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5169-20-000327-Plng

Office Use Only:	
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\$2,325.00

Conditional Use Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____
 The City of McMinnville, acting by and through its Water and Light Commission (McMinnville Water and Light)

Applicant Name _____ Phone 503-472-6158

Contact Name Samuel R. Justice, General Counsel Phone 503-435-3110
(If different than above)

Address PO Box 638, 855 NE Marsh Ln.

City, State, Zip McMinnville, OR 97128

Contact Email srj@mc-power.com

Property Owner Information

Property Owner Name McMinnville Water and Light Phone _____
(If different than above)

Contact Name Sam Justice Phone same as above

Address same as above

City, State, Zip _____

Contact Email _____

Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 855 NE Marsh Lane, McMinnville, OR 97128

Assessor Map No. T4S R 4W - section 21 Lot 100 Total Site Area 18.1 acres

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Light Industrial Zoning Designation M-1

1. State nature of the request in detail: _____
See Exhibit 1, Section II, "Intended Use of the Property."

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: _____

See Exhibit 1, Section VII, Proposed Conclusory Findings

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: _____

See Exhibit 1, page 33, Section VIII, Chapter 17.74, Question No. 3.

4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional: _____

See Exhibit 1, page 35, Section VIII, Chapter 17.74, Question No. 4.

5. Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants: _____

See Exhibit 1, page 35, Section VIII, Chapter 17.74, Question No. 5.

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? _____

See Exhibit 1, Section VIII, Question No. 6.

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: _____

See Exhibit 1, Section VIII, Question No. 7.

In addition to this completed application, the applicant must provide the following:

- A site plan* (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
*See Attachment 1, "site plan."
- A legal description of the property, preferably taken from deed. See Attachment ____, vesting deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.


Applicant's Signature Samuel R Justice

6-17-2020
Date


Property Owner's Signature
Mayor and Ex-Officio member of the Water and Light Commission

5/14/20
Date


Clerk of the Commission

5/14/20
Date

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I. INTRODUCTION

SUMMARY: FUEL STATION INFORMATION

DOCKET:CU ____-20 (Conditional Use)

REQUEST: Approval of a fuel station. A fuel station (service station) is a conditional use in the underlying M-1 (Light Industrial) zone.

LOCATION: 855 NE Marsh Lane, McMinnville, Oregon. The property is described in instrument recorded in the Yamhill County Deed Records April 2, 2020 at document no. 202005365 and is also identified as Tax Lot 4421-00100 and is also identified as Tax Lot 4421-00100, NE ¼ of Section 21 and NW ¼ of Section 12, T. 4 S., R. 4 W., W.M.

ZONING: M-1 (Light Industrial)

APPLICANT: Sam Justice, on behalf of McMinnville Water and Light Commission

STAFF: _____, Senior Planner (To be assigned)

DATE DEEMED COMPLETE: _____ (TBD).

HEARINGS BODY & ACTION: The McMinnville Planning Commission approves or denies.

HEARING DATE & LOCATION: _____ (TBD), Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE:

An application for a Conditional Use is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code. The Planning Commission will take final action on the Conditional Use application.

CRITERIA:

The applicable criteria for a Conditional Use are specified in Section 17.74.030 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are

mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL:

As indicated in Section, 17.72.180 an action or ruling of the Planning Commission pursuant to this title may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed. As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

COMMENTS:

Applicant expects this matter to be 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; Northwest Natural Gas; and Oregon Department of Transportation. Applicant expects that comments will be addressed in the staff report.

ACTION SOUGHT: FINDINGS/APPROVAL

Based on the findings and conclusory findings, applicant asks that the Planning Commission finds the applicable criteria are satisfied for the Conditional Use subject to the conditions of approval provided in this document.

II. APPLICATION SUMMARY:

Subject Property & Request

The subject property is located at 855 NE Marsh Lane. The property is described in Instrument recorded in the Yamhill County Deed Records April 2, 2020 at document no. 202005365 and is also identified as Tax Lot 4421-00100 (NE ¼ of Section 21 and NW ¼ of Section 12, T. 4 S., R. 4 W., W.M.)

The application is a request for a Conditional Use to allow for a fuel station. A fuel station (service station) is a conditional use in the underlying M-1 (Light Industrial) zone. The Conditional Use request is submitted for review as allowed by Section 17.72.070 of the MMC.

Suggested Excerpts from Land Use Application Narrative and Findings:

In summary, an application is made for a conditional use permit to place a fuel station facility (service station) on the applicant's real property. Section 17.39.030 of the MMC identifies "service station" as a conditional use in an M-1 zone. The level of review and compatibility of the fuel station with the future industrial, residential, farm, and park uses that will surround this site will be based on the conditional use review criteria in Section 17.74.030 and 17.74.040 of the McMinnville Municipal Code (MMC). [...]

Applicant seeks to site a fuel station on applicant property, approximately in the right-

center of the area shown by **Figure 1A**, below. The station will be oriented north to south along Marsh Lane in the area north of the existing public parking and on the northeast sector of the existing yard.

See Vicinity Map (Figure 1A), Preliminary Site Plan (Fig. 1B; Fig. 1C); Existing Comprehensive Plan (Figure 2), and Existing Zoning (Figure 3) below.

Figure 1A. Vicinity Map (shows lots prior to recent boundary line adjustment)



Figure 1B below shows the Fuel Station in relation to Marsh Ln/Riverside Dr...

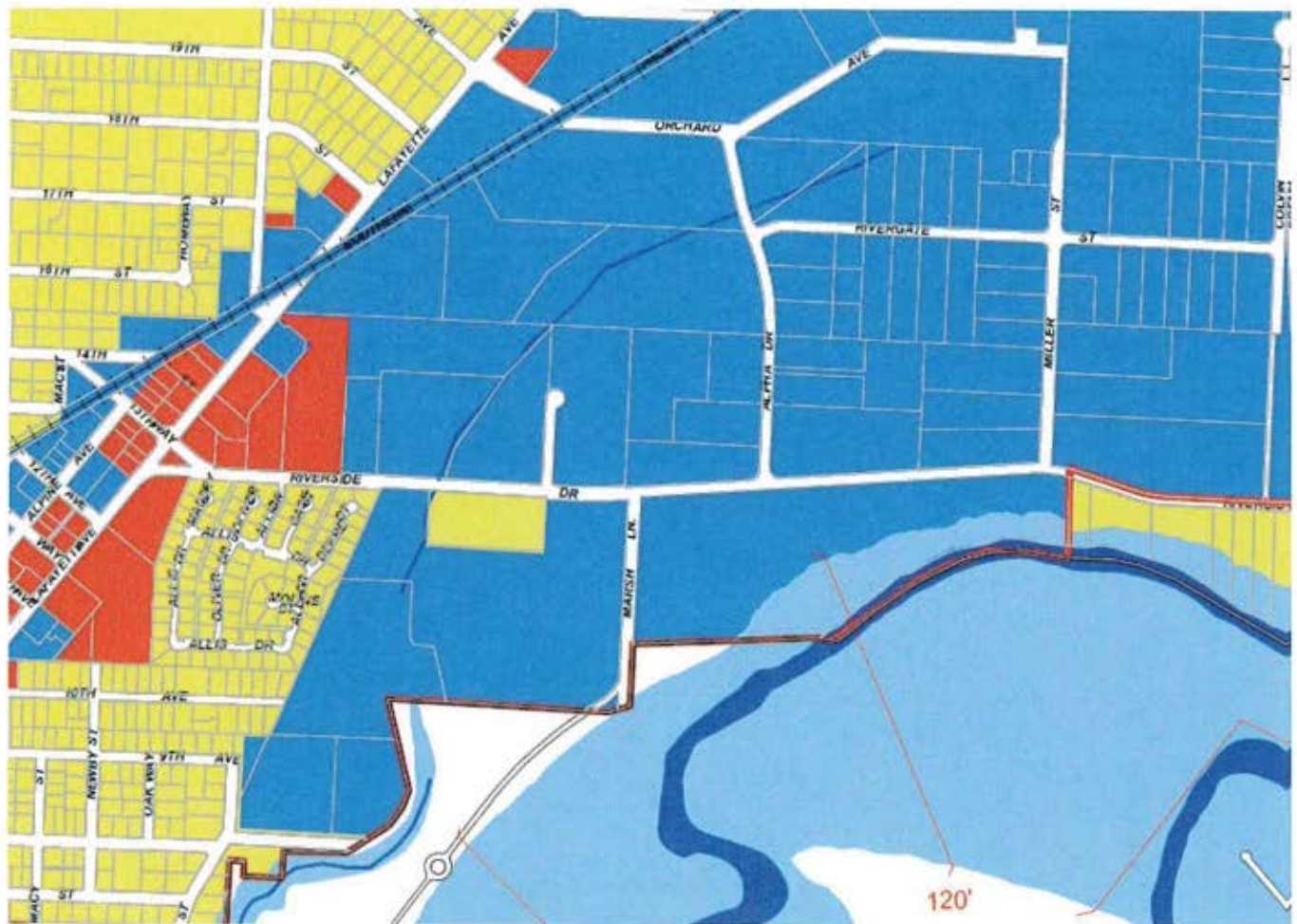
Figure 1B (Option 1)



Figure 1C (Option 2) (Same as option 1, except outside fence remains and no southern entrance/exit to fuel station).



Figure 2. Comp Plan



Legend

Limits

-  City Limits
-  Urban Growth Boundary

Comprehensive Plan

-  Residential
-  Commercial
-  Industrial
-  Mixed Use Urban
-  Flood Plain
-  100 Year Flood Elevation
(Based on NAVD Datum)

Figure 3. Existing Zoning

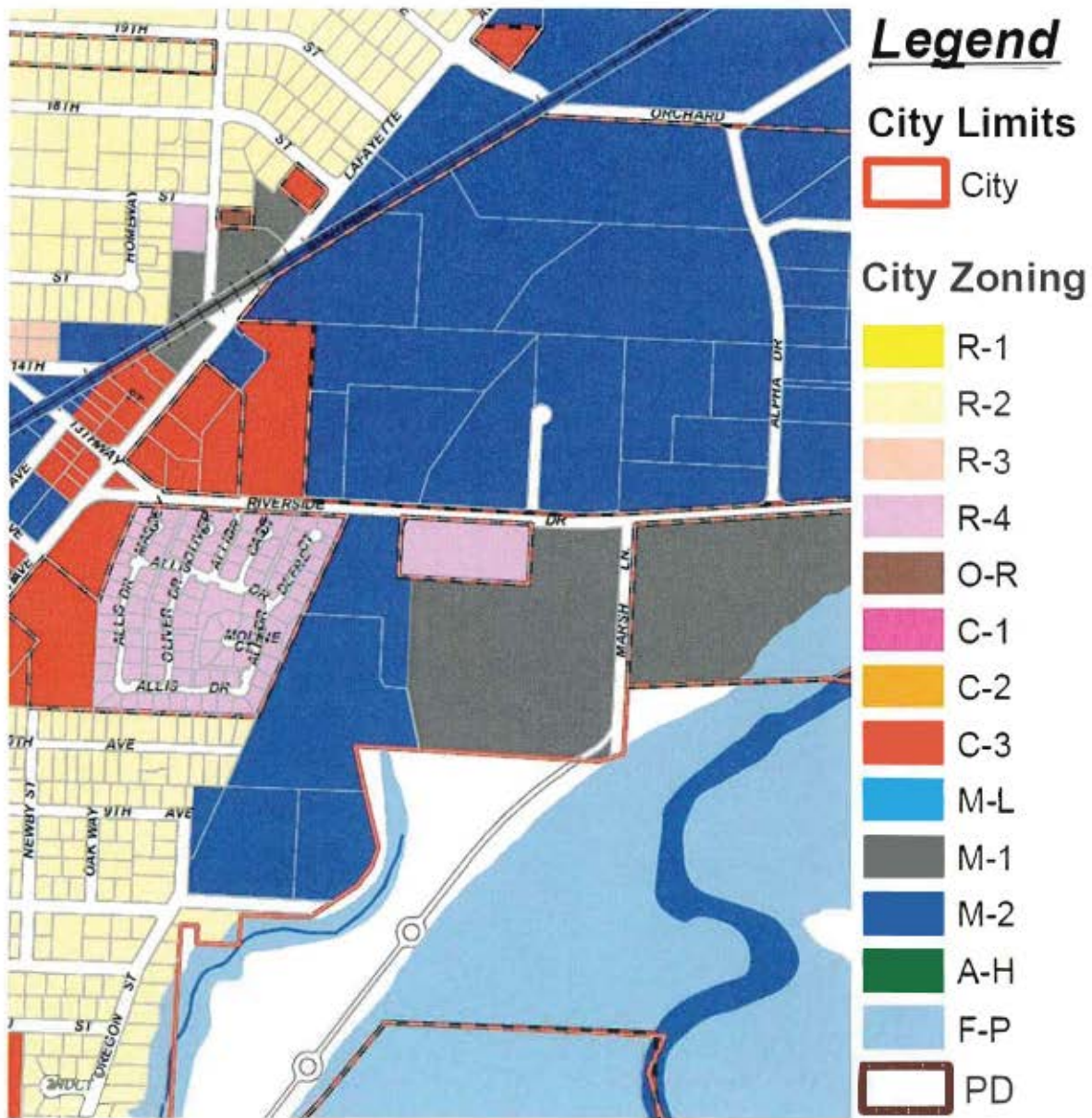


Figure 4: 1987 Survey

Record of Survey
For: Water and Light Dept.
City of McMinnville

Located in NE 1/4 Sec 12, T46, R24W, W1E Newby
Damation Land Claim, City of McMinnville,
Yamhill County, Oregon

By: Matt Dunkel
19010 Baker Creek Rd
McMinnville, Oregon
Phone: 472-1104

Scale: 1" = 100' Date: 10 Feb '89

Legend

- monument found from C&P 3290, 2" IP's were set as ground stakes and are approx 2' high
- 4x4" x 20' iron rod with yellow cap marked "Dunkel" S.S. 1982 set flush with ground
- (---) data of record per C&P 3290
- Fence

Narrative: The purpose of this survey is to mark the boundaries as shown for the proposed building right for the Water and Light Dept. Survey is based on monuments found from C&P 3290.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Matthew F. Dunkel
OREGON
NATHANIEL DUNKEL

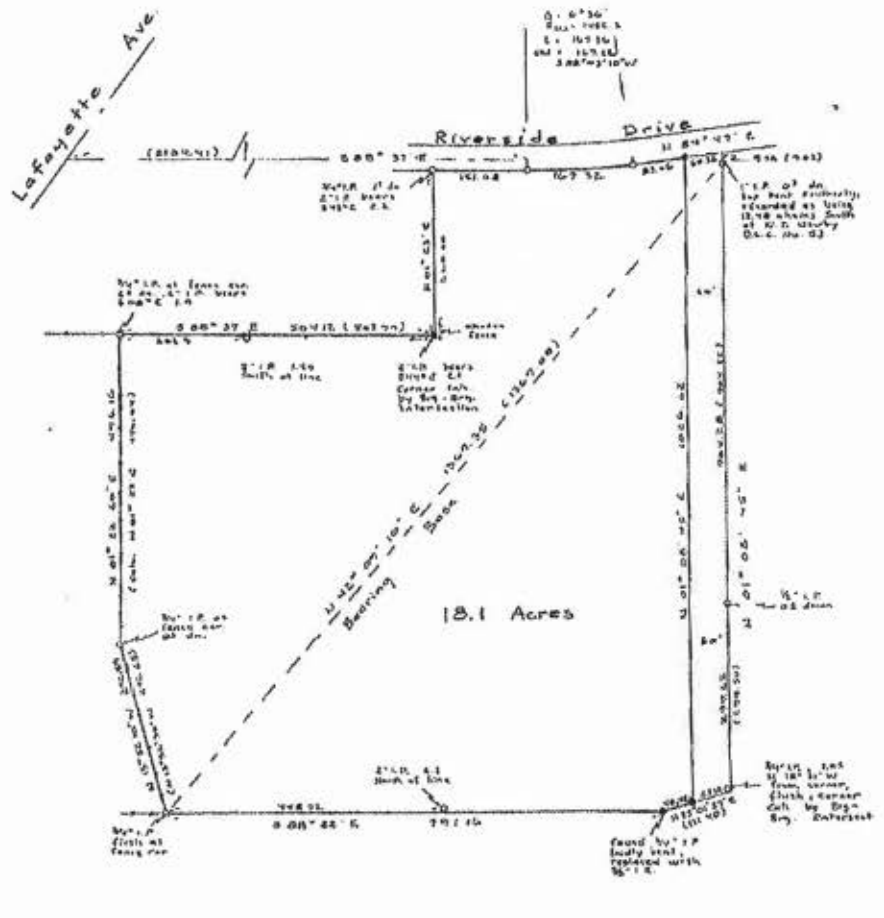


Figure 5, 1972 Survey

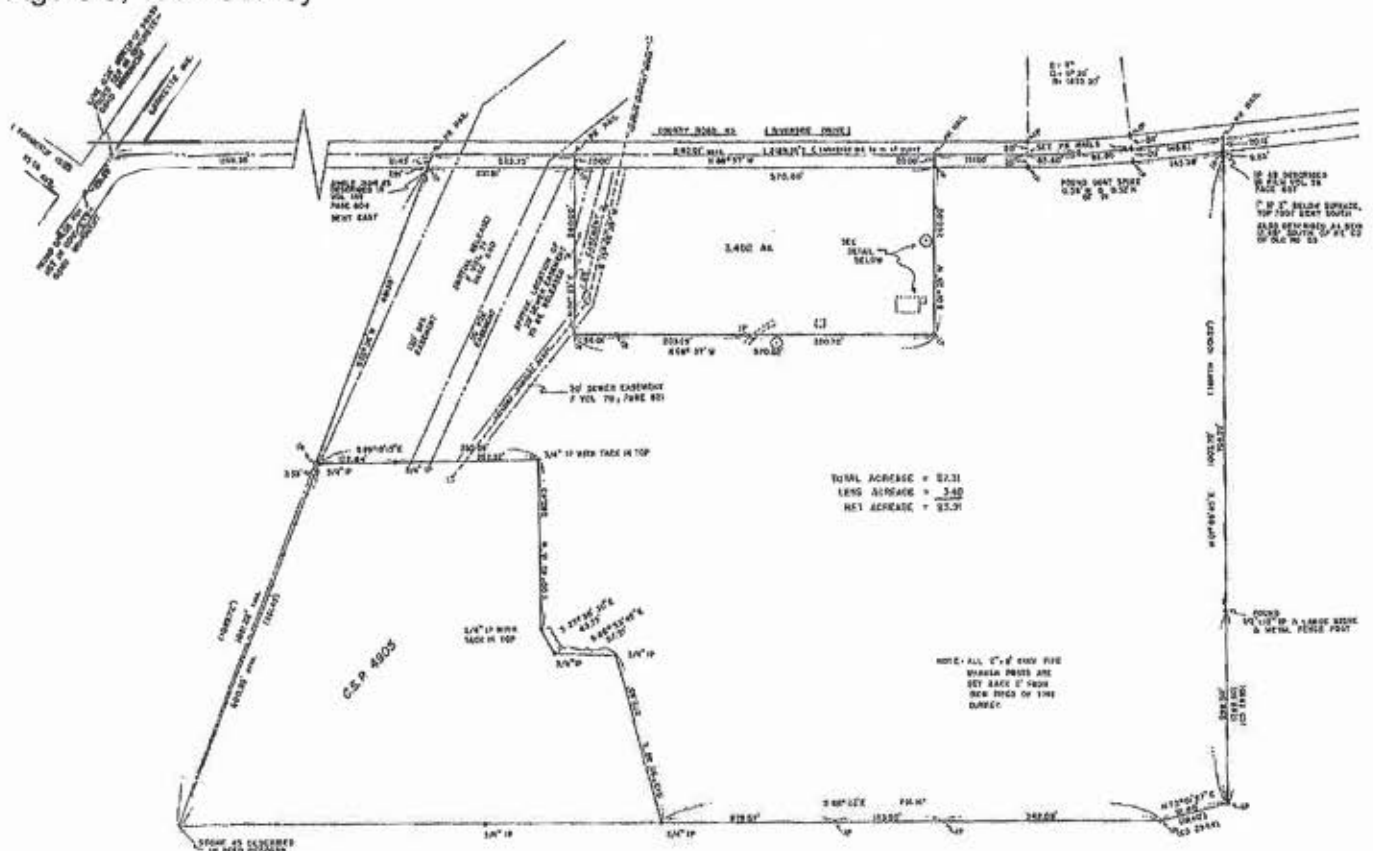
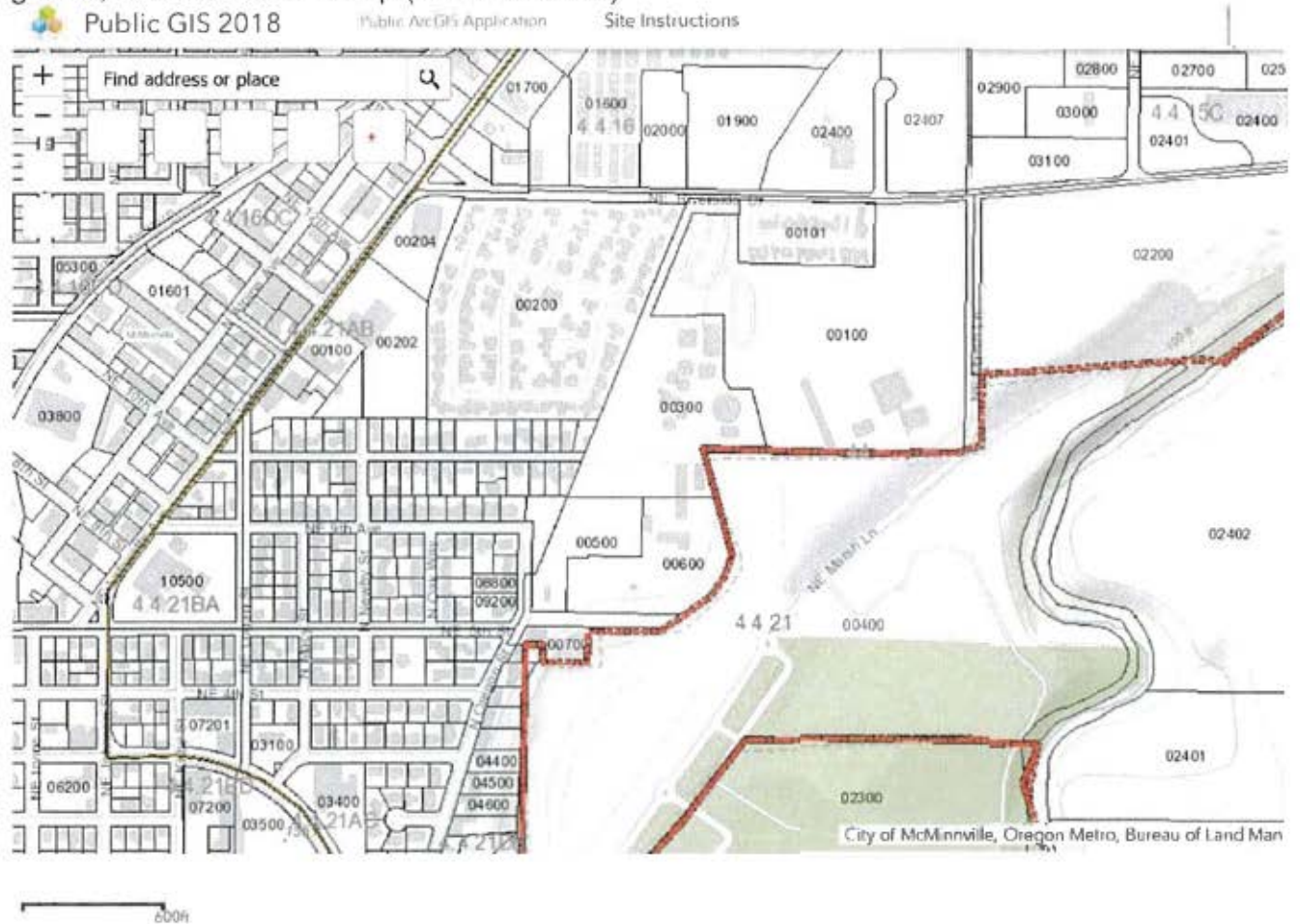


Figure 6, Current Tax Lot Map (Tax Lot 00100)



Applicant provides a detailed description of the proposed Fuel Station. **Attachment 1** is a site plan, and **Attachment 2** is a preliminary landscape plan for the Fuel Station.

INTENDED USE: Land Use Application Narrative and Findings

This section describes the intended construction, operation, and maintenance of a Fuel Station, and the associated Proposed Project.

1. **Fuel Station Facilities.** MW&L's proposed Fuel Station will consist of two above-ground fuel tanks (as large as 20,000 diesel; and 12,000 gasoline), together with a kiosk and two pump stations. See **Attachment 18**. Depending primarily on costs, MW&L will configure the fuel station in one of two ways:

Option 1: The fuel station service island and canopy will be placed outside of the security fencing on the current facility along Marsh Lane. The fuel tanks will be placed within a new security fence, set into the current facility. A second driveway exit/entrance will be constructed just north of the current MW&L customer parking. Minor tree removal will be required. See Figure 1B, above. **Attachment 1**, pages 1-2.

Option 2: The entire fuel station, including service island canopy, will be inside the existing security fencing on the edge of the landscaping along the west side of Marsh Lane. No additional entrance driveway will be constructed and all trees and landscaping along Marsh Lane will be preserved. See Figure 1C, above. **Attachment 1**, page 3.

With either option, no additional traffic will be expected into Joe Dancer Park. The station footprint (area occupied by tanks, kiosk-pumps, approaches, and canopy area) is approximately 0.5 acres.

The fuel station will be primarily used to provide gasoline and diesel to the following fleet:

1. MW&L Fleet (detail)

The fuel station is also anticipated to provide at least mutual aid (emergency) gasoline and diesel to the following fleet:

1. City of McMinnville Fleet

Station Equipment:

As described above, the equipment will include two tanks, and a card lock pump station facility under a permanent canopy.

Station Lighting:

The proposed Station will have access, security, and maintenance lighting. Applicant anticipates submitting additional lighting design information during the review process (From design-build contractor). Service island canopy lights will be directed downward for visibility of pumps during fueling.

Station Landscaping: (*Preliminary Landscape Plan*)

The station site will be landscaped following construction. In either design **Option 1** (fuel island in front of fence) or **Option 2** (entire facility enclosed by existing security fence), landscaping will preserve the tree-lined Marsh Lane in its current form. Whether the fueling islands are inside or outside fencing, a similar area along NE Marsh Lane will remain available for landscaping. A portion of this landscaped area is in the R.O.W which is already landscaped as shown by **Attachment 2**. See Figure 1 and Fig. 7, below. The Fuel Station landscaping will be provided to retain the nature of Marsh Lane as it currently exists and as shown on **Attachment 2** ("preliminary landscape plan"). Additional shrubs can be added along the R.O.W. for additional cover. The plan will be implemented consistent with community and city standards, consistent with fire marshal and MW&L safety standards, and as required with approval of the landscape committee review.

Option 1 (Fig. 1B): Requires removal of tree and minimal landscaping to provide southern entrance/exit. Additional shrubs added for screening

Option 2 (Fig. 1C): Requires no tree removal. Additional shrubs added along Marsh Lane for screening.

