included".

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Suggested Amendment:

The suggested amendment is to move two other existing sections further up in the chapter. Those sections include "Zones where required" and "Specific uses requiring landscaping".

Reasoning for Amendment: A suggestion received as public testimony was to move these two sections up in the chapter. These sections describe where and when landscaping is required, and it makes more sense to describe the locations and uses that will require landscaping first, prior to describing the plan submittal and review processes. The language is not proposed to be amended. The only amendment is to the order of the sections themselves. The section numbers (e.g. 17.57.030) are proposed to be amended throughout the Landscaping chapter to reflect the reorganization of the sections.

3) Section 17.57.050(A):

Existing Language:

- A. At the time the applicant applies for a building permit, he shall submit, for the Landscape Review Committee, five copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - 1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;

Suggested Amendment:

- A. At the time the applicant applies for a building permit, hethey shall submit, for the Landscape Review Committee, five two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - 1. The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;

Reasoning for Amendment: The text to be removed is duplicative, and the fact that no building permits shall be issued until the landscaping plan has been approved covers the intent of this requirement.

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Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

4) Section 17.57.050(B):

Existing Language:

B. Landscaping review shall occur within ten working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his presence shall not be necessary for action to be taken on the plans. A failure to review within ten working days shall be considered as approval of the plan;

Suggested Amendment:

B. Landscaping review shall occur within ten 30 (thirty) working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although histheir presence shall not be necessary for action to be taken on the plans. A failure to review within ten 30 (thirty) working days shall be considered as approval of the plan;

Reasoning for Amendment: Review period changed from ten (10) working days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a plan if necessary.

5) Section 17.57.050(D-E):

Existing Language:

- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy.
 [...]
- E. All completed landscape projects shall be inspected by the Director of Parks and Recreation [...].

Suggested Amendment:

D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping, as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. [...]If the installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B - Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the <u>final</u> inspection <u>and/or approval</u> to be postponed until the project is completed or cause the security to be used by the City

E. All completed landscape projects shall be inspected by the <u>Director of Parks and Recreation Planning Director or their designee</u>. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, <u>as determined by the Planning Director or their designee</u>, as long as they do not alter the character and aesthetics of the original plan.

Reasoning for Amendment: This language already existed, but as amended would clearly allow for staff to make the determination of whether minor changes in landscaping were acceptable when completing their landscaping inspections.

6) Section 17.57.060

Existing Language: Section 17.57.040 lists the information that must be included on submitted landscape plans.

Suggested Amendment: Minor additions are proposed to be added to the information to be required on landscape plans. Also, the Landscape Review Committee is suggesting that additional information be required to be included on submitted landscape plans, which will be **inserted** as F, and existing F will become G.

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree; [...]
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, <u>raised planters</u>, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;
- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;

Reasoning for Amendment: Irrigation or watering facilities are a requirement for landscaped areas, and having this listed in the information that must be included on plans will ensure that applicants are aware of that up front. Other additions allow for more site features to be identified, and better define when large areas of trees can be identified on a plan.

Attachments:

Ordinance No. 5027 including:

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Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

7) Section 17.57.070(C):

Existing Language:

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement.

Suggested Amendment:

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.

Reasoning for Amendment: The amendment will allow for the Planning Director and staff to allow for minor changes to occur without requiring a new review by the Landscape Review Committee. Considering that landscaping is an evolving feature of a site and may need to be replaced or updated periodically, the proposed amendments allow for that to occur. Staff will now have discretion in allowing for minor changes, as long as the character and aesthetics of the landscape plan are not being altered and the changes result in like-for-like replacements.

8) Section 17.57.080:

Existing Language:

Currently states that Landscape Review Committee "shall consist of three members and two alternate members". It goes on to state that only regular committee members may vote, and that alternate members can only vote in the absence of regular committee members.

Suggested Amendment:

The City will be removing Section 17.57.080 (Plan review committee) in its entirety from the zoning ordinance and then adopting the Landscape Review Committee bylaws as a section of the City Code relating to all city commissions and committees. The Landscape Review Committee would become a committee with 5 (five) regular members and a majority of active members would constitute a quorum. Committee members would still serve three (3) year terms, as they currently do today. A draft version of the City Code language that the City is proposing is attached for your review.

Reasoning for Amendment: The City will be formalizing the bylaws for all City committees, and will consolidate those bylaws into one section in the City Code for consistency.

Attachments:

Ordinance No. 5027 including:

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Exhibit D – Amendments to Chapter 17.06

9) Section 17.57.100:

Existing Language:

A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section:

Suggested Amendment:

A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section:

Reasoning for Amendment: The fifteen day appeal period will be consistent with the standard appeal period for all other land use applications and City decisions.

Chapter 17.58 - Trees

1) Section 17.58.010:

Existing Language: Section 17.58.010 lists the purpose of the Trees chapter.

Suggested Amendment:

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.

Reasoning for Amendment: Public testimony received during the public hearing process brought to light additional benefits that trees bring to the community. These additions were suggested as public testimony, and were incorporated into the purpose statement.

2) Section 17.58.020:

Existing Language: Section 17.58.020 defines the types of trees that are applicable to the requirements of the Trees chapter of the zoning ordinance.

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Suggested Amendment:

- <u>17.58.020</u> Applicability. The provisions of this ordinance shall apply to:
- A. Individual significant or historic trees as defined in this ordinance.
- B. All trees planted in or upon with trunks located completely or partially within any public area or right-of-way;
- C. All trees planted in or upon 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;

Reasoning for Amendment: The existing language is somewhat vague on when a tree is located in the right-of-way, which has led to some difficulty in consistently interpreting the ordinance language. The proposed amendment would clearly identify when the provisions of the Trees chapter are applicable. The proposed amendment is consistent with past practice, as the City has treated trees located partially within the right-of-way as street trees in the past.

3) Section 17.58.040(A):

Existing Language:

A. [...] Requests for tree removal or pruning of trees outside of the downtown tree zone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen days of submittal. [...]

Suggested Amendment:

A. The removal or major pruning of a tree, as defined in Section 17.58.020, within the public right-of-way 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. 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 shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen 30 (thirty) days of submittal. Requests for tree removal within the **Downtown Tree Zone**downtown tree one shall be submitted to the McMinnville Planning Department. 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 histheir designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Direct Director, 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 may be appealed to the Planning Commission if notice of intent

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to <u>written notice of the</u> appeal is filed with the Planning Department within five <u>15 (fifteen)</u> days of the committee's or Director's decision. A decision made by the Planning Director 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.

Reasoning for Amendment: Review period changed from fifteen (15) days to 30 (thirty) calendar days, to more accurately reflect existing practice and provide for sufficient staff time to thoroughly review plans. The language will require that review take place within 30 (thirty) days, which will provide flexibility for the Landscape Review Committee to meet earlier to review a request if necessary. The requirement for the applicant to provide the costs associated with the removal and replacement of a tree has been added to ensure that property owners are aware of the costs associated with their requests up front. Knowing this information up front may reduce the number of trees that are removed and then not replaced.

4) Section 17.58.040(D):

Existing Language:

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. [...]

Suggested Amendment: Add the following statement:

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.

Reasoning for Amendment: Oftentimes, a tree is removed because it is causing damage to adjacent public infrastructure, and a replacement tree in the exact same location would either continue to cause the same issues or may not actually meet the current required setbacks from certain infrastructure. In those cases, the Committee will have the ability to require a replacement tree to be planted in another location that does meet all necessary setback and spacing requirements.

5) Section 17.58.040(F):

Suggested Amendment: Insert the following standard as F, existing standards F - I become standards G - J:

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

F. The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The 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.

Reasoning for Amendment: The Landscape Review Committee, when approving a tree removal, has normally provided a timeframe for the removal to be completed. The proposed amendment would formalize that timeframe for removal as six months. In order to promote tree survivability and allow for planting during times that are more favorable, the Landscape Review Committee will have the ability to provide for additional time to complete the replacement.

6) Section 17.58.040(H):

Existing Language:

H. Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications. Such design specifications may include tree root barriers, watering tubes or structures, 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.

Suggested Amendment:

H. Specific design drawings and specifications shall be developed for the planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications The planting of street trees shall be subject to the design drawings and specifications developed by the City in May 2014. Specific design drawings and specifications have been developed for trees within the downtown tree zone and for street 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 within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.

Reasoning for Amendment: The ordinance will now specifically reference the design drawings and specifications that are used by the City and have been, since they were adopted in May 2014, shared with property owners completing a tree replacement. The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

Attachments:

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Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

7) Section 17.58.045: Downtown Trees

Existing Language:

None.

Suggested Amendment:

Currently, regulations and standards applicable to trees within the Downtown Tree Zone are scattered throughout the Trees chapter. Trees in the downtown area are treated differently than trees in other locations in the city. In order to better organize the regulations that apply to trees in the Downtown Tree Zone, this section was created. The regulations and standards that are shown in the proposed Section 17.58.045 were copied and moved from other sections, but the actual language itself was not amended. The sections that the language shown in the proposed Section 17.58.045 came from included Section 17.58.040 (H), Section 17.58.040 (I), Section 17.58.040 (J), and Section 17.58.050 (D).

8) Section 17.58.050:

Existing Language: This section defines the review criteria that are required to be met to allow for major pruning or tree removal.

Suggested Amendment: Insert the following statement:

- A. The tree is unsafe, dead, or diseased as determined by a Certified Arborist. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
- 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. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- D. <u>Verification of tree health or a tree's impacts on infrastructure may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.</u>

Reasoning for Amendment: The proposed amendment would allow for the City to require an arborist's report for verification of either tree health or a tree's impacts to public or private infrastructure. The existing language only allows for the City to require an arborist's report and professional opinion on tree health. If a tree removal request based on infrastructure impacts is ever questionable, the City would have the ability to request an arborist's report for additional evidence to support removal. The language related to street trees in the downtown tree zone was removed and relocated to the proposed Section 17.58.045 – Downtown Trees.

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

9) Section 17.58.060(B):

Existing Language: This section explains situations which allow for an exemption from a permit to remove or prune trees.

Suggested Amendment: **Insert** the following exemption as B, existing exemptions B and C become C and D:

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. 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.

Reasoning for Amendment: This exemption will allow for the City to remove a street tree if it is causing damage to public infrastructure that the adjacent property owner is not responsible for. This more accurately reflects existing practice, and allows for the City to efficiently handle situations in which trees are causing damage to public infrastructure.

10) Section 17.58.090(A):

Existing Language:

A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the McMinnville Landscape Review Committee.

Suggested Amendment:

A. The species of the street trees to be planted shall be chosen from the approved street tree list McMinnville Street Tree List, as approved by Resolution 2016-22, 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.

Reasoning for Amendment: The proposed amendment specifically references the existing Street Tree List and the resolution that approved it. This also allows for the McMinnville Street Tree List to be updated, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

Attachments:

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Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

11) Section 17.58.090(D):

Existing Language: This standard is related to the minimum planting strips required for certain types of roadways.

Suggested Amendment:

D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the back edge of the sidewalk. In no case shall a tree 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.

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

12) Section 17.58.090(G):

Existing Language:

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 modified design, approved by the Planning Director.

Suggested Amendment:

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 modified design, approved by the Planning Directoror updated design drawings and specifications as periodically developed and adopted by the City.

Reasoning for Amendment: The proposed amendment will allow for new specifications to supersede the existing specifications, should the City ever update them or adopt new standards.

13) Section 17.58.090 (H) and Section 17.58.090 (I)

Existing Language:

H. 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.

Attachments:

Ordinance No. 5027 including:

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Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

I. 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).

Suggested Amendment:

No amendment to the actual language itself is proposed, but the language above is proposed to be moved to Section 17.58.120(C-D) – Street Tree Maintenance.

Reasoning for Amendment: The language above is related to pruning and maintenance of street trees, which fit better in the Street Tree Maintenance section instead of the Street Tree Standards section.

14) Section 17.58.120:

Existing Language:

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.

Suggested Amendment: Keep the existing language, but add the following as an additional provision:

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.

Reasoning for Amendment: The intent of a street tree plan or landscape plan is that the trees included in that plan be continually maintained. This amendment will ensure that street trees are maintained in perpetuity, which better aligns with the purpose of the Trees chapter. Specifically, the purpose statement refers to the City establishing and maintaining the maximum amount of tree cover on public and private lands in the city, and also to provide tree-lined streets throughout the city.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Council Options:

- 1. **ADOPT** Ordinance No. 5027, approving G 1-17 and adopting the Decision, Findings of Fact and Conclusionary Findings.
- 2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
- 3. **DO NOT ADOPT** Ordinance No. 5027.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5027 which would approve the zoning text amendments as recommended by the Landscape Review Committee and Planning Commission.

"THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5027."

Attachments:

Ordinance No. 5027 including:

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Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017

Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017

ORDINANCE NO. 5027

AN ORDINANCE AMENDING THE MCMINNVILLE ZONING ORDINANCE SPECIFIC TO CHAPTER 17.57 (LANDSCAPING), CHAPTER 17.58 (TREES), AND CHAPTER 17.06 (DEFINITIONS).