Station Perimeter Features – Security Screening

To screen the station from the public and to secure the facility, the fuel tanks will be enclosed within the MW&L yard by a minimum 6 foot high perimeter fence (with one-foot barbed wire atop). The yard is accessed by a controlled gate which is controlled by electronic locks. All perimeter fences and gates will be fitted with barbed wire for increased security. Under **Option 1**, the fuel island-canopy will be placed outside of the perimeter fencing in the fueling area. Alternatively, under **Option 2**, the fuel islands will

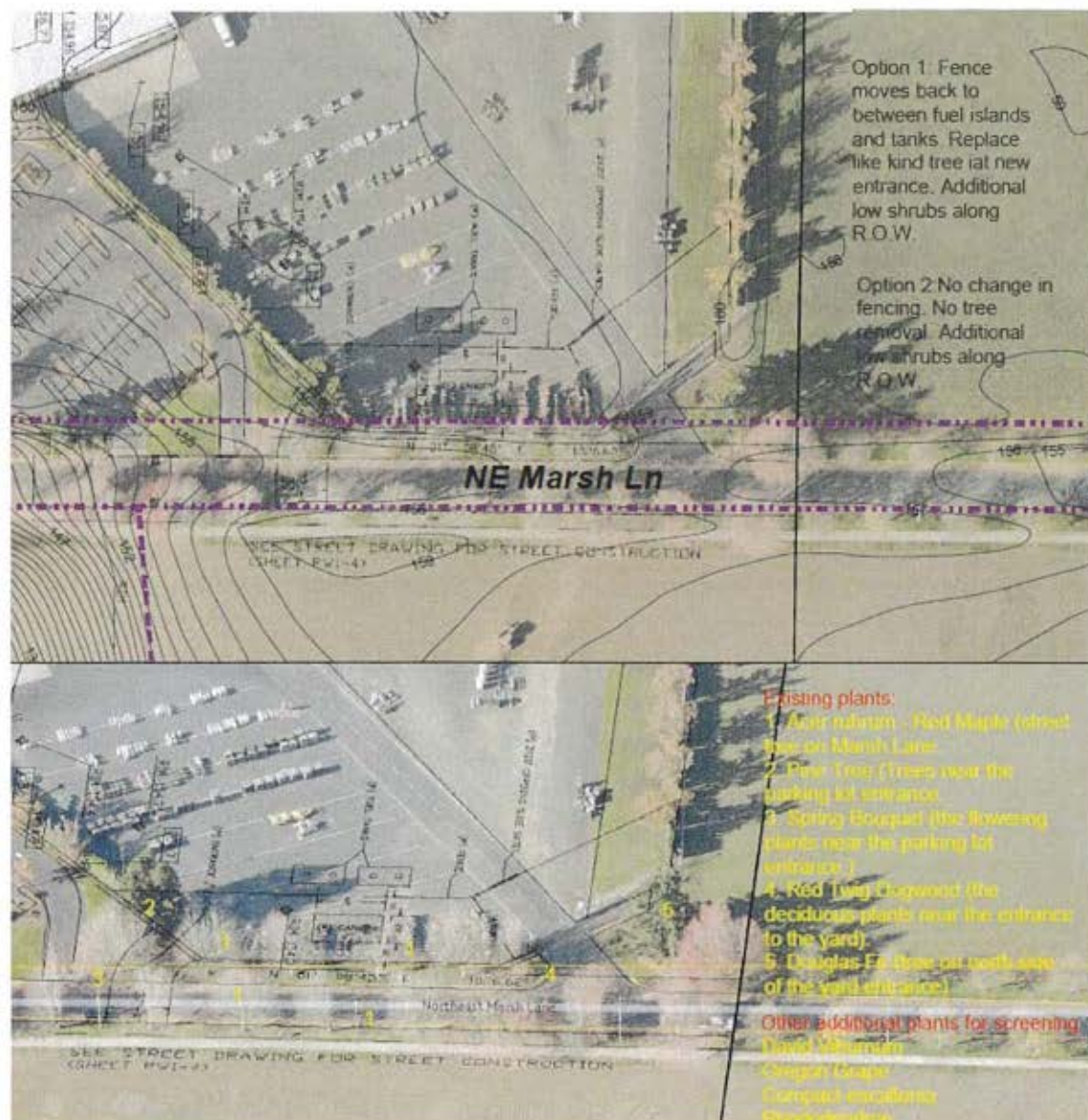
also be located within the perimeter fencing. Bollards will be placed to protect equipment from driving hazards.

Site Access

The station service islands will be accessed by **one or two** 20-foot wide asphalt concrete paved driveways connecting to NE Marsh Lane (depending on option configuration). If the fuel islands are outside of the security fence, then two driveways will be used. In either configuration (inside or outside perimeter fencing) the two planned fuel storage tanks will be behind a 6-foot high perimeter fence with restricted access.

See Preliminary Site Plan (**Figure 1B-Option 1; 1C-Option 2**) and Preliminary Landscape Plan Rendering (**Figure 7**) below.

Figure 7. Preliminary Landscape Plan (shows both fence alternatives, new and existing).



History/Background of subject site:

1. Annexation into City of McMinnville:
Property containing the McMinnville Water and Light Headquarters site annexed by Ordinance 3620. June 26, 1972 (Annexed Tax Lot 100 and 101).
2. Property Purchased by the City 1972:
City Purchases 24 acres, including site of future MW&L headquarters, from Charette.
3. Property Trade 1984:
City of McMinnville agrees to trade 18.3 acres on Riverside Drive to Water and Light in exchange for other property.
4. Zone Change 1985:
It appears from MW&L minutes that W&L requested a zone change in 1985 to facilitate building the new headquarters facility.
5. Dedication of Marsh Lane 1987
The City of McMinnville dedicates Marsh Lane to public use (Deed; **Attachment 9**).
6. MW&L Headquarters building constructed in 1988.
7. Property Line Adjustment 2019.
Current lot lines are established reducing and adjusting Tax Lot 100 to 18.1 acres.
8. City deeds property to MW&L; recorded April 2, 2020.

Summary of Criteria & Issues

The application (CU ___-20) is subject to the Conditional Use review criteria in Section 17.74.030 of the Zoning Ordinance. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area

when compared to the impact of permitted development that is not classified as conditional;

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusory Findings) below.

III. CONDITIONS:

1. That prior to the development of the Fuel Station, the applicant shall submit building permits for all necessary construction activities. The site plan provided with any building permit construction plans shall be consistent with the preliminary site plans (either Option 1 or Option 2) provided with the Conditional Use application.
2. That the applicant shall complete any right-of-way improvements to the property's frontage along NE Marsh Lane, as required by the McMinnville Transportation System Plan and Section 17.53.101 of the McMinnville Municipal Code. No improvements are anticipated under **Option 2** with the entire fuel station placed behind current fencing and requiring no additional access to Marsh Lane.
3. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits for the expansion of the electrical power Station. The landscape plan shall contain the following:
 - a. Perimeter fencing to secure the MW&L Facility as identified on the preliminary site plan, under either design Option 1 or 2, and preliminary landscape plan provided with the Conditional Use application. Any perimeter fencing in combination with other landscaping shall be sight-obscuring as proposed in the application narrative. Specifically fencing will be cyclone or chain-link.
 - **Option 1:** If the fence is relocated to a point between the fuel station canopy and tank, then sight obscuring fence slating can be used, in combination with additional low shrubs along the Marsh Lane R.O.W. to obscure the view of the station.
 - **Option 2:** If the fence left at its current location, additional fence slats can be added to the existing fence, and additional low shrubs can be added along Marsh Lane to obscure the view of the station.
 - b. Shrubs around the perimeter of the Fuel Station site. The shrubs selected to be placed or preserved shall include evergreen shrubs to provide significant year-round vegetation and shall include significant numbers of species or variety that can grow to a minimum of six (6) feet in height at maturity.

- c. Trees proposed or preserved shall be of a species or variety that may grow to a minimum mature canopy height that is equal to or taller than the height of the tallest equipment to be located on the Station site. Existing trees will be preserved to the extent practical.
 - **Option 1:** Most trees will be preserved along Marsh Lane. A tree or two will be removed at the southern entrance (new entrance/exit) to the station. A replacement tree(s) of like-kind will be placed in landscaping in the immediate area of the change.
 - **Option 2:** No street or landscaping trees will be removed and all existing trees will be preserved.

All landscaping on the site shall be installed or preserved prior to any final building permit inspections being completed, or prior to the station being placed in service, as applicable.

4. That the applicant maintain and plant street trees within curbside planting strip within the right-of-way. The proposed street tree plantings shall be included in the landscape plan required in Condition #3 above. All street lights, fire hydrants, utility vaults, and transformers are located on the east side of Marsh Lane and will not be impacted by the proposed use. Other public and private utilities will also not be impacted. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the city, may be required to allow for the planting of street trees without compromising adjacent infrastructure. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director will reserve the ability to reject any plant material which does not meet these standard.
 - a. Existing trees shall remain as indicated on the preliminary landscaping plan. Under Option 1, minimal tree removal is permitted, with replacement indicated.
 - b. Additional trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
5. That the lighting of the station be of a nature currently existing on the facility. Fuel station canopy lighting will be directed downward toward the pumps.
6. That prior to the station being placed in service, that applicant update its Spill, Prevention, Control and Countermeasures ("SPCC") Plan (Main Facility) to address the existence of the fuel station on the main facility.

IV. ATTACHMENTS:

1. Site Plan
2. Landscape Plan
3. Deed – City to MW&L, April 2020

4. MW&L Continuity of Operations Plan
5. Memo to File, James Burke, Water Division Director; 6-17-2020
6. City – Emergency Operations Plan (2010, 2015)
7. MW&L Budget document, excerpt (showing fuel station in budget)]
8. Oregon Fuel Action Plan
9. Deed dedicating NW Marsh Lane
10. Copy of mailed notice of neighborhood meeting
11. Mailing list for neighborhood meeting
12. Photo of signs posted announcing neighborhood meeting
13. Sign posted for meeting (Entry)
14. Copies of materials presented at neighborhood meeting
15. Sign in list (attendees); Neighborhood meeting
16. Notes of neighborhood meeting on **May 6, 2020**
17. Spill, Prevention, Control and Countermeasures ("SPCC") Plan (Main Facility)
18. Photo of proposed fuel station canopy and tanks

IV COMMENTS:

Applicant expects this application to be referred for agency comment.

The applicant expects that this matter may be referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments received will be noted in the city planning staff report.

Notice of this request has been mailed to property owners located within 300 feet of the subject site. See **attachments 10 and 11**. Notice of the public hearing is expected to be published in the News Register. As of the date of the Planning Commission public hearing City will staff will note public testimony received by the Planning Department.

V. PROPOSED FINDINGS OF FACT - PROCEDURAL FINDINGS

1. Samuel Justice, on behalf of the applicant McMinnville Water and Light Commission held a neighborhood meeting on May 6, 2020.
2. The applicant submitted the Conditional Use application (CU ___, -20) on [TBD], 2020.
3. The application will be deemed complete on [TBD]. Based on that date, the 120 day land use decision time limit expires on [TBD].
4. Notice of the application is expected to be referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest

Natural Gas.

Comments received from agencies will be addressed in the Decision Document.

5. Notice of the application and the [date of] Planning Commission public hearing will be mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance [date – TBD].
6. Notice of the application Planning Commission public hearing will be published in the [publication of general distribution] in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Public testimony may be submitted to the Planning Department prior to the Planning Commission public hearing.
8. On [date –TBD], the Planning Commission will hold a duly noticed public hearing to consider the request.

VI. FINDINGS OF FACT – PROPOSED GENERAL FINDINGS

1. Location: 855 NE Marsh Lane. The property is described in Instrument recorded in the Yamhill County Deed Records on April 2, 2020 at document no. 202005365 and is also identified as Tax Lot 4421-00100. **Attachment 3.**
2. Size: MW&L headquarters site is approximately 18.1 acres (See **Attachment 3** (deed). The specific improvement, fuel station, takes up approximately 0.5 acre of the 18.1 acre parcel.
3. Comprehensive Plan Map Designation: Industrial
4. Zoning: M-1 (Light Industrial)
5. Overlay Zones/Special Districts: None.
6. Current Use: Utility Facility
7. Inventoried Significant Resources:
 - a. Historic Resources: None
 - b. Other: None
8. Other Features: The site is generally flat, with a minor slope to the east. There are no significant or distinguishing natural features associated with this property. **See Attachment 1.**
9. Utilities:
 - a. Water: Water service is available to the subject site.
 - b. Electric: Power service is available to the subject site.
 - c. Sewer: Sanitary sewer service is available to the subject site.
 - d. Storm water: Storm sewer service is available to the subject site.
 - e. Other Services: Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. Transportation: The site is adjacent to NE Marsh Lane, McMinnville, Oregon, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 30-40 feet. This right-of-way is described in a deed dedication recorded October 19, 1987 at Film Vol. 217 Page 826, Yamhill County Deed Records. Therefore, no additional right-of-way dedications are necessary.

VII. PROPOSED CONCLUSORY FINDINGS:

The Conclusory Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use are specified in Section 17.74.030 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL VI 1 (Transportation):

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

Streets

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) VOLUME II Goals and Policies Page 34
5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

APPLICANT RESPONSE: The existing street, NE Marsh Lane is designed to meet city standards. The street limit currently has limited parking on the west side, where fuel station access will be needed. Except for turning radius requirement out of the facility, no street parking will be reduced. The existing street has an oversized walking/bicycle path on the east side of Marsh Lane. No additional walking or bicycle paths are needed to access Joe Dancer Park. The proposed development complies with Policy 118.00.

Policy 122.00

The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

2. Major, minor collectors.

- Designs should minimize impacts on existing neighborhoods.
- Sufficient street rights-of-way should be obtained prior to development of adjacent lands.
- On-street parking should be limited wherever necessary.
- Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)

APPLICANT'S RESPONSE: This policy is satisfied. The subject site is currently adjacent to NE Marsh Lane, which is identified as a **minor collector** in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 30-40 feet. NE Marsh Lane is of the required width. Parking is currently restricted on the west side of the street. No additional right-of-way dedications are necessary.

Option 1: A condition of approval may be included to require that, at the time of development and building permit for the fuel station, right-of-way improvements will be required for additional entry onto the street.

Growth Management

Policy 132.29.00

The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize impacts on existing development. Prioritization of improvements should consider the City's level of service standards. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: This Policy is satisfied. The development site (0.5 acres) is adjacent to and surrounded by other properties on all sides that are owned by the applicant (the city). Residential property on Riverside Drive, adjacent to the larger 18.1-acre parcel, is not served from Marsh Lane. Traffic into to Joe Dancer Park may be disrupted during construction along Marsh Lane. However, timing of deliveries can be coordinated to avoid high traffic times in the afternoon. After the park closes for the season in the fall, there will be little other traffic on Marsh Lane beside MW&L customers.

MW&L vehicle traffic in and out of the facility will change very little with the addition of the Fuel Station. With onsite fueling, MW&L trips to offsite fueling will decline, reducing traffic on Marsh Lane and adjacent streets.

City of McMinnville vehicle trips may increase if the City utilizes the facility. The number

of additional trips generated to Riverside Drive and Marsh Lane will depend on the extent that the City utilizes the facility for fueling. However, Marsh Lane as a minor collector is well proportioned to accommodate limited additional city-government vehicle traffic. The proposed fuel station is close to City of McMinnville Public Works fleet facilities (also located off of Riverside Drive). In the event of City fleet use, the proximity of the City's fleet may reduce trips to Lafayette Avenue for re-fueling.

No other agency users (other than City of McMinnville) are currently expected to use the facility.

GOAL VII 1: (Urban Development)

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.

Public Administration and Storage

Policy 135.00

The City of McMinnville shall allow the placement of public storage and workshop facilities in areas where adverse impacts on surrounding lands are minimal or can be minimized by screening, landscaping, and/or other methods.

Applicant's Response: Storage of fuel on at an existing utility facility will minimize adverse impact on surrounding lands and minimize need for screening, landscaping, and or other methods. The site is already committed to a light industrial use and the proposed fuel station is a visually similar use.

Sanitary Sewer System

Policy 136.00

The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 139.00

The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

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

APPLICANT'S RESPONSE: The facility is already equipped with sanitary sewer system and will not require additional modifications.

Storm Drainage:

Policy 143.00

The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

APPLICANT'S RESPONSE: The facility is already equipped with oil-water separating storm drains and will not require additional modifications to natural drainage.

Water System

Policy 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.

APPLICANT'S RESPONSE: At the time of development and building permits for the fuel station final development plans can require a detailed storm drainage plan, a sanitary sewer collection plan (if necessary for the use), and the provision of water and power services. Any right-of-way improvements required for the subject site will be required at the time of development as well, as described in more detail in the findings for Policy 122.00 and Policy 132.29.00 above.

Policy 145.00

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

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

Policy 146.00

The City of McMinnville shall continue to support the long-range planning efforts of McMinnville Water and Light to provide water system facilities and services

commensurate with the projected population in the Comprehensive Plan.

Policy 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

Policy 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:

1. 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.
3. 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.

APPLICANT'S RESPONSE: With regard to policies 144.00 to 147.00, and 151.00 (proposals 1-5) 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. The Water Reclamation Facility has the capacity to accommodate flow from development this site. No additional flow is anticipated. 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 ensure the coordinated provision of utilities to developing areas and in making land-use decisions.

The MW&L site has a developed storm drainage system that is integrated into the City's storm drainage system. The site is already served by *sanitary sewer, and water and power services*

MW&L maintains an SPCC for the main facility. **Attachment 17.** The purpose of the SPCC Plan is "to prevent oil spills from occurring, and to perform safe, efficient and timely response in the event of a spill or leak." Attachment 17, Page 1-1. The SPCC Plan contains detailed drainage information from the site. Att. 17, Appendix B. The SPCC describes discharge drainage controls. Att. 17 at page 2-3. The SPCC Plan provides for oil containment and diversionary structures. Attachment 17, Pages 3-7. Any right-of-way improvements required for the subject site will be required at the time of development as well, as described in more detail in the findings for Policy 132.29.00 above.

In particular response to Policy 151.00 (1), the City's emergency planning document notes a threat-hazard relating to loss of utility service. Loss of fuel in McMinnville is a loss of resource supply that will degrade both water and electric utility service.

Attachment 6 (Emergency Operations Plan, "EOP"). While addressing water as only a supporting service (see table 1-5) the City's EOP ranks utility failure as a hazard with the highest weight factor. See Attachment 6, Page 2-3, Table 2-1. The additional fuel storage at Water and Light will mitigate against the recognized hazard of the loss of resource supply and utility service. **Attachment 5** (diesel supply may be extended 80-160 days).

The likelihood of a fuel-supply (loss) event is discussed in the Oregon Fuel Action Plan, **Attachment 8**, page 5 ("[t]he Pacific Northwest region's most likely catastrophic event is the 9.0 Cascadia Subduction Zone (CSZ) earthquake and tsunami"). See discussion under Policy 171.00, below. Approval of this application for a utility fuel station is consistent with Policy 151.00 in that the proposed use provides for emergency planning in operation of the water system.

POLICE AND FIRE PROTECTION

Policy: 152.00

The City of McMinnville shall encourage the provision of adequate police and fire facilities and personnel to meet the needs of the community as it expands.

APPLICANT'S RESPONSE: The proposed fuel station will provide continuation of emergency fuel supplies in the event of disaster or emergency. See **Attachment 5**, pages 1-2. Increased fuel availability in the City will directly or indirectly promote emergency police and fire services for the community. Availability of emergency fuel for Water and Light will reduce the utility's draw on scarce community fuel resources during an emergency that can otherwise be made available to police and fire services during a period of fuel shortage.

GOAL VIII 1 (Energy Conservation)

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

Energy Supply Distribution

Policy 171.00

The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

APPLICANT'S RESPONSE:

According to the Oregon Fuel Action Plan “[t]he Pacific Northwest region’s most likely catastrophic event is the 9.0 Cascadia Subduction Zone (CSZ) earthquake and tsunami.” **Attachment 8, page 5.** “Oregon can expect to lose most of the normal incoming supply of fuel.” *Id.* “Restoring the region’s petroleum infrastructure would likely take months if not longer.” *Id.*

The Oregon Fuel Action Plan assumes that all state, local, and tribal organizations with emergency authorities and responsibilities to save lives, protect public health and safety, and restore critical lifeline services have developed or are in the process of developing agency emergency response plans and strategies for responding to a catastrophic earthquake and tsunami.

Attachment 8, Pages 6-7. Approval of this application is consistent with Goal VIII, Policy 171.00 in examining projected energy supply during a catastrophic event.

The MW&L Continuation of Operations Plan (“the Coop Plan”) designates supply of fleet, fuel and equipment as a tier 1, level 1 priority. **Attachment 4, page 3-2.** The approval of this application for conditional use permit is consistent with policy 171.00 in providing reliable fossil fuel supplies for use in the case of a disaster or emergency. Approval of this conditional use demonstrates the City of McMinnville as a local organization taking action to respond to an anticipated emergency, like an earthquake. Current planning suggests that the proposed onsite fuel storage can supply MW&L utility operations for 20-45 days’ (gasoline) and 80-160 days’ (diesel) in an emergency. **Attachment 5, page 2** (Memo of James Burke, Water Division Director). The City’s Emergency Operations Plan (EOP) recognizes loss of fuel supply as part of the loss-of-resource hazard, relating to loss of utility service. Attachment 6, pages 2-3. Permitting the applicant’s fuel station as a conditional use will support the GOAL VIII requirement to provide adequate energy supplies, especially in an emergency.

Policy 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.

APPLICANT’S RESPONSE: Review for approval of this application, and the required neighborhood meeting, and the public hearing process demonstrates coordination between the City and MW&L that is consistent with policy 173.00. The City routinely seeks comment from MW&L prior to land use decisions. MW&L comments on land use applications that appear to impact its utility purposes and facilities. The City’s approval of these application demonstrate an effort to coordinate with MW&L.

Policy 175.00

The City of McMinnville, recognizing McMinnville Water and Light, Northwest Natural Gas, and other private suppliers as the agencies or groups responsible for energy distribution, encourages the extension of energy distribution services within the framework outlined below:

(2). Facilities are planned in such a manner as to insure compatibility with surrounding land uses.

APPLICANT’S RESPONSE: Approval of the application is consistent with policy 175.00

and proposal No. 2, in that the planned additional facilities are integrated into the facilities plan for the MW&L Facility (See **Attachment 1**). The fuel station facility has been located to avoid conflict with existing structures, while leaving space for future development. The planned facility will maintain the security of enclosed areas behind fencing, and take advantage of the existing street (avoid additional street building). The expanded station use is consistent with the current uses.

MW&L has provided a preliminary landscape plan demonstrating that the facility will be compatible with the anticipated utility facilities and surrounding uses. See MW&L Landscape plan, **Attachment 2**.

Policy 176.00

The City of McMinnville shall carefully consider the environmental impacts of the location and design of energy system facilities to minimize or eliminate adverse effects on residential, farm, and natural areas.

APPLICANT'S RESPONSE: This application and approval is consistent with this goal in that the application is supported by the site plan (**Attachment 1**) and landscape plan (**Attachment 2**). Design standards of the expanded facility will take into account state of the environmental protections for the expanded facility.

Environmental impacts of the proposed facility on surrounding farm, and natural areas have been considered in the design of the site. A service station is a conditional use in the proposed location, and additional standards and review criteria apply to conditional uses. Conditions of approval to ensure those standards and review criteria are satisfied as they are described in the findings for the Conditional Use review criteria below. The review of the proposed facility as a conditional use, and the conditions of approval described below, ensure that the proposed facility is compatible with future surrounding land uses, both agricultural and industrial.

The expanded facility will include environmental protections. The protection (relating to the proposed new equipment) will include double-wall tanks to prevent oil leaking from the fuel tanks. Double walled construction will meet requirements of secondary containment. Tanks will meet a high level of U.L. specification. MW&L also maintains a current engineer-certified Spill, Prevention, Control and Countermeasures Plan (SPCC). **Attachment 17**. The SPCC demonstrates that applicant has a long history of competently addressing the danger of oil spills. The SPCC is certified by a licensed professional engineer (Attachment 17, page 3).

The pump island will be designed with oil water separators, protecting the storm water drains from contaminant. MW&L will update the SPCC Plan to address the addition of the fuel station. See **Attachment 17**, page 5 (graph showing history of revisions to the SPCC to address new equipment). MW&L has a demonstrated ability to professionally address the environmental impacts of the proposed use through its compliance with the SPCC Plan requirements over the course of years as demonstrated by its SPCC.

Proposal 31.00

The City of McMinnville should require energy system facility sites to be compatible in appearance with surrounding land uses either through landscaping or other screening methods.

APPLICANT'S RESPONSE: Applicant's preliminary landscape plan (**Attachment 2**)

and review by landscape review committee is consistent with Proposal 31.00. Applicant will also site the facility in a safe manner consistent with Oregon Fire Marshal rules that provide for the safety and security of fuel stations.

Proposal 34.00

Proposed extensions of energy system facilities should be coordinated with the extension of other facilities (sewer and water, telephone lines, storm drainage, etc.) where necessary to insure provision of full urban services to developable areas within the urban growth boundary.

APPLICANT'S RESPONSE: This approval is consistent with Proposal 34.00 in that the proposed use will take place as part of a larger existing facility already being served by other utilities. The land for the Fuel Station is on the existing utility site/property and demands no extension of the other utility services. The use is consistent with and well served by utilities.

Proposal 35.00

Construction of facilities that could have an adverse effect on natural areas, farmlands, and residential areas should be altered in such a manner as to minimize or eliminate these impacts.

APPLICANT'S RESPONSE: Potential adverse impacts of the proposed facility on surrounding residential, farm, and natural areas has been considered in the design of the site. A service station is a conditional use in its proposed location, and additional standards and review criteria apply to conditional uses. MW&L maintains a current engineer-certified Spill, Prevention, Control and Countermeasures Plan. Attachment 17. Conditions of approval to ensure those standards and review criteria are satisfied are described in the findings for the Conditional Use review criteria below. The review of the proposed facility as a conditional use, and the conditions of approval described below, ensure that the proposed facility is compatible with future surrounding land uses.

GOAL X 1 (Citizen Involvement):

TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMinnville.

GOAL X 2 (Accessible Involvement):

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

Policy 188.00

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

APPLICANT'S RESPONSE: Goal X1 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. Applicant solicited input from neighbors (direct mail **Attachment 10**). Applicant posted signs. **Attachments 12 and 13**). Applicant conducted a neighborhood meeting on May 6, 2020 (See attendee sign in list, **Attachment 15**). Written materials were shared. **Attachment 14**. One neighbor attended the meeting and gave a brief comment, requesting that a sidewalk be placed along NE Riverside Drive. **Attachment 16**. A second neighbor had contacted applicant before the meeting with questions about the facility location. See Attachment 16.

The process for a Conditional Use review provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have an opportunity to provide testimony and ask questions during the public review and hearing process.

VIII. McMinnville Zoning Ordinance

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

Chapter 17.03. 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.

APPLICANT'S RESPONSE: The purpose of the Zoning Ordinance is met by the proposal as described in the proposed conclusory findings contained in this document.

Chapter 17.39 Light Industrial Zone (uses allowed)

17.39.030 Conditional Uses. In an M-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74: [...]

C. Service Station

APPLICANT'S RESPONSE: The subject site is zoned M-1 Light Industrial, which will allow for the intended fuel station on the subject site. Service stations are allowed as a conditional use in the M-1 zone.

17.39.040 Design standards.

A. Yard Requirements. There shall be no required yards, except as follows:

3. Yards shall not be less than fifteen feet when adjacent to a public roadway.
- B. Building/storage height. A building shall not exceed a height of eighty (80) feet. Outside storage in a required yard shall not exceed ten (10) feet in height;
- C. Perimeter Treatment. The purpose of perimeter treatment, or buffering, is to provide visual barriers which block the glare of lights, signs, and structures; provide privacy and protection; and reduce or eliminate potential adverse impacts of visual or noise pollution **between M-1 zoned properties and adjacent residential development**. Perimeter treatment or buffering typically consists of **dense landscaping**, fencing, or block walls or combination of these elements. Utilities, sidewalks, and bikeways may be located within required perimeter treatment areas.
1. When abutting or facing a residential zone or residential use, refuse containers and outside storage shall be enclosed by a sight-obscuring fence or masonry wall. The fence or wall shall obstruct the containers or storage from view on the sides of the property abutting or facing a residential zone. The fence or wall shall be of such material and design as will not detract from adjacent residences, shall be free of advertising, and shall be constructed according to plans submitted by the owner or his authorized agent and approved by the Planning Director.
 2. All **parking and loading areas** which abut or face a residential zone or residential use, or arterial or major collector street, shall be screened by a sight-obscuring fence or vegetative screen. All other building openings which face or abut a residential use or zone shall be kept to a minimum and shall be kept closed to the maximum extent possible during business operation.
 3. A buffer yard shall be provided along all perimeters which abut a residential or commercial zone, existing residential or commercial use, or public roadway. The purpose of the buffer yard is to reduce the building scale, provide transition between contrasting uses and architectural design, and to soften, rather than block, the view of incompatible or undesirable views. At a minimum buffer yards adjacent to residential zones or uses shall be fifteen (15) feet in width, have a six (6) foot tall wood or masonry fence located along the inside edge of the yard, and landscaping to include two (2) canopy trees, four (4) evergreen trees, three (3) understory trees, twelve (12) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to commercial zones or uses shall be a minimum of ten (10) feet in width with landscaping to include one (1) canopy tree, three (3) evergreen trees, two (2) understory trees, eight (8) shrubs, and groundcover for each one-hundred (100) lineal feet of perimeter. Buffer yards adjacent to a public roadway shall be a minimum of eight (8) feet in width with landscaping to include street trees a minimum of eight (8) feet in height and two (2) inches in caliper and spaced appropriate to their species; shrubs; and groundcover. Buffer yards of less than one-hundred (100) lineal feet shall provide landscaping at a density equal to or greater than that required herein, or as may be required by the Landscape Review Committee. Maintenance of the buffer yard shall be the continuing obligation of the property owner.

APPLICANT'S RESPONSE: The subject site is zoned M-1 Light Industrial, which allows

the intended fuel station on the subject site as a conditional use. Service stations are allowed as a conditional use in the M-1 zone. No buildings currently, or for the planned fuel station will exceed 80 feet in height. The subject parcel, not immediately adjacent to the planned fuel station, is bounded to the north by a residential manufactured home park. The fuel station itself will abut a minor collector street on the east side of the parcel and not abut an arterial or major collector street. The proposed conditional use (fuel station) will not abut the manufactured homes. The existing buffering between the manufacture homes and the utility parcel is a row of arborvitae which obscures the view of the proposed fuel station site from the nearest homes, on the east portion of the manufactured home park. The proposed fuel station will not add parking or loading areas to the parcel. Existing buffer yards and setbacks meet the standards.

D. Off-street parking and loading (see Chapter 17.60);

APPLICANT'S RESPONSE: No additional off-street parking will be added. Fuel station activity will be transitory. A substantial area will be provided for vehicle visit while refueling. See site plan. **Attachment 1.**

E. Clear vision (see Sections 17.54.080 A and B);

APPLICANT'S RESPONSE: The use will meet clear vision requirements as relates to Marsh Lane, as indicated by the site plan. **Attachment 1.**

F. Landscaping (see Chapter 17.57).

APPLICANT'S RESPONSE

Chapter 17.57 Landscaping

17.57.030 indicates that landscaping is required in the Light Industrial Zone.

APPLICANT'S RESPONSE: Applicant has provided a preliminary landscaping plan (**Attachment 2**) that which plan will be subject to further review by the landscape review committee. A Landscape Plan Review application will be submitted for review by landscape review committee. If no change is made to perimeter fencing and site access, few changes will be need to preserve the nature of Marsh Lane (Option 2). If fencing is set back to accommodate freer outside agency access, then one or two trees and shrubs will be dislocated to accommodate a single new entrance. See Figure 1B, above. (Option 1).

17.57.070 Area Determination—Planning factors.

17.57.070(A) (1). 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.)

APPLICANT'S RESPONSE: As indicated by the map showing the preliminary landscape plan (**Attachment 2**) there is at least 7% of the gross surface area of the facility available for landscaping. Approximately 5 acres of the total acreage (18 acres)

is in field grass along NE Riverside Drive. There are fence-line shrubs and trees along the north side of the yard, abutting the manufactured home park. Significant landscaping is located in and around the customer parking and main office building. Additional field grass is located in the northeast corner of the parcel. In the immediate area of the proposed fuel station there is significant landscaping along NE Marsh Lane. In addition, a significant strip of land within the west boundary of the Marsh Lane right-of-way is landscaped. As a fuel station, the development will be subject to commercial landscape requirements, as reviewed by the City. A landscape plan will be submitted along with a Landscape Plan Review application to the landscape review committee for approval. See Figure 7, above.

17.57.070(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 city shall have the authority to deny an application for failure to comply with any or all of these conditions:

17.57.070(B) (1). Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

APPLICANT'S RESPONSE: The service station use is of a character that currently exists on the adjacent site. The proposed facility and planned improvements to landscaping will make the facility compatible with surrounding and abutting properties and will be of a nature and character that is appropriate to support the light industrial use of the property, and the farm use of adjoining parcels.

17.57.070(B) (2). Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.

APPLICANT'S RESPONSE: The approval will give consideration to sight-obscuring features. These features may utilize continuous fencing, colored slats, evergreen and deciduous plantings, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. Complete obscuration of the facility is not practical where vehicles will access the facility from Marsh Lane for re-fueling. Security of the facility also argues for line of sight into the fuel facility grounds. However, a combination of street trees, shrubs, and slat-filled-fencing (**Attachment 2**) can visually temper the appearance and adequately blend the facility into the landscape of the industrial neighborhood. Applicant suggests use of certain deciduous shrubs for variety of plant life.

The fuel tanks themselves will have a horizontal profile that will be relatively low to the ground and easily obscured by low shrubs and fencing with colored slats. See **Attachment 18** (depiction of representative tanks).

17.57.070(B) (3). The retention of existing trees and natural areas 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.

APPLICANT'S RESPONSE: Existing trees will be maintained, except where additional street access is required (Option 1; See Figure 1B) and the grade of the overall property will not be altered by the expansion. If the single entrance is utilized (Option 2; Figure 1C), no trees are anticipated for removal. If a second exit/entrance is added

immediately north of customer parking (see Fig. 1B), then a tree and limited shrubs may be removed to accommodate a 20-foot wide drive.

17.57.070(B) (4). The development and use of islands and plantings therein to break up parking areas.

APPLICANT'S RESPONSE: Parking for intermittent visits to the facility can easily be accommodated by parking along NE Marsh Lane and in an adjacent public park lot. The facility will also provide (See **Attachment 1**, site plan) for ample onsite parking within the service station for service vehicles. Refueling of the tanks will occur within the secure area of the utility yard, behind the secure gate and fencing.

17.57.070(B) (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.

APPLICANT'S RESPONSE: Applicant will provide suitable trees in planting strip consistent with City standards.

17.57.070(B) (6). Suitable watering facilities or irrigation systems must be included in or near all planted areas;

APPLICANT'S RESPONSE: Irrigation facilities will be provided under the terms of approval to facilitate required landscaping.

17.57.070(C). All landscaping approved through the city review 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.

APPLICANT'S RESPONSE: Applicant's preliminary landscape plan and current landscaping demonstrates that applicant is fully capable of complying with this proposal. The site is currently served with water for irrigation.

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.

APPLICANT'S RESPONSE: Significant landscaping along Marsh Lane is in the public right of way. See Figure 1, above (vicinity map). **Attachments 1 and 2.** In landscaping within the right of way, the applicant will take into the account the boundaries of the fuel station and will coordinate landscaping with any surrounding development.

Chapter 17.58 Trees

17.58.080 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.

APPLICANT'S RESPONSE: MW&L will comply with tree planting requirement in planting strip along street frontage. MW&L will reasonably maintain the existing tree-scape along NE Marsh lane

Chapter 17.74 Conditional Use Review Criteria

17.74.030. Authorization to Grant or Deny Conditional Use.

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

17.74.030(A). The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

APPLICANT'S RESPONSE: See this **Exhibit 1**, Section VII above (Proposed Conclusory Findings) for findings. In either configuration (Option 1 or 2), the fuel station will support adequate supplies of both water and electricity for the City. The fuel storage capacity will be significant in supporting utility supply and ongoing operations during a resource disaster where fuel supplies into the City are temporarily curtailed or disrupted. See **Attachment 5** (memo of James Burke).

FINDING: SATISFIED. The City should concur with the applicant's findings, and also refer to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusory Findings) above.

Question No. 3 (from Conditional Use Application form)

17.74.030(B). That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

APPLICANT'S RESPONSE: The location and size of the Fuel Station is reasonably

suited to the development of abutting properties. The footprint is large enough to accommodate the safety and maintenance needs of this service station facility, while at the same time providing for the required buffering to adjacent uses. The addition of a fuel station will cause an imperceptible increase in vehicle traffic as compared to the traffic accessing the existing facility. The proposed fuel station takes advantage of, and abuts the existing NE Marsh Lane. The expanded facility meets this criteria.

FINDING: Property immediately adjacent, and across Marsh Lane to the east of the Fuel Station site is currently undeveloped and vacant. Property to the south toward Joe Dancer Park is also not developed. Both properties are owned by the utility applicant (MW&L). Property to the northwest is currently residential consistent with that property's zoning and it's designation on the Comprehensive Plan Map. Property to the immediate west is City property, also industrial. The existing Comprehensive Plan Map is shown in **figure 2**, above.

The location and size of the site for the expanded fuel station have been planned to allow for continued growth and development of the surrounding property. The applicant is proposing to place the new fuel station equipment approximately 50-100 feet from the east property line. The siting of the equipment at these distances from the property lines will provide for compatibility and minimal impact on the appropriate development of abutting properties.

The design of the site will include sight-obscuring landscaping and fencing between the facility and Marsh Lane. The current fence is a six foot high fence with one-foot barbed wire placed atop the fence. Depending on the whether the fuel islands are placed within or outside the perimeter fence, new fencing may be placed to secure the tanks and yard (if islands are placed outside this new fencing). To ensure that the landscaping provides adequate buffering of the site from surrounding properties, a condition of approval can be included to require that the fencing (slatted) be provided as proposed in the preliminary site plan and preliminary landscape plan. This may include the six foot tall cyclone fence (barbed-wire topped) with colored slats inserted (sight-obscuring).

Landscaping will be designed to meet NESC, Fire Marshal and McMinnville Water and Light safety and visibility standards.

The shrubs that are proposed are a variety of evergreen and deciduous shrubs that will provide for year-round screening and breaking up the line of sight into the fuel station site. A combination of evergreen and deciduous shrubs will both obscure the line of sight into the facility and deter potential unwanted access to the fenced area and decrease security concerns.

Shrubs proposed between the facility and Marsh Lane will include evergreen and deciduous shrubs that provide year-round vegetation for continuous screening, and such species and varieties of shrubs will be of a type that can grow to a height of at least 6 feet at maturity. It is noted that during winter months, and while Joe Dancer Park is closed, use of Marsh Lane is generally limited to only the applicant's customers.

The applicant proposes to establish tree species and varieties of a species and variety that grow to a mature canopy height of at least the tallest height of the equipment to be located on the site. Current tree and plants in the immediate area of the planned fuel station include:

Acer rubrum – Red Maple (Street trees on Marsh Lane.)
Pinus (not sure what species) Pine Tree (Trees near the parking lot entrance.)
Viburnum tinus 'Compactum' – Spring Bouquet (The flowering plants near the parking lot entrance.)
Cornus alba 'Sibirica' - Red Twig Dogwood (Near the gate entrance to the yard.)
Pseudotsuga menziesii – Douglas Fir (The trees on the north side of the yard entrance.)

Additional tree and shrub species planted will meet minimum requirements indicated during the review of the preliminary landscape plan (**Attachment 2**), and will generally complement the existing landscaping.

Applicant has identified the following plant species and varieties that may also be used:

chestnut-hill-cherry-laurel/
southern-moon-yedda-hawthorn/
david-viburnum/
compact-oregon-grape-holly/
compact-escallonia/
Rhododendron

The fencing and landscaping requirements, along with the specific requirements of this condition of approval, will ensure that the fuel station will be compatible with and have minimal impact on the appropriate development of abutting properties.

Facility lighting will be provided for operations, maintenance and security. Lighting under the fuel island canopy will be directed to the ground for use at the pumps. See **Attachment 18**, page 1.

Question No. 4 (from Conditional Use Application form)

17.74.030(C). That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

APPLICANT'S RESPONSE: The fuel station will positively impact livability, value and appropriate development of abutting properties of the surrounding area, as compared to other permitted development, by facilitating the reliable operation of the electric and water service. The location, site, design, and operations of the station facility will not cause any significant adverse impact on the livability, value, or appropriate development of abutting properties, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

Question No. 5 (from Conditional Use Application form)

17.74.030(D). The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

APPLICANT'S RESPONSE: By its nature, a Fuel Station is of a utilitarian design. However, the design of the Fuel Station will be symmetrical and otherwise geometrically pleasing. Landscaping will be created to buffer and break of the line of sight into the facility, and not entirely obscuring the facility from outside view. In fact, Water and Light

being a consumer-owned utility, the neighbors and passers-by may take some pleasure in seeing the fruits of their investment in this consumer-owned facility. The station facility will be as attractive as the nature of the use and its setting warrant, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

Question No. 6 (from Conditional Use Application form)

17.74.030(E). The proposal will preserve environmental assets of particular interest to the community;

APPLICANT'S RESPONSE: No particular environmental assets appear on the site.

Question No. 7 (from Conditional Use Application form)

17.74.030(F). The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

APPLICANT'S RESPONSE::The intended expansion is described in the MW&L "Light" Budget (**Attachment 7**). The applicant has a well-established municipal utility purpose as described in the McMinnville Charter of 1971, as amended in 1978. The activities of the applicant are directed by the City of McMinnville, acting by and through its Water and Light Commission, a five-member board made up of the mayor and four appointed commissioners. The utility sets rates on a cost-of-service basis at public hearings and is prohibited by state law and its own policies from acting for speculative investment purposes.

17.74.40 Placing Conditions on a Conditional Use Permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;

- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

APPLICANT'S RESPONSE: Applicant expects conditions of approval from the city specifically focused on the construction of right-of-way improvements designating the size and materials for fencing and landscaping to ensure screening of the subject site, and describing the type of lighting on the site as described by the applicant in the application narrative. Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, allows for the development of the City in an orderly and efficient manner, and protects the best interest of the surrounding area and the community as a whole.

5/12/2020

 855 Marsh Lane, McMinnville OR 97128-0638
 (503) 472-6558 www.mc-power.com

FUEL STATION
 Outside New Yard

1 inch = 100 feet

 0 15 30 45 60 feet

Attachment

VERIFY SCALE:
 THIS BAR
 MEASURES 1" ON
 ORIGINAL DRAWING

901 NORTHWEST E
 GRANTS PASS, OR 97126
 Phone: 541-475-1387 Fax: 541-472-2528
 CCB #42692



CLIENT:

PROJECT:

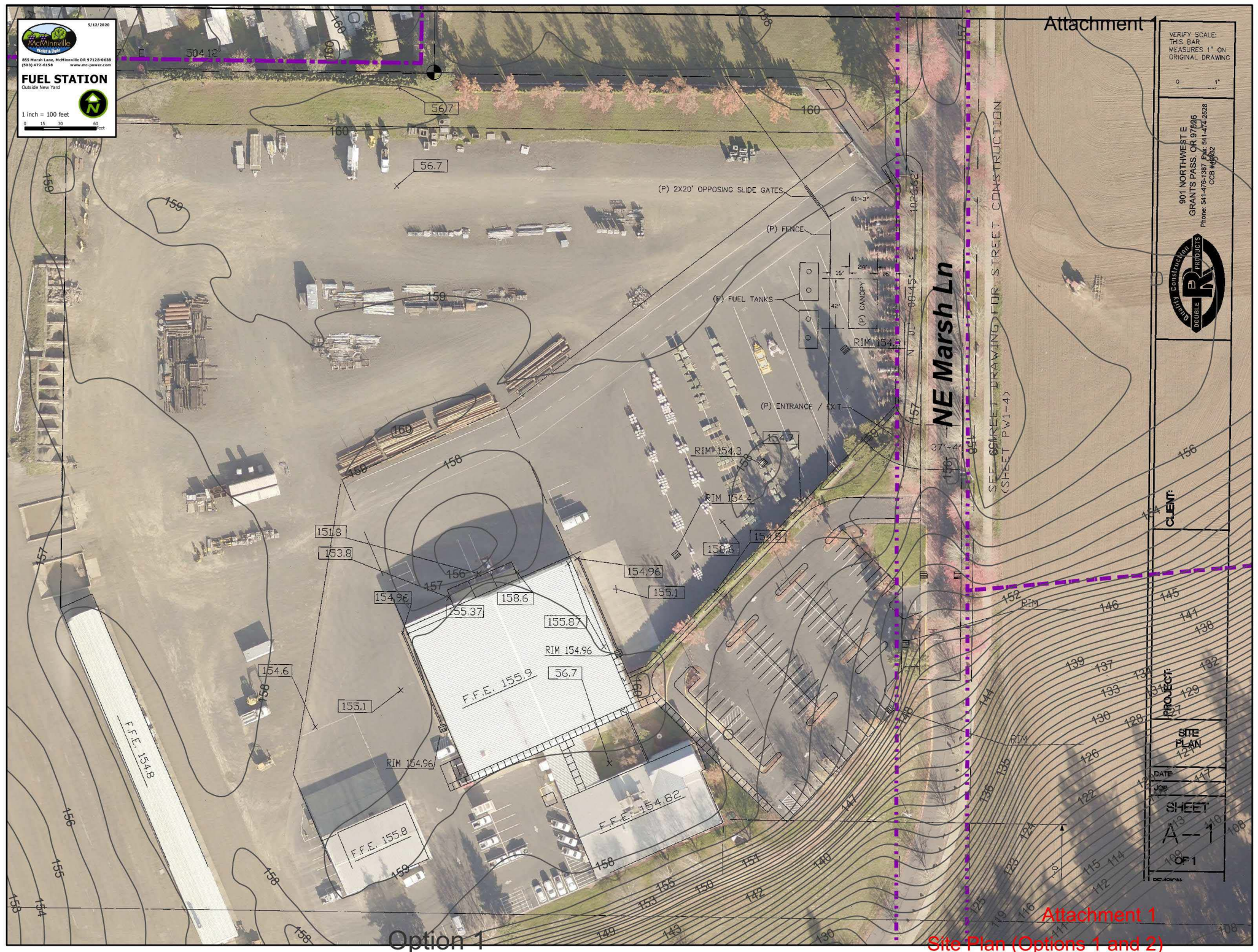
SITE PLAN
 121

DATE: 4/17

SHEET

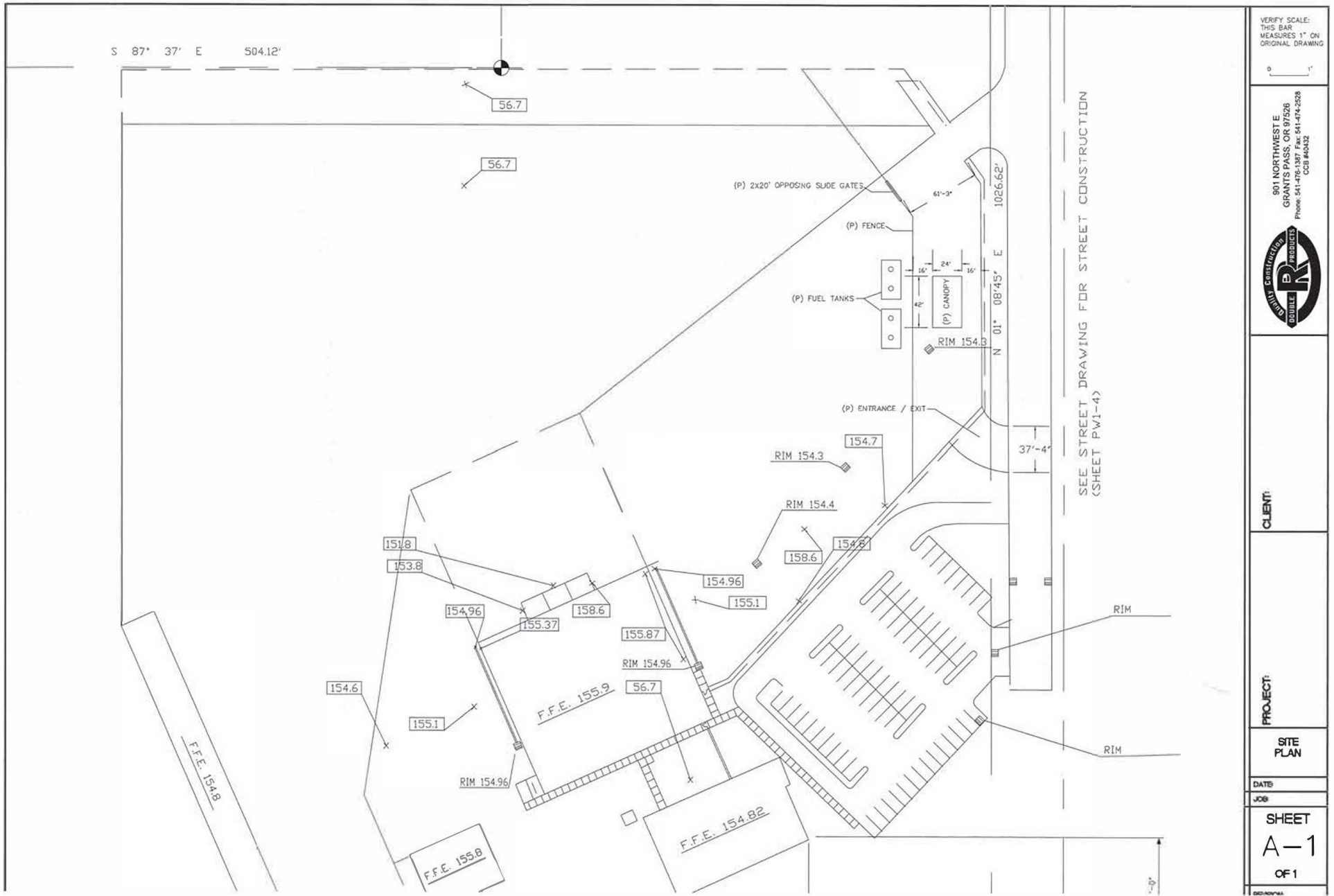
A-1

OF 1



Option 1

Attachment 1
 Site Plan (Options 1 and 2)



Option 1 drawing

Attachment 1
Site Plan (Options 1 and 2)

<p>VERIFY SCALE: THIS BAR MEASURES 1" ON ORIGINAL DRAWING</p> <p>0 1'</p> <p>901 NORTHWEST E GRANTS PASS, OR 97526 Phone: 541-476-1387 Fax: 541-474-5228 CDB #40432</p> <p>RIDDLE ENGINEERING PRODUCTS</p>
<p>CLIENT:</p>
<p>PROJECT:</p>
<p>SITE PLAN</p>
<p>DATE:</p>
<p>JOB:</p>
<p>SHEET A-1 OF 1</p>

5/7/2020
POWERS
855 Mark Lane, # 0700 Wm OR 97126-0528
(503) 472-4558 www.m-c-powers.com
FUEL STATION
Inside Existing Yard
1 inch = 150 feet
N

Attachment 1

NE Dustin Ct

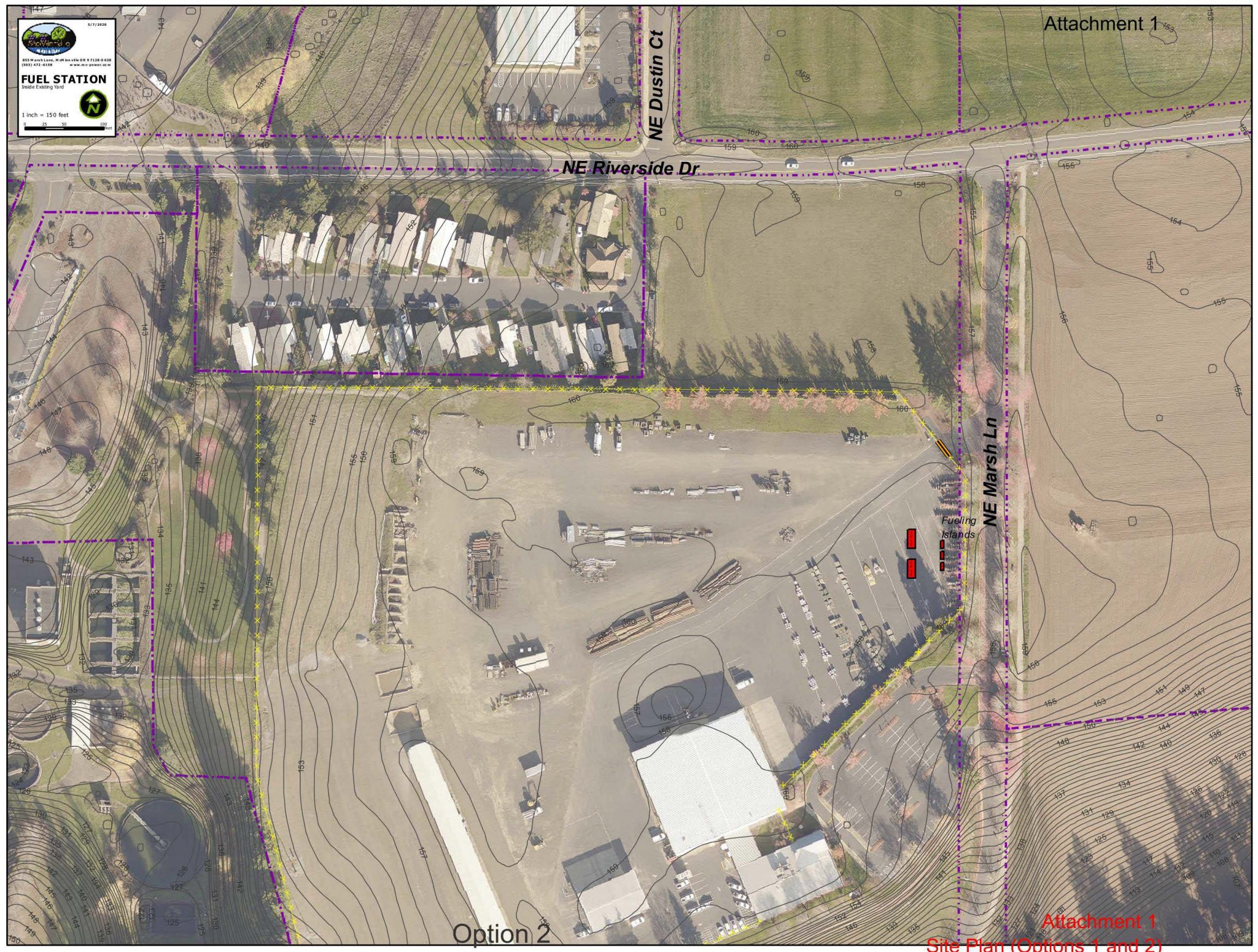
NE Riverside Dr

NE Marsh Ln

Fueling Islands

Option 2

Attachment 1
Site Plan (Options 1 and 2)



After recording return to:
McMinnville Water and Light
PO Box 638
McMinnville Or 97128

Send Tax Statements to:
McMinnville Water and Light
PO Box 638
McMinnville Or 97128

Yamhill County Official Records	202005365
DMR-DDMR	
Stn=4 JENSENC	04/02/2020 12:58:59 PM
7Pgs \$35.00 \$11.00 \$5.00 \$60.00	\$111.00

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

**SPECIAL WARRANTY DEED
ORS 93.855**

The City of McMinnville, a Municipal Corporation of the State of Oregon, GRANTOR, conveys and specially warrants to the City of McMinnville, a Municipal Corporation of the State of Oregon, acting by and through its **Water and Light Commission**, GRANTEE, the following described real property free of encumbrances created or suffered by the grantor except as specifically set forth herein:

Part of the W.T. Newby Donation Land Claim #53, Notification #1212 in Sections 15, 16, 21, and 22, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

Commencing from an iron pipe as shown on County Survey #P-5390, recorded in Volume S, Page 80, County Survey Records, being 12.48 chains South of the Northeast corner of said W. T. Newby Donation Land Claim; thence North 1°08'45" East 9.83 feet to the South line of County Road #93, (Riverside Drive) as shown on said County Survey #P-5390; thence along the South line of said county road, South 84°47' West 60.36 feet; TO THE POINT OF BEGINNING, thence along the South line of said county road, South 84°47' West 83.06 feet; thence following a curve to the right, central angle of 6°36' radius of 1452.5 feet, long chord of which bears South 88°05' West 167.22 feet; thence continuing along said South line, North 88°37' West 151.08 feet, thence leaving said county road, South 1°23' West 260 feet; thence North 88°37' West 504.12 feet; thence South 01°22'20" West 496.16 feet; thence South 13°52'10" East 272.59 feet to the southwest corner of the parcel; thence South 88°22' East 791.16 feet; thence North 73°01' 27" East 48.42 feet to the southeast corner of the parcel; thence North 01°08' 45" East 1026.62 feet to the Point of beginning.

Being approximately 18.1 acres, as shown by CSP 8856.


("the Property") as shown on Exhibit A (resulting area "A").

RESERVING UNTO GRANTOR two perpetual nonexclusive easements across the Property as described individually on the attached Exhibit B1 and Exhibit B2 with the right to go upon said easement area hereinafter described for the purpose of constructing, reconstructing, maintaining and using a sanitary sewer, and as further shown by the attached Exhibit C.