RECITALS:

In 2016, the McMinnville Landscape Review Committee discussed and reviewed the reviewing the existing zoning ordinance language related to landscaping and trees. The Landscape Review Committee's intent was to ensure that the language was consistent with the City's landscaping and street tree programs, and to ensure that the language was consistent with current practices and industry standards; and

In concert with the McMinnville Landscape Review Committee and Public Works Department, staff drafted proposed amendments (G 1-17) to McMinnville Zoning Ordinance (Ordinance 3380) specific to Chapter 17.57 (Landscaping) and 17.58 (Trees). The amendments were reviewed over a series of Landscape Review Committee public meetings, and at their January 18, 2017 meeting the Landscape Review Committee recommended the amendments be advanced for consideration by the McMinnville Planning Commission and the McMinnville City Council; and

The first public hearing before the McMinnville Planning Commission was held on March 16, 2017, after due notice had been provided in the local newspaper on Tuesday, March 7, 2017. At the March 16, 2017, Planning Commission public hearing, the application materials and a staff report were presented and testimony was received. The Planning Commission continued the public hearing to allow staff to incorporate testimony received into the proposed zoning text amendments; and

Staff incorporated additional amendments based on the testimony received during the public hearing, and brought the additional amendments before the Landscape Review Committee for review at their April 19, 2017 public meeting. The Landscape Review Committee found the amendments acceptable, and recommended that they be brought before the Planning Commission for consideration at the continued public hearing; and

The Planning Commission continued the public hearing on May 18, 2017, received a staff report and testimony, and then closed the public hearing, deliberated, and voted unanimously to recommend approval of G 1-17 to the City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan text amendment criteria listed in Section 17.72.020 of the McMinnville Zoning Ordinance based on the material submitted and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

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

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

- 1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A for G 1-17; and
- 2. That Chapter 17.57 (Landscaping), Chapter 17.58 (Trees), and Chapter 17.06 (Definitions) are amended as provided in Exhibit B, Exhibit C, and Exhibit D. Text that is added is shown in **bold underlined** font while text that is removed is shown in **strikeout** font.
- 3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 27 th	day of June 2017, by the following votes:
Ayes:	
Nays:	
	MAYOR
Attest:	Approved as to form:
CITY RECORDER	CITY ATTORNEY



CITY OF MCMINNVILLE PLANNING DEPARTMENT

231 NE FIFTH STREET MCMINNVILLE, OR 97128

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.57 (LANDSCAPING) AND CHAPTER 17.58 (TREES) OF THE MCMINNVILLE ZONING ORDINANCE.

DOCKET: G 1-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.57

(Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street

tree planting and replacement requirements.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 16, 2017 and May 18, 2017. Meetings held at the Civic Hall, 200

NE 2nd Street, McMinnville, Oregon.

DECISION MAKING

BODY: McMinnville City Council

DATE & TIME: June 27, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street,

McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment:

McMinnville Public Works Department. No comments in opposition have

been provided.

DECISION

Based on the findings and conclusions, the Planning Commission recommends APPROVAL of the legislative zoning text amendments (G 1-17) to the McMinnville City Council.		
//////////////////////////////////////		
City Council: Scott Hill, Mayor of McMinnville	Date:	
Planning Commission: Roger Hall, Chair of the McMinnville Planning Commission	Date:	
Planning Department: Heather Richards, Planning Director	Date:	

Application Summary:

The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016. The discussions focused on reviewing the existing text and identifying areas that were in need of updates to be more consistent with current practices and industry standards, as the chapters had not been updated in many years. The Landscape Review Committee discussed the existing chapters at their October 6, 2016 regular meeting, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that staff advance the proposed zoning text amendments, which have been endorsed by the Landscape Review Committee, for review and consideration by the Planning Commission and the McMinnville City Council.

The main topics that are proposed to be amended in the Landscaping and Trees chapters include the following:

- Purpose and intent of the Landscaping chapter
- Refinements to the review processes for landscape plans, street tree plans, and tree removal requests
- Requirements for maintaining approved landscape plans and street tree plans
- Relocation of Landscape Review Committee bylaws from Zoning Ordinance to City Code
- Situations when street tree standards and removal processes are applicable
- Requirements for planting and replacing street trees
- Ability to update street tree planting standards and street tree list

In addition, other recommended amendments to the chapters that came out of public testimony received through the public hearing process include the following:

- Reorganization of the Landscaping chapter
- Refinement of Landscaping Purpose and Intent section
- Additions to information to be included in landscape plans
- Creation of Downtown Trees section in Trees chapter
- Ability for Landscape Review Committee to allow additional time for tree replacement
- Ability for City to request arborist report in more tree removal situations
- Relocation of some standards to Street Tree Maintenance section in Trees chapter

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

- 1. Amendments to Chapter 17.57 Landscaping (Exhibit B)
- 2. Amendments to Chapter 17.58 Trees (Exhibit C)
- 3. Amendments to Chapter 17.06 Definitions (Exhibit D)

4. Testimony Received March 19, 2017 from Patty O'Leary (on file)

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition were received.

FINDINGS OF FACT

- 1. The City of McMinnville is proposing to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.
- 2. The McMinnville Landscape Review Committee began discussing the existing Landscaping and Trees chapters of the McMinnville Zoning Ordinance in 2016, and then began to consider amendments at their November 16, 2016 regular meeting. Based on conversations and recommendations from those meetings, staff developed draft zoning text amendments, and the Landscape Review Committee reviewed those at their January 18, 2017 regular meeting. The Landscape Review Committee, after final discussion, recommended that those proposed zoning text amendments, being fully endorsed by the Landscape Review Committee, be brought forward for review and consideration by the Planning Commission.
- 3. This matter was referred to the following public agencies for comment: McMinnville Public Works Department. No comments in opposition have been provided.
- 4. Public notification of the public hearing held by the Planning Commission was published in the March 7, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing. Public testimony was received at the public hearing on March 16, 2017. The Planning Commission continued the public hearing to May 18, 2017 to allow for staff to incorporate additional amendments based on testimony received.
- 5. Staff incorporated additional amendments based on the testimony received and presented those amendments to the Planning Commission during the continued public hearing on May 18, 2017. The Planning Commission then closed the public hearing, deliberated, and voted unanimously to recommend approval of G 1-17 to the City Council.

CONCLUSIONARY FINDINGS

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

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

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

Finding: Policy 32.00 is satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

Policy 39.00: The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

Finding: Policy 39.00 is satisfied in that the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 46.01: The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

Finding: Policy 46.01 is satisfied as the amendments will specifically reference the McMinnville Street Tree List that was adopted by the City in 2016, and also provides the Landscape Review Committee with the ability to periodically update the McMinnville Street Tree List, as the landscaping and arborist industry is continually changing. This will allow for the City to respond those industry changes, which could include the introduction of new successful tree species, strategies for combating invasive species or new tree diseases, and changes in the range of certain species based on fluctuations in weather and climate.

Policy 46.02: The City shall, as funding permits and generally in the following order, periodically inventory trees within its public rights-of-way, parks and open spaces, and downtown area in order to assess the overall health of the city's urban forest and to determine those specific trees that may require maintenance, or removal and replacement. As a goal, the City seeks to maintain a diverse urban forest in terms of age and species.

Finding: Policy 46.02 is satisfied in that the City will continue to have the ability to inventory trees. The objectives in the proposed purpose and intent statement are also consistent with the goal of maintaining a diverse urban forest in terms of age and species. Specifically, the objectives are to promote the enhancement of the City's urban forest and tree canopy and encourage the preservation of existing trees.

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

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

1. Landscaping and screening

Finding: Goal IV 6 and Policy 54.00 are satisfied in that the updated purpose and intent statement includes an objective that will ensure that landscaping will be used to provide for visual and sound barriers between land uses. Specifically, the objective will state that landscaping will be used to promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties. Another objective included in the updated purpose and intent statement is that landscaping will be used to provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.

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

Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.

Finding: Goal V 2 and Policy 89.00 are satisfied in that the zoning standard requiring that landscaping be provided within multiple-family developments will not be removed, and the updated purpose and intent statement will provide objectives that will better guide the appropriate installation of landscaping within multiple-family developments.

Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications:

- 1. Major, minor arterials.
- -Landscaping should be encouraged along public rights-of-way.
- 2. Major, minor collectors.
- -Landscaping should be encouraged along public rights-of-way.
- 3. Local Streets
- -Landscaping should be encouraged along public rights-of-way.

Finding: Policy 122.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents — children, elderly, and persons with disabilities — can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

- 2. Incorporate features that create a pedestrian friendly environment, such as: [...]
 - g. Street furniture, street trees, and landscaping

Finding: Policy 132.24.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.

Finding: Policy 132.38.00 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained. Also, the landscaping and street tree standards will not preclude innovative or unique streetscaping designs or materials to be utilized.

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

- 3. Landscaping barriers between roadway and non-motorized uses;
- 4. Landscaping that promotes a residential atmosphere;

Finding: Policy 132.43.05 is satisfied in that street trees will continue to be required to be planted along public rights-of-way during development. Also, the street tree standards and planting requirements will be updated to ensure that street trees planted in right-of-way between streets and buildings will be installed correctly and continually maintained.

Policy 132.47.00: The City should update and maintain its street design standards to increase aesthetics of the street's environment through landscaping and streetscape design.

Finding: Policy 132.47.00 is satisfied in that the proposed amendments specifically reference the most current design drawings and specifications for the installation of street trees within the public right-of-way. Also, the proposed amendments include the ability for new standards and specifications to supersede those referenced in the ordinance, should the City ever update them or adopt new standards.

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

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

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

CD:sjs

Chapter 17.57

LANDSCAPING

Sections:

17.57.010	Purpose and intent.
17.57.020	Definitions.
17.57.030	Zones where required.
17.57.040	Specific uses requiring landscaping.
17.57.0 <u>50</u> 30	Plans—Submittal and review—Approval—Time limit for completion.
17.57.0 <u>60</u> 40	Plans—Information to be included.
17.57.0 <u>7050</u>	Area determination—Planning factors.
17.57.060	Zones where required.
17.57.065	Specific uses requiring landscaping.
17.57.0 <u>8070</u>	Central business district.
17.57.0 80	Plan review committee.
17.57.090	Credit for work in public right-of-way.
17.57.100	Appeal—Planning Commission to act.

17.57.010 Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
 - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - 2. <u>Aid in energy conservation by shading structures from energy losses caused by weather and wind.</u>
 - 3. Mitigate the loss of natural resources.
 - 4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - 5. Create safe, attractively landscaped areas adjacent to public streets.
 - 6. Require the planting of street trees along the City's rights-of-way.

- 7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
- 8. Provide shade, and seasonal color.
- 9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. <u>Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.</u>
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.07050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

<u>17.57.020 Definitions</u>. For the purposes of this section, refer to Section 17.06.035 for Landscaping related definitions. (Ord. 4952 §1, 2012).

<u>17.57.030</u> Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);

- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);
- H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.040 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential;
- B. <u>Utility substations</u>, <u>subject to the landscaping requirements of commercial uses</u>.
- C. <u>Mobile home park, subject to the requirements of a multiple-family development;</u>
- D. Multiple-family, commercial, and industrial uses in residential planned developments, subject to the landscaping requirements of the type of use in the planned development. (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.0**50**30 Plans—Submittal and review—Approval—Time limit for completion.