The true and actual consideration in dollars for this conveyance is \$0.00 and consists of other value.

This conveyance is made as an adjustment of a common boundary between adjoining properties pursuant to City of McMinnville boundary line adjustment **BLA 11-19**, as such adjusted Property is shown by CSP 8856.

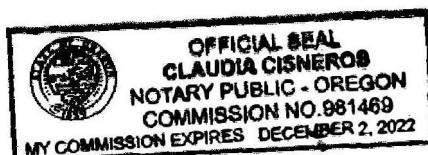
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.


Jeff Towery, City Manager

March 18, 2020

State of Oregon) SS.
County of Yamhill)

This record was acknowledged before me on March 18, 2020 by Jeff Towery as City Manager of the City of McMinnville.




Notary Public for Oregon
My Commission Expires: 12-2-2022

APPROVAL OF CONVEYANCE (ORS 93.808)

Scott A. Hill

Name: Scott A. Hill
Title: Mayor and Ex-Officio Member of the
Water and Light Commission

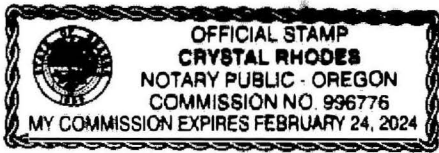
Attest:

Trena McManus

Name: Trena McManus
Title: Clerk of the Water and Light
Commission

State of Oregon) SS.
County of Yamhill)

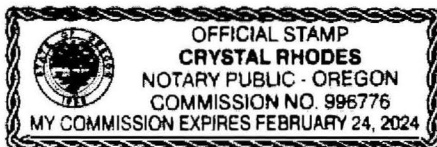
This record was acknowledged before me on 3/27/2020 by Scott A. Hill, as mayor
and ex-officio member of the Water and Light Commission.



Crystal Rhodes
Notary Public for Oregon
My Commission Expires: 2/24/24

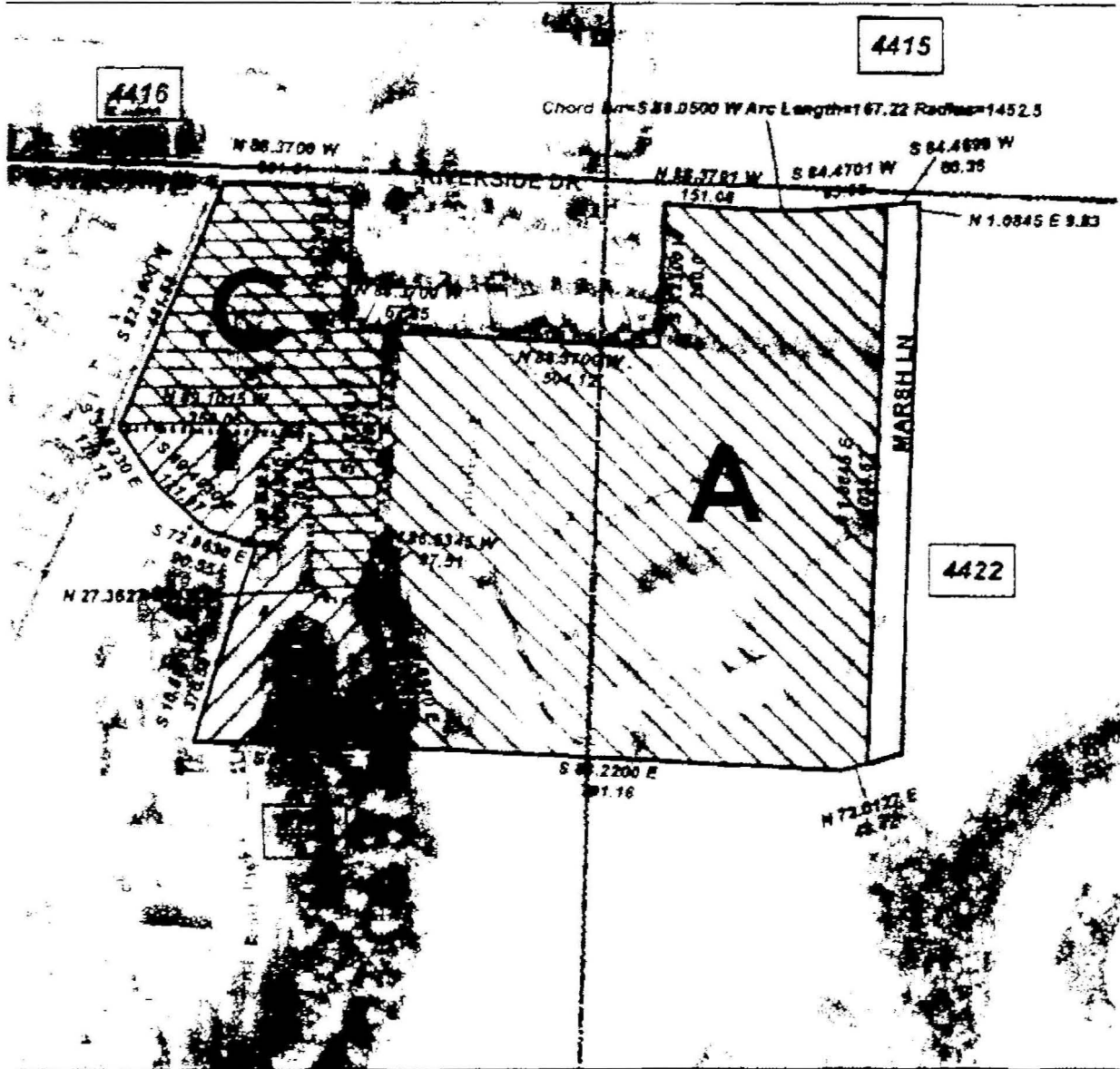
State of Oregon) SS.
County of Yamhill)

This record was acknowledged before me on 3/27/2020 by Trena McManus, as clerk
of the Water and Light Commission.



Crystal Rhodes
Notary Public for Oregon
My Commission Expires: 2/24/24

EXHIBIT A



LEGEND:

- - - New Lot Line
- Dissolved Lot Line
- Lot Line
- PROPERTY 1A
- PROPERTY 1B
- Adjusted Acreage - Property 1C (From A to B)

MAP NOTES: BASIS FOR BEARING/DISTANCE IS
 "SURVEY FOR CITY OF McMINNVILLE", C.S. P-5390
 VOL. 5, PAGE 80, APRIL 1972



SCALE: 1" = 30'

EXHIBIT B1

Description of real property for: CITY OF MCMINNVILLE & MCMINNVILLE WATER & LIGHT:
Easement "A" description.

An easement located in Section 21 and Section 22, Township 4 South, Range 4 West of the Willamette Meridian in the City of McMinnville, Yamhill County, Oregon, being 10 feet in width, lying 5 feet each side of centerline thereof, said centerline being more particularly described as follows:

Commencing at an iron rod in monument case at centerline of NE Riverside Drive at Engineer Station 0+406.950 PT per Yamhill County Survey No. 11408; thence South $68^{\circ}42'38''$ East 967.84 feet to an existing sanitary manhole in an existing 20 foot wide easement per Film Volume 78, Page 521, Deed Records of Yamhill County, Oregon and the POINT OF BEGINNING; thence South $66^{\circ}39'50''$ East 547.79 feet to an existing manhole; thence South $80^{\circ}25'07''$ East 522.97 feet (passing an existing manhole at 517.97 feet) to the point of terminus, as shown on a map attached, hereto and made a part thereof, the sidelines of which to extend and shorten with the sidelines of said existing easement.

The Basis of Bearing for this description per Yamhill County Survey No. 5390

End of Description

EXHIBIT B2

Description of real property for: CITY OF MCMINNVILLE & MCMINNVILLE WATER & LIGHT:
Easement "B" description.

An easement located in Section 21 and Section 22, Township 4 South, Range 4 West of the Willamette Meridian in the City of McMinnville, Yamhill County, Oregon, being 10 feet in width, lying 5 feet each side of centerline thereof, said centerline being more particularly described as follows:

Commencing at an iron rod in monument case at centerline of NE Riverside Drive at Engineer Station 0+406.950 PT per Yamhill County Survey No. 11408; thence South 68°42'38" East 967.84 feet to an existing sanitary manhole in an existing 20 foot wide easement per Film Volume 78, Page 521, Deed Records of Yamhill County, Oregon and the POINT OF BEGINNING; thence South 34°35'07" E 383.21 feet (passing an existing manhole at 378.21 feet) to the point of terminus, as shown on a map attached, hereto and made a part thereof, the sidelines of which to extend and shorten with the sidelines of said existing easement.

The Basis of Bearing for this description per Yamhill County Survey No. 5390

End of Description

**FROM: MCMINNVILLE WATER & LIGHT COMMISSION
TO: CITY OF MCMINNVILLE**

**EXHIBIT " C "
EASEMENT MAP**

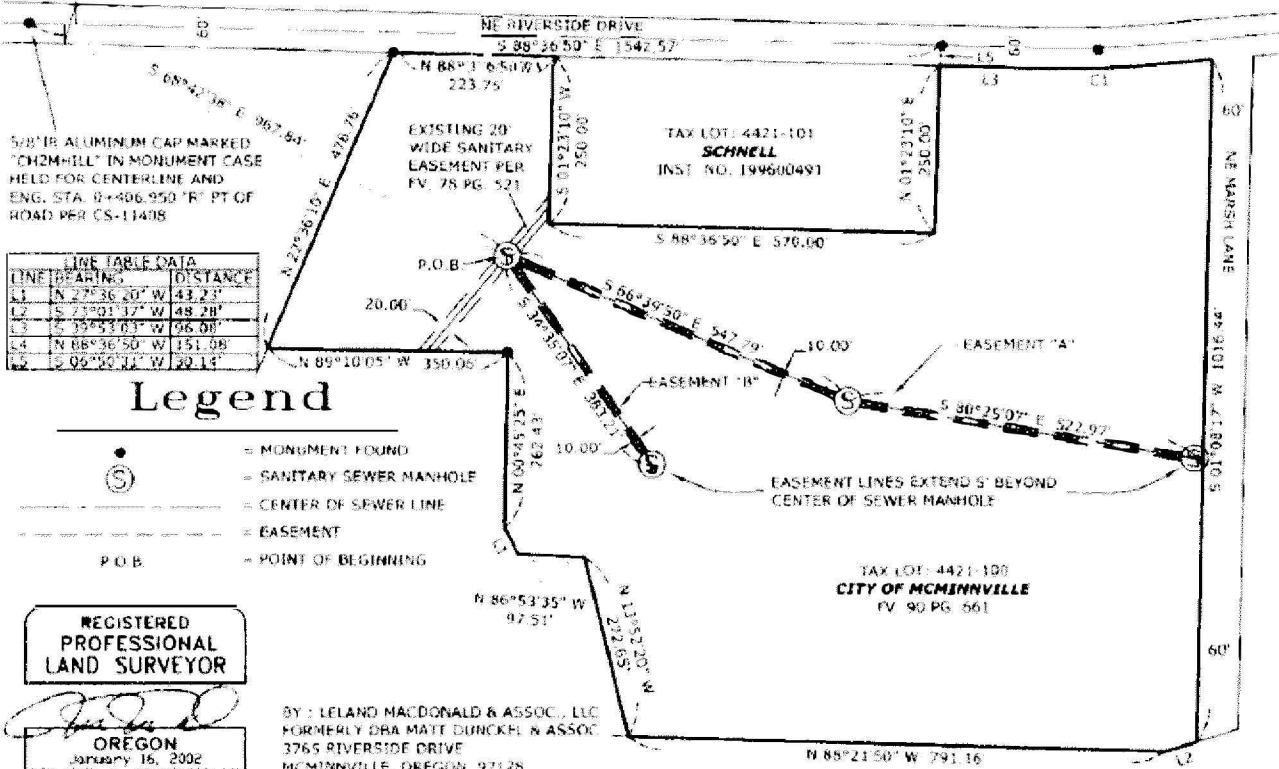
Scale: 1" = 200'

LOCATION: NE 1/4 SECTION 21 & NW 1/4 SECTION 22, T. 4 S., R. 4 W., W.M.
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

TAX LOT: 4421 - 100

DATE: JANUARY 24, 2020

CURVE TABLE DATA					
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1462.50	168.47	0° 39' 00.00"	S 86° 05' 13" W	169.37



LINE TABLE DATA		
LINE	BEARING	DISTANCE
L1	N 27°30'20" W	43.23'
L2	S 23°01'17" W	48.20'
L3	S 35°43'03" W	96.00'
L4	N 88°36'50" W	151.00'
L5	S 09°50'31" W	132.14'

Legend

- = MONUMENT FOUND
- = SANITARY SEWER MANHOLE
- = CENTER OF SEWER LINE
- = EASEMENT
- = POINT OF BEGINNING

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Leland A. Macdonald

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

BY: LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7304
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

EXHIBIT C



CONTINUITY OF OPERATIONS (COOP) PLAN

for
McMinnville Water and Light



(Excerpt)

Attachment 4, page 1
Continuity of OP Plan

TABLE OF CONTENTS

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INTRODUCTION

McMinnville Water and Light (MW&L) is aware that all types of events can disrupt operations and jeopardize the safety of personnel and customers. Emergency planning, including Continuity of Operations (“COOP”) Planning, is a necessary process for the utility.

The all-hazards approach to COOP planning ensures that regardless of the event, essential functions and services will continue to operate and be provided in some capacity. This approach includes preparing for natural, man-made or technological emergencies.

McMinnville Water and Light is committed to the safety and protection of its personnel, contractors, and customers. This plan provides the utility a framework that is designed to minimize potential impact during an event.

ADDITIONAL RESOURCES

In addition to MW&L’s Continuity of Operations Plan, MW&L has developed policies and procedures to aid in Emergency Response and restoration of services. Staff should consult the various additional Emergency Response-related resources listed below.

MW&L Plans:

- Water Department Emergency Response Plan
- Water Management and Conservation Plan
- McGuire Reservoir Emergency Action Plan
- Water Curtailment Plan
- Electric Distribution Emergency Response Plan
- Safety Manual
- Spill Prevention, Control and Countermeasure (SPCC) Plans
 - Baker Creek Substation
 - Booth Bend Substation
 - Cascade Substation
 - East McMinnville Substation
 - Gormley Substation
 - Walnut City Substation
 - Windishar Substation
 - Scott Water Treatment Plant
 - Main Facility – Marsh Lane

Other Resources

- Bonneville Power Administration
- City of McMinnville
- Yamhill County
- State of Oregon
- Mutual Aid Agreement

SECTION I: GENERAL INFORMATION

Purpose

The purpose of this COOP plan is to provide the framework for MW&L to restore essential functions in the event of an emergency that affects operations. This document establishes the utility's COOP program procedures for addressing three types of extended disruptions:

- Loss of access to the main facility (as in fire);
- Severe reduction in workforce (as in pandemic influenza); and
- Equipment or systems failure (as in information technology (IT) systems failure).

This plan details procedures for implementing actions to continue essential functions within the response times established by the COOP Team to maintain these essential functions for up to 30 days.

Authority Statement

The Board of Commissioners at McMinnville Water and Light recognizes that during emergency situations special procedures must be followed to control and mitigate an emergency. Therefore the Board, by acceptance of this Plan, grants authority to those responsible individuals and / or positions named or unnamed in these procedures to implement and carry out the plan to the termination of the emergency situation.

Scope

This document applies to all MW&L personnel. It also applies to the array of events and hazards that could threaten the utility and its performance of essential functions.

The COOP plan does not apply to temporary disruptions of service including minor IT system or power outages where essential functions can be readily restored in the main facility, although portions of the Plan may be applicable.

This COOP plan outlines the actions that will be taken to activate a viable COOP capability within 3 days of an emergency event and to sustain that capability for a minimum of 30 days. The COOP Plan can be activated during duty and non-duty hours, both with and without warning.

The COOP plan covers all facilities, systems, vehicles and buildings operated or maintained by MW&L. The COOP plan supports the performance of essential functions from alternate locations, and also provides for continuity of management and decision-making at the utility, in the event that senior leadership or technical personnel are unavailable.

Assumptions

The following assumptions have been made in the development of this plan:

- Key people will be available following a disaster.
- A national disaster such as a terrorist attack is beyond the scope of this plan.
- This document and all vital records are stored in a secure off-site location and are accessible immediately following the disaster.

Plan Distribution

The Continuity of Operations Plan shall be distributed to all departments. The plan shall be available for review by all employees. All copies of the Plan shall be identified with a copy number. The following is a list of the location and plan numbers as distributed to the departments:

Copy Number	Department	Location
COOP-1	Administration	General Manager Office
COOP-2	Administration	Human Resources Office
COOP-3	Administration	Finance Director Office
COOP-4	Administration	General Counsel Office
COOP-5	Information Technology	IT Department Office
COOP-6	Purchasing	Purchasing Department Office
COOP-7	Customer Service	Office Manager Office
COOP-8	Water	Water Division Director Office
COOP-9	Electric	Electric Field Engineer
COOP-10	Water	Water Field Engineer
COOP-11	Electric	Electric Superintendent Office
COOP-12	Electric	Electric Division Director Office
COOP-13	Electric	Electric Division Director – Home Copy
COOP-14	Water	Water Superintendent Office
COOP-15	Water	Water Superintendent – Home Copy
COOP-16	Water	Water Treatment Plant Office
COOP-17	Administration	Senior Power Analyst Office
COOP-18	Administration	Commission Clerk Office
COOP-19	Electric	Electric Engineer Office
COOP-20	Fleet	Shop

SECTION 2: GENERAL EMERGENCY RESPONSE

EMERGENCY NOTIFICATION

Whenever damage has occurred to MW&L's offices and facilities, or damage has occurred that limits or prevents MW&L's IT Department from providing expected computer or communication services, it is essential that the proper personnel be notified as soon as possible.

In a life-threatening situation, the first step is to evacuate the area. If possible during evacuation, activate the alarm system as you leave the area. Once personnel safety is not or is no longer an issue, it is the responsibility of all staff members to take the following actions.

If you must evacuate the facility, assemble at the Evacuation Assembly Area:

The covered wash rack at the maintenance shop located in the back parking lot which is designated by a sign which says "Evacuation Assembly Area." If this area is unavailable, the alternate location will be the breezeway between the buildings.

This location will serve as the initial Command Post.

All supervisors notify emergency services (Fire Department, Ambulance, or Police) if necessary at 911.

Using the Rapid Call List shown in Exhibit C, call the name at the start of the list, then the next, etc., until you are able to reach someone from the list. Provide that person the information described below.

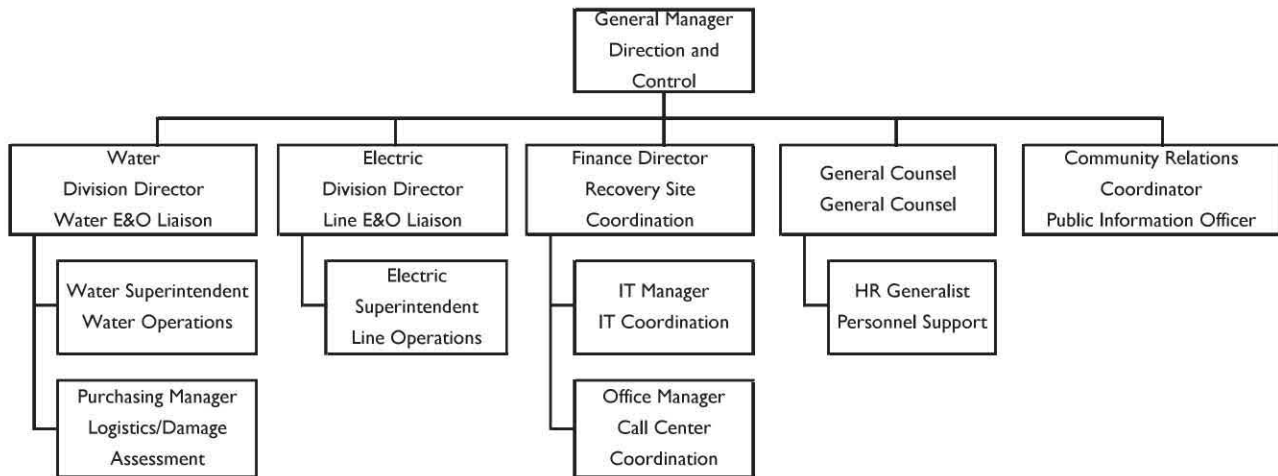
Describe to the best of your knowledge:

- Nature of the disaster
- Extent of damage
- Account for personnel and their location: i.e., present, hospital, etc.
- The phone number from where you are calling

The General Manager's Successor is responsible for contacting the General Manager, if the General Manager is not immediately able to be reached (see Designated Successor listed in Table, next page).

Emergency Response Team

In the event of activation or partial activation of the COOP plan, or any general disaster event, MW&L has designated an Emergency Response Team consisting of the following individuals, with responsibilities as shown.



2 Emergency Response

Emergency Response Team Organization

If an Emergency Response Team Member is unavailable, the responsibility for notification will rest with the Designated Successor. If the Designated Successor is not available, the General Manager will appoint a temporary Successor.

It is expected that MW&L management will be notified of any disaster through normal emergency notification channels. However, any person that recognizes a disaster, or potential disaster, at any time, should verify that MW&L management has been informed using the procedure described above.

EMERGENCY RESPONSE TEAM AND DESIGNATED SUCCESSORS		
Emergency Response Team Area of Responsibility	Key Position	Designated Successor
Direction & Control	General Manager	Electric Division Director
Public Information Officer	Community Relations Coordinator	General Counsel
Line E&O Liaison	Electric Division Director	Electric Superintendent
Water E&O Liaison	Water Division Director	Water Superintendent
General Counsel	General Counsel	
Damage Assessment	Purchasing Manager	Facilities Technician
Office - Alt Site	Finance Director	Office Manager
IT/ Communications	IT Manager	Desktop Support Specialist
Personnel Support	HR Generalist	Legal Counsel
Line Operations – Alt Site	Electric Superintendent	Line Foreman
Water Operations – Alt Site	Water Superintendent	WTP Supervisor
Logistics	Purchasing Manager	Storekeeper
Call Center Coordination	Office Manager	Customer Service Supervisor

Damage Assessment Team

An initial damage assessment will be performed by the following Emergency Response Team members:

Emergency Response Team Member	Assessment Area
Purchasing Manager	Damage Assessment Lead
IT Manager	IT/ Communications
Facilities Technician	Facilities
Senior Mechanic	Fleet
Electric Superintendent	Electric Transmission/ Distribution
Water Superintendent	Water Transmission/ Distribution

Areas of Responsibility

Each Emergency Response Team member has a specific area of responsibility. The following lists identify major responsibilities of Emergency Response Team members. For specific direction, refer to Appendix A.

The General Manager is responsible for:

- Direct all recovery efforts
- Communicate with Commissioners
- Select a command center
- Request initial damage assessment
- Evaluate damage assessment report
- Assess need for an alternate location
- Plan for recovery

The Community Relations Coordinator is responsible for:

- Communicate with media
- Communicate with outside agencies
- Proactively inform employees of recovery status
- Construct media releases

The Electric Division Director is responsible for:

- Provide liaison between Senior Management and departments
- Assist departments in evaluating progress and setting priorities
- Establish a basic means of communication between the engineering and operations departments and the Emergency Response team.
- Provide regular updates to Public Information Officer.
- Notify engineering and operations Alternate Facility, if appropriate
- Establish plans and schedules for operations at the Alternate Site
- Monitor and control access to the engineering and operations Alternate Site
- Manage setup at the engineering and operations Alternate Site

The Water Division Director is responsible for:

- Provide liaison between Senior Management and departments
- Assist departments in evaluating progress and setting priorities
- Establish a basic means of communication between the engineering and operations departments and the Emergency Response team.
- Provide regular updates to Public Information Officer.
- Notify engineering and operations Alternate Facility, if appropriate
- Establish plans and schedules for operations at the Alternate Site
- Monitor and control access to the engineering and operations Alternate Site
- Manage setup at the engineering and operations Alternate Site

General Counsel is responsible for:

- Provide legal counsel.
- Communicate resource needs with other utilities (mutual aid)
- Work with insurance carriers

The Finance Director is responsible for:

- Plan for continuance of financial transactions
- Notify Alternate Facility, if appropriate
- Establish plans and schedules for operations at the Alternate Site
- Monitor and control access to Alternate Site
- Manage setup at the Alternate Site

The IT Manager is responsible for:

- Participate in initial damage assessment
- Compile damaged hardware list (computer/communication)
- Solicit vendor assistance as necessary
- Order replacement hardware
- Prepare hardware installation site
- Install replacement hardware
- Coordinate with offsite storage site and retrieve back up tapes
- Install and test all required operating systems
- Install, test and make functional all required server application systems
- Install all required databases
- Install all network/server applications software
- Establish data communication between Alternate Site and users
- Restore all desktop workstation installations
- Re-establish back-up and offsite rotation schedules
- Facilitate the transfer of all necessary phone lines to the Alternate Site

Human Resources is responsible for:

- Proactively identify staff needs
- Provide Human Resources support

The Electric Superintendent is responsible for:

- Participate in initial damage assessment / Assess Electric system
- Review safety needs. Deenergize.
- Maintain electric and fiber operations
- Evaluate progress and set priorities for operations
- Assess damage to electric and fiber distribution systems
- Facilitate smooth transition to Alternate Site, if applicable

The Water Superintendent is responsible for:

- Participate in initial damage assessment / Assess water system
- Maintain water operations
- Maintain water treatment plant operations
- Evaluate progress and setting priorities for operations
- Assess damage to water system
- Facilitate smooth transition to Alternate Site, if applicable

(Excerpt)

The Purchasing Manager is responsible for:

- Conduct an initial damage assessment of the damaged area
- Coordinate initial damage assessment results with the other Damage Assessment Team members
- Assist General Manager in evaluating report
- Communicate damage report to other teams
- Make follow up damage assessments as required
- Arrange security
- Provide food and lodging as required
- Arrange transportation (people and equipment)
- Establish plans and processes for warehousing from Alternate Site(s)
- Provide for hazardous waste disposal
- Supply needed materials

The Office Manager is responsible for:

- Work with Finance Director to establish plans and schedules for operations at the communication center Alternate Site
- Manage Communication center
- IT support, as needed.

(Excerpt)

SECTION 3: ESSENTIAL FUNCTIONS

McMinnville Water and Light's business functions would be critically affected by an extensive computer or communications outage. All Managers shall ensure that their essential functions can continue or resume as rapidly and efficiently as possible during an emergency relocation. Any task not deemed essential must be deferred until additional personnel and resources become available.

Each identified Essential Function has been classified into tiers, based upon the maximum time period that a function or service can be interrupted before it must be restored to an acceptable level of operation. See the chart below for Tier explanations.

Tier	Rating
1	IMMEDIATE These functions need to occur in the beginning stages of an emergency response to preserve life, safety, and protect property.
2	NECESSARY Tier II functions must reach an operational status within 3-5 days, and be sustained for a minimum of 30 days
3	IMPORTANT It is not necessary for Tier III functions to reach full operation within the first week following an event.
4	POSTPONED These functions can be delayed until Tiers 1, 2 and 3 are operational

3 Essential Functions

The MW&L Water Treatment Plant has identified two essential functions.

MW&L Water Treatment Plant Essential Functions			
	Essential Function	Priority Ranking	Created by
Tier I			
1	Assist with Emergency Fire Response in Watershed	I	WTP
2	Maintain operations of water supply	I	WTP

McMinnville Water and Light departments have identified the following essential functions for the Main Facility:

(Excerpt)

MW&L ESSENTIAL FUNCTIONS			
	Essential Function	Priority Ranking	Created by
Tier 1			
1	Perform communication center functions	1	Customer Srvc
2	Respond to electric and fiber outages	1	Electric
3	Respond to water outages	1	Water
4	Coordinate with outside agencies	1	Administration
5	Provide information to the public and media	1	Administration
6	Supply facilities	1	Purchasing
7	Supply fleet, fuel, and equipment	1	Water
8	Provide restoration for communications	1	IT
9	Provide internal support during disruptions	1	Engineering
10	Supply materials	1	Purchasing
11	Maintain bank accounts and funding	1	Finance
Tier 2			
12	Provide restoration for IT systems	2	IT
13	Manage the purchase and sale of electric power	2	Power Resources
14	Process staff payroll	2	Finance
15	Perform customer billing and payment remittance	2	Customer Srvc
Tier 3			
16	Process accounts payable	3	Finance
Tier 4			
17	Perform commission necessary actions	4	Administration
18	Maintain personnel benefits and records	4	Administration
19	Provide engineering services to customers	4	Engineering
20	Maintain electric department normal operations	4	Electric
21	Maintain water department normal operations	4	Water
22	Distribute Mail	4	Finance

(Excerpt)

McMINNVILLE WATER & LIGHT
M E M O R A N D U M

TO: File

DATE: June 17, 2020

FROM: James Burke, Water Division Director

RE: Fuel Storage System for Emergency Preparedness

Purpose

The purpose of this memorandum is to provide background and justification for a fuel storage system to be located at McMinnville Water and Light Headquarters, 855 NE Marsh Lane.

Background

McMinnville Water & Light (MW&L) provides water and electricity to the City of McMinnville and surrounding areas. MW&L currently has approximate 16,700 electrical customer and 12,000 water customers. The U.S. Department of Homeland Security identifies both water and electrical as critical infrastructure and key resources. Without these two critical utilities, health and welfare are threatened and the economy cannot function.

As a critical utility, MW&L has its own unique challenges for protecting their critical infrastructure, including the water treatment plant, reservoirs, dams, pipelines, electrical substations, transmission lines, generators, and facilities. It is vital that MW&L perform its essential functions, provide essential services, and deliver core capabilities during a disruption to normal operations. MW&L has invested in its infrastructure to maintain its existing facilities and build new systems. Past experiences with disasters has played a vital role in the assessment of critical infrastructure and the level of effort necessary to ensure the utility is operational during and after a disaster occurs.

In December 2008, the northwest region of Oregon experienced a major weather system event that lasted approximately 24 days. During this event, local gas stations in McMinnville were running low on fuel. MW&L worked to get fuel to its Water Treatment Plant to keep the generator running. It became apparent that a sustained fuel supply was critical to MW&L's ability to provide utilities to the City of McMinnville.

As noted in the Oregon Department of Energy's 2017 Oregon Fuel Action Plan, more than 90 percent of Oregon's refined petroleum product enters through the Port of Portland, where seven petroleum distribution terminals are located. The seven terminals are on a six-day refueling cycle, only providing Oregon a week supply of refined gasoline and diesel reserves. Since there are no refineries in the state, Oregon is extremely vulnerable to fuel disruptions and shortages. It is likely that fuel will not be available to MW&L or will be delayed, during a major regional event such as a major earthquake.

MW&L has identified the need for a reliable fuel reserve to protect the critical infrastructure. As such, a gasoline and diesel fueling system located at MW&L Headquarters would provide a best practices approach to improving reliability during and after disasters.

Analysis

Fuel supply is a critical factor in keeping utilities and facilities operational during and after a disaster occurs. With a goal of reliable service, MW&L began evaluating the benefits of a fuel storage system consisting of gasoline and diesel fuel.

MW&L's fleet is dependent on both gasoline and diesel. The Fleet Division consists of 28 gasoline and 19 diesel powered vehicles, including a 2,500 gallon fuel tanker truck for transporting fuel, and an emergency powered generator located at the Water Treatment Plant. MW&L uses approximately 1,100 gallons of gasoline and 860 gallons of diesel fuel per month. MW&L anticipates it will need a minimum of 6,000 gallons of gasoline and 10,000 gallons of diesel fuel in reserve, for use during a disaster or major storm event.

Installation of a fuel storage system containing a gasoline fuel tank between 6,000-12,000 gallons and diesel fuel tank between 10,000 – 20,000 gallons, the system would provide MW&L a fuel reserve ranging between 20-45 days for gasoline and 80-160 days for diesel fuel. This also allows MW&L the ability to partner with another agency to supply fuel either as a primary or emergency source.

Conclusion

A fuel storage system is an important part of emergency preparedness. Due to MW&L's geographical location and dependency on a reliable fuel source, staff is recommending a fuel storage system be installed at MW&L Headquarters. Addressing this critical need will provide staff the ability to respond during and after disasters. The addition of a fuel storage system will provide MW&L the resources to help the community become more resilient to disasters.

City of McMinnville
Yamhill County, Oregon
EMERGENCY OPERATIONS PLAN



June 2010

Prepared for:

City of McMinnville
230 NE 2nd St
McMinnville, Oregon 97128

Prepared by:

Ecology and Environment, Inc.
333 SW Fifth Avenue, Suite 600
Portland, OR 97204

Preface

This Emergency Operations Plan is an all-hazard plan that describes how the City of McMinnville will organize and respond to emergencies and disasters in the community. It is based on, and is compatible with, Federal, State of Oregon, and other applicable laws, regulations, plans, and policies, including the National Response Framework, the State of Oregon Emergency Management Plan and the Yamhill County Emergency Operations Plan.

It is recognized that response to emergency or disaster conditions in order to maximize the safety of the public and to minimize property damage is a primary responsibility of government. It is the goal of the City that responses to such conditions are conducted in the most organized, efficient, and effective manner possible. To aid in accomplishing this goal, the City of McMinnville has formally adopted the principles of the National Incident Management System, the National Response Framework, and the Incident Command System.

Consisting of a Basic Plan; Functional Annexes that complement the 15 Federal, State, and County Emergency Support Functions; and Incident Annexes, this Emergency Operations Plan provides a framework for coordinated response and recovery activities during a large-scale emergency. The plan describes how various agencies and organizations in the City will coordinate resources and activities with other Federal, State, local, tribal, and private-sector partners.

Letter of Promulgation

To All Recipients:

Promulgated herewith is the revised Emergency Operations Plan for the City of McMinnville. This plan supersedes any previous plans. It provides a framework within which the City can plan and perform its respective emergency functions during a disaster or national emergency.

This Emergency Operations Plan attempts to be all-inclusive in combining the four phases of Emergency Management, which are (1) mitigation: activities that eliminate or reduce the probability of disaster; (2) preparedness: activities that governments, organizations, and individuals develop to save lives and minimize damage; (3) response: activities that prevent loss of lives and property and provide emergency assistance; and (4) recovery: short- and long-term activities that return all systems to normal or improved standards.

This plan has been adopted by the City Council on February 24, 2009, Resolution No. 2009-4. The responsibility of subsequent updates and revisions has been delegated to the Emergency Program Manager. This plan will be presented to the Council every 5 years for review. . It will be revised and updated as required. All recipients are requested to advise the City Emergency Management Coordinator of any changes that might result in its improvement or increase its usefulness. Plan changes will be transmitted to all addressees on the distribution list.

Rick Olson, Mayor

Martha Meeker, City Manager

DATE

Plan Administration

The City of McMinnville Emergency Operations Plan, including appendices and annexes, will be reviewed as noted in Chapter 6 or as appropriate after an exercise or incident response. The Emergency Operations Plan will be formally re-promulgated by the City once every five years.

Record of Plan Changes

All updates and revisions to the plan will be tracked and recorded in the following table. This process will ensure that the most recent version of the plan is disseminated and implemented by emergency response personnel.

Date	Change No.	Purpose of Update
2010	000	Original Release
2015	1	Complete review and update

Plan Distribution List

Copies of this plan have been provided to the following jurisdictions, agencies, and persons. Updates will be provided, when available. Recipients will be responsible for updating their respective Emergency Operations Plans when they receive changes. The City of McMinnville Emergency Program Manager is ultimately responsible for dissemination of all plan updates.

Full plan including all annexes:

Date	No. of Copies	Jurisdiction/Agency/Person
	1 ea.	All McMinnville City Department Heads
	1 ea.	McMinnville City Council
	1	McMinnville City Manager
	10	McMinnville Emergency Operations Center
	1 ea.	McMinnville Emergency Plan Committee Members
	2	McMinnville Fire Department
	1 ea.	McMinnville ICS Position Designees
	8	McMinnville Police Department
	1	Oregon Emergency Management
	1	Yamhill Communications Agency
	1	Yamhill County Emergency Management

Plan without Support Annexes (Resource List, Call Lists and Vital Services):

Date	No. of Copies	Jurisdiction/Agency/Person
	1	Willamette Valley Medical Center
	1	McMinnville School District 40
	1	American Red Cross, Willamette Chapter
	1	Salvation Army, McMinnville

Emergency Operations Plan Assignments

Unless otherwise stated, the following table identifies agencies responsible for reviewing specific plan sections and annexes. Changes will be forwarded to the Emergency Program Manager for revision and dissemination of the plan. This does not preclude other departments and agencies with a vital interest in the annex from providing input to the document; such input is, in fact, encouraged.

Section/Annex	Responsible Party
Basic Plan	Emergency Management
Functional Annexes (FAs)	
FA 1 Emergency Services	Public Works
FA 2 Human Services	Emergency Management
FA 3 Infrastructure Services	Public Works
FA 4 Recovery Strategy	Fire Department
Incident Annexes (IAs)	
IA 1 Severe Weather (including Landslides)	Public Works
IA 2 Hazardous Materials (Accidental Release)	Fire Department
IA 3 Utility Failures and Resource Shortage	Public Works
IA 4 Earthquake/Seismic Activity	Public Works
IA 5 Volcano/Volcanic Activity	Public Works
IA 6 Flood	Public Works
IA 7 Civil Disorder and Terrorism	Police Department
IA 8 Transportation and Industrial Incident	Police Department
IA 9 Major Fire	Fire Department
IA 10 Nuclear	Fire Department
IA 11 Public Health–Related	County Health Department
Support Annexes (SAs)	
SA 1 Resource List	Emergency Management
SA 2 Call Lists	Emergency Management
SA 3 Vital Services	Emergency Management
SA 4 School Related Incidents	Emergency Management
SA 5 Evacuation Plan	Emergency Management

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1

Introduction

1.1 General

This Emergency Operations Plan (EOP) establishes guidance for the City of McMinnville's (City's) actions during response to, and short-term recovery from, major emergencies or disasters. It promulgates a framework within which the City will combine technical capabilities and resources, plus the sense, judgment, and expertise of its emergency response personnel, department directors, and other decision makers. Specifically, this EOP describes the roles and responsibilities of the City departments and personnel when an incident occurs, and it establishes a strategy and operating guidelines that support implementation of the National Incident Management System (NIMS), including adherence to the concepts and principles of the Incident Command System (ICS).

The City views emergency management planning as a continuous process that is linked closely with training and exercises to establish a comprehensive preparedness agenda and culture. The Emergency Management Coordinator will maintain the EOP through a program of continuous improvement, including ongoing involvement of City departments and of agencies and individuals with responsibilities and interests in these plans.

1.2 Purpose and Scope

1.2.1 Purpose

The City EOP provides a framework for coordinated response and recovery activities during an emergency. This plan is primarily applicable to extraordinary situations and is not intended for use in response to typical, day-to-day emergency situations. This EOP complements the Yamhill County (County) EOP, the State of Oregon (State) Emergency Management Plan (EMP), and the National Response Framework (NRF). It also identifies critical tasks needed to support a wide range of response activities.

The purpose of the Basic Plan is to:

- Provide a description of the legal authorities upon which the City has structured its Emergency Management Agency (EMA), including the emergency declaration process, activation of mutual aid agreements, and request for resources and emergency spending powers;

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- Describe the context under which the City will respond to an incident, including a community profile and discussion of hazards and threats facing the community;
- Assign and describe roles and responsibilities for the City's agencies tasked with emergency preparedness and response functions;
- Describe a concept of operations for the City that provides a framework within which the City will conduct its emergency operations and coordinate with other agencies and jurisdictions;
- Describe the City's emergency response structure, including activation and operation of the City Emergency Operations Center (EOC) and implementation of ICS; and
- Discuss the City's protocols for maintaining and reviewing this EOP, including training, exercises, and public education components.

The Basic Plan is supplemented by Functional Annexes (FAs), Incident Annexes (IAs), and Support Annexes (SAs). The FAs focus on critical tasks, capabilities, and resources provided by emergency response agencies for the City throughout all phases of an emergency. In the event of an incident for which the City's capabilities and/or resources are limited or exhausted, escalation pathways and resource request procedures for seeking additional support from County agencies are clearly defined in each annex. For the purposes of this EOP, information regarding common management functions performed by the City and supporting agencies and organizations are streamlined into the following four FAs, which supplement the information in the Basic Plan:

- FA 1 - Emergency Services,
- FA 2 - Human Services,
- FA 3 – Infrastructure Services, and
- FA 4 - Recovery Strategy.

The fourth functional annex, Recovery Strategy, identifies the City's roles and responsibilities for ensuring the short-term protection of the community's life, health, and safety and for supporting response missions such as fire suppression. Additionally, it helps to guide the community's long-term efforts to regain normal functions, such as commerce and employment, public transportation, and the use of structures such as buildings, bridges, and roadways.

Tables 1-1 through 1-4 show the relationship between the City's FAs and the Emergency Support Functions (ESFs) in County, State, and Federal plans, as defined by the NRF. City emergency personnel should be familiar with County's EOP and ESF structure and understand how the City's response would coordinate

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with the County during an emergency event. Note that not every County ESF relates to a City FA. For example, Hazardous Materials response, covered in ESF 10, and Food- and Agriculture-related incidents, covered in ESF 11, are primarily the responsibility of County and State agencies and are therefore not covered in the City FAs.

Table 1-1 City Functional Annex 1 – Emergency Services	
Yamhill County ESFs	City of McMinnville Function
ESF 2 – Communications	Alert and Warning Emergency Public Information
ESF 4 – Firefighting	Fire Protection
ESF 5 – Emergency Management	Emergency Management
ESF 7 – Resource Support	Resource Management
ESF 9 – Search and Rescue	Search and Rescue
ESF 13 – Public Safety and Security	Law Enforcement

Table 1-2 City Functional Annex 2 – Human Services	
Yamhill County ESFs	City of McMinnville Function
ESF 6 – Mass Care, Emergency Assistance, Housing and Human Services	Evacuation Sheltering and Mass Care Disaster Welfare Information
ESF 8 – Public Health	Emergency Medical Services
ESF 15 – External Affairs	External Affairs

Table 1-3 City Functional Annex 3 – Infrastructure Services	
Yamhill County ESFs	City of McMinnville Function
ESF 1 – Transportation	Transportation
ESF 3 – Public Works and Engineering	Public Works and Engineering
ESF 12 – Energy	Energy and Utility Services

Table 1-4 City Functional Annex 4 – Recovery Strategy	
Yamhill County ESFs	City of McMinnville Function
ESF 14 – Long-Term Community Recovery	Recovery

During a major emergency or disaster affecting the County or a portion thereof, City departments and special districts may be asked to support the larger response. Request for such assistance would come from County Emergency Management. Table 1-5 outlines the ESFs each agency/organization may be requested to support.

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Table 1-5 City Coordination with County ESFs

	1 – Transportation	2 – Communications	3 – Public Works and Engineering	4 – Firefighting	5 – Emergency Management	6 – Mass Care, Emergency Assistance, Housing, and Human Services	7 – Logistics Management and Resource Support	8 – Public Health and Medical Services	9 – Search and Rescue	10 – Oil and Hazardous Materials	11 – Agriculture and Natural Resources	12 – Energy	13 – Public Safety and Security	14 – Long-Term Community Recovery	15 – External Affairs
Key:															
P – Primary															
S – Support															
City of McMinnville															
Administration	S			S	S	S	P	S					S	P	P
Fire Department	S			P	S	S	S	S	S	P		S	S	S	
Police Department	P	P		S	P	S	S		S	S		S	P	S	
Public Works	S		P	S	S	S	S			S		S	S	S	
Yamhill County															
Emergency Management Division	S	S	S		S	S	S	S	S	S	P	S		S	S
Fire Protection District		S		S	S				S	S					
Sheriff's Office	S	S	S		S	S	S		P				S		S
Public Works	S	S	S		S	S				S		S		S	
Public Health					S	S	S	P		S	S				
Special Districts															
School District		S		S	S	S			S	S			S	S	
Water District				S	S			S		S	S		S	S	
Weed Control District				S	S						S				
Private/Non-Profit Organizations															
American Red Cross		S				P		S							S
ARES/RACES		S			S	S	S	S	S						
CERT					S								S		
Chamber of Commerce					S									S	
Colleges		S			S	S			S					S	
Garbage Service					S	S		S		S					
McMinnville Water and Light			S	S	S	S				S		P		S	
Salvation Army						S									

Additionally, IAs are included with the Basic Plan to provide tactical information and critical tasks unique to specific natural and man-made/technological hazards that could pose a threat to the City. Incident types are based on the hazards identified in the most recent Hazard Identification and Vulnerability Assessment conducted for the County.

1. Introduction

Annex	Hazard
IA 1	Severe Weather (Including Landslides)
IA 2	Hazardous Materials (Accidental Release)
IA 3	Utility Failure and Resource Shortage
IA 4	Earthquake/Seismic Activity
IA 5	Volcano/Volcanic Activity
IA 6	Flood (Including Dam Failure)
IA 7	Civil Disorder & Terrorism
IA 8	Transportation & Industrial Incident
IA 9	Major Fire
IA 10	Nuclear
IA 11	Public Health-Related
<i>Note: Resource shortages and civil disobedience are considered secondary risks during any emergency situation.</i>	

If the Yamhill County EOP is activated during an incident or Countywide emergency declaration, the City will adopt command and control structures and procedures representative of County response operations in accordance with the requirements of NIMS and ICS.

1.2.2 Scope

The City EOP is intended to be invoked whenever the City must respond to an unforeseen incident or planned event, the size or complexity of which is beyond that normally handled by routine operations. Such occurrences may include natural or human-caused disasters and may impact the City itself, neighboring cities, unincorporated areas of the County, or a combination thereof. Notwithstanding its reach, this plan is intended to guide only the City’s emergency operations, complementing and supporting implementation of the emergency response plans of the various local governments, special districts, and other public- and private-sector entities within and around the City but not supplanting or taking precedence over them.

The primary users of this plan are elected officials, department heads and their senior staff members, emergency management staff, leaders of local volunteer organizations that support emergency operations, and others who may participate in emergency response efforts. The general public is also welcome to review non-sensitive parts of this plan to better understand the processes by which the City manages the wide range of risks to which it is subject.

1.3 Relationship to Other Plans

1.3.1 Yamhill County Emergency Operations Plan

The County EOP is an all-hazard plan describing how the County will organize and respond to events that occur in individual cities, across the County, and in the

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surrounding region. The plan describes how various agencies and organizations in the County will coordinate resources and activities with other Federal, State, local, tribal, and private-sector partners. Use of NIMS/ICS is a key element in the overall County response structure and operations.

The County EOP Basic Plan describes roles, responsibilities, and concepts of operations, command, and control, while clearly defining escalation pathways and legal authorities involved with critical decision making and resource allocation by local and County governments. The 15 ESF annexes supplement the information in the Basic Plan and are consistent with the support functions identified in State and Federal plans. Each ESF serves as an operational-level mechanism for identifying primary and support entities to maintain capabilities for providing resources and services most likely needed throughout all phases of an emergency. In addition, the County EOP contains IAs to provide tactical information and critical tasks unique to specific natural and human-caused/technological hazards that could pose a threat to the County.

If capabilities or resources prove limited or unavailable to the City during an emergency or disaster, escalation pathways and resource request procedures for seeking additional resources through County, State, or Federal agencies are clearly defined in each County ESF.

1.3.2 State of Oregon Emergency Management Plan

The Oregon EMP is developed, revised, and published by the Director of Oregon Emergency Management (OEM) under the provisions of Oregon Revised Statutes (ORS) 401.270, which are designed to coordinate the activities of all public and private organizations that provide emergency services within the state and to provide for and staff a State Emergency Coordination Center (ECC) to aid the Governor. ORS 401.035 makes the Governor responsible for the emergency services system within the State of Oregon. The Director of OEM advises the Governor and coordinates the State's response to an emergency or disaster.

The Oregon EMP consists of three volumes:

- *Volume I: Preparedness and Mitigation* consists of plans and guidance necessary for State preparation to resist a disaster's effects. Sections include disaster hazard assessment, the Emergency Management Training and Exercise Program, and plans to mitigate (or lessen) a disaster's physical effects on citizens, the environment, and property.
- *Volume II: Emergency Management Plan* broadly describes how the State uses organization to respond to emergencies and disasters. It delineates the emergency management organization; contains FAs that describe the management of functional areas common to most major emergencies or disasters, such as communications, public information, and others; and includes hazard-specific annexes.

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- *Volume III: Relief and Recovery* provides State guidance, processes, and rules for assisting Oregonians with recovery from a disaster's effects. It includes procedures for use by government, business, and citizens.

Activation and implementation of the Oregon EMP (or specific elements of the plan) may occur under various situations. The following criteria would result in activation of the EMP, including the EOP:

- The Oregon Emergency Response System (OERS) receives an alert from an official warning point or agency, indicating an impending or probable incident or emergency;
- The Governor issues a "State of Emergency";
- A Statewide disaster is imminent or occurring;
- Terrorist activities or weapons of mass destruction (WMD) incidents are occurring or imminent;
- An alert, site emergency, or general emergency is declared at the Washington Hanford Nuclear Reservation in Washington State or at the research reactors at Oregon State University or Reed College;
- A community emergency (or other appropriate Chemical Stockpile Emergency Preparedness Program Emergency Classification Level) occurs involving the Umatilla Chemical Depot;
- A localized emergency escalates, adversely affecting a larger area or jurisdiction and exceeding local response capabilities;
- A geographically limited disaster requires closely coordinated response by more than one State agency; and/or
- An affected city or county fails to act.

1.3.3 Continuity of Operations and Continuity of Government Plans

The City has not formalized a City Continuity of Operations (COOP) or a Continuity of Government (COG) plan to date. However, once they have been developed and implemented, these plans may be used in conjunction with the EOP during various emergency situations. The COOP and COG plans detail the processes for accomplishing administrative and operational functions during emergencies that may disrupt normal business activities. Parts of these plans identify essential functions of local government, private-sector businesses, and community services and delineate procedures to support their continuation. COOP/COG plan elements may include, but are not limited to:

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- Identification and prioritization of essential functions;
- Establishment of orders of succession for key positions;
- Establishment of delegations of authority for making policy determination and other decisions;
- Identification of alternate facilities, alternate uses for existing facilities, and, as appropriate, virtual office options, including telework;
- Development of interoperable communications systems;
- Protection of vital records needed to support essential functions;
- Management of human capital;
- Development of a Test, Training, and Exercise Program for continuity situations;
- Devolution of Control planning; and
- Reconstitution and resumption of normal operations.

1.3.4 Natural Hazard Mitigation Plan

A mitigation plan seeks to provide resources, information, and strategies for risk reduction, while helping to guide and coordinate mitigation activities throughout the County. The plan provides a set of action items to reduce risk from natural hazards through education, outreach programs, the development of partnerships, and the implementation of preventative activities. The City of McMinnville has not currently adopted a Natural Hazard Mitigation Plan; however, a detailed hazard analysis can be found in Chapter 2.

1.4 Authorities**1.4.1 Legal Authorities**

In the context of this EOP, a disaster or major emergency is characterized as an incident requiring the coordinated response of all government levels to save the lives and protect the property of a large portion of the population. This plan is issued in accordance with, and under the provisions of, ORS Chapter 401, which establishes the authority for the highest elected official of the City Council to declare a state of emergency.

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Summary of ORS 401

401.305 Emergency management agency of city...Emergency Program Manager. "Each City may establish an emergency management agency which shall be directly responsible to the executive officer or governing body of the ...city. The executive officer or governing body of each...city which participates, shall appoint an Emergency Program Manager who shall have responsibility for the organization, administration, and operation of such agency, subject to the direction and control of the... city... and may perform such functions outside the territorial limits as required under any mutual aid agreement or as authorized by the...city."

401.315 City authorized to incur obligations for emergency services. "In carrying out the provisions of ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401. 580,...cities may enter into contracts and incur obligations necessary to mitigate, prepare for, respond to, or recover from emergencies or major disasters."

401.325 Emergency management agency appropriation: tax levy. (1) "Each...city may make appropriations in the manner provided by law for making appropriations for the expenses of the...city, for the payment of expenses of its emergency management agency, and may levy taxes upon the taxable property within the...city." (2) "An appropriation made under subsection (1) of this section shall be budgeted so that it is possible to identify it as a distinguishable expense category."

401.335 Temporary Housing for disaster victims; political subdivision's authority. "Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into arrangements necessary to prepare or equip such sites to utilize the housing units."

The City has formally adopted NIMS under Resolution No. 2009-4, dated February 24, 2009. Procedures supporting NIMS implementation and training for the City have been developed and formalized by the City EMA.


As approved by the City Council, the Police Department has been identified as the lead agency in the EMA. The EMA functions as a team, with the Emergency Management Coordinator as a team leader. The Emergency Management Coordinator has the authority and responsibility for the organization, administration, and operation of the EMA.

Table 1-7 sets forth the Federal, State, and local legal authorities upon which the organizational and operational concepts of this EOP are based.

Table 1-7 Legal Authorities
Federal
<ul style="list-style-type: none"> – Federal Civil Defense Act of 1950, PL 81-950 as amended – The Disaster Relief Act of 1974, PL 93-288 as amended – Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 100-707 – Title III, of the Superfund Amendments and Reauthorization Act of 1986, PL 99-499 as amended – Code of Federal Regulations, Title 44. Emergency Management Assistance – Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, of November 18, 1988 – Executive Order 12472, Assignment of National Security and Emergency Preparedness Telecommunications Functions, of April 3, 1984
State of Oregon
<ul style="list-style-type: none"> – Oregon Revised Statutes 401.305 through 401.335. – Executive Order of the Governor
Yamhill County
<ul style="list-style-type: none"> – Yamhill County Ordinance 759
City of McMinnville
<ul style="list-style-type: none"> – City Resolution No. 2009-4

1.4.2 Mutual Aid and Intergovernmental Agreements

State law (ORS 401.480 and 401.490) authorizes local governments to enter into Cooperative Assistance Agreements with public and private agencies in accordance with their needs (e.g., the Omnibus Mutual Aid Agreement). Personnel, supplies, and services may be used by a requesting agency if the granting agency cooperates and extends such services. However, without a mutual aid pact, both parties must be aware that State statutes do not provide umbrella protection except in the case of fire suppression, pursuant to ORS 476 (the Oregon State Emergency Conflagration Act).

 Existing Mutual Aid Agreements are identified in Appendix D of this plan.

Copies of these documents can be accessed from the individual department heads. During an emergency situation, a local declaration may be necessary to activate these agreements and allocate appropriate resources.

1.5 Emergency Powers

1.5.1 City of McMinnville Disaster Declaration Process

A declaration of a State of Emergency by the City is the first step in accessing Federal disaster assistance. The McMinnville City Council has the legal authority under ORS 401 (see Section 1, Page 3) to declare that a local emergency exists. (See the Basic Plan, Appendix A for a sample Disaster Declaration Form.)

If a quorum of the Councilors cannot be assembled within a reasonable period of time, this authority is delegated first to the Mayor, then to the Council President,

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and then to the City Manager. If the City Manager is unable to act due to absence or incapacity, the acting City Manager or Emergency Management Coordinator may exercise local declaration authority. If in the judgment of the Incident Commander (IC), time does not permit access to others authorized, the IC can declare a State of Emergency. If the declaration is made by anyone listed above other than the City Council, the City Council should convene as soon as practical to ratify the State of Emergency declaration. The declaration of a local state of emergency must include:

- A description of the situation and existing conditions;
- A delineation of the affected area's geographic boundaries;
- A declaration that all appropriate and available local resources have been expended; and
- A request for the type of assistance required.

1.5.2 Yamhill County Declaration Process

The County Board of Commissioners and/or Sheriff will issue an Emergency Declaration stating that an emergency exists and will specify a location or description of the affected area and jurisdictions included in the declaration. In the context of the County EOP, a disaster or major emergency is considered an incident requiring the coordinated response of all government levels to save the lives and protect the property of a large portion of the population. Under such conditions, the EOP will be activated. If possible, an Initial Damage Assessment (IDA) will be conducted by local jurisdictions and/or the County prior to requesting State or Federal assistance (see FA 3 for additional IDA information). Particular attention will be given to special needs populations to appropriately allocate resources necessary for providing critical services during an emergency.

OEM has set forth the following criteria necessary in declaring a local emergency:

- Describe the circumstances impacting an identified area;
- Identify the problems for which assistance is needed; and
- Clearly state what has been done locally to respond to the impact and needs.

When an emergency or disaster arises, and it is determined that conditions have progressed past the staffing power, equipment, or other resource capabilities of the affected municipality or County department, a mayor or County department head will request that the following officials activate this EOP and the County Emergency Operations Center (EOC):

- Yamhill County Sheriff, or designee;

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- Yamhill County Emergency Management Director, or designee; and
- Yamhill County Board of Commissioners, or designee.