- A. At the time the applicant applies for a building permit, hethey shall submit, for the Landscape Review Committee, five two copies of a landscaping and plot plan. If the plot plan and landscaping plan are separate documents, five two copies of each shall be submitted. These may be submitted to the Building Department to be forwarded to the Planning Department.
 - The applicant will receive approval solely for the landscaping plan prior to applying for a building permit, if he submits the above documents for review in accordance with these provisions. No building permit shall be issued until the landscaping plan has been approved.
 - 2. The landscaping plan may be used as the plot plan required for a building permit, provided all information required for a building permit is provided;
- B. Landscaping review shall occur within ten 30 (thirty) working days of submission of the plans. The applicant shall be notified of the time and place of the review and is encouraged to be present, although histheir presence shall not be necessary for action to be taken on the plans. A failure to review within ten 30 (thirty) working days shall be considered as approval of the plan;
- C. The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter. Approval of the landscaping plan shall be indicated upon the plot plans. Any modifications shall be specified on the plans and agreed to in writing by the applicant prior to the issuance of a building permit. One copy of said approved plan shall be retained by the Planning Department and included within the permanent file;
- D. Occupancy permits may be issued prior to the complete installation of all required landscaping if security equal to 120 percent of the cost of landscaping,

as determined by the Planning Director (or Director of Parks and Recreation) is filed with the City assuring such installation within a time specified by the Planning Director, but not to exceed six months after occupancy. applicant shall provide the estimates of landscaping materials and installation to the satisfaction of the Planning Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified check, time certificate of deposit, or assignment of a savings account, and the form shall meet with the approval of the City Attorney. installation of the landscaping is not completed within the period specified by the Planning Director, or within an extension of time authorized by the Landscape Review Committee, the security may be used by the City to complete the installation. Upon completion of the installation, inspection, and approval, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the final inspection and/or approval to be postponed until the project is completed or cause the security to be used by the City:

E. All completed landscape projects shall be inspected by the Director of Parks and Recreation Planning Director or their designee. Said projects shall be found to be in compliance with the approved plans prior to the issuance of an occupancy certificate for the structure, or prior to any security or portion thereof being refunded to the applicant. Minor changes in the landscape plan shall be allowed, as determined by the Planning Director or their designee, as long as they do not alter the character and aesthetics of the original plan. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

<u>17.57.0**60**40 Plans—Information to be included</u>. The following information shall be included in the plans submitted under Section 17.57.0**50**30:

- A. Existing locations of trees over six inches in diameter, their variety (common or botanical name) and indication of whether they are to remain or to be removed from the site. In the event a large number of trees are to be retained and if no construction or construction access is required through or within the drip line of the trees, the general area with the number of trees involved may be given in lieu of listing and locating each tree;
- B. The location in which new plantings will be made and the variety (common or botanical name), and size of all new trees, shrubs, groundcover and lawns;
- C. The percentage of the gross area to be landscaped;
- D. Any equipment proposed for recreation uses;
- E. All existing and proposed site features including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, <u>raised planters</u>, or other open spaces so that the review committee may be fully knowledgeable of the project when discussing the application;

- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;
- G. All of the information on the plot plan for the building permit. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.0**70**50 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
 - Industrial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)
 - 4. A parking lot or parking structure built in any zone providing parking spaces as required by the zoning ordinance shall be landscaped in accordance with the commercial requirements set forth above in subsection 2 of this section.
 - 5. Any addition to or expansion of an existing structure or parking lot which results in additional lot coverage shall be landscaped as follows: Divide the amount of additional lot coverage (building area, not including basement or upper floors, plus required parking and loading zones) by the amount of the existing lot coverage (building area, not including basement or upper floors, plus required parking and loading zones), multiply by the percentage of landscaping required in the zone, multiply by the total lot area of both the original development and the addition; however, the total amount of the landscaping shall not exceed the requirements set forth in this subsection.
 - a. ALC (additional

 lot coverage)

 ELC (existing required lot coverage)

 X % of landscaping X Total lot area

- Landscaping to be installed on an addition or expansion may be spread over the entire site (original and addition or expansion projects) with the approval of the review committee;
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
 - 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 - 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 - 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
 - 4. The development and use of islands and plantings therein to break up parking areas.
 - 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
 - 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;
- C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

<u>17.57.060 Zones where required</u>. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit);
- B. C-1 (Neighborhood Business zone);
- C. C-2 (Travel Commercial zone);
- D. C-3 (General Commercial zone);
- E. O-R (Office/Residential zone);
- F. M-L (Limited Light Industrial zone);
- G. M-1 (Light Industrial zone);

H. M-2 (General Industrial zone). (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

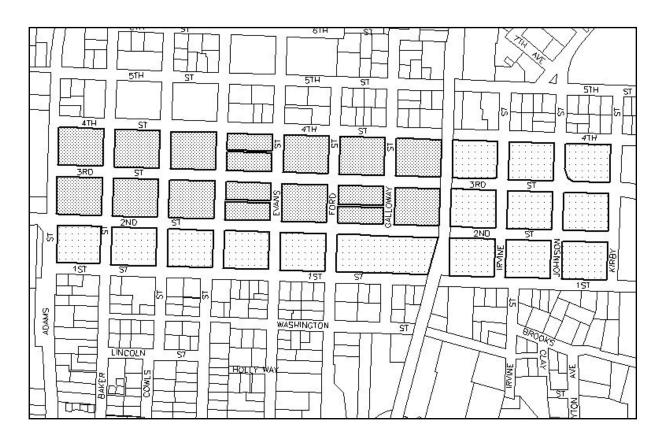
17.57.065 Specific uses requiring landscaping.

- A. Churches, subject to the landscaping requirements of a multiple-family development when in a residential zone and subject to the landscaping requirements of a commercial development when in a zone other than residential:
- B. Utility substations, subject to the landscaping requirements of commercial uses.
- C. Mobile home park, subject to the requirements of a multiple-family development;
- D. Multiple-family, commercial, and industrial uses in residential planned developments (Ord. 4264 §1, 1983; Ord. 4254 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

<u>17.57.08070 Central business district</u>. The central business district shall be divided into two areas as defined in this section:

- A. Area I is that area between Adams Street and the railroad tracks and between Second and Fourth Streets. The landscaping requirements set forth herein shall not apply to this portion of the central business district, except for the provision of street trees according to the city's master plan;
- B. Area II is defined as being that area between Adams and Kirby Streets from First to Fourth Streets, excluding the area in subsection A above. One-half of the landscaping requirements set forth in Section 15.57.050 above shall apply to this area. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

REDUCED LANDSCAPING REQUIREMENTS





Area I - No Required Landscaping



Area II - One-Half Required Landscaping

17.57.080 Plan review committee. All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.

The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of threefive members and two alternate members. At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three-year terms for each alternate member. The terms shall be computed from the first Tuesday in January 1978. The Council shall designate the alternate members as first and second

- alternates. Thereafter, The review committee members appointed and in place as of January 1, 2017 shall finish their appointed term. The Council shall appoint or reappoint members as existing terms expire, and the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members;
- B. A majority of the active Landscape Review Committee members shall constitute a quorum. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.090 Credit for work in public right-of-way. The review committee may grant an applicant credit for landscaping done in the public right-of-way provided that if at any time in the future the right-of-way is needed for public use, any landscaping removed from the right-of-way must be replaced on the subject site. The review committee shall consider the need for future use of the right-of-way for street or utility purposes before granting credit under this section. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

17.57.100 Appeal—Planning Commission to act when.

- A. In the event the landscaping is disapproved by the review committee, the applicant may appeal to the Planning Commission within five 15 (fifteen) days after the review committee has considered the plan. The matter shall be set for review by the Planning Commission as set forth in subsection B of this section;
- B. If, after review, the review committee cannot or does not reach a decision on the landscaping plan submitted, the application shall be forwarded to the Planning Commission for review and final disposition. Action on the application will occur at the next regularly scheduled meeting, or with the approval of the Planning Commission chairman, at a work session if scheduled sooner. The applicant shall be notified of the time and place of the review by the Planning Commission and may choose to be present. The absence of the applicant shall not preclude the Planning Commission from reaching a decision;
- C. The review committee may, at their discretion, continue an application pending submittal of further information or detail. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

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.
<u>17.58.045</u>	Downtown Trees
17.58.050	Review 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. 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 planted in or upon with trunks located completely or partially within any public area or right-of-way;
- C. All trees planted in or upon 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. 4654B §1, 1997).

<u>17.58.030</u> <u>Definitions</u>. 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

- The removal or major pruning of a tree, if applicable under Section 17.58.020, within the public right-of-way 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. 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 dDowntown tTree zZone shall be forwarded to the McMinnville Landscape Review Committee for a decision within fifteen 30 (thirty) days of submittal. Requests for tree removal within the Downtown Tree Zonedowntown tree one shall be submitted to the McMinnville Planning Department. 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 histheir designee should attempt to make decisions on such requests within five calendar days of submittal. The Landscape Review Committee or Planning Direct Director, 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 may be appealed to the Planning Commission if notice of intent to written notice of the appeal is filed with the Planning Department within five 15 (fifteen) days of the committee's or Director's decision. A decision made by the Planning Director 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 shall be removed or pruned following accepted pruning standards adopted by the City. The Planning Director, after consultation with appropriate city staff and/or a certified arborist, shall direct removal of downtown trees that are identified in a current dDowntown tree zZone 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.

- 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 reseeded.
- The applicant shall complete the tree removal, and tree replacement if required, within six months of receiving notification of the Landscape Review Committee's decision. The 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.
- Other conditions may be attached to the permit approval by the McMinnville Landscape Review Committee as deemed necessary.
- The pruning and removal of street trees within the downtown tree zone shall Н. be the responsibility of the City, and shall be undertaken at public expense.
- Specific design drawings and specifications shall be developed for the I. planting of street trees within the downtown tree zone, and shall be made readily available to all property owners undertaking sidewalk construction, reconstruction or modifications The planting of street trees shall be subject to the design drawings and specifications developed by the City in May Specific design drawings and specifications have been 2014. 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 within the downtown tree zone to minimize the potential for sidewalk / tree root conflict.
- 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 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. (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. 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 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 determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
- <u>17.58.050</u> 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. Verification of tree health may be required, at the expense of the applicant, by a Certified Arborist acceptable to the City.
 - 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. A street tree within the downtown tree zone may also be removed if the Planning Director determines that the tree is causing repeated and excessive damage to sidewalks or other public or private improvements or structures. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).
 - D. <u>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.</u>
 - 17.58.060 Permit Exemptions.

- A. 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. 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. (Ord. 4816 §2, 2004; Ord. 4654B §1, 1997).

<u>17.58.070</u> 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 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 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).

<u>17.58.080</u> Street Tree Planting—When Required. All new multi-family 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 approved street tree list McMinnville Street Tree List, as approved by Resolution 2016-22, 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 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 dDowntown tTree zZone, consideration shall be given to the height of adjacent buildings.
- D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curbside landscape strip measuring a minimum of three (3) feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four (4) feet from the

184

- back edge of the sidewalk. In no case shall a tree 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.
- Existing street trees shall be retained unless approved by the Planning Director 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 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 zzone shall follow the design drawing, or modified design, approved by the Planning Director updated design drawings and specifications as periodically developed and adopted by the City.
- H. 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.
- I. 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).

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.
- Commercial, Industrial, Parking Lots, and Multi-family 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, Parking Lot Development.
 - 1. Planting Schedule: Street trees required of a commercial, industrial, multi-family, 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. (Ord. 4654B §1, 1997).
- 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 Section 17.58.040.

Chapter 17.06

DEFINITIONS

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<u>17.06.035 Landscaping Related Definitions.</u> For the purpose of Landscaping (Chapter 17.57), the following definitions shall apply.

<u>Landscaping</u> – The preservation, planting, and maintenance of trees, shrubs, groundcover, and lawn that are compatible with Chapter 17.57 (Landscaping) and Section 17.03.020 of this ordinance. Landscaping shall be encouraged that considers energy conservation through effective planting and ground contouring. Courts, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the landscaping percentage required in Section 17.57.0<u>7050</u> if they are designed in conjunction with substantial plantings of trees, shrubs, groundcovers, or lawns, and the review committee finds they are consistent with the purpose and intent set forth in Section 17.57.010 and factors set forth in Section 17.57.07050(B) of this ordinance.

<u>New Construction</u> – All completely new structures, mobile additions, parking lots, and parking structures, and includes any additions to or expansion of existing structures or parking lots which result in additional lot coverage or parking lot coverage. This does not include remodeling or new construction which does not result in additional lot or parcel or parking lot coverage for said structure or parking lot. (Ord. 4128 (part), 1981, Ord. 3380 (part), 1968).

[...]

ATTACHMENT 1



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

www.mcminnvilleoregon.gov

MINUTES

March 16, 2017 Planning Commission Regular Meeting 6:30 pm McMinnville Civic Hall, 200 NE 2nd Street McMinnville, Oregon

Members Present:

Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler,

Martin Chroust-Masin, Susan Dirks, Lori Schanche, Erica Thomas, and

John Tiedge

Members Absent:

None

Staff Present:

Chuck Darnell - Associate Planner, David Koch - City Attorney,

and Heather Richards - Planning Director

1. Call to Order

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

2. Citizen Comments

None.

Chair Hall presented a gift to Wendy Stassens for over ten years of service on the Planning Commission. He introduced new Commissioners Erin Butler and Susan Dirks.

3. Approval of Minutes: February 16, 2017

Chair Hall called for action on the Planning Commission minutes from the February 16, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 8-0.

4. Public Hearing (Quasi-Judicial)

A. Comprehensive Plan Amendment and Zone Change (CPA 1-17, ZC 1-17, & ZC 2-17) (Exhibit 2)

Request: Approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre

Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

Location: 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section

16AA, T. 4 S., R. 4 W., W.M.

Applicant: Creekside Homes, LLC, on behalf of Jae and Aylih Chon

Chair Hall opened the public hearing at 6:40 p.m. and read the hearing statement. He called for abstentions, objections to jurisdiction, and disclosures. There were none. He asked how many commissioners had visited the site. Most of the commissioners had.

Associate Planner Chuck Darnell presented the staff report. This was a request for a Comprehensive Plan amendment and two zone changes for 2121 NE 27th Street. He discussed the location of the subject site. A recent partition application was submitted by the property owner that had been approved. It divided the lot into two, a parcel to the north and a parcel to the south. The request was to designate the northern parcel as residential and to designate the southern parcel as commercial on the Comprehensive Plan Map and to rezone the property from a mixture of three different zones to R-1, single family residential, on the north parcel and C-3, general commercial, on the south parcel. Commercial development exists to the east and south along Highway 99W and a single family residence to the west and north.