Yamhill County's local declaration process involves an escalation through the Emergency Management Director (or designee) to the Board of Commissioners for a formal declaration of emergency or disaster. The declaration will then be forwarded to the State of Oregon for review by the Governor. If the governor issues an emergency or disaster declaration, OEM will be contacted by OERS for allocation of State resources to support the response. A draft emergency/disaster declaration templates for the City is included in Appendix A of this document.

During a pending, suspected, or confirmed Public Health Emergency, the Yamhill County Local Public Health Officials will advise the Board of Commissioners and Emergency Management regarding a declaration; the Board of Commissioners will then sign a declaration and forward it to the State for review by the Governor. For the purposes of this document, Local Public Health Officials refer to the positions of Health Department Administrator, Local Public Health Manager, and the Local Health Officer.

The County Emergency Management Director will contact OEM using the OERS, and collaboratively decide upon allocation of State resources to support emergency response objectives. Human isolation and quarantine issues will be addressed by the Local Public Health Officials. Human isolation and quarantine issues will be addressed by the Yamhill County Health Administrator and the Yamhill County Legal Department. A court order to implement formal procedures must be requested and issued through the County Court.

Animal quarantine measures will be implemented through Yamhill County Sheriff and do not require a court order for enforcement. The Area Veterinarian in Charge for the United States Department of Agriculture/Animal and Plant Health Inspection Service/Veterinary Services will assist the State Veterinarian as appropriate in any animal health emergency. Support from the State Brand Inspector, State agricultural agencies, Cooperative Extension Services, and the Oregon Department of Human Services would be included in operational procedures. Formal quarantine measures will be implemented, following existing procedures established in the Oregon Animal Disease Emergency Management Plan, as set forth by Oregon Department of Agriculture (ODA). Response activities may also be supported by the ODA's Veterinary Emergency Response Teams.

1.5.3 Lines of Succession

Table 1-8 provides the policy and operational lines of succession during an emergency for the City.

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Table 1-8 City Lines of Succession	
Emergency Operations	Emergency Policy and Governance
City Manager	Mayor
City Emergency Management Coordinator	Council members (order of succession)
Incident Commander	City Manager
	Incident Commander

Each City department is responsible for pre-identifying staff patterns showing a line of succession in management’s absence. All employees should be trained on the protocols and contingency plans required to maintain leadership within the department. The Emergency Management Coordinator will provide guidance and direction to department heads to maintain COOP and COG during an emergency. Individual department heads within the City are responsible for developing and implementing COOP/COG plans to ensure continued delivery of vital services during an emergency.

1.5.4 Request, Allocation, and Distribution of Resources

Resource requests and emergency/disaster declarations must be submitted by the City Manager to the County Emergency Manager according to provisions outlined under ORS Chapter 401.

The City Manager (or designee) is responsible for the direction and control of the City’s resources during an emergency and for requesting additional resources required for emergency operations. All assistance requests are to be made through County Emergency Management via the County EOC. County Emergency Management processes subsequent assistance requests to the State.

In the case of emergencies involving fires threatening life and structures, the Conflagration Act (ORS 476.510) can be invoked by the Governor through the Office of State Fire Marshal. This act allows the State Fire Marshal to mobilize and fund fire resources throughout the State during emergency situations. The McMinnville Fire Department Fire Chief and the Yamhill County Fire Defense Board Chief assess the status of the incident(s) and, after determining that all criteria have been met for invoking the Conflagration Act, notify the State Fire Marshal via OERS. The State Fire Marshal reviews the information and notifies the Governor, who authorizes the act.

1.5.5 Financial Management

During an emergency, the City is likely to find it necessary to redirect City funds to effectively respond to the incident. The authority to adjust department budgets and funding priorities rests with the City Council. If an incident in the City requires major redirection of City fiscal resources, the City Council will meet in emergency session to decide how to respond to the emergency funding needs, declare a State of Emergency, and request assistance through the County as necessary.

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Expenditure reports should be submitted to the Finance Section and managed through the Section Chief (Finance Director, or designee) to identify budgetary shortfalls. The Logistics Section will support procurement issues related to personnel, both volunteer and paid. In addition, copies of expense records and all supporting documentation should be submitted for filing Federal Emergency Management Agency (FEMA) Public Assistance reimbursement requests.

1.5.6 Liability Issues

Liability issues and potential concerns among government agencies, private entities, and other response partners and across jurisdictions are addressed in existing mutual aid agreements and other formal memoranda established for the City and its surrounding areas.

1.6 Safety of Employees and Family

All department heads (or designees) are responsible for the safety of employees. Employees should attempt to make contact with their supervisors and/or managers within the first 24 hours following an incident. Emergency 9-1-1 should only be utilized if emergency assistance is needed. Agencies and departments with developed COOP plans will establish alternate facilities and staff locations, as applicable. Notification procedures for employee duty assignments will follow required procedures established by each agency and department.

During biological incidents or public health emergencies such as influenza pandemics, maintaining a resilient workforce is essential to performing the overall response activities required to protect the City and surrounding community from significant impacts to human lives and the economy. Thus, personnel should be provided with tools to protect themselves and their families while they provide health and medical services during a pandemic or other type of public health emergency. Safety precautions and personal protective equipment decisions will be specific to the type of incident occurring and will require just-in-time training among the first responder community and other support staff to implement appropriate procedures. First Responders also receive annual training on Hazardous Materials Responses and First Aid procedures in order to maintain skills, keep up on updates and changes in procedures, and to maintain safety awareness.

If necessary, the Oregon Occupational Safety and Health Administration may provide assistance and guidance on worker safety and health issues. Information about emergency procedures and critical tasks involved in a biological emergency incident or disease outbreak is presented in ESF 8 of the County EOP and the supporting plans and procedures.

Processes that support employees and their families during emergency situations or disasters will be further developed through ongoing COOP and COG planning.

2

Situation and Planning Assumptions

2.1 Situation

The City of McMinnville is exposed to a variety of hazards, many of which have the potential of disrupting the community, causing damage, and creating casualties. Possible natural hazards include earthquakes, droughts, floods, wildfires, and winter storms. The threat of an intentional criminal, terrorist, or war-related incident such as a nuclear, biochemical, or conventional attack is present as well. Other disaster situations could develop from hazardous material (HazMat) accidents, health-related incidents, conflagrations, or major transportation disruptions.

2.1.1 Community Profile

The City of McMinnville is located 35 miles southwest of the city of Portland in Yamhill County. Currently, McMinnville has an approximate population of 32,760 and a total land area of approximately 11 square miles. Highway 18 passes through the southeast side of the City, with Highway 99W running through the center from north to south. Willamette and Pacific Railway cargo rail line runs through town from the north to the south on the east side of town. The South Yamhill River flows through the east side of the City, with the North Yamhill River flowing along the north City limits. The city also contains Cascade Steel Rolling Mills, Air Liquide Corporation, (and many other industrial hazards) which contain chemicals or industrial processes that have the potential to jeopardize a portion of the community. The City also hosts a number of large city celebrations such as Turkey Rama and Alien Days/Daze and is host city for the Yamhill County Fair. These celebrations can put undue strain on services within the City.

2.1.2 Hazards and Threats

The hazards to which the City of McMinnville is exposed are detailed in the following sections.

2.1.2.1 Weather

Weather extremes with a history of occurrences in McMinnville include windstorms, snow storms, ice storms, and periods of extreme cold and heat.

2. Situation and Assumptions

2.1.2.2 Hazardous Materials

Hazardous materials incidents, although major incidents are rare in the City, include both fixed site and transportation-related incidents involving hazardous and radiological materials. This hazard also includes drug laboratories.

2.1.2.3 Utility Failure/Resource Shortage

This hazard includes the shortage or loss of power, water, sewer, or natural gas supplies, as well as shortages of fuel such as oil, gasoline, diesel, and food supplies.

2.1.2.4 Earthquake

This hazard includes earthquakes themselves, as well as associated hazards such as landslides and building collapses. Recent evaluation of the earthquake potential in the Pacific Northwest appears to indicate that earthquake potential has been underestimated and that the area is potentially subject to a “great” earthquake (in excess of 9 on the Richter scale) from the Cascadia Subduction Zone.

2.1.2.5 Volcano

This hazard includes the ash fall that might result from another eruption of Mount St. Helens. Mount Hood is also considered to be active as well.

2.1.2.6 Flood

The South Yamhill River runs through the east side of McMinnville and has been subject to severe flooding. Cozine Creek also runs through town on the west side and has also experienced severe flooding. Most of the flooding that has occurred has not affected the population base requiring evacuation, but the potential for such an event remains.

2.1.2.7 Health Epidemic

This hazard includes contagious diseases and other health-related epidemics.

2.1.2.8 Nuclear Incident

This hazard includes not only the detonation of nuclear weapons, by accident or deliberate launch, but any transportation accident or release from a fixed facility.

2.1.2.9 Transportation and Industrial Accidents

Transportation and industrial accidents may include major automobile or airplane crashes, train derailments, or accidents that happen within industrial complexes that endanger lives and property.

2.1.2.10 Fire

Level II urban fire occurrences are infrequent in McMinnville.

2. Situation and Assumptions

2.1.2.11 Civil Disorder and Terrorism

This hazard includes riot, protests, demonstrations, and strikes, as well as acts of terrorism.

2.1.3 Hazard Analysis

In the Hazard Analysis, each of the hazards and threats described above is scored using a formula that incorporates four independently weighted rating criteria (history, vulnerability, maximum threat, and probability) and three levels of severity (low, moderate, and high). For each hazard, the score for a given rating criterion is determined by multiplying the criterion’s severity rating by its weight factor. The four rating criteria scores for the hazard are then summed to provide a total risk score for that hazard. Note that while many hazards may occur together or as a consequence of others (e.g., dam failures cause flooding, and earthquakes may cause landslides), this analysis considers each hazard as a singular event.

Hazard	Rating Criteria with Weight Factors				Total Score
	History ¹ (WF=2)	Vulnerability ² (WF=5)	Max Threat ³ (WF=10)	Probability ⁴ (WF=7)	
<i>Score for each rating criteria = Rating Factor (High = 10 points; Moderate = 5 points; Low = 1 point) X Weight Factor (WF)</i>					
Weather	H	H	H	H	240
Hazardous Materials Spill	H	H	H	H	240
Utility Failure	H	H	H	H	240
Resource Shortage	H	H	H	H	240
Earthquake	L	H	H	M	187
Volcano/Ash	L	H	H	M	187
Flood	H	M	M	H	165
Health Epidemic	L	H	H	L	159
Nuclear Incident	L	H	H	L	159
Transportation Incident	H	L	L	H	105
Industrial Incident	H	L	L	M	105
Fire	L	L	L	M	52
Civil Disorder/Terrorism	L	L	L	L	24
Notes:					
1. History addresses the record of previous major emergencies or disasters. Weight Factor is 2. Rating factors: high = 4 or more events in last 100 years; moderate = 3 events in last 100 years; low = 1 or 0 events in last 100 years.					
2. Vulnerability addresses the percentage of population or property likely to be affected by a major emergency or disaster. Weight Factor is 5. Rating factors: high = more than 10% affected; moderate = 1%-10% affected; low = less than 1% affected.					
3. Maximum Threat addresses the percentage of population or property that could be affected in a worst case incident. Weight Factor is 10. Rating factors: high = more than 25% could be affected; moderate = 5%-25% could be affected; low = less than 5% could be affected.					
4. Probability addresses the likelihood of a future major emergency or disaster within a specified period of time. Weight Factor is 7. Rating factors: high = one incident within a 10-year period; moderate = one incident within a 50-year period; low = one incident within a 100-year period.					

McMinnville Water & Light
2019-2020 Annual Budget
Operating & Capital Budgets



ADOPTED BUDGET
June 18, 2019

LIGHT DIVISION
Key Points and Assumptions
Fiscal Year 2019-2020

REVENUES

FY 19-20 revenues are estimated to increase by 9.3% based on the following factors: are based on forecasted loads and estimated supply costs from BPA as shown below:

- A 1.5% cost increase from BPA is anticipated on October 1, 2019 and will be passed on to industrial customers so the revenues include this increase. However, they do not include any rate increase for distribution customers.

- Besides a small growth factor, the remainder of the 9.3% revenue increase is from the Industrial customer load forecast.

For FY 20-21 forward, revenue increases are all from load forecasts. Weather is always a factor that can cause differences between budgeted and actual results. Also, issues that will continue to place upward pressure on BPA rates in the coming years include: Aging infrastructure, servicing of debt, and court-ordered spill mitigation. Low financial reserves in BPA's Power operations was also expected to drive BPA rates higher but with the likely reallocation of BPA Transmission reserves to Power, it's no longer anticipated that reserves will be a factor in BPA rates.

EXPENSES

Power and transmission supply costs are driven by forecasted loads and estimated BPA rate changes. The five year budget forecast is based on the following load and rate estimates:

- FY 19-20 includes a BPA rate increase of 1.5%. BPA rate increases may occur in future years, but since they're not known they're not included.
- FY 19-20, 21-22 and 23-24 all include increases in Industrial load forecasts. Distribution load increases are estimated at 0.5% annually for each year of the 5 year budget forecast.
- FY 19-20 also includes additional purchased power costs of approximately \$2.1M due to the completion of BPA's Look-back credit and demand response programs.

FY 19-20 personnel costs for the Electric Division are estimated to increase by 10.6% over the PY due in part to the addition of a new Electric Technical Assistant position and the anticipated backfill of a vacant lineman position. Also, a PERS rate increase of 4 percentage points results in a 24% increase in PERS costs (approx 165K for the Electric Division). A 6% health care insurance increase in January 2020 is also included in the FY 19-20 budget. For FY 20-21 and there after, payroll costs are anticipated to increase by 3.5% except in years where a new PERS biennium initiates (FY 21-22 and 23-24). In those years, payroll is anticipated to increase by 6.5%. The Area West CPI-U for 2018 was 3.35% so an inflationary cost increase of that amount included in the FY 19-20 budget. An inflation rate of 3.5% was used there after. Conservation measures are anticipated to decrease after in FY 19-20 and are offset by BPA reimbursements.

RESULTS OF OPERATIONS

Operating losses are projected beginning in FY 21-22, but because Non-Operating revenue increases are expected to outpace operating losses, Net Income remains positive through the 5 year projection. This is due in part to higher interest rates on investments which are estimated at about 3% through the five year projection.

CAPITAL EXPENDITURES

Significant projects identified in the Light Division Capital Budget include the replacement of the East McMinnville Substation bank 2 transformer, purchase of an additional power transformer for the Baker Creek substation, construction of a shared bulk fuel station, purchase of a Digger Derrick truck, as well as continued undergrounding, line rebuilds, and pole replacements.

CASH RESERVES

Ending cash balances are estimated to increase approximately \$2.1M over the projection, moving from \$36.5M in FY 18-19 to \$38.6M by FY 23-24. For this budget projection, the use of cash for capital construction was estimated at 80% of the capital plan. This was done to better represent anticipated actual ending cash balances and was based on historical performance.

WATER DIVISION

Key Points and Assumptions

Fiscal Year 2019-2020

REVENUES

During FY 18-19, a 3% water rate increase went into effect on October 1, 2018 which resulted in an expected operating revenue increase of 2.3% over the prior year. Operating revenues for FY 19-20 are estimated to increase by 1.5% due to anticipated continued housing development growth in the community. This growth assumption is repeated in the future years of the projection as well. However, these estimates will be impacted by unusual weather and economic conditions as well as conservation measures should they occur. Finally, due to strong demand, timber sales are anticipated to exceed 3M in FY 18-19 and 19-20 and provide critical funding for capital investment.

EXPENSES

For FY 19-20, operating costs are anticipated increase by 10.5% due in part to the addition of two new positions - a Water Quality Specialist and Water Treatment Plant Operator, the latter being a 1-year position to facilitate succession planning. Also, a PERS rate increase of 4 percentage points results in a 24% increase in PERS costs (approx 115K for the Water Division) for FY19-20. A 6% health care insurance increase in January 2020 is also included in the FY 19-20 budget. For FY 20-21 and there after, payroll costs are anticipated to increase by 3.5% except in years where a new PERS biennium initiates (FY 21-22 and 23-24). In those years, payroll is anticipated to increase by 6.5%. The Area West CPI-U for 2018 was 3.35% so an inflationary cost increase of that amount included in the FY 19-20 budget. An inflation rate of 3.5% was used there after.

RESULTS OF OPERATIONS

Only growth related revenue increases are programmed into the budget projection. Water rate increases identified in last year's cost of service study but not yet implemented haven't been included. As a result, an operating loss of \$282K is projected in FY 19-20 due in part to the plan to overstaff at the Water Treatment plant by 1 FTE for a year. But the operating loss is nearly cut in half in FY 20-21 with the removal of that position. Losses increase in the later years of the projection because estimated revenue growth is not anticipated to keep pace with inflationary pressures. However, Timber Sales make up approximately 77% of non-operation revenues and more than offset the operating losses. Also, developer-constructed and donated water system assets (In-Kind Contribution in Aid to Construction) are anticipated to remain strong over the projection.

CAPITAL EXPENDITURES

The most significant capital projects for FY 19-20 are the construction of a regional water supply line to Lafayette and a 16" main replacement (Luoto-Sitton) for 6.5M. Also the construction of a shared bulk fill fuel station for 1.5M (600K Water Division cost) is planned to take place over two years beginning in FY 19-20. Other significant capital projects in the later years of the projection include the Willamette river intake system & raw water pump station, raw waterline from Haskins Dam to the water treatment plant, phase 3 16" main replacement, Willamette river intake system & raw water pump station, and Zone 2 transmission development.

CASH RESERVES

Cash reserves remain fairly consistent until the last two years of the projection when significant capital construction draws down cash balances. For this budget projection, the use of cash for capital construction was estimated at 80% of the capital plan. This was done to better represent anticipated actual ending cash balances and was based on historical performance.

PHYSICAL FACILITIES

Capital Improvements

Fiscal Year 2019-2020

Project	Location	Division	Est Cost	2019-20	2020-21	2021-22	2022-23	2023-24
Asphalt/concrete maintenance/additions	All facilities	W/E	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Yard gate & fence modifications	Facilities	W/E	\$ 100,000	\$ 100,000				
Fuel station	Grounds	W/E	\$ 1,500,000	\$ 750,000	\$ 750,000			
Restroom upgrades/add warehouse women's	Facilities	W/E	\$ 100,000	\$ 100,000				
Relocate power pole bunks	Grounds	W/E	\$ 20,000	\$ 20,000				
Exterior lighting upgrades	Pole Shed/Wall Pak	W/E	\$ 30,000	\$ 30,000				
Geotechnical investigation	Office Building	W/E	\$ 30,000	\$ 30,000				
Document storage upgrades	Mezzanine	W/E	\$ 15,000		\$ 15,000			
Main parking lot exit upgrades	Grounds	W/E	\$ 20,000		\$ 20,000			
Door & molding upgrades	Office Building	W/E	\$ 25,000		\$ 25,000			
Flooring upgrades (tiles)	Office/Whse	W/E	\$ 35,000		\$ 35,000			
Heat pump #6 (warehouse) 5T (2010) ESL 10 yrs	Warehouse	W/E	\$ 20,000			\$ 20,000		
Heat pump #7 (warehouse) 5T (2010) ESL 10 yrs	Warehouse	W/E	\$ 20,000			\$ 20,000		
Office upgrades/expansion (includes reroof)	Office Building	W/E	\$ 1,500,000			\$ 500,000	\$ 1,000,000	
Heat pump - Commission Room (2012) ESL 10 yrs	Office Building	W/E	\$ 15,000				\$ 15,000	
Shop reroof	Shop	W/E	\$ 150,000					\$ 150,000

Total Capitalized Physical Facilities \$ 1,060,000 \$ 875,000 \$ 570,000 \$ 1,045,000 \$ 180,000

Light Division Allocation \$ 636,000 \$ 525,000 \$ 342,000 \$ 627,000 \$ 108,000
 Water Division Allocation \$ 424,000 \$ 350,000 \$ 228,000 \$ 418,000 \$ 72,000

Oregon Fuel Action Plan



Plan, Prepare, Respond, & Recover
From Severe Fuel Shortages



OREGON
DEPARTMENT OF
ENERGY

Attachment 8, page 1

Fuel Action Plan (Excerpt)

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OREGON FUEL ACTION PLAN



AUTHORITY

GOVERNOR'S AUTHORITY

Oregon Revised Statute (ORS) 401 – grants the Governor of Oregon broad authority to protect the public by declaring a State of Emergency regardless of the cause. An emergency declaration gives the governor authority to control emergency operations in the affected area and to:

- Suspend provisions of any order or rule of any state agency
- Use and employ state personnel, equipment, and facilities
- Direct supplemental services and equipment

In the event the Governor is not available to perform the emergency powers described in ORS 401, the authority is next delegated to the Secretary of State, and then to the State Treasurer.

ORS 401.188 – additional powers granted to the governor during a declared emergency are outlined in the “Management of Resources.” The governor may issue, amend, and enforce rules and orders to “Control, restrict, and regulate the use, sale or distribution of food, **fuel**, clothing, and other commodities, materials, goods and services.”

OREGON DEPARTMENT OF ENERGY AUTHORITY

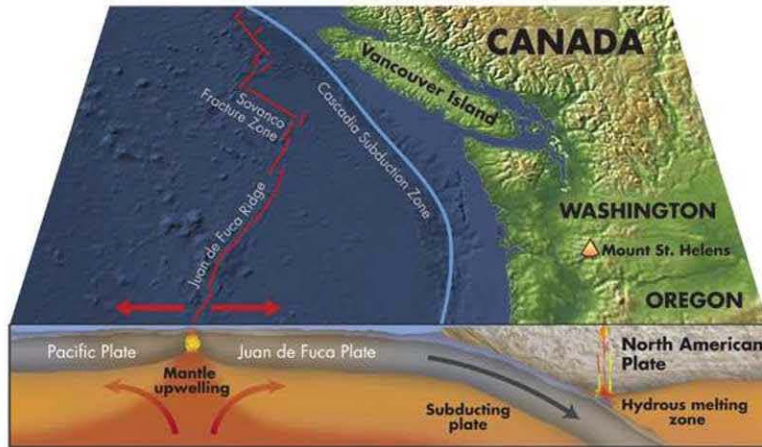
ORS 176.750-820 – authorizes the Oregon Department of Energy (ODOE) to develop and maintain a statewide contingency plan in response to petroleum shortages that impact Oregon. This includes providing adequate fuel supplies to maintain emergency services, transportation, and the operation of the economy to ensure the health, safety, and welfare of the residents of the State of Oregon while an emergency exists.

Emergency Support Functions (ESF) – There are 18 critical lifelines and services that, if disrupted, could threaten the health and safety of Oregonians. These critical lifelines and services are called Emergency Support Functions or ESFs. Each ESF sector has a designated lead state agency and federal agency. ODOE, along with the Oregon Public Utility Commission (PUC) is the designated Primary State Agency for ESF 12: Energy. ODOE is the lead for the petroleum sector. PUC is the lead for the electricity and natural gas sectors. ODOE works closely with the lead federal agency for ESF 12, the U.S. Department of Energy

(USDOE) to ensure the federal plans integrate and align with state strategies in preparation for responding to and recovering from fuel disruptions with potential impacts to Oregon.

PLANNING BASIS: WORST CASE SCENARIO

The Pacific Northwest region's most likely catastrophic event is the 9.0 Cascadia Subduction Zone (CSZ) earthquake and tsunami. Expected impacts include ground shaking for 4 – 6 minutes causing massive critical infrastructure damage along with a tsunami reaching some parts of the Oregon coast within 15 minutes of the quake.



The Federal Emergency Management Agency (FEMA) anticipates up to 25,000 fatalities, tens of thousands of people in need of shelter, and \$30+ billion in economic losses.

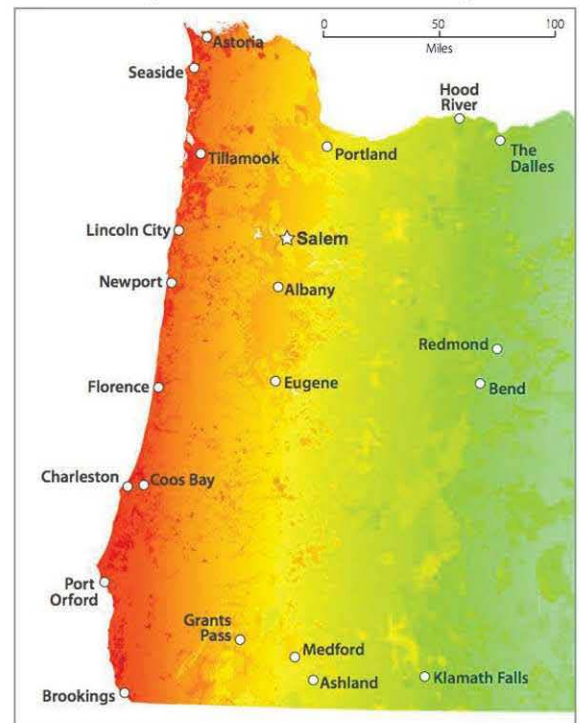
Oregon counties in the high impact areas along the coast include: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, and Curry counties. Mid-range impacted areas include the Portland metropolitan area with Washington, Multnomah, and Clackamas counties.

Additional counties west of the Cascades in the mid-range impact areas include: Columbia, Yamhill, Polk, Marion, Benton, Linn, Jackson, and Josephine counties.

This event would devastate the region's petroleum supply and distribution system. Oregon can expect to lose most of the normal incoming supply of fuel. The Oregon Department of Geology and Mineral Industries (DOGAMI) 2013 Seismic Study found that the region's refineries and petroleum distribution terminals are expected to sustain moderate to significant damage. The facilities will have tank farm failures, marine dock failures, pipeline system breaks, hazardous material spills, fires, and structural damages onsite. Restoring the region's petroleum infrastructure would likely take months if not longer. In addition, the Olympic Pipeline that transports the majority of gasoline, diesel, and jet fuel to Oregon is projected to suffer as many as 250 breaks and 82 leaks.

ODOE has no regulatory authority to require its private sector partners to make seismic upgrades to their fuel tank farms, pipeline systems, marine docks, or other facilities. However, ODOE is responsible for ensuring the state can respond to a catastrophic event whenever it may happen and is prepared to address the impacts to the fuel infrastructure in its current state with all of its vulnerabilities.

ShakeMap for SIMULATED M9 Cascadia earthquake



The Oregon Fuel Action Plan was developed to address this need. It is designed to bring bulk fuel supplies into the state from outside the region to support the state's ongoing emergency response and recovery efforts until the regional infrastructure can be restored.

PLAN STRUCTURE

ODOE developed and maintains the Oregon Fuel Action Plan, which:

- Identifies ODOE's decision-making structure and authority to implement Oregon's Fuel Action Plan to provide adequate fuel supplies to emergency and essential service providers in Oregon in the event of a severe/long-term fuel disruption and shortage in the region.
- Identifies timelines for initiating and completing ODOE's nine priority missions called "Actions" to protect public health and safety and restore critical lifeline services during emergencies impacting the region's petroleum supply and distribution system.
- Provides mission analysis for completing each of the nine Actions. This includes identifying: key objectives and tasks; facts and assumptions; constraints and limitations; and gaps/information needed to complete the mission.
- Provides procedures for ODOE Agency Operations Center (AOC) activation and response positions to complete each mission. Each response position procedure includes key objectives, a checklist of tasks, guidance to accomplish objectives and tasks, and reference materials as appropriate.
- Identifies approved priority users and provides a structure and guidelines to request, justify, and receive emergency fuel to support mission critical functions to save lives, protect public health and safety, and restore critical lifelines and services.
- Aligns and integrates with federal, state, and county emergency response plans. This includes:
 - Federal Response Plan
 - Federal ESF 12: Energy Annex
 - State of Oregon Emergency Operations Plan
 - Cascadia Playbook
 - State ESF 12: Energy Annex
 - County emergency response plans
 - Tribal emergency response plans
- Identifies strategies to address all levels of fuel shortages and disruptions impacting Oregon.

PLAN ASSUMPTIONS

The Oregon Fuel Action Plan assumes that all state, local, and tribal organizations with emergency authorities and responsibilities to save lives, protect public health and safety, and restore critical lifeline

services have developed or are in the process of developing agency emergency response plans and strategies for responding to a catastrophic earthquake and tsunami. This includes:

- **ESF Primary State Agencies** – Designated ESF Primary State Agencies in Oregon have emergency response plans identifying all mission critical functions for its sector of responsibility. This includes a general understanding of the amount of fuel needed to perform identified missions.

ESF 1: Transportation – Assess fuel needs to restore access and repair highways, roads, bridges, rail lines, and tunnels to support the transportation of goods and services and to perform other mission critical functions. *ESF Primary State Agency: ODOT.*

ESF 2: Communications – Assess fuel needs to repair damaged communications systems and to perform other mission critical functions. *ESF Primary State Agencies: OPUC and Oregon Emergency Management (OEM).*

ESF 3: Public Works – Assess fuel needs for debris removal from critical highways and for restoration of damaged public systems including: 1) highways, 2) water, sanitary sewage, and storm water systems, and 3) dams, levees, and other water control structures. *ESF Primary State Agency: ODOT.*

ESF 4: Firefighting – Assess fuel needs for fire suppression, mobilizing Urban Search and Rescue Teams, and to perform other mission critical functions. *ESF Primary State Agency: Oregon State Fire Marshall (OSFM).*

ESF 5: Information and Planning – Assess fuel needs to conduct a rapid needs assessment of the impacted areas and to perform other mission critical functions. *ESF Primary State Agency: OEM.*

ESF 6: Mass Care – Assess fuel needs to identify and establish viable shelters and mass care facilities in the impacted areas and to perform other mission critical functions. *ESF Primary State Agency: Oregon Department of Human Services (DHS).*

ESF 7: Resource Support – Assess fuel needs to deliver emergency relief supplies to impacted areas and to perform other mission critical functions. *ESF Primary State Agency: Oregon Department of Administrative Services.*

ESF 8: Health and Medical – Assess fuel needs to mobilize professional/reserve medical personnel and supplies to impacted areas to triage and stabilize the wounded in impacted areas, perform casualty clearing/staging, and other mission critical functions. *ESF Primary State Agency: Oregon Health Authority (OHA).*

ESF 9: Search and Rescue – Assess fuel needs to deploy teams into impacted areas, transport injured individuals recovered from the scene, and to perform other mission critical functions. *ESF Primary State Agency: OSFM and OEM.*

ESF 10: Hazardous Materials – Assess fuel needs to identify and deploy teams to contain oil and other hazardous materials spills from impacted areas and to perform other mission critical functions. *ESF Primary State Agencies: OSFM and Oregon Department of Environmental Quality.*

ESF 11: Food and Water – Assess fuel needs to deliver food and water to shelters and isolated communities and to perform other mission critical functions. *ESF Primary State Agencies: Oregon Department of Agriculture and DHS.*

ESF 12: Energy – Assess fuel needs to assess and restore the petroleum, natural gas, and electricity supply and distribution systems and to perform other mission critical functions. *ESF Primary State Agencies: ODOE and OPUC.*

Note: ODOE is responsible for the petroleum sector. OPUC is responsible for the electricity and natural gas sectors.

ESF 13: Military Support – Assess fuel needs for the Oregon National Guard’s air and ground response in support of civilian authorities. This includes the mission critical functions of all ESF Primary State Agencies and Oregon counties as appropriate. *ESF Primary State Agency: Oregon Military Department.*

ESF 14: Public Information – Assess fuel needs for the Public Information Sector to communicate emergency information to the news media and the public as appropriate. *ESF Primary State Agency: OEM.*

ESF 15: Volunteers & Donations – Assess fuel needs for the Red Cross and other non-profit agencies to provide shelter, roadway assistance, donations management, establish blood bank capabilities in impacted areas and to perform other mission critical functions. *ESF Primary State Agency: OEM.*

ESF 16: Law Enforcement – Assess fuel needs to protect life and property, provide traffic and crowd control, provide security for responders and critical facilities, and to perform other mission critical functions. *ESF Primary State Agency: Oregon State Police.*

ESF 17: Animal Protection – Assess fuel needs to provide veterinary medical care, animal sheltering, animal carcass disposal and to perform other mission critical functions. *ESF Primary State Agency: OHA.*

ESF 18: Business and Industry – Assess fuel needs for the Business and Industry Sector as appropriate. *ESF Primary State Agency: OEM.*

➤ **County Emergency Management Agencies** – County emergency management agencies have emergency response plans identifying mission critical functions for the county and a general approximation of the fuel needed to perform identified missions. This includes the cities, special districts, and regional governments within county borders. County plans should have a fuel annex or section in their plans that identifies:

- Priority tier 1 roads the county will restore to support fuel deliveries and other disaster relief commodities.
- Fuel Points of Distribution (FPOD) to receive emergency bulk fuel supplies.
- Methods to deliver the fuel from the designated FPODs to critical facilities and to the emergency responders in the field.

➤ **Federally-Recognized Tribes** – Tribes have emergency response plans identifying the mission critical functions of the tribe. This includes a general approximation of the amount of fuel needed to perform identified missions.

OREGON PETROLEUM INFRASTRUCTURE



Oregon does not have refining capabilities and imports 100 percent of the refined petroleum products used in the state. That is an estimated three billion gallons of fuel each year or roughly 250 million gallons each month.

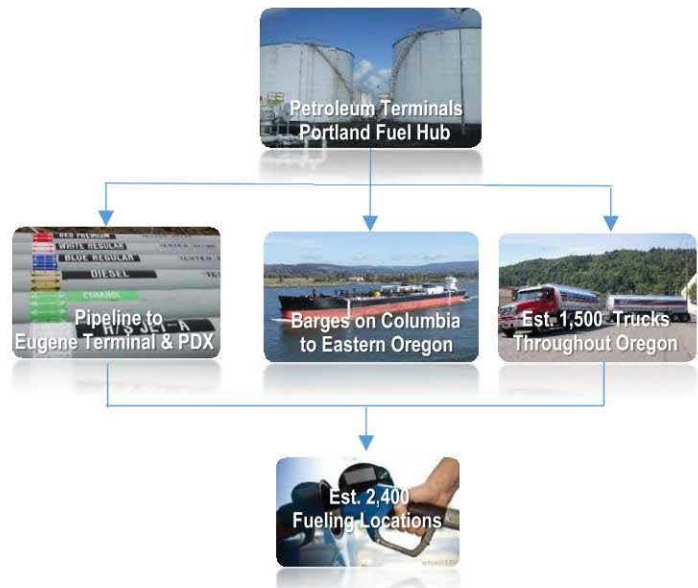
Gasoline & Diesel Supply and Distribution System

More than 90 percent of the refined petroleum product used in Oregon come from four refineries located in the Puget Sound area of Washington State. Product is transported from the refineries in Washington to Oregon via the 400 mile Olympic Pipeline (est. 90 percent) and barges (est. 10 percent) entering the state at the Port of Portland where seven petroleum distribution terminals are located in what is called the Portland Fuel Hub.

Oregon receives the remaining less than 10 percent of the state's refined petroleum products from refineries in Salt Lake City, Utah and the California Bay Area. From Salt Lake City, the refineries transport product via Tesoro's Salt Lake Products Pipeline System to a distribution terminal in Pasco, Washington. From the Pasco facility, fuel is trucked into Oregon to service eastern Oregon communities. California Bay Area refineries supply minimal quantities of fuel to a Chico, California terminal and then product is trucked into Oregon to supply southern Oregon communities.

Portland Distribution Terminals (Fuel Hub) – From the Portland Fuel Hub, product is distributed throughout Oregon by:

- Two Pipelines – Kinder Morgan's pipelines link petroleum terminals in the Portland Fuel Hub with the petroleum distribution terminal in Eugene, Oregon and provide jet fuel to the Portland International Airport.
- Barges – Product is loaded onto barges from the BP, Chevron, and Phillips 66 marine docks and delivered up the Columbia River to Pasco to service eastern Oregon communities.



- Tanker Trucks – an estimated 1,500 tanker trucks deliver fuel throughout the state to about 2,400 fueling locations.

Jet Fuel and Aviation Gas Supply & Distribution System

Oregon imports about 15 million gallons of jet fuel each month (about 180 million gallons of jet fuel annually) from the refineries in Washington State. An estimated 90 percent of the jet fuel is transported via the Olympic Pipeline to the petroleum distribution terminals located at the Port of Portland Fuel Hub. The remaining estimated 10 percent of the jet fuel is transported by ship or barge directly to the Port of Portland.



From the Fuel Hub, the Kinder Morgan Pipeline transports the bulk of the jet fuel to the Portland International Airport. Jet fuel is delivered by truck to other airports and air fields in the state from the Fuel Hub.

Oregon also imports up to 170,000 gallons of aviation gasoline (AVGAS) each month (just over two million gallons annually) from Canada and Texas. AVGAS is transported by rail to the Chevron and Kinder Morgan terminals in the Fuel Hub then trucked to airports and airfields throughout Oregon.

Constraints and Limitations

The petroleum industry exercises a “just in time” business strategy. Refineries and distribution terminals maintain adequate supplies to meet expected demands under normal conditions. Because of this, a significant increase in demand regardless of the cause will likely result in a fuel disruption or shortage.

Crude Supply in Alaska – At any given time, there is less than one week of crude oil available at the Alaska Terminal that supplies Washington’s four refineries.

Refineries in Washington – Refineries located in the Puget Sound area of Washington State also have about a one week supply of product on hand. These refineries have been operating above 90 percent capacity for decades. The refineries have no plans to increase capacity and cannot accommodate a dramatic demand increase.

Portland Petroleum Distribution Terminals – The seven terminals located in the Fuel Hub in Portland are on a six-day refueling cycle. At any given time, the Fuel Hub has only a one week supply of refined gasoline and diesel reserves on hand.

Retail Service Stations – Depending on the storage capacity and refueling cycles, retail service stations throughout the state have about a two to three day supply on site.

PETROLEUM SECTOR INTERDEPENDENCIES

The rapid recovery of the region's petroleum supply and distribution system is heavily dependent on other critical lifeline services. The fuel sector is reliant on other ESFs to gain situational awareness; conduct damage assessment; obtain and transport fuel to priority users; and support recovery operations in the aftermath of a Cascadia earthquake. These interdependencies include:

ESF 1: Transportation – Viable roads, highways, bridges, and waterways are essential to supporting fuel deliveries to priority users.

ESF 2: Communications – Viable communications are essential to ODOE's ability to: 1) assess impacts to the petroleum supply and distribution system; 2) work with USDOE and petroleum industry partners to obtain fuel from outside the region and transport it into Oregon; 3) facilitate emergency fuel requests and deliveries to priority users; 4) provide fuel sector situational awareness to key federal, state, and local emergency response agencies and other critical stakeholders; and 5) provide emergency information and instructions regarding critical fuel conservation measures to the news media and public.

ESF 12: Energy (Electricity) – Operators at the petroleum terminals need electricity to conduct damage assessments to the facilities, tanks, equipment, and systems. Power is essential to getting the fuel out of the storage tanks into delivery trucks. Electricity is also needed at designated fuel distribution points and emergency fueling locations for responders to fuel up their response vehicles. Electric power is also required for pipeline operation.

ABOUT FUEL ALLOCATION

Because there are no refineries in the state, Oregon is extremely vulnerable to fuel disruptions and shortages. The purpose of fuel allocation is to help alleviate shortages and hardships for priority users who save lives and restore critical infrastructure during severe and long-term fuel disruptions. Criteria for allocating fuel include:

1. Governor's Emergency Declaration.
2. Emergency and essential service providers unable to obtain fuel at any price.
3. Market forces, voluntary fuel conservation, and/or mandatory fuel conservation measures fail to provide for adequate and equitable distribution of fuel.

Set-Aside Volume: Non-Catastrophic Events (*Viable Fuel Infrastructure*) - If fuel allocation becomes necessary, ODOE would administer the state's Fuel Allocation Program. The first step is to designate the Set-Aside Volume. The Set-Aside Volume is the amount of fuel ODOE will request from the state's petroleum industry partners (oil companies) to designate solely to support Oregon's response and recovery efforts.

The Set-Aside Volume Percentage will be no larger than what is expected to be required to meet emergency supply needs based on the amount of fuel already in the state in storage and the amount estimated to enter the state from the prime suppliers each month.

The Fuel Allocation Program is designed to: 1) interfere minimally with the market, 2) make no attempt to reduce or inhibit the market price of fuels, and 3) ensure all fuel delivered through the program is purchased at the market price, and whenever possible, through the usual supplier. **Note:** Refer to Appendix H for details.

Set-Aside Percentages	
Monthly Fuel volume from Oregon Supplies	
Motor Gasoline.....	up to 5 percent
Middle distillate..... (diesel & heating oil)	up to 4 percent
Jet Fuel.....	up to 5 percent
Aviation Gasoline.....	up to 5 percent

Set-Aside Volume: Cascadia Subduction Zone Earthquake (Fuel Infrastructure Devastated) – Experts anticipate severe damage to the region’s petroleum supply and distribution system from a catastrophic earthquake. This would likely shut down the operations of the region’s refineries, pipelines, and petroleum distribution terminals for months. ODOE would work with the oil companies, USDOE, FEMA, and the military to identify and deliver an alternate fuel supply from outside of the region to support the state’s emergency response and recovery efforts. No set-aside volume would be implemented. ODOE would initially allocate **ALL** of the fuel brought into Oregon to the state’s emergency and essential service providers to save lives, protect public health and safety, and to restore critical infrastructure and lifeline services.

FUEL ALLOCATION STRUCTURE

Allocating fuel is a huge undertaking. Oregon has nearly 120 state agencies with varying degrees of emergency response duties and capabilities. The state has 36 counties with more than 240 cities. Each jurisdiction has its own emergency and essential service providers. ODOE would easily be overwhelmed if we were to receive fuel requests from all of these entities individually.

As a result, ODOE streamlined its process and designed a structure for fuel allocation. Those who qualify for emergency fuel fall under three categories. Our priority users include:



- 18 ESF Primary State Agencies
- 36 County Emergency Management Agencies
- 9 Federally-Recognized Tribes

All fuel requests will be filtered through one of these pre-approved priority users.

MAINTAINING OREGON FUEL ACTION PLAN READINESS

ODOE will work with industry, federal, state, local, and tribal emergency response organizations to ensure a collaborative and seamless response to a long-term or severe fuel shortage or disruption with potential impacts to the State of Oregon.

Training – Training is essential to maintain program readiness to protect public health and safety in the event of a Cascadia Subduction Zone earthquake and tsunami or other disaster scenario impacting Oregon’s fuel supply and distribution system. ODOE will work with industry, federal, state, and local emergency response organizations to coordinate, implement, and participate in workshops, drills, tabletops, and exercises as needed to ensure program readiness.

Plan Review and Update - ODOE will review and update the Oregon Fuel Action Plan annually or as needed. Revisions will include lessons learned from drills and exercises. ODOE will coordinate reviews and revisions with industry, federal, state, local, and tribal emergency response organizations.

Public Outreach – ODOE will also work to improve public awareness of and confidence in the Oregon Fuel Action Plan by providing information on ODOE’s web page, giving presentations about the program, and producing materials to be distributed to the news media and made available at libraries, schools, hospitals, and other locations as appropriate.

FOR MORE INFORMATION

For more information about the Oregon Fuel Action Plan, contact the Oregon Department of Energy’s Nuclear Safety & Energy Emergency Preparedness Division at 503-378-4040 or the agency’s Energy Emergency Preparedness Manager at 503-932-4428.

DECLARATION OF DEDICATION

RECITALS:

The CITY OF McMinnville is the owner of a parcel of Land next to Riverside Drive within the corporate limits of the City; by a deed recorded July 17, 1972 in Film Volume 90; Page 661, Deed Records of Yamhill County, Oregon; and

The City desires to establish a roadway southerly along the East line of said property from Riverside Drive. Establishment of this roadway will serve the new Water and Light Department facility and future developments to the east and south.

NOW, THEREFORE, the CITY OF McMinnville desires to dedicate to the public for roadway purposes the following described property:

Being a part of the W.T. Newby Donation Land Claim No. 53, in Sections 15 and 22, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being a part of that tract conveyed in Film Volume 90, Page 661, recorded July 17, 1972, Deed Records of Yamhill County, Oregon and further being a part of tract as surveyed and located by C.S.P-5390, Volume S, Page 80, Yamhill County Surveyor Records, being more particularly described as follows:

Beginning 0.23 feet South 01°08'45" West from an iron pipe as shown on aforesaid Survey, said iron pipe described as being 12.48 chains South of the Northeast corner of the W.T. Newby D.L.C., said Beginning also being 30.0 feet from, when measured at right angles to the centerline of Riverside Drive, as deeded in Volume 149, Page 588, on July 26, 1948, Deed Records of Yamhill County, Oregon, and further as located by CRS 3070-2, Yamhill County Surveyor Records; thence South 01°08'45" West along the East line of the aforesaid tract, a distance of 1,003.49 feet to the Southeast corner of aforesaid tract; thence South 73°01'27" West, a distance of 63.13 feet; thence North 01°08'45" East, parallel with and 60.0 feet from East line of aforesaid tract, a distance of 971.72 feet; thence along the arc of a 40.0 foot radius curve to the left (Long Chord bears North 47°01'07.5" West, 59.62 feet) a distance of 67.27 feet to a point 30.0 feet from when measured at right angles to the centerline of Riverside Drive; thence North 84°47' East, parallel with and 30.0 feet from the centerline of Riverside Drive, a distance of 105.12 feet to the Place of Beginning.

Exhibit "A" attached.

*Road easement Cut 2
2 Dec 21 T4R4*

10-19-87

1987 OCT 19 PM 4: 36

F217P0830

Pursuant to ORS 92.014(2) the City Council has received the contents of the above legal document and hereby authorizes the Mayor to acknowledge and approve the dedication of said land for public use.

DATED this 13th day of October, 1987.

Edward J. Tomley
MAYOR

ATTEST:

Carole M. Stevens
RECORDER



GRANTOR:

City of McMinnville
230 E 2nd Street
McMinnville, Or 97128

STATE OF OREGON

County of Yamhill
I hereby certify that the within was received and duly recorded by me in Yamhill County records.

CHARLES GREEN COUNTY CLERK

1300
08847

10-19-87

Riverside Drive

40' Road Deeded in Vol. 149, Pg. 588,
Deed Records, Yamhill County, Or.

LP - 12.48 chs. South of NE
cor W T. Newby E.L.C.

N 84°47' E

0.23' S 01°08'45" W

67.72'
60' R
LC 3982'
LC B19 = N 47°02'07.5" W

Tract conveyed in Film Volume 90, Page 661,
recorded 7-17-1972, Deed Records of
Yamhill County, Oregon. B being part
of tract as surveyed by C.S. P-5390,
Vol. 5, Page 80, Yamhill County Surveyor
Records.

BASIS OF BEARING = CS P-5390

971.72'

1,003.49'

N 01°08'45" E

S 01°08'45" W

63.13'

23°01'27" W

1987 OCT 19 PM 4:36

F217P0831

SCALE 1"=100'



EXHIBIT "A"

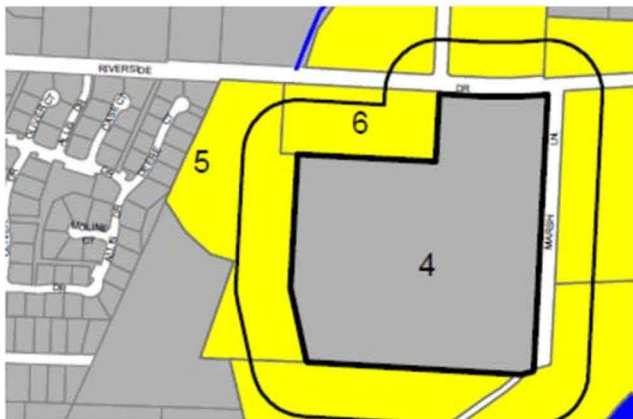
18-61-01

April 10, 2020

McMinnville, City Planning Dept.
215 NE Fifth St.
McMinnville, OR 97128

Dear Planning Dept.:

You are invited, with caution, to a neighborhood meeting on Wednesday, May 6, 2020 at 6:00PM at MW&L, 638 NE Marsh Lane, McMinnville, OR 97128 for a conversation about construction of a fuel station. As part of the required land use process Water & Light must hold a neighborhood meeting prior to seeking a conditional use permit to build a fuel station. See attached figure. You are receiving this invitation because you live or own property near the proposed new facility. To comply with the Governor's order relating to the COVID-19 pandemic, the meeting will require social distancing of 6 feet between attendees. I will enforce this requirement and immediately terminate the meeting if social distance is not maintained and if the number of people exceeds 10. You are not required to attend. As a way to stay safe, you are also encouraged to make comment to me by mail, email, or telephone (503)435-3110 (before the meeting date and time).



Currently the MW&L facility hosts business offices, warehouse, maintenance facilities, vehicle parking and general storage yards. The property is about 18 acres. The property is zoned for light industrial use. A fuel station (service station) is a conditional use in this zone. The proposed fuel station will be sited on Marsh Lane. It will provide adequate fuel to the utility for daily operations and for an extended period in the event of an emergency or disaster. Other city departments may also use the station to fuel.

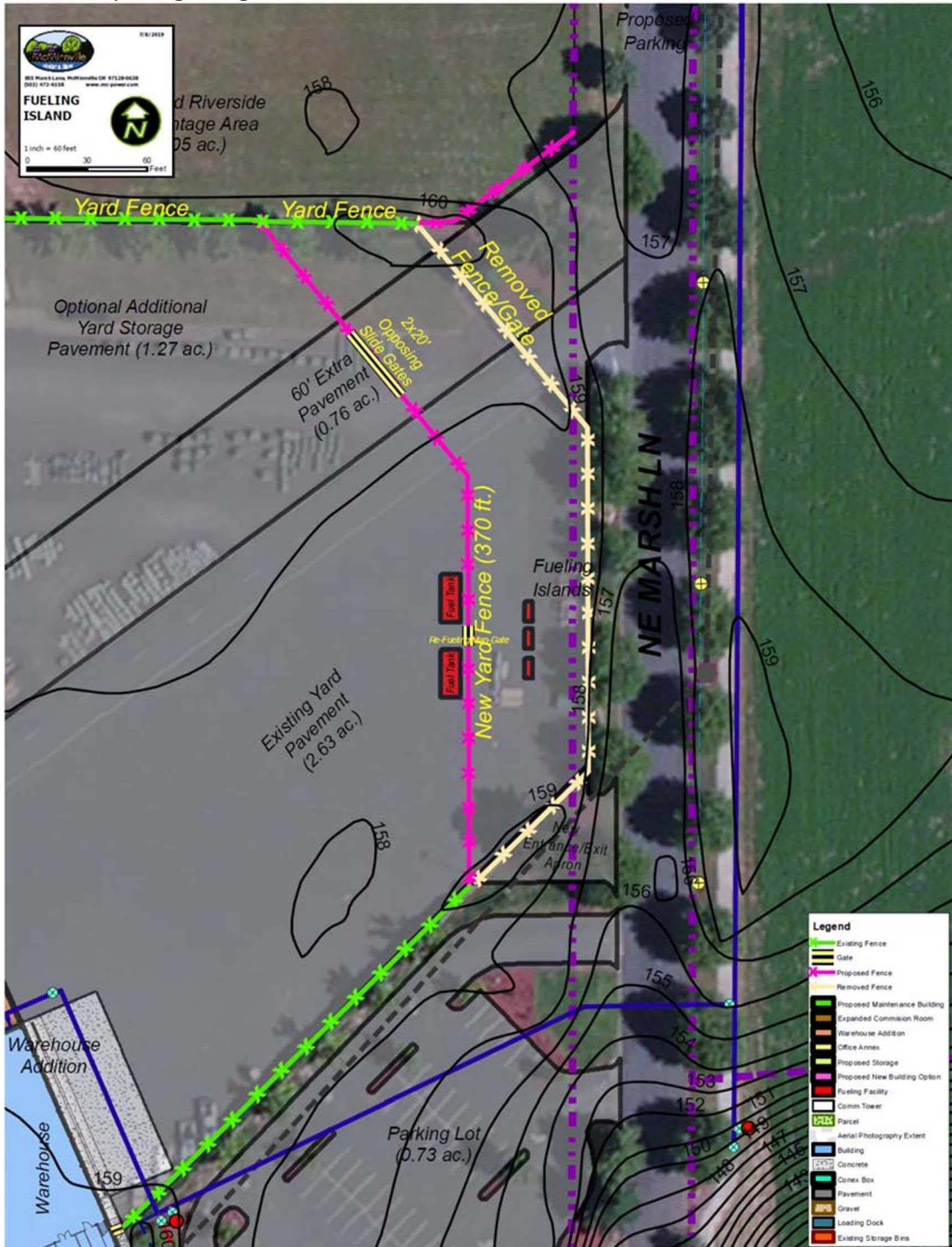
MW&L welcomes your participation in the meeting and invites your comments and conversation. However, due to the health emergency I encourage you to comment or have a conversation prior to the meeting as a way to keep yourself and others safe. I can be reached at: srj@mc-power.com, or by US Mail at PO Box 638, McMinnville, OR 97128. Or give me a call. I will include your comments in the neighborhood meeting record.

Thank you.