Associate Planner Darnell explained how portions of this site were annexed into the City in 1983 and 1986 and that County zoning still existed on a portion of the site. In 1995, a survey was recorded and the existing lot became a lot of record. One of the reasons for the rezoning was to change the County zoning to a City zoning designation to allow for urban development.

Associate Planner Darnell then described the review criteria. For the Comprehensive Plan Map amendment, the change would support local businesses and commercial businesses in the City. It would also provide a variety of housing types and densities, and urban services could be sufficiently provided to the property. The amendment would be more consistent with the new property lines and existing and historical uses of the property. The residential portion of the site would be adjacent to other residentially developed properties and the commercial portion would be adjacent to 27th Street and Highway 99W and other commercial properties. Existing utilities served the southern portion of the parcel where the restaurant exists today. Access and utilities could be provided to the northern portion of the property from NE Waggoner Drive. The existing and new vehicular access points would be upgraded to meet current standards.

For the R-1 zone change request, its approval would provide for a variety of housing types at densities consistent with the surrounding area. The area to the north was committed to R-1

zoning through a previous land use decision. The property owner planned to build one single family home on the parcel, which was consistent with the development pattern of the surrounding area. There is a stream that runs through the middle of the property limiting the developable area of the residential portion of the property, which qualifies the property for low density residential as stated in the Comprehensive Plan policies. Also, the Zoning Ordinance required the rezoning from the County zoning to a City zoning designation to allow for urban development.

The C-3 zone change request would support existing businesses in McMinnville and maximize the use of existing commercial uses and commercially designated lands. Utilities could be provided to the property. The County zoning would be removed from this parcel as well. The zone change was consistent with the existing and historical uses of the property. It was compatible with the surrounding land uses and development pattern.

Associate Planner Darnell recommended approval of the comprehensive plan amendment and two zone change requests subject to the conditions in the staff report. The Planning Commission would make a recommendation to the City Council who would hear this matter at their April 25, 2017 public meeting.

Commissioner Chroust-Masin asked if any of the property was in the flood plain. Mr. Darnell said it was not.

Commissioner Schanche asked if the access road was a private road and if there was a deadline for when the plat had to be completed. Mr. Darnell said there would be a private easement over the properties to the west. There was a driveway there currently that would be shared with Parcel 1. The deadline to complete the plat was 12 months after the tentative partition plat was approved. The utility improvements had to be done and easements still had to be recorded before the final plat was approved.

Commissioner Butler asked about a nearby R-1 parcel that would be impacted by the commercial zoning. It would no longer be next to another residential zone. Mr. Darnell explained one of the conditions of approval was that before any building permits were issued for the southern parcel, landscaping would be installed on the north and west property lines to provide buffering and transitioning between the commercial use and residential use.

Mr. Darnell said the applicant was not present and had waived their opportunity to give testimony.

Proponents: David Hunn, McMinnville resident, was in favor of the request. He thought property owners should be allowed to use their properties to the full extent. They paid taxes and were part of the community. The restaurant had been there for many years and this was an opportunity for further use of the property. It would be a commercial boundary where there was already a commercial business, and would transition to residential use.

Opponents: None.

Mr. Darnell said no additional testimony had been received.

Chair Hall closed the public hearing at 7:00 p.m.

Commissioner Chroust-Masin would have liked to hear from the applicant, but thought all of the criteria had been met.

Commissioner Tiedge said straightening out the County zoning was the correct thing to do. He had no objections.

Commissioner Thomas was in favor.

Commissioner Geary thought it was disrespectful and arrogant of the applicant not to show up to the meeting, however the application was cut and dry.

Commissioner Schanche was also in favor of the application as it was more of a housekeeping issue. Commissioner Butler concurred.

Commissioner Dirks agreed that the applicant should have been in attendance, but was in favor of the application.

Chair Hall thought it was a housekeeping issue as well.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve CPA 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 2-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

B. Zoning Text Amendment (G 1-17) (Exhibit 3)

Request:

Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall opened the public hearing at 7:05 p.m.

Mr. Darnell presented the staff report. This was a request to amend the landscape and tree chapters of the Zoning Ordinance. The landscape chapter regulated landscape plans and required landscaping to be installed on most new development in the City. The tree chapter regulated street trees, trees on public property, and review processes for removal and replacement of street trees. The Landscape Review Committee had reviewed the existing language of these chapters and considered updates to reflect current practices and industry standards. They recommended those changes be approved.

The amendments to the landscape chapter included changes to the purpose and intent statement, review and inspection processes for landscape plans and landscape installation, and Committee bylaws. The proposed amendments to the trees chapter included changes to the applicability and definitions for street trees, review process for street tree removal, updates to the street tree planting standards, replacement requirements, and long term maintenance of street trees.

Associate Planner Darnell then explained these amendments in detail. One additional change had been made, to allow for a certified arborist report to be provided for tree removal requests. Staff also recommended allowing for additional time to complete a tree replacement if someone was required to do so. The previously proposed amendment was that tree removal and replacement should be completed within six months. The proposed statement to add was, "to allow the Landscape Review Committee to allow additional time to complete a tree replacement to promote planting in a favorable season and to promote tree survivability."

Associate Planner Darnell stated that feedback had been received from the Native Plant Society of Oregon. They were in support of using native plants in landscape plans and recommended the following statement to be included in the purpose and intent statement of the landscape chapter, "to encourage the use of plants native to the Willamette Valley to the maximum extent feasible in order to reduce watering requirements and agricultural chemical applications and to provide a sense of regional identity with plant communities unique to the area."

Associate Planner Darnell explained that this would be a recommendation of the Planning Commission to the City Council who would hear this matter on April 25.

Commissioner Schanche referred to the landscape chapter, Section 17.57.010, and asked about the use of the word "good" in the statement "good landscaping increased property values." The word "good" was subjective and she would like to replace it with a different word. In regard to Section 17.57.050(C), she clarified "like for like" meant same species and size. She was not sure if they should say species and size instead of "like for like."

Chair Hall said it did not always mean same species and size because if a large tree was removed, it could be replaced with the same species, but not the same size. Mr. Darnell explained if it was similar to what was approved in the original plan, that was what the City would be looking for. Ms. Richards said this was under the landscape plan review and these plants had not been planted yet. If the Landscape Review Committee approved the plan and an applicant made a minor change, it had to be a like for like species.

Commissioner Geary asked if staff saw any issues with enforcement of these amendments. Mr. Darnell said it was the City's practice to enforce when they became aware of issues. The ability to enforce if needed was in the Code.

Commissioner Geary was concerned about tree removal downtown. He asked what the notification process was for tree removal. Mr. Darnell said notification was not required for tree removal. Staff thought the review criteria were measurable and allowed for trees to be removed only if a specific issue was occurring. Trees were the responsibility of the adjacent property owner and staff recommended not having a notification process for tree removal. Downtown was treated differently by the Code as tree removals were required to be approved by the Planning Director. The maintenance and removal of street trees downtown was the responsibility of the City. Mr. Koch said the City taking on the responsibility was a way of ensuring the trees would be preserved for the public good. It was a City law adopted by ordinance. Sidewalks and streets were in the public right-of-way. The City could regulate the use of sidewalks and streets. The City could require that adjacent property owners maintained sidewalks.

Commissioner Geary suggested protecting the downtown trees in a phased manner so that an entire street was not gutted of trees at the same time. He wanted the trees downtown to be protected. Ms. Richards stated there were protections for tree removals in the current Code. There was a rotation plan for how the trees would be removed. They could not all be cut down at once and the decision to remove them was with the Planning Director after being shown there was excessive damage to the public infrastructure or was a public safety issue. What wasn't in the Code was a check and balance. The decision was with the Planning Director and there was a limit to how many trees could be removed each year, but it did not have to go to another decision making body. She thought it should be taken to the Landscape Review Committee. Mr. Darnell thought the Downtown Association could be notified when tree removals were being considered in the downtown area as well.

Commissioner Tiedge asked if any of these changes created new financial burdens for private property owners. Mr. Darnell said the only change was there were more opportunities to request an arborist report.

Commissioner Thomas left the meeting at 7:37 PM.

Public Testimony:

Patty O'Leary, McMinnville resident, said in regard to the landscape chapter, the first section stated "harmonious manner that will enhance, protect, and promote the economic, ecological, and aesthetic environment of McMinnville," and under that there were items listed. The first item was "promote McMinnville as a community that cares about their appearance." She did not think they should lead with that phrase. It should be something like "promote compatibility between land uses" as the first phrase. She thought the language should include things that were more quantifiable and qualifiable. In Section 17.57.040(E) and (F), water run-off and drainage requirements were not included. In Section 17.57.080, she asked if they wanted to consider including lawn or ground cover as being replaced after construction in the public right-of-way. Regarding the reduced landscaping requirements map, the downtown street trees needed to be included in the gray area. For the tree chapter, Section 17.58.010 said, "to educate the public concerning community forest issues" and she doubted the Planning

Department should be involved in education. Major pruning was referred to in Section 17.58.040(A), but major pruning was not defined until Section 17.58.060(C). The downtown tree area was not defined and there needed to be more clarity that downtown trees were handled differently. Regarding section 17.58.075(B), "support" needed to be defined. In the appeal process, there needed to be more clarity as to how many days people had to file an appeal. She thought the two points under street maintenance could be reduced to one point.

Bob Tracey, Native Plant Society member, was present to answer any questions about the recommended statement submitted by the Society or why use of native plants was valuable. They had a demonstration garden and could give tours of it as well. They could also help provide a list of recommended species. He mentioned that the trees in the Roth's parking lot had been topped incorrectly and many of the trees could die. He thought it should be illegal in the City to allow the topping of trees.

Commissioner Schanche said tree topping was already unlawful in the Code.

Commissioner Geary wanted to put more verbiage about native plants into the chapters. Mr. Tracey said the Society could help them with the wording.

Stuart Gunness, McMinnville resident, wanted to see some language about tree topping included in the street tree maintenance into perpetuity section. He talked to the manager at Roth's and it was his maintenance crew that did the topping. That manager was told to do it by his manager in Salem, and the Salem manager said it was their policy. It was done for visual accessibility and clearance of their business. There needed to be more education on this issue and enforcement. There was also a topping issue at the Red Lion Motel.

Mr. Darnell said the process was supposed to be that standard pruning could be done, but if they wanted to do major pruning of more than 20 percent of the canopy, it would need to be approved by the Landscape Review Committee. These locations would be addressed.

Mark Davis, McMinnville resident, was in support of the proposed language for native plants. Using native plants fit in with the City's sustainability initiative. It was also good economically for the community as the plants were grown locally. He also liked the water-saving possibilities of these plants.

Mr. Darnell said the comments and suggestions from tonight would be incorporated into the proposed changes and the document would go back to the Landscape Review Committee for review and recommendation.

Commissioner Geary MOVED to continue the public hearing to 6:30 pm on May 18, 2017. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 7-0.

5. Old/New Business

City Council and Planning Commission Training March 18, 2017

Ms. Richards described the training that would be held on March 18th.

6. Commissioner Comments

None.

7. Staff Comments

None.

8. Adjournment

Commissioner Geary MOVED to adjourn the meeting; SECONDED by Commissioner Chroust-Masin. Motion CARRIED 7-0 and Chair Hall adjourned the meeting at 8:07 p.m.

Heather Richards

Secretary

ATTACHMENT 2



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

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MINUTES

May 18, 2017
Planning Commission
Regular Meeting

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

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler,

Martin Chroust-Masin, and Lori Schanche

Members Absent: Susan Dirks and Erica Thomas

Staff Present: Chuck Darnell – Associate Planner, Spenser Parsons, Beery, Elsner and

Hammond – Contract Attorney, and Heather Richards – Planning Director

1. Call to Order

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

2. Citizen Comments

None.

3. Approval of Minutes:

A. April 20, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 Work Session. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

B. April 20, 2017 Public Hearing

Chair Hall called for action on the Planning Commission minutes from the April 20, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 5-0.

4. Public Hearing (Quasi-Judicial)

A. Zone Change (ZC 3/4-17) (Public Hearing Closed April 20, 2017, Deliberation Only)

Request: Approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-

Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-

Family Residential) on approximately 2.6 acres of land.

Location: 2501 NE Evans Street and 2640 NE Baker Street and more specifically described

as Tax Lots 3200 and 3201, Section 16BC, T. 4 S., R. 4 W., W.M.

Applicant: Premier Development, LLC

Chair Hall read the quasi-judicial hearing procedure. The public testimony portion of the hearing was closed on April 20, 2017. Commission deliberation was continued to this meeting to allow staff time to modify the conditions of approval.

Planning Director Heather Richards delivered the staff report. This was a zone change request for two parcels. The Commission reviewed the criteria for the request at the last Commission meeting. There was public testimony in support and some were opposed. The opposition focused on the negative impact to neighboring properties of going to a high density residential zone in proximity to a low density residential zone. The Commission asked staff to evaluate some proposed conditions of approval which were being brought back to the Commission tonight. The project was located between NE Baker and NE Evans. The existing zoning was R-2 and County zoning LDR-9,000 and the request was to change the zoning to R-4, the highest density residential zone. Zone changes had to be consistent with the goals and policies in the Comprehensive Plan, had to be orderly and timely and considered a pattern of development in the area and be compatible with the neighborhood, and had to be effectively served with municipal utilities and services. When the proposed amendment concerned needed housing as defined in the Comprehensive Plan and State statutes, the criteria for neighborhood compatibility should not apply to the rezoning. There was a housing needs analysis from 2001 that showed the City needed 164 additional acres of R-4 and about 50 acres had been rezoned to R-4. There was a need for more R-4 and that extension did apply. The property was located on a collector, it was not an area of poor drainage, had adequate service from existing facilities, access to public transit, and was not geographically constrained. The one criterion it might not meet was it could be buffered from low density residential development. One of the things staff looked at as a potential condition of approval was how to mitigate the transition from high density to low density residential. Within a quarter mile and a half mile of the site, there was existing high density residential and parks. Access would be off of Evans Street, which was a minor collector. The maximum average number of daily trips would be 10,000 trips. The applicant did a traffic impact study and the study did not indicate any operational deficiencies on Evans or the surrounding street network. The public input received included a neighborhood petition with the following concerns: traffic on Evans and Baker Streets, elimination of the County zone which decreased diversity in the area, future multi-family development did not comply with the required buffering, impact to school capacity and classroom size, and an R-4 zone would create a different type of neighborhood with increased traffic. The conditions of approval would be relevant for any development that would happen on this property as it went into an upzoning positing. A public sidewalk on Evans would happen through the process and it was not included as a condition. Condition 1 included land and design for a future bicycle and pedestrian connection to Baker. Baker was currently a County street and was not developed to City standards. If it was developed to City standards in the future, the land would be set aside to be able to make that connection. Commissioner Schanche wanted surety that this would happen, however the Code did not require that type of surety for improvements that were internal to the property and staff was not able to come back with that recommendation as part of the condition. There was concern about vehicular access on Baker, but the City never intended that when the site developed that there would be access on Baker. Not allowing access on Baker was recommended Condition 2. There were two recommendations to mitigate the high density development that was adjacent to low density. Condition 3 said for anything built over 35 feet in height, the side yard setback would be increased by one foot for each foot of building height over 35 feet. Condition 4 stated if the property was built as a multi-family development complex, buffering would be provided between the development and low density neighborhood in the form of berms or landscaping. Staff recommended approval of the application with conditions.

3

Commissioner Schanche was disappointed a walkway could not be required. She wanted to make sure the design included access.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Chroust-Masin MOVED to approve ZC 3/4-17 subject to the staff recommended conditions of approval as amended. SECONDED by Commissioner Geary. The motion CARRIED 5-0.

B. Zoning Text Amendment (G 1-17) (Continued from March 16, 2017 Meeting)

Request:

Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall reopened the public hearing.

Associate Planner Chuck Darnell presented the staff report. He distributed additional testimony that had been received after the packet was sent out. Staff was recommending some amendments based on those comments. These were proposed changes to the landscaping and trees chapters of the City's zoning ordinance. The Landscape Review Committee started looking at the two chapters a few months ago and made some proposed amendments based on current practices and programs. There was a public hearing on March 16 that was continued to tonight to allow staff to analyze the public testimony that had been submitted and to take that information to the Landscape Review Committee for their consideration. Staff looked at all the testimony that was provided and the information was reviewed by the Landscape Review Committee. The Committee recommended some changes based on that information. The broader topics that were proposed for change in the landscaping chapter were: the purpose and intent statement, review and inspection process, and committee bylaws and the changes for the trees chapter were: applicability and when trees were required to follow City standards, review process, street tree planting standards, replacement requirement, and long-term ongoing maintenance of street trees. Changes proposed since the last public hearing included reorganization of the landscaping chapter. It was confusing to have the plan review and submittal process in the chapter prior to knowing when landscaping was required. The suggestion was to move that information to the beginning of the chapter so it was clear when landscaping was required and in which zone and for what use. There was minor reorganization of the purpose and intent objectives. There was a broader purpose and intent that was drafted by the Landscape Review Committee. Some of the objectives under letter A had been slightly reorganized to make more sense and be more cohesive. A statement was also added encouraging the use of native plants. There was another suggestion to remove duplication of language in the plan submittal process. This was for a statement explaining that approval would not occur for a building permit until the landscaping was approved. The submittal process was also updated to require only two copies of landscaping plans be submitted. There was another suggestion that detail on trees was not needed when construction or construction access would not be through the drip line of the trees. There were additional features that could be included in the landscaping plans like raised planters. The appeal period would be amended from 5 days to 15 days. The changes to the trees chapter included minor changes and clarifications to the text. One was the Downtown Tree Zone was incorrectly spelled and not capitalized throughout the chapter. Also added was the ability of the Landscape Review Committee to allow additional time to replace a tree so trees could be planted in favorable times of year. It was suggested to consolidate all of the language on downtown trees into one section of the Code. All of the language had been moved to a section called Downtown Trees. Regarding tree removal, the requirements for submitting a tree removal application were amended to allow the request for an arborist report for any situation. Another reorganization was combining all the language related to street tree maintenance under the street tree maintenance section. He then discussed the additional comments received after the packet went out. One was confusion regarding the language relating to when final approval was given and when final inspections were completed. Staff proposed to add in that for any portions of the plan that were not installed, final inspection and/or approval would be postponed. Another proposed amendment was to have the graphic about the allowances for reduced landscaping areas come right after the end of the section regarding these allowances and to add area 1 and area 2 to the graphic because that was how they were described in the Code. It was also suggested to add more objectives to the trees purpose statement. If the Commission approved of these text amendments, they would be taken to the City Council for final approval on June 27.

Patty O'Leary, McMinnville resident, said there was one statement in Section 17.57.050c about the requirement for stamping final plans. This requirement was nowhere else in the zoning ordinance, and she suggested deleting it.

Associate Planner Darnell said the language described when a landscape plan would be approved and described the City's process for approving the plan. The statement to be removed was "approval of landscaping plans shall be indicated on the plot plans." The chair of the Landscape Review Committee signed the plans, and one was kept by the City and one was provided back to the applicant. Staff did not think it should be changed at this point.

Ms. O'Leary said that was the language she was talking about. It was not included anywhere else in the zoning ordinance.

Commissioner Schanche did not think the wording should be deleted.

Chair Hall closed the public hearing.

Commissioner Chroust-Masin thought staff did a good job on this and was in support. Commissioner Geary thought it was a much better plan than what was brought to the Commission previously. He was in favor of following Ms. O'Leary's suggestion.

Commissioner Schanche thanked staff and thanked Ms. O'Leary for her help.

Chair Hall gave staff kudos for their work on this. It was needed work so things functioned smoothly and problems were eliminated before they could arise.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the City of McMinnville, Commissioner Chroust-Masin MOVED to recommend to the City Council approval of G 1-17 and the zoning text amendments as recommended by staff. SECONDED by Commissioner Butler. The motion CARRIED 5-0.

C. Zoning Text Amendment (G 2-17)

Request: The City of McMinnville is proposing to amend Chapter 17.53 (Land Division

Standards) of the McMinnville Zoning Ordinance to update provisions to allow local

street grades up to and including fifteen (15) percent.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards gave the staff report. These were proposed modifications to the residential street grade standards. The Commission would be making a recommendation to the City Council. In recent years there had been more residential development occurring in the west hills. In the process of examining where the City could grow, it was decided that McMinnville's growth would happen on the western side of the City in the hills area because the area was not good for crop growing. As they were continuing to expand in to the hills, there were constraints in terms of development because they were no longer building on flat lands. Because of the steeper slopes, steeper streets were being created. Currently the zoning ordinance limited street grades to 6% on arterials, 10% on collectors, and 12% on any other streets. It also stated where existing conditions, particularly topography, made it otherwise impractical to provide buildable lots, the Planning Commission could accept steeper grades and sharper curves. Staff thought it would be good to put some parameters on these exceptions. They had talked to other communities to see what they were doing in terms of steep street grades. It was not unusual for cities to have a 15% or more grade. They also discussed this with partners such as the Fire Department and Engineering Department. Some of the considerations from the Fire Department were fire engines could safely navigate 15% grades in most weather situations, the engines could provide service to grades up to 12% without risking damage to their pumping systems but above the 12% it put undue stress on the pumping systems, fire hoses could be pulled a distance of just over 100 feet, and consequently any street section between 12% and 15% grade could be no longer than 200 feet in length, a street section less than 12% grade must be provided between steeper sections to enable safety equipment operations, and a refuge area less than 12% grade was needed and it needed to be at least 75 feet in length. Staff also talked to the Building Department about what needed to be considered for homes built above 12% grade. They recommended requiring fire sprinkling in homes above 12% grade. The Engineering Department recommended accessibility guidelines for how people navigated intersections, and it was recommended they were not to exceed 5%. Public testimony had been received which expressed concerns about how steep streets increased vehicular speeding and attracted skateboarding which were liabilities to the community. She thought there were ways to design the streets to slow down traffic. Staff recommended language be added to this chapter of the



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: June 27, 2017

TO: Mayor and City Councilors

FROM: Heather Richards, Planning Director

SUBJECT: Ordinance No. 5028 – Amending the McMinnville City Code to add Section 2.33,

Landscape Review Committee.

Council Goal:

Promote Sustainable Growth and Development.

Report in Brief:

This action is the consideration of Ordinance No. 5028, an ordinance adding Chapter 2.33 (Landscape Review Committee), to the McMinnville City Code to update the enabling language for the Landscape Review Committee and to co-locate all city commissions and committees enabling language in Chapter 2 of the McMinnville City Code.

Background:

Since 1978, the City of McMinnville has utilized a volunteer, City Council appointed, Landscape Review Committee to review and to recommend approval or denial of all development landscape plans to the Planning Director.

Currently the enabling language for the Landscape Review Committee resides in Section 17.57.080 of the McMinnville Zoning Ordinance. Enabling language for both the Airport Commission and the Planning Commission are in Chapter 2 of the McMinnville City Code. This ordinance will update the enabling language per the recommendations of the Landscape Review Committee and Planning Commission, and co-locate the enabling language with the Airport Commission and the Planning Commission.

<u>17.57.080</u> Plan review committee. All required landscape plans shall be submitted to and reviewed by the Landscape Review Committee.

A. The review committee shall be appointed by the Common Council while meeting in regular session and shall consist of three members and two alternate members. At such time as the ordinance codified in this chapter is enacted, the Common Council shall, at a regularly

Attachments:

Ordinance No. 5027 including:

Exhibit A – G 1-17 Decision Document

Exhibit B – Amendments to Chapter 17.57

Exhibit C – Amendments to Chapter 17.58

Exhibit D – Amendments to Chapter 17.06

Attachment 1: Approved Planning Commission Meeting Minutes, March 16, 2017 Attachment 2: Draft Planning Commission Meeting Minutes, May 18, 2017 scheduled meeting, appoint a review committee with initial terms of one, two and three years, respectively for the regular members and three-year terms for each alternate member. The terms shall be computed from the first Tuesday in January 1978. The Council shall designate the alternate members as first and second alternates. Thereafter, the review committee members as appointed shall serve a three-year term, commencing with January of each year. Common Council members, Planning Commissioners, Airport Commissioners, and Water and Light Commissioners shall not serve as review committee members:

B. In the event that a regular committee member cannot attend a meeting or cannot participate because of a conflict of interest, the first alternate member shall vote in place of the absentee. In the event two committee members cannot attend a meeting or cannot participate because of a conflict of interest, the first and second alternate members shall vote in place of the absentees. The alternate committee members shall not participate as a voting member of the review committee unless acting in the absence or disqualification of a regular member. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Discussion:

All of the basic covenants to the current enabling language for the Landscape Review Committee is being recommended for inclusion in Chapter 2 of the McMinnville City Code per Exhibit A of Ordinance No. 5028, and the language outlined below.

However, the committee is being revised from a three member committee with two alternates to a five member committee. Currently there are no city committees or commissions with appointed alternates.

Additionally, the enabling language is adding the following elements:

- Residency required to reside within the Urban Growth Boundary and a majority of members in the city limits. The Common Council can appoint a member to the committee who does not reside in the Urban Growth Boundary if it is determined that the member brings significant value to the purpose of the committee.
- Terms establishes terms of three years.
- Youth Ex-Officio allows for the appointment of a youth ex-officio under the age of 21 years old.
 This provides the opportunity for a young person to participate on the committee and not only
 gain knowledge about landscaping and trees but also the structure of city government. And it
 allows for the committee to benefit from the perspective of a different representative age group
 in their discussions.
- Establishes the need for an annual report to the City Council. In this way the committee can share with the City Council their past year's accomplishments and work plan for the following year. And it allows the City Council to engage with the volunteer committee and provide direction if necessary.

Recommended language for Chapter 2.33 of the McMinnville City Code:

LANDSCAPE REVIEW COMMITTEE

<u>2.33.010</u> Purpose. To ensure that the appearance of the City of McMinnville is enhanced by encouraging quality landscaping which will benefit and protect the health, safety and welfare of the general public.

2.33.020 Responsibilities and Power.

- A. <u>Plan Review Committee.</u> All landscape plans required by Chapter 17 of this code shall be submitted to and reviewed by the Landscape Review Committee per the provisions of Chapter 17 of this code.
- B. <u>Advisory Counsel.</u> The Landscape Review Committee shall serve in an advisory role to the Planning Director and designees, the Planning Commission and the Common Council for land-use application reviews, comprehensive plan policies and zoning ordinance amendments relative to the committee's purpose statement.

2.33.030 Membership

- A. <u>Number of Members.</u> The Landscape Review Committee shall be composed of five members.
- B. Residency. Members shall reside in the McMinnville Urban Growth Boundary. A majority of members shall reside within the city limits. The Common Council can appoint a member to the committee who does not reside in the Urban Growth Boundary if it is determined that the member brings significant value to the purpose of the committee.
- C. <u>Representation.</u> Individual seats are not geographically designated. Common Council members, Planning Commissioners, and Water and Light Commissioners shall not serve as Landscape Review Committee members.
- D. <u>Appointments.</u> The Common Council will appoint the committee members.
- E. Terms. All terms are for three years commencing with January of each year.
- F. Removal. A committee member may be removed by the Common Council for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The committee may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed.
- G. <u>Ex-Officio Members.</u> One ex-officio youth (21 years of age and under) may be appointed by the Common Council, to serve a three year term. The ex-officio youth shall not be a voting member.

2.33.040 Officers

- A. <u>Chairperson / Vice-Chairperson</u>. At its first meeting of each year, the Landscape Review Committee shall elect from its membership a chairperson and vice-chairperson. The chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the committee. A majority of the committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
- B. <u>Annual Report to City Council.</u> The Chairperson of the committee shall make an annual report to the City Council outlining accomplishments for the past year and work plan for the following year or more often as the Chairperson deems appropriate, or at the request of the Council.

2.33.050 Meeting/Quorum

- A. <u>Meeting Schedule</u>. The Committee shall meet as required to accomplish their responsibilities.
- B. <u>Meeting Conduct.</u> The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
- C. Open to the Public. All meetings shall be open to the public.
- D. <u>Quorum.</u> A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the committee at the time and should not include vacancies.
- <u>2.33.060</u> Expenses / Reimbursements. Committee members shall receive no compensation. Any expense incurred by a committee member that will need to be reimbursed by the City of McMinnville must be pre-authorized by the City Manager or designee.

2.33.070 Special Provisions.

- A. The Landscape Review Committee shall operate within the laws and guidelines of the federal government, the state government, Yamhill County and the City of McMinnville.
- B. The Common Council may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.
- <u>2.33.080</u> Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

Fiscal Impact:

There is no anticipated fiscal impact to the City of McMinnville with this decision.

Council Options:

- 1. ADOPT Ordinance No. 5028
- 2. **REQUEST** more information.
- 3. **DO NOT ADOPT** Ordinance No. 5028.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5028 which would approve the McMinnville City Code text amendments as recommended by the Landscape Review Committee and Planning Commission.

"I MOVE TO ADOPT ORDINANCE NO. 5028."

ORDINANCE NO. 5028

AN ORDINANCE AMENDING THE MCMINNVILLE CITY CODE, CHAPTER 2.33, SPECIFIC TO THE LANDSCAPE REVIEW COMMITTEE.

RECITALS:

In order to implement its McMinnville Zoning Ordinance, Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees), the McMinnville City Council appoints a volunteer Landscape Review Committee that reviews and makes recommendations to the Planning Director and designees on whether or not a development landscape plan is compliant with the McMinnville Zoning Ordinance; and

Historically the enabling language for this committee – purpose, authority, membership, quorum, etc. – has resided in Chapter 17 of the McMinnville City Code as part of the McMinnville Zoning Ordinance; and

Many other volunteer, City Council appointed committees' enabling language resides in Chapter 2 of the McMinnville City Code, such as the Airport Commission and the City Planning Commission; and

In order to standardize and simplify the McMinnville City Code, all the enabling language for the city commissions and committees should reside in the same general location of the McMinnville City Code.

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

- 1. That Chapter 2.33 (Landscape Review Committee) is added to the McMinnville City Code as provided in Exhibit A to this Ordinance.
- 2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 27th day of June 2017, by the following votes:

Ayes:		
Nays:		
	MAYOR	
•		
Attest:	Approved as to form:	
CITY RECORDER	CITY ATTORNEY	_



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

503-434-7311 www.mcminnvilleoregon.gov

PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

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

Chapter 2.33

LANDSCAPE REVIEW COMMITTEE

<u>2.33.010</u> Purpose. To ensure that the appearance of the City of McMinnville is enhanced by encouraging quality landscaping which will benefit and protect the health, safety and welfare of the general public.

2.33.020 Responsibilities and Power.

- A. Plan Review Committee. All landscape plans required by Chapter 17 of this code shall be submitted to and reviewed by the Landscape Review Committee per the provisions of Chapter 17 of this code.
- B. Advisory Counsel. The Landscape Review Committee shall serve in an advisory role to the Planning Director and designees, the Planning Commission and the Common Council for land-use application reviews, comprehensive plan policies and zoning ordinance amendments relative to the committee's purpose statement.

2.33.030 Membership

- A. Number of Members. The Landscape Review Committee shall be composed of five members.
- B. Residency. Members shall reside in the McMinnville Urban Growth
 Boundary. A majority of members shall reside within the city limits.
 The Common Council can appoint a member to the committee who does not reside in the Urban Growth Boundary if it is determined that the member brings significant value to the purpose of the committee.

- C. Representation. Individual seats are not geographically designated.

 Common Council members, Planning Commissioners, and Water and

 Light Commissioners shall not serve as Landscape Review Committee

 members.
- D. Appointments. The Common Council will appoint the committee members.
- E. Terms. All terms are for three years commencing with January of each year.
- F. Removal. A committee member may be removed by the Common Council for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The committee may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed.
- G. Ex-Officio Members. One ex-officio youth (21 years of age and under)
 may be appointed by the Common Council, to serve a three year term.
 The ex-officio youth shall not be a voting member.

2.33.040 Officers

- A. Chairperson / Vice-Chairperson. At its first meeting of each year, the Landscape Review Committee shall elect from its membership a chairperson and vice-chairperson. The chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the committee. A majority of the committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
- B. Annual Report to City Council. The Chairperson of the committee shall make an annual report to the City Council outlining accomplishments for the past year and work plan for the following year or more often as the Chairperson deems appropriate, or at the request of the Council.

2.33.050 Meeting/Quorum

- A. Meeting Schedule. The Committee shall meet as required to accomplish their responsibilities.
- B. Meeting Conduct. The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
- C. Open to the Public. All meetings shall be open to the public.
- D. Quorum. A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially

appointed to the committee at the time and should not include vacancies.

2.33.060 Expenses / Reimbursements. Committee members shall receive no compensation. Any expense incurred by a committee member that will need to be reimbursed by the City of McMinnville must be pre-authorized by the City Manager or designee.

2.33.070 Special Provisions.

- A. The Landscape Review Committee shall operate within the laws and guidelines of the federal government, the state government, Yamhill County and the City of McMinnville.
- B. The Common Council may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.
- 2.33.080 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.



City of McMinnville
Office of the City Attorney
230 NE Second Street
McMinnville, OR 97128
(503) 434-7303

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: June 21, 2017

TO: Jeff Towery, City Manager

FROM: David Koch, City Attorney

SUBJECT: Northwest Natural Gas Franchise Agreement

Council Goals:

Plan For and Manage Financial Resources; Promote Sustainable Growth and Development.

Report in Brief:

On October 4, 1983, the City Council adopted Ordinance 4267, granting Northwest Natural Gas Company (Company) a 20-year Non-Exclusive Gas Utility Franchise Agreement. The Franchise Agreement expired by its own terms in late 2003, and the parties now desire to update the terms of the Franchise Agreement and grant a new 20-year terms, subject to the revised terms and conditions, including an increase in the franchise fee charged to the Franchisee.

Background:

On October 4, 1983, the City Council adopted Ordinance 4267, granting Northwest Natural Gas Company (Company) a 20-year Non-Exclusive Gas Utility Franchise Agreement. The Agreement allowed the Company to construct, maintain and operate facilities for the purpose of transmitting, distributing and selling gas within the City of McMinnville, subject to the terms and conditions of the Agreement. As compensation for the franchise, the Company agreed to pay the City an amount equal to 3% of the gross revenue collected by the Company City customers.

Discussion:

The Franchise Agreement expired by its own terms in late 2003, but has continued to serve as the basis for the company to operate its facilities within the City. The parties now desire to update the terms of the Franchise Agreement and grant a new 20-year term, subject to the revised terms and conditions. The terms of the Agreement have been reviewed and recommended for approval by the City Attorney and Community Development Director.

As part of the review process, the City conducted a survey of the franchise fees assessed by surrounding communities in Yamhill, Polk and Washington counties for similar Franchise Agreements. This survey (attached for reference) revealed that the 3% fee that was established in 1983 is not currently in line with our surrounding communities and reflects one of the lowest rates in the region.

Staff recommends that the Franchise Fee be increased to the median rate of 5%, which is in line with 75% of the surrounding communities in the survey. The Company has indicated that they would consent to the proposed rate increase, and the terms of the agreement allow for the fee to be periodically reviewed every 5 years.

Based on the Company December 2016 Customer Count, the average residential customer will pay an additional \$11.22 per year, or less than \$1 per month. Commercial and Industrial customers would see a larger average increase, based on their usage. The Company estimates that the fee increase would generate approximately \$80,000 in additional revenue for the City, as shown in the attached fiscal impact table.

Attachments:

- 1. Ordinance No. 5029
- 2. Survey of Franchise Fees from Surrounding Communities
- 3. Estimated Fiscal Impact of change to Franchise Fee

Recommendation:

Adopt the proposed Ordinance No. 5029

ORDINANCE NO. 5029

An Ordinance repealing Ordinance 4267 and granting a non-exclusive gas utility franchise to Northwest Natural Gas Company.

RECITALS:

On October 4, 1983, the City Council adopted Ordinance 4267, granting Northwest Natural Gas Company (Company) a 20-year Non-Exclusive Gas Utility Franchise Agreement.

The Franchise Agreement expired by its own terms in late 2003, and the parties now desire to update the terms of the Franchise Agreement and grant a new 20-year terms, subject to the revised terms and conditions, including an increase in the franchise fee charged to the Franchisee.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

- 1. Ordinance 4267 is hereby repealed.
- 2. A non-exclusive gas utility franchise is granted to Northwest Natural Gas Company, subject to the terms and conditions set forth in Exhibit 1.
- 3. The Grantee shall, within thirty (30) days from the passage of this ordinance, file with the City its written unconditional acceptance of this franchise in the form set forth in Exhibit 2, and if the Grantee fails to do so, this ordinance shall be void.
- 4. This Ordinance shall become effective September 1, 2017.

Passed by the Council June 27, 2017, by the following votes:

Ayes:		
Nays:		
Approved: June 27, 2017.		
	MAYOR	
Approved as to form:	Attest:	
CITY ATTORNEY	CITY RECORDER	

EXHIBIT 1

FRANCHISE AGREEMENT NON-EXCLUSIVE GAS UTILITY FRANCHISE NORTHWEST NATURAL GAS COMPANY

Section 1: Definitions and Explanations.

- (1) As used in this ordinance.
 - (a) "Bridge" includes a structure erected within the City to facilitate the crossing of a river, stream, ditch, ravine or other place, but does not include a culvert.
 - (b) "City" means the City of McMinnville and the area within its boundaries, including its boundaries as extended in the future.
 - (c) "Council" means the legislative body of the City.
 - (d) "Gas Mains" includes all gas transmission and distribution facilities located on or under any Street, Bridge or Public Place within the City.
 - (e) "Grantee" means the corporation referred to in Section 2 of this ordinance.
 - (f) "Gross Revenue" means revenue collected by the Grantee from its customers for gas consumed through the gas utility system within the City limits less related net uncollectibles. Gross Revenues shall include revenues from the use, rental or lease of the gas utility system, except when those revenues have been paid to Grantee by another franchisee of the City and the paid revenues are used in the calculation of the franchise fee for the operation of the other franchisee within the City limits. Gross Revenues shall not include proceeds from the sale of bonds, mortgage, or other evidence of indebtedness, securities, or stocks, or derived from the sale of gas supplied for industrial purposed under an interruptible tariff schedule, and sales at wholesale by Grantee to any public utility or public agency when the public utility or public agency purchasing the gas is not the ultimate customer. Gross Revenues also shall not include public purpose charges, provided that such charges or surcharges are required or authorized by federal or state statute, administrative rule, or by tariff approved by the Oregon Public Utility Commission and the revenue raised from such charges is used solely for the public purpose and not to compensate Grantee for the sale or use of natural gas or for the use, rental, or lease of Grantee's gas utility system within the City. Public purpose activities include, but are not limited to, energy efficiency programs, market transformation programs, low-income energy efficiency programs, and carbon offset programs designed to benefit residential and commercial customers within Grantee's service territory in Oregon.
 - (g) "Person" includes an individual, corporation, association, firm, partnership and joint stock company.

- (h) "Public Place" includes any city-owned park, place or grounds within the City that is open to the public but does not include a Street or Bridge.
- (i) "Street" includes a Street, alley, avenue, road, boulevard, thoroughfare or public highway within the City, but does not include a Bridge.
- (2) As used in this ordinance, the singular number may include the plural and the plural number may include the singular.
- (3) Unless otherwise specified in this ordinance, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

Section 2: Rights Granted.

Subject to the conditions and reservations contained in this ordinance, the City hereby grants to NORTHWEST NATURAL GAS COMPANY, a corporation, the right, privilege and franchise to:

- (1) Construct, maintain and operate a gas utility system within the City.
- (2) Install, maintain and operate on and under the Streets and Bridges and Public Places of the City, facilities for the transmission and distribution of gas to the City and its inhabitants and to other customers and territory beyond the limits of the City; and
- (3) Transmit, distribute and sell gas.

Section 3: Use of Bridges and Public Places by Grantee.

- (1) Before the Grantee may use or occupy any Bridge or Public Place, the Grantee shall first obtain permission from the City to do so and shall comply with any special conditions the City desires to impose on such use or occupation.
- (2) The compensation paid by the Grantee for this franchise includes all compensation for the use of Streets, Bridges and Public Places located within the City as authorized.

Section 4: Duration.

This franchise is granted for a period of twenty (20) years from and after the effective date of this ordinance.

Section 5: Franchise Not Exclusive.

This franchise is not exclusive, and shall not be construed as a limitation on the City in:

- (1) Granting rights, privileges and authority to other persons similar to or different from those granted by this ordinance.
- (2) Constructing, installing, maintaining or operating any City-owned public utility.

Section 6: Public Works and Improvements Not Affected by Franchise.

The City reserves the right to:

- (1) Construct, install, maintain and operate any public improvement, work or facility.
- (2) Do any work that the City may find desirable on, over or under any Street, Bridge or Public Place.
- (3) Vacate, alter or close any Street, Bridge or Public Place.
- (4) Whenever the City shall excavate or perform any work in any of the present and future Streets, alleys and Public Places of the City, or shall contract, or issue permits, for such excavation or work where such excavation or work may disturb Grantee's Gas Mains, pipes and appurtenances, the City shall, in writing, notify Grantee sufficiently in advance of such contemplated excavation or work to enable Grantee to take such measures as may be deemed necessary to protect such Gas Mains, pipes and appurtenances from damage and possible inconvenience or injury to the public. In any such case, the Grantee, upon request, shall furnish maps or drawings to the City or contractor, as the case may be, showing the approximate location of all its structures in the area involved in such proposed excavation or other work.
- (5) Whenever the City shall vacate any Street or Public Place for the convenience or benefit of any Person or governmental agency and instrumentality other than the City, Grantee's rights shall be preserved as to any of its facilities then existing in such Streets or Public Place.

Section 7: Continuous Service.

The Grantee shall maintain and operate an adequate system for the distribution of gas in the City. The Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour a day service which shall at all times conform at least to the standards common in the business and to the applicable standards adopted by state or federal authorities and to standards of the City which are not in conflict with those adopted by the state or federal authorities. Under no circumstances shall the Grantee be liable for an interruption or failure of service caused by act of God, unavoidable accident or other circumstances beyond the control of the Grantee through no fault of its own.

Section 8: Safety Standards and Work Specifications.

- (1) The facilities of the Grantee shall at all times be maintained in a safe, substantial and workmanlike manner.
- (2) For the purpose of carrying out the provisions of this section, the City may provide such specifications relating thereto as may be necessary or convenient for public safety or the orderly development of the City, subject to any superseding provisions of state or federal law or regulations. The City may

amend and add to such specifications from time to time and provide the Grantee with notice and opportunity to comment upon such changes that may affect the location, construction, maintenance and operation of the Grantee's gas utility system; provided that, if such changes to the specifications are adopted by Ordinance of the City Council in an open public meeting, then no specific notice to Grantee shall be required. In recognition of the potential impacts that such changes may have upon Grantee's operations, the City will use best efforts to consult with Grantee's representatives about such changes in advance of such public meetings.

Section 9: Control of Construction.

The Grantee shall file with the City maps showing the location of any construction, extension or relocation of its Gas Mains in the Streets of the City and shall obtain from the City approval of the location and plans prior to commencement of the work. The City may require the Grantee to obtain a permit before commencing the construction, extension or relocation of any of its Gas Mains.

Section 10: Street Excavation and Restorations.

- (1) Subject to provisions of this ordinance, the Grantee may make necessary excavations for the purpose of constructing, installing, maintaining and operating its facilities. Except in emergencies and in the performance of routine service connections and ordinary maintenance on private property, prior to making an excavation in the traveled portion of any Street, Bridge or Public Place and, when required by the City, in any untraveled portion of any Street, Bridge or any Public Place, the Grantee shall obtain from the City approval of the proposed excavation and of its location. Grantee shall give notice to the City by telephone, teletype, electronic data transmittal or other appropriate means prior to the commencement of service or maintenance work and as soon as is practicable after the commencement of work performed under emergency conditions.
- (2) Except as provided in subsection (3) of this section, when any excavation is made by the Grantee, the Grantee shall promptly restore the affected portion of the Street, Bridge or Public Place to the same condition in which it was prior to the excavation. The restoration shall be in compliance with specifications, requirements and regulations of the City in effect at the time of such restoration. If the Grantee fails to restore promptly the affected portion of a Street, Bridge or Public Place to the same condition in which it was prior to the excavation within a reasonable period of time or as otherwise mutually agreed, the City may make the restoration after providing written notice to the Grantee of its intent to do so, and the cost thereof shall be paid by the Grantee. Except when the City determines that prompt action should be taken to address an immediate public

- safety concern, the City will endeavor to provide the Grantee with not less than fourteen (14) days written notice of its intent to make the restoration.
- (3) At its option and upon advance written notice to the Grantee to facilitate the coordination of work and minimize potential costs, the City may restore or resurface the affected portion of any Street, Bridge or Public Place excavated by the Grantee to the same condition in which it was prior to the excavation, and the reasonable cost thereof shall be paid by the Grantee.

Section 11: Location and Relocation of Facilities.

- (1) All facilities of the Grantee shall be placed so that they do not interfere unreasonably with the use by the City and the public of the Streets, Bridges and Public Places and in accordance with any specification adopted by the City governing the location of facilities.
- The City may require, in the public interest, the removal or relocation of facilities maintained by the Grantee in the Streets of the City, and the Grantee shall remove and relocate such facilities within a reasonable time after receiving notice to do so from the City. The cost of such removal or relocation of its facilities shall be paid by the Grantee, but when such removal or relocation is required for the convenience, accommodation or benefit of any Person, governmental agency or instrumentality other that the City or is required by the City as a condition for a permit for development by a private party, Grantee shall be entitled to reimbursement for the reasonable cost thereof from such Person, agency or instrumentality and Grantee may refuse to accomplish such removal or relocation unless or until such other party agrees to pay the reasonable cost thereof.

Section 12: Compensation.

- (1) As compensation for the franchise granted by this ordinance, the Grantee shall pay to the City an amount equal to five percent (5%) of the Gross Revenue.
- (2) The compensation required by this section shall be due for each calendar year, or fraction thereof, within sixty (60) days after the close of such calendar year, or fraction thereof. Within sixty (60) days after the termination of this franchise, compensation shall be paid for the period elapsing since the close of the last calendar year for which compensation has been paid.
- (3) The Grantee shall furnish to the City with each payment of compensation required by this section a written statement, showing the amount of Gross Revenue of the Grantee within the City for the period covered by the payment computed on the basis set out in subsection (1) of this section. The compensation for the period covered by the statement shall be computed on the basis of the Gross Revenue so reported. If the Grantee fails to pay the entire amount of compensation due the City through error or otherwise, the difference

- due to City shall be paid by the Grantee within thirty (30) days from discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise, shall be offset against the next payment due from the Grantee.
- (4) Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of this franchise occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.
- (5) Upon 30 days' prior written notice by either party to the other, the amount of such annual compensation shall be subject to renegotiation and redetermination at or before the expiration of the first, second and third successive five-year periods, respectively, of the term of the franchise hereby granted, for the ensuing five-year period of said franchise term. In the event the parties are unable to agree on any proposed change in compensation, the franchise will continue in effect as originally agreed upon.

Section 13: Books of Account and Reports.

The Grantee shall keep accurate books of account at an office in Oregon for the purpose of determining the amounts due to the City under Section 12 of this ordinance. Upon reasonable notice the City may inspect the books for account at any time during business hours and may audit the books from time to time, provided that only payments that occurred or should have occurred during a period of thirty-six (36) months prior to the date the City notifies the Grantee of its intent to perform an audit or financial review will be included. The Council may require periodic reports from the Grantee relating to its operations and revenues within the City. The Grantee will not provide the City with records containing customer information that identifies or can be attributed to a specific customer, without a written legal opinion by the City to the Grantee's reasonable satisfaction that such records will not be subject to public disclosure under state law, and provided that the City will inform Grantee of any public disclosure request seeking customer information and oppose such records' disclosure should a public disclosure request be made.

Section 14: Supplying Maps Upon Request

The Grantee shall maintain on file, at an office in Oregon, maps and operational data pertaining to its operations in the City. Upon reasonable notice, the City may inspect the maps and data any time during business hours at an office of the Grantee. Upon request of the City, the Grantee shall furnish to the City, without charge and on a current basis, maps showing the location of the Gas Mains of the Grantee in the City. This information may also be provided to the City in a data format to allow integration into the

City's Geographic Information System (GIS). Grantee may determine that the locations of certain gas facilities should be confidential as the public interest or safety or security considerations may require. In such a case, Grantee is under no obligation to provide records of the location of these facilities to the City and the City shall treat any public record disclosing the location of these facilities as confidential, subject to the provisions of state law and the Oregon Public Records Law. The City shall limit access to any such confidential record to trustworthy employees of the City with a need to know the information set out in the record. The City shall store any such confidential record in a secure and private place and avoid making and distributing copies of the record.

Section 15: Indemnification.

The Grantee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost and expense, arising from damage to property and/or injury to, or death of, persons due to any wrongful or negligent act or omission of the Grantee, its agents or employees in exercising the rights, privileges and franchise hereby granted. The City shall provide the Grantee with prompt notice of any such claim and shall consult and cooperate with Grantee in the course of the Grantee's defense of the City. Notice to Grantee required by this section shall be sent by U.S. mail via registered or certified postage prepaid or by express mail or overnight courier as follows: Northwest Natural Gas Company, Legal Department – Franchises, 220 NW Second Ave., Portland, Oregon 97209. Such addresses may be changed by the either party upon written notice to the other party given as provided in this Section. The duty to indemnify and defend shall not extend to any negligence or willful misconduct by the City, its officers, elected officials, agents and employees. The obligations imposed by this section are intended to survive the termination of this franchise.

Section 16: Assignment of Franchise.

This franchise shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the Grantee.

Section 17: Termination of Franchise for Cause.

Upon the willful failure of the Grantee, after sixty (60) days' notice and demand in writing, to perform promptly and completely each and every term, condition or obligation imposed upon it under or pursuant to this ordinance, the City may terminate this franchise, subject to Grantee's right to a court review of the reasonableness of such action. Notice to Grantee required by this section shall be sent by U.S. mail via registered or certified postage prepaid or by express mail or overnight courier as follows: Northwest Natural Gas Company, Legal Department – Franchises, 220 NW Second Ave., Portland, Oregon 97209. Such addresses may be changed by the either party upon written notice to the other party given as provided in this Section.

<u>Section 18:</u> Remedies Not Exclusive; When Requirement Waived.

All remedies and penalties under this ordinance, including termination of the franchise, are cumulative, and the recovery or enforcement of one is not a bar to the recovery or enforcement of any other such remedy or penalty. The remedies and penalties contained in this ordinance, including termination of the franchise, are not exclusive and the City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance. A specific waiver of a particular breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance shall not be a waiver of any other or subsequent or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself.

Section 19: Expiration.

At the end of the franchise term, if the City and Grantee are negotiating another franchise and have not concluded their negotiations, Grantee's rights and responsibilities shall be controlled by this franchise until the City grants a new franchise and the Grantee accepts it.

EXHIBIT 2

ACCEPTANCE

City of McMinnville City Recorder 230 NE 2nd Street McMinnville, Oregon 97128

This is to advise the City of McMinnville, Oregon (the "City") that Northwest Natural Gas Company (the "Grantee") hereby accepts the terms and provisions of Ordinance No passed by the McMinnville City Council on, 2017 (the "Franchise") granting a Franchise for twenty (20) years to Grantee. The Grantee agrees to abide by each and every term of the Franchise, and shall become effective September 1, 2017.
(Name) BY
TITLE Senior Vice President & General Counsel
DATE
This Acceptance was received by the City of McMinnville on, 2017.
City Recorder

NW Natural Franchise Fee Rates

	CITY	Fran. Fee %	County
1	Dallas	5.94%	Polk
2	Independence	5.94%	Polk
3	Monmouth	5.00%	Polk
4	Willamina	5.00%	Polk
5	Banks	5.00%	Washington
6	Beaverton	5.00%	Washington
7	Cornelius	5.00%	Washington
8	Durham	5.94%	Washington
9	Forest Grove	5.00%	Washington
10	Hillsboro	3.00%	Washington
11	King City	5.00%	Washington
12	North Plains	5.00%	Washington
13	Sherwood	5.00%	Washington
14	Tigard	5.00%	Washington
15	Tualatin	5.00%	Washington
16	Amity	5.00%	Yamhill
17	Dundee	5.00%	Yamhill
	Lafayette	3.00%	Yamhill
19	McMinnville	3.00%	Yamhill
20	Newberg	5.00%	Yamhill
21	Sheridan	5.00%	Yamhill

City of McMinnville - ESTIMATED Increase in Franchise Fees / Per Year

	Dec 2016	Change Franchise Fee from 3% to 5%					
Revenue Class by Customer Type	Customer Count		Per Cust Avg Monthly Additional Cost due to Franchise Fee Increase	Α	Per Cust Avg Annual Additional Cost due to ranchise Fee Increase		stimated Additional nchise Fee Revenues
Residential - Gas Sales	2675	\$	0.94	\$	11.22	\$	30,013.50
Commercial - Gas Sales	494	\$	4.53	\$	54.32	\$	26,834.08
Firm - Gas Sales	33	\$	58.53	\$	702.38	\$	23,178.54
Commercial - Transportation	2	\$	22.39	\$	268.72	\$	537.44
Firm - Transportation	1	\$	104.42	\$	1,253.04	\$	1,253.04
						\$	81.816.60

Customer Charges based on 2016 Customer Counts & Gross Revenues earned by Northwest Natural Gas.

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND March 2017

GENERAL OPERATING

FUND #	FUND NAME	CASH IN BANK	INVESTMENT	TOTAL
01	General	\$416,725.40	\$9,777,016.36	\$10,193,741.76
05	Special Assessment	62.03	151,618.82	151,680.85
07	Transient Lodging Tax	50.81	2,000.00	2,050.81
10	Telecommunications	193.02	64,030.00	64,223.02
15	Emergency Communications	775.64	72,094.81	72,870.45
20	Street (State Tax)	86.05	1,914,939.13	1,915,025.18
25	Airport Maintenance	535.94	319,749.03	320,284.97
40	Public Safety Facility Construction	67.88	2,805.24	2,873.12
45	Transportation	332.96	13,818,283.21	13,818,616.17
50	Park Development	791.06	1,292,366.77	1,293,157.83
58	Urban Renewal	194.33	1,942,374.44	1,942,568.77
59	Urban Renewal Debt Service	971.81	303,895.04	304,866.85
60	Debt Service	850.91	1,077,799.65	1,078,650.56
70	Building	127.46	854,000.00	854,127.46
75	Sewer	491.48	1,204,749.86	1,205,241.34
77	Sewer Capital	117.01	18,765,103.65	18,765,220.66
79	Ambulance	481.60	(111,164.72)	(110,683.12)
80	Information Systems & Services	716.17	186,713.61	187,429.78
85	Insurance Reserve	691.18	1,552,290.54	1,552,981.72
	CITY TOTALS	424,262.74	53,190,665.44	53,614,928.18

MATURITY			INTEREST	
DATE	INSTITUTION	TYPE OF INVESTMENT	RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.15%	\$ 424,262.74
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	10,003,858.99
N/A	State of Oregon	Local Government Investment Pool (LGIP)	1.21%	27,679,236.84
N/A	State of Oregon	Park Improvement Bonds (LGIP)	1.21%	771,845.51
N/A	State of Oregon	Transportation Bond (LGIP)	1.21%	12,099,521.43
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	1.21%	2,009,374.44
N/A	MassMutual Financial Group	Group Annuity	3.00%	626,828.23
				\$ 53,614,928.18

City of McMinnville

C404 - Privately Owned

Between 05/01/2017 and 05/31/2017

between 03/01/2017 and 03/01/2017	Class Code	Permits	Bldgs	Houses	Valuation
		58	20	20	\$373,148
	Sub-Totals:	58	20	20	\$373,148
Section I - Residential HouseKeeping Buildi	ngs				
One-Family Houses Detached	101	2	2	2	\$624,208
	Sub-Totals:	2	2	2	\$624,208
Section II - New Residential Non-Housekeep	ing Buildings				
Hotels, Motels & Tourist Cabins	213	1	- 1	36	\$4,300,000
	Sub-Totals:	1	1	36	\$4,300,000
Section III - New Non-Residential Buildings					
Office, Bank & Professional Buildings	324	1	1	0	\$944,220
Other Nonresidential Building	328	2	2	0	\$75,895
	Sub-Totals:	3	3	0	\$1,020,116
Section IV - Additions & Alterations					
Add or Alter Dwellings	434	4	0	0	\$252,242
Add or Alter All Other Buildings and Structures	437	4	0	0	\$6,595,000
Residential Garages & Carports	438	2	0	0	\$12,200
	Sub-Totals:	10	0	0	\$6,859,442
Section V - Demolitions					
Demolish All Other Than Dwellings	649	2	2	2	\$11,200
	Sub-Totals:	2	2	2	\$11,200
	Grand-Totals:	76	28	60	\$13,188,114

Activity Summary Totals Report

Category: BLDG

Issued: 05/01/2017 - 05/31/2017

Туре	# of Permits	Total Fees	Total Valuation
BLDCOMBO		-	
ACOM	2	\$156,436.13	\$6,530,000.00
AIND	2	\$2,271.92	\$65,000.00
ASFR	4	\$3,567.52	\$252,242.20
NCOM	2	\$188,757.44	\$5,244,220.36
NIND	1	\$327.70	\$13,500.00
NOTH	1	\$896.11	\$62,395.20
NSFR	2	\$19,957.90	\$624,208.13
BLDMAJOR			
AGAR	2	\$304.19	\$12,200.00
BLDMINOR			
ROOF	2	\$1,916.97	\$342,688.00
DEMO			
COM	1	\$1,131.91	\$9,600.00
RES	1	\$41.51	\$1,600.00
FLS			
SPRK	2	\$219.73	\$8,900.00
MECH			
COM	1	\$169.88	\$0.00
RES	17	\$719.40	\$0.00
MISC			
	22	\$25,952.75	\$0.00
PLUM			
COM	3	\$134.40	\$0.00
RES	10	\$767.20	\$0.00
SIGN			
POLE	1	\$401.76	\$21,560.00
Total:	76	\$403,974.42	\$13,188,113.89

Monday, June 12, 2017	Page 1 of 1

Activity Summary Totals Report

Category: BLDG

Monday, June 12, 2017

Issued: 07/01/2016 - 05/31/2017

Туре	# of Permits	Total Fees	Total Valuation
BLDCOMBO			
ACOM	25	\$278,430.43	\$12,267,383.00
AIND	3	\$2,593.14	\$81,500.00
AINS	2	\$4,696.17	\$267,000.00
APUB	6	\$76,186.20	\$7,630,711.00
ASFR	25	\$17,589.99	\$1,090,971.50
NCOM	5	\$227,538.12	\$6,895,020.36
NDUP	2	\$23,314.02	\$474,932.40
NGAR	1	\$305.12	\$15,598.80
NIND	7	\$347,579.73	\$10,470,447.45
NINS	1	\$99,099.31	\$7,874,138.00
NOTH	4	\$4,082.59	\$302,792.58
NPUB	2	\$6,571.77	\$981,926.24
NSFA	4	\$36,555.02	\$828,071.82
NSFR	46	\$437,242.50	\$12,502,028.13
BLDMAJOR			
ACOM	3	\$3,124.64	\$35,000.00
AGAR	3	\$673.73	\$32,200.00
APUB	1	\$6,785.34	\$1,100,000.00
ASFR	2	\$713.15	\$30,000.00
COM	1	\$256.79	\$12,100.00
DECK	î	\$176.26	\$7,500.00
NGAR	3	\$1,047.87	\$51,736.02
NOTH	3	\$1,239.42	\$94,162.00
OTHR	2	\$2,133.85	\$198,000.00
PATI	1	\$224.58	\$11,000.00
BLDMINOR			
DECK	11	\$2,341.53	\$110,310.80
FOUN	5	\$1,022.00	\$47,610.00
OTHR	23	\$4,643.01	\$289,672.00
PATI	3	\$366.29	\$13,895.24
PUB	ĺ	\$144.05	\$5,580.00
ROOF	26	\$11,897.00	\$1,692,765.00
WALL	4	\$616.54	\$33,400.00
DEMO	4	\$010.0 1	455,100.00_
COM	1	\$1,131.91	\$9,600.00
PUB	3	\$2,421.80	\$57,440.00
RES	4	\$167.77	\$7,700.00
FLS	Т	ΨΙΟΙ.ΙΙ	ψ1,100.00
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Page 1 of 2

Туре	# of Permits	Total Fees	Total Valuation
ALRM	12	\$2,504.27	\$152,160.90
SPRK	17	\$6,003.45	\$591,506.00
SUPP	2	\$169.88	\$5,074.00
MECH			
COM	45	\$11,235.65	\$0.00
PUB	3	\$5,691.90	\$0.00
RES	215	\$9,202.97	\$0.00
MH			
RES	5	\$2,558.35	\$61,365.04
MISC			
	185	\$142,068.54	\$0.00
PLUM			
COM	15	\$14,119.06	\$0.00
IND	4	\$1,074.61	\$0.00
INS	. 1	\$44.80	\$0.00
PUB	8	\$910.62	\$0.00
RES	170	\$10,337.23	\$500.00
SIGN			
MONU	1	\$95.72	\$3,000.00
POLE	4	\$1,284.88	\$67,060.00
Total:	921	\$1,810,213.57	\$66,402,858.28

City of McMinnville - Account Summary Report

For Post Dates 05/01/2017 - 05/31/2017 For Category: BLDG

For Post Dates	05/01/2017 - 05/31/2017	For Category: BLDG	
Fee Items:	1000,1010,1020,1100,1200,1210,	1220,1230,1300,1310,	Posted Amount
Account Code:	**ESCROW ACCT**	1500 STATE SURCHG-GENERAL	\$6,323.46
			\$6,323.46
Account Code:	70-4400-05	1000 PERMIT FEES-BUILDING	\$40,177.68
Account Code:	70-4400-05	1300 PLAN REVIEW-BUILDING	\$13,952.66
Account Code:	70-4400-05	1400 PLAN REV-FIRE LIFE SAFTY	\$13,007.80
			\$67,138.14
Account Code:	70-4400-10	1100 PERMIT FEES-MECHANICAL	\$6,437.10
Account Code:	70-4400-10	1310 PLAN REVIEW-MECHANICAL	\$1,367.13
			\$7,804.23
Account Code:	70-4400-15	1200 PERMIT FEES-PLUMBING	\$6,709.00
Account Code:	70-4400-15	1320 PLAN REVIEW-PLUMBING	\$956.75
			\$7,665.75

Total Posted Amount: \$88,931.58

City of McMinnville - Account Summary Report For Post Dates 07/01/2016 - 05/31/2017 For Category: BLDG

For Post Dates	07/01/2016 - 05/31/2017	For Category: BLDG	
Fee Items:	1000,1010,1020,1100,1200,1210	,1220,1230,1300,1310,	Posted Amount
Account Code:	**ESCROW ACCT**	1500 STATE SURCHG-GENERAL	\$43,173.25
			\$43,173.25
Account Code:	70-4400-05	1000 PERMIT FEES-BUILDING	\$244,905.15
Account Code:	70-4400-05	1300 PLAN REVIEW-BUILDING	\$158,777.03
Account Code:	70-4400-05	1400 PLAN REV-FIRE LIFE SAFTY	\$40,029.84
			\$443,712.02
Account Code:	70-4400-10	1100 PERMIT FEES-MECHANICAL	\$66,913.70
Account Code:	70-4400-10	1310 PLAN REVIEW-MECHANICAL	\$11,806.06
			\$78,719.76
Account Code:	70-4400-15	1200 PERMIT FEES-PLUMBING	\$47,262.00
Account Code:	70-4400-15	1320 PLAN REVIEW-PLUMBING	\$4,035.75
			\$51,297.75
Account Code:	70-4400-20	1010 PERMIT FEES-MH SETUP	\$1,075.00
			\$1,075.00

Total Posted Amount: \$617,977.78