Sam Justice, General Counsel
503-435-3110

Enclosed: Preliminary Design diagram

Preliminary Design Diagram:



JOHN C. DIETZ, General Manager
TRENA MCMANUS, Clerk



LOW RATES
RELIABLE SERVICE

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City	State	Zip
1	R4415 02400	1317 NE DUSTIN CT	YAMHILL COMMUNITY ACTION PARTNERSHIP		PO BOX 621	MCMINNVILLE	OR	97128
2	R4415 02407		KLAUS DEAN C & DEBRA A		450 NW 7TH ST	MCMINNVILLE	OR	97128
3	R4415C 03100	1245 NE ALPHA DR	D & N BUILDERS &	RYAN MATSON INC	PO BOX 1358	MCMINNVILLE	OR	97128
4	R4421 00100	855 NE MARSH LN	MCMINNVILLE CITY OF (W&L)		PO Box 638	MCMINNVILLE	OR	97128
5	R4421 00100	1920 NE Riverside Dr.	MCMINNVILLE CITY OF	City Manager	230 NE 2nd	MCMINNVILLE	OR	97128
6	R4421 00101	2170 NE RIVERSIDE DR	SCHNELL LARRY L & MARY L		PO BOX 51900	SPARKS	NV	89435
7	R4421 00400	1625 SE BROOKS LN	MCMINNVILLE CITY OF		PO BOX 638	MCMINNVILLE	OR	97128
8	R4421 00400	1625 SE BROOKS LN	MCMINNVILLE CITY OF		PO BOX 638	MCMINNVILLE	OR	97128
9	R4422 02200		MCMINNVILLE CITY OF CITY OF MCMINNIVLLE	PLANNING DEPARTMENT	PO BOX 638 231 NE 5TH ST	MCMINNVILLE	OR	97128

NEIGHBORHOOD MEETING

FUEL STATION

6:00PM, Wednesday, May 6, 2020

Commission Room

855 NE Marsh Lane

McMinnville, OR

**Meeting is open to the public
and interested persons are
invited to attend.**

- **Social Distance of 6-feet**
- **10 persons at once.**

(This notice is posted before the meeting at the public entrance to the Water and Light building with access directly into the Commission Room)

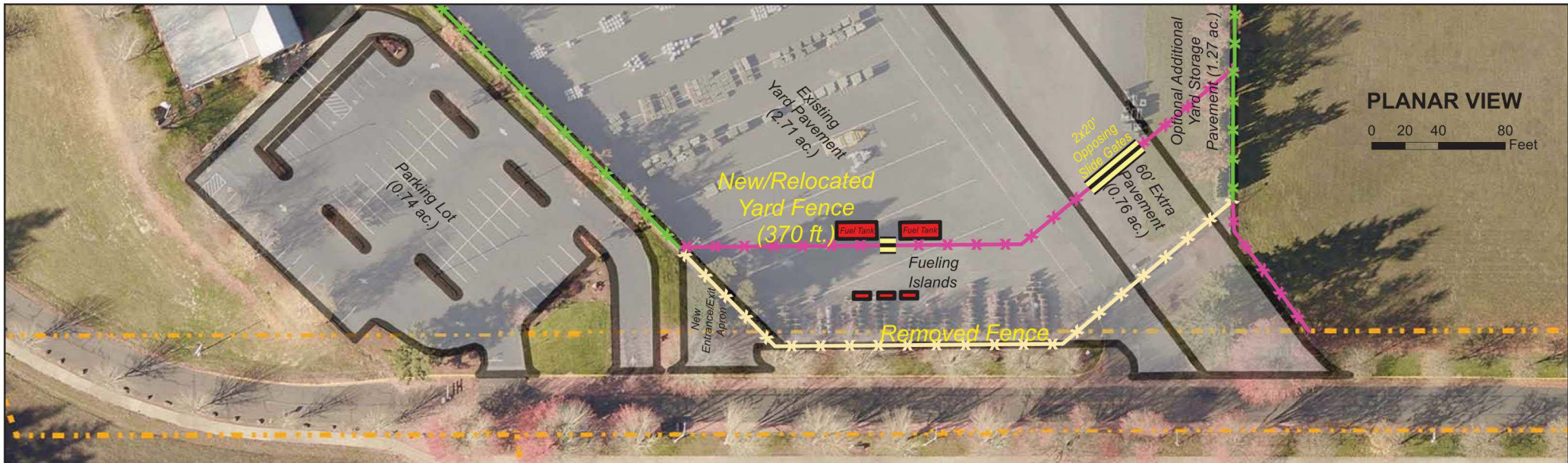


DANCER
PARK
OPEN



**NEIGHBORHOOD
MEETING**
FUTURE LAND USE APPLICATION:
Conditional Use Permit
for a Fuel Station
DATE: Wednesday
May 6th, 2020
TIME: 6:00 PM
MEETING LOCATION:
McMinnville, Oregon
855 NE Marsh Lane,
McMinnville, Oregon
For more info: 503-471-1318

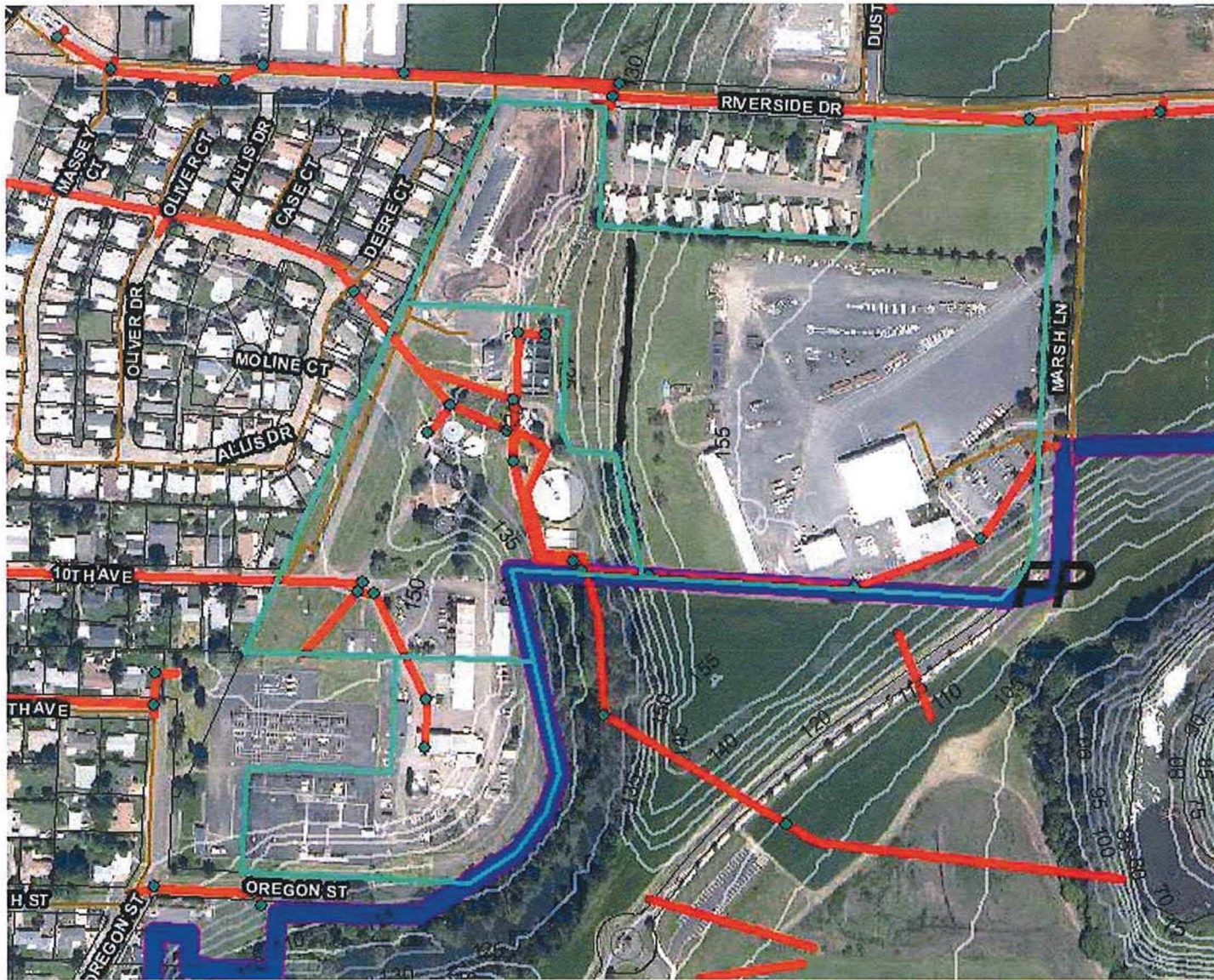
NEIGHBORHOOD MEETING
FUTURE LAND USE APPLICATION:
Conditional Use Permit
for a Fuel Station
DATE: Wednesday
May 6th, 2020
TIME: 6:00 PM
MEETING LOCATION:
McMinnville Water & Light
855 NE Marsh Lane,
McMinnville, Oregon
McMinnville Water & Light
1000 NE Marsh Lane
McMinnville, Oregon 97128 503-472-4139



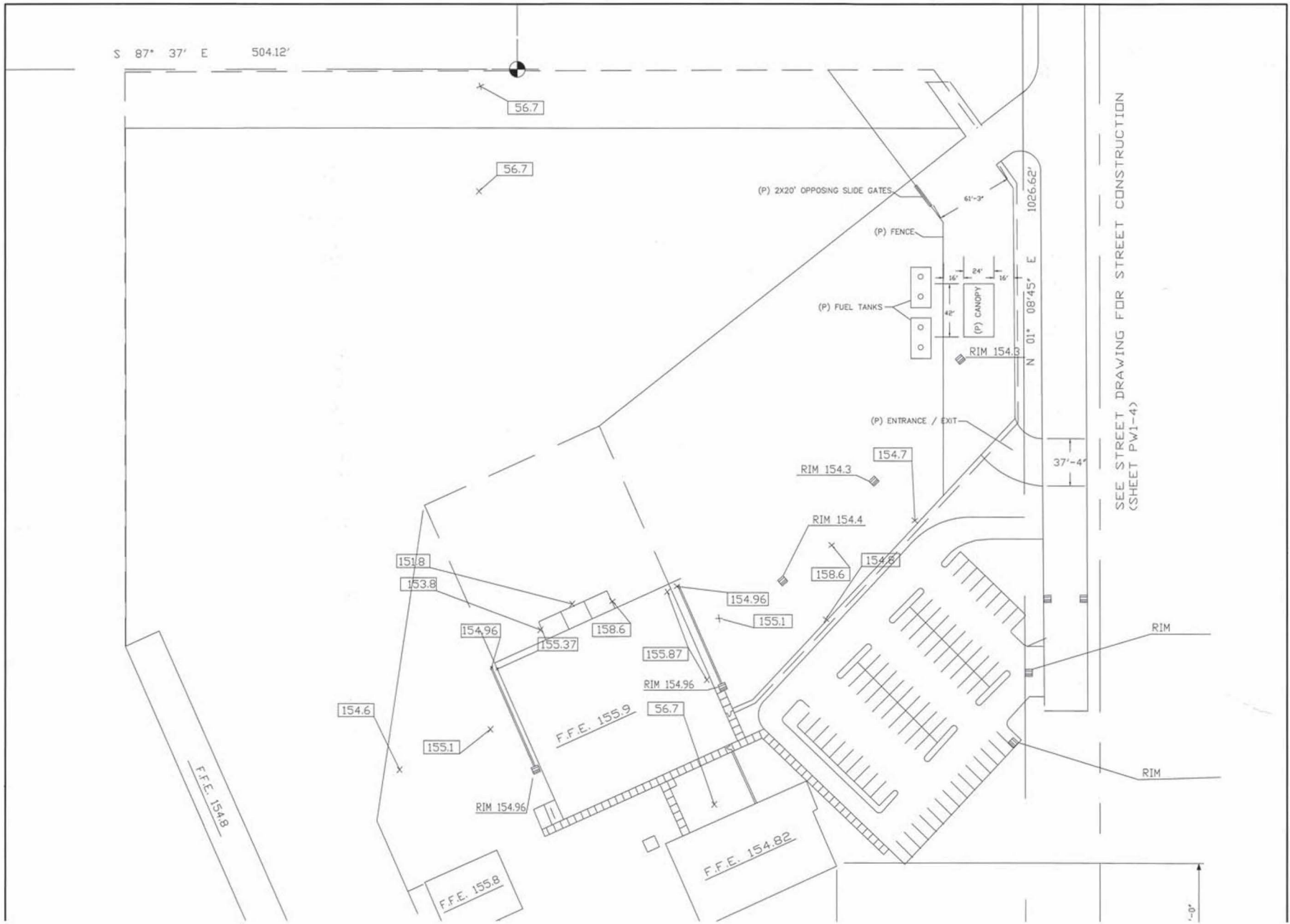
MWL PROPOSED FUEL STATION







Storm



VERIFY SCALE:
THIS BAR
MEASURES 1" ON
ORIGINAL DRAWING

0 1'

901 NORTHWEST E
GRANTS PASS, OR 97526
Phone: 541-475-1387 Fax: 541-474-2528
CDE #40432

CLIENT:

PROJECT:

SITE PLAN

DATE:

JOB:

SHEET
A-1
OF 1

Record of Survey
For: Water and Light Dept.
City of McMinnville

Located in NW 1/4 Sec 22
 Donation Land Claim, City of McMinnville
 Yamhill County, Oregon

By: **Matt Dunckel**
 19010 Baker Creek Rd.
 McMinnville, Oregon
 Phone: 472-7904

Scale: 1" = 100' Date: 10 Feb '87

Legend

- = monument found from CSP-5390, 2" I.P.s were set as guard stakes and are approx. 3' High
- = 3/8" x 3/8" iron rod with yellow cap marked "Dunckel L.S. 1942" set flush with ground.
- (----) = data of record per CSP-5390
- = fence

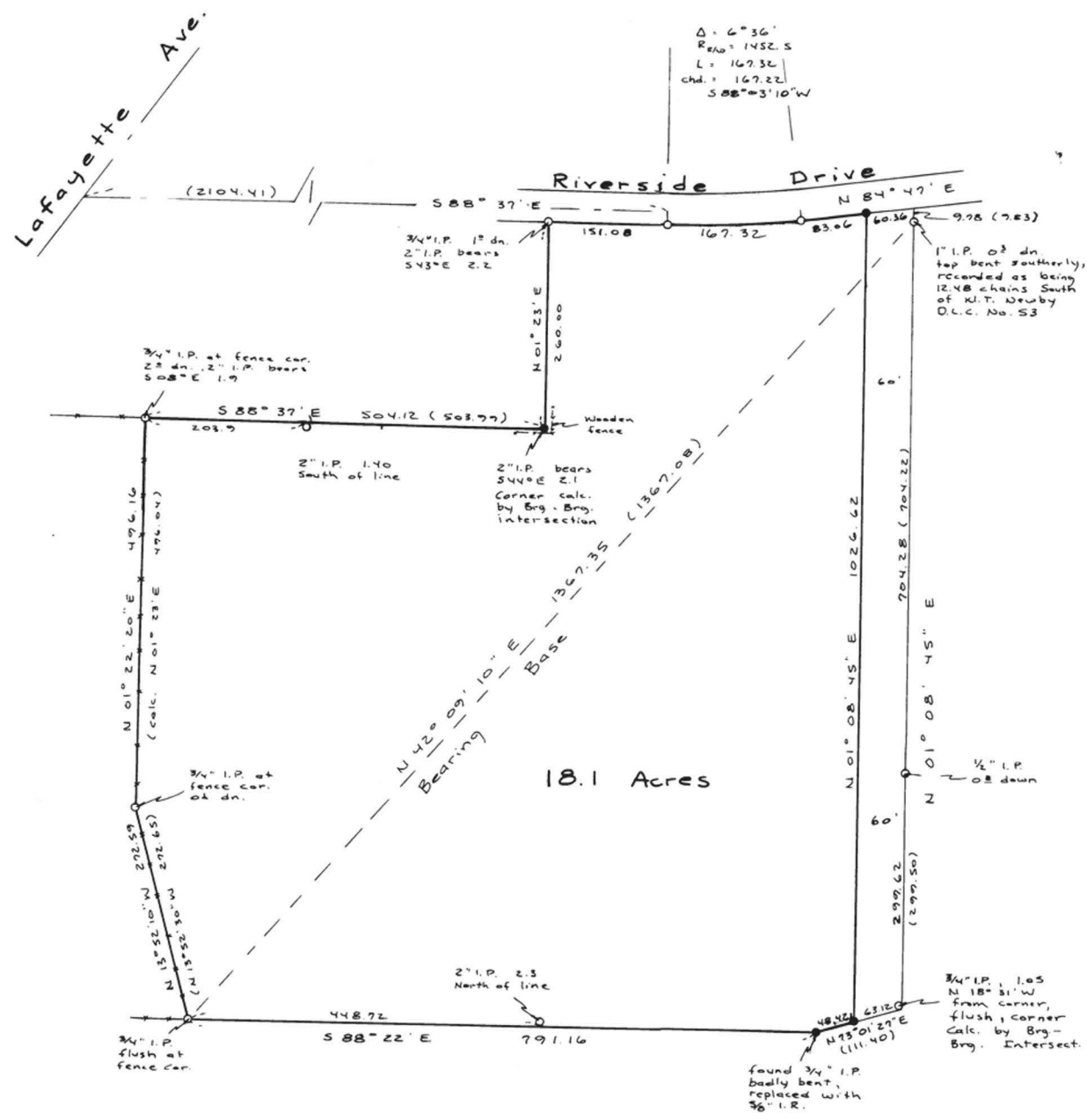
Narrative: The purpose of this survey is mark the boundaries as shown for the proposed building sight for the Water and Light Dept. Survey is based on monuments found from CSP-5390.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Matthew F. Dunckel

OREGON
 July 12, 1981
 MATTHEW E. DUNCKEL
 1942

Received 2 - 9 1987
 County Surveyor



SIGN IN SHEET

**NEIGHBORHOOD MEETING
 FUEL STATION – MW&L
 6PM, Wednesday, May 6, 2020; 855 NE Marsh Lane, McMinnville, Oregon**

	Print Name:	Address:	Email & Phone
1.	Sam Justice	2360 NW Grenfell Lp McMinnville OR 97128	srj@mc-power.com
2.	DEAN KAAS	450 NW 7th St McMinnville OR 97128	dkaas7@msn.com
3.			
4.			
5.			
6.			
7.			
8.			
9.			

Notes on Neighborhood meeting

Time: 6:00PM

Date: May 6, 2020

Location: Commission Room, McMinnville Water and Light, 855 NE Marsh Lane, McMinnville, OR 97128

Attendees: Sam Justice (MW&L General Counsel); Dean Klaus (neighbor)

1. By 5:30PM a sign at the front door at 855 NE Marsh Lane, McMinnville, OR 97128 announced the meeting (MW&L main building).
2. Mr. Justice opened the door at about 5:30PM, confirming that the public entrance to the Water and Light Commission room was open.
3. Mr. Justice was present on behalf of applicant at the meeting time of 6:00 PM.
4. Mr. Dean Klaus arrived just prior to the 6:00 PM meeting time. Mr. Justice gave him the meeting materials.
5. At approximately 6:00 PM Mr. Klaus offered a single comment, in summary stating that he would like to see the applicant build approximately 600 feet of sidewalk on MW&L property along NE Riverside Drive as a condition of approval. He indicated that a sidewalk would improve pedestrian access along Riverside Drive. He made no other comment. There was no further discussion. Mr. Klaus left after offering this comment.
6. No one else attended the meeting.
7. At approximately 6:35PM Mr. Justice checked the front door. The parking lot, aside from Mr. Justice's car was empty. MW&L I.T. staff remotely secured the front door.

SUMMARY: One member of the public attended the neighborhood meeting and offered a comment seeking a sidewalk on NE Riverside Drive.

Appendix: NOTES OF TELEPHONE CALL PRIOR TO MEETING.

On April 16, 2020 at about 4:00PM, Sam Justice spoke on the phone with Larry Schnell, owner of the mobile home park, Riverside Mobile Terrace (Riverside Drive). Phone: 775-425-4868; Email: llschnell@gmail.com

Mr. Schnell had questions about the location of the proposed fuel station and Mr. Justice explained the location in relation to the existing facility, Marsh Lane and Riverside Drive. He questioned whether the proposed fuel station would be next to his mobile home park. He asked that Mr. Justice send him additional maps to his email at llschnell@gmail.com . On April 17, 2020, Mr. Justice emailed maps and aerial photos to Mr. Schnell showing the proposed location.

These notes were prepared by Sam Justice from other notes taken at the meeting and during the phone call and are not intended as a verbatim transcript.



McMinnville, Oregon Phone (503) 472-6158

SPILL PREVENTION, CONTROL AND
COUNTERMEASURE (SPCC) PLAN
MW&L Facility



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		D-4	MW&L Spill Notification Form
		D-5	DEQ Spill/ Release Report

PROFESSIONAL ENGINEER'S CERTIFICATION

40 CFR §112.3(d)

The undersigned Engineer certifies:

- I. That he is familiar with the requirements of this part;
- II. That he or his agent has visited and examined the facility;
- III. That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;
- IV. That procedures for required inspections and testing have been established; and
- V. That the Plan is adequate for the facility.

Printed Name of Registered Professional Engineer

Facility Yard
Paul A. Hazel

Registration No.: 9739

Registration State: OR

Signature of Registered Professional Engineer:

Paul A. Hazel
04.29.2015

Date Signed:

(Seal)



Renewal Dat 06.30.2016

MANAGEMENT APPROVAL

40 CFR §112.7

McMinnville Water & Light is committed to the prevention of discharges of oil to navigable waters or the environment. McMinnville Water & Light will provide the manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

The General Services Manager is the designated person accountable for oil spill prevention at this facility and has the authority to commit the necessary resources to implement the Plan as described.

Name: Patrick Quinn Title: General Services Manager

Signature: Patrick V. Quinn Date Signed: MAY 07, 2015

PROFESSIONAL ENGINEER'S CERTIFICATION

40 CFR §112.3(d)

The undersigned Engineer certifies:

- I. That he is familiar with the requirements of this part;
- II. That he or his agent has visited and examined the facility;
- III. That the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part;
- IV. That procedures for required inspections and testing have been established; and
- V. That the Plan is adequate for the facility.

Printed Name of Registered Professional Engineer

Registration No.:

Registration State:

Signature of Registered Professional Engineer: _____

Date Signed: _____

(Seal)

MANAGEMENT APPROVAL

40 CFR §112.7

McMinnville Water & Light is committed to the prevention of discharges of oil to navigable waters or the environment. McMinnville Water & Light will provide the manpower, equipment and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

The Engineering and Operations Manager is the designated person accountable for oil spill prevention at this facility and has the authority to commit the necessary resources to implement the Plan as described.

Name: John C. Dietz Title: ENGINEERING & OPERATIONS MANAGER
Signature: John C. Dietz Date Signed: 3/21/17

REVISIONS, AMENDMENTS, AND PERIODIC EVALUATIONS

40 CFR §§112.4 and 112.5

This SPCC Plan shall be reviewed, evaluated, and amended as follows:

1. Within 6 months of a change in facility design, construction, operation, or maintenance that affects the facility's potential for the discharge of oil or hazardous substances;
2. At least once every 5 years from the date of certification of the Spill Plan;
3. When a facility has spilled more than 1, 000 U.S. gallons of oil in a single spill;
4. When two spills more than 42 gallons each have occurred within any 12-month period.

This table provides an ongoing record of revisions, periodic evaluations, and amendments to the SPCC Plan for this facility. A Notification of Change Form (Appendix D-3) will be used with all revisions.

Table 1: Plan Review and Revision History

Date	Review Type	Summary of Changes	PE Certification	Management Approval	Edited by
8/10/2004	Initial Plan	N/A	Yes, Donald Schut	Scott Rosenbalm	Patrick Quinn
2/12/2010	5-Year Review	Multiple administrative changes; Update format; update federal & state information; update facility maps.	Yes, Brown & Kysar, Inc.	John Dietz	Marci Humlie
4/27/2015	5-Year Review	New Transformer storage location; New oil/ water separators for catch basins	Yes, TriAxis Engineering, Inc.	Patrick Quinn	Marci Humlie
3/13/2017	Revision	Change Manager. Add Generator.	n/a	John Dietz	Marci Humlie

1. INTRODUCTION

The purpose of this Oil Spill Prevention Control and Countermeasure (SPCC) plan is to prevent oil spills from occurring, and to perform safe, efficient and timely response in the event of a spill or leak.

SPCC Plans are required when both of the following conditions are met:

1. There is a reasonable potential for discharging oil in quantities that may be harmful into or upon navigable waters of the United States or adjoining shorelines, and
2. The oil storage capacity on-site exceeds either:
 - (1) 42,000 gallons of total underground storage, or
 - (2) 1,320 gallons of total aboveground storage, excluding containers of under 55 gallon capacity (*Summary of 40 CFR 112.1*).

In addition to satisfying a regulatory requirement, this SPCC plan should be a working document at the facility. The plan should be used frequently in the following ways:

As a reference for oil storage, use and handling, and disposal of materials commonly used in the operation and maintenance of the facilities.

As a tool for informing employees on practices for preventing and responding to spills.

As a guide to facility inspections.

As a resource during an emergency response.

This Plan has been prepared in the sequence specified in 40 CFR §112.7.

1.1 SUBSTANTIAL HARM DETERMINATION

40 CFR §§112.2 and 112.3

The MW&L Facility does not have the potential to cause 'substantial harm' as described in 40 CFR §112.20(f) and therefore is not required to prepare a Facility Response Plan. Certification of 'no substantial harm' is located in Appendix D-1.

1.2 LOCATION OF SPCC PLAN

Copies of this SPCC plan will be maintained at 855 NE Marsh Lane, McMinnville, OR, in the following locations:

Facilities Technician Office (copy)

Vault Room (certified original)

Electronic copy on the intranet

Warehouse, in SDS & SPCC Cabinet (copy)

1.3 CONFORMANCE WITH REQUIREMENTS

40 CFR §112.7(a)(1)

The MW&L Facility currently complies with all the requirements of 40 CFR §112. An Oil Spill Contingency Plan is included within this document, and 40 CFR §109.5 elements are cross-referenced in section 4.7.

2. FACILITY DESCRIPTION

2.1 SITE DESCRIPTION

40 CFR §112.7(a)(3)

2.1.1 Site Description and Location

McMinnville Water and Light (MW&L) Facility is located within the northeastern portion of the City of McMinnville, approximately 600 feet south of Riverside Drive and approximately 20 feet east of Marsh Lane (Appendix A-1). The main facility consists of the office building for the facility, vehicle shop, warehouse, pole shed, and storage yard. The Transformer Storage Area is located in the storage yard.

McMinnville Water and Light owns the property to the northeast, east, and south of this facility, and the City of McMinnville owns the property to the west of the facility. Property to the northwest is a privately owned mobile home park. The property to the northeast is a vacant lot. The property to the east and south is an open farmed field. The west side of the facility is bordered by a wastewater pump station and dog park.

The facility is occupied on normal workdays Monday through Friday from 8 am to 5 pm. MW&L's in-stock transformers are stored at the MW&L Facility in the Transformer Storage Area. Transformers are set on wood pallets or boards on a paved surface. No transformers are energized. Damaged transformers are sent away for repair and maintenance. The site was constructed in 1989.

The site location is NE ¼ of Section 22, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, 855 NE Marsh Lane, McMinnville, OR. Latitude: 45.2141, Longitude 123.1758.

2.1.2 Drainage and Distance to Navigable Waters

Drainage from the Facility flows into the storm water system. See Appendix A-3 Facility Site Plan. Drainage will flow ±885 feet southwest into a natural drainage channel southwest of the facility property. The drainage channel flows south ±3900 feet into the South Yamhill River, a slow moving, seasonally affected river. The South Yamhill River meanders in a northeast direction, and comes within ±790 feet of the site on the east side of the site. The Location Map in Appendix A-2 shows the location of the facility relative to nearby waterways.

The site is located in the Yamhill Watershed. The South Yamhill River is a major tributary to the Yamhill River. It flows generally northeast and joins the North Yamhill River to form the Yamhill River, an 11-mile tributary of the Willamette River. The Yamhill Watershed is part of the larger Willamette River Basin.

Site drainage and nearby waterways are shown in Appendix B-1.

Access to Receiving Water body

Five (5) waterway access points have been established, four (4) on the drainage channel prior to entry into the South Yamhill River and one (1) along the South Yamhill River, and are marked on the map in Appendix B-4 (AP1 through AP5). These access points provide sufficient cleared land for a staging area from which McMinnville Water & Light or contractor personnel can deploy response equipment.

2.1.3 Spill History

There have been no known reportable spill events at this site. This site was constructed in 1989.

2.2 ONSITE OIL STORAGE LIST

40 CFR §112.7(a)(3)(i)

Appendix A-6 provides an inventory of oil-filled equipment and drums with oil capacity of 55 gallons or greater.

2.3 DISCHARGE PREVENTION MEASURES

40 CFR §112.7(a)(3)(ii)

Loading and Unloading Activities

All deliveries to the facility are unloaded by McMinnville Water and Light personnel who have been trained in oil spill prevention procedures. Contractors must comply with the minimum requirements of the U.S. Department of Transportation regulations for loading and unloading. The delivery route is shown in Appendix A-1.

Containment for equipment deliveries is not practicable. Trucks used in deliveries may be located in many varied positions at the facility, making it impractical to provide containment. Trucks used in cases of emergencies would also be potentially located in different configurations. A commitment of manpower, equipment, and materials required to control and remove any quantity of oil discharged that may be harmful, has been included in this Plan as an alternative due to the impracticability determination.

Secondary containment is discussed in Section 3.6.

2.4 DISCHARGE AND DRAINAGE CONTROLS

40 CFR §112.7(a)(3)(iii)

Spill Response Supplies

The facility has spill cleanup supplies onsite in the transformer storage area and has employees trained in spill prevention and response. Spill cleanup supplies are stored in a container marked *Oil Response Equipment*. Additional equipment and supplies are also kept in the warehouse and the pole shed. The equipment has the capacity to control oil discharges of at least 414 gallons (the maximum discharge likely to occur, based on the largest oil-filled equipment at the site without adequate secondary containment).

A catch basin cover is available in a storage tube near the loading dock. An additional catch basin cover is located near the catch basin along the southern fence. A third catch basin cover is available to cover the customer parking lot catch basin.

The inventory is checked annually by McMinnville Water & Light personnel to ensure that used material is replenished. See Appendix C-3 for a list of supplies and power equipment available for spill cleanup.

Communications and Control

The facility has reliable fixed and mobile communications equipment capable of providing timely notification on an oil discharge, and fixed communications with the capability of interconnection with the communication systems of outside emergency response agencies.

The Response Coordinator (RC) is responsible for communicating the status of the response operations and for sharing relevant information with involved parties, including local, state, and federal authorities.

Control measures and containment structures are discussed in Section 3.6 of this document.

2.5 COUNTERMEASURES

40 CFR §112.7(a)(3)(iv)

Emergency procedures, including countermeasures for response and cleanup are located in Section 3.4 of this document.

In addition, MW&L may hire a qualified environmental contractor for environmental services outside the scope and training of MW&L employees.

2.6 DISPOSAL OF RECOVERED MATERIALS

40 CFR §112.7(a)(3)(v)

Recovered materials are managed according to State and Federal regulations. The Resource Specialist will coordinate the disposal of wastes generated by a spill or release.

Oily absorbent or rags (not dripping) from small spills, leaks, and drips is managed as solid waste (trash).

Oil-contaminated soil is taken to a landfill permitted to accept oil-contaminated soil. A waste profile is required.

Used oil will be picked up by a used oil recycler.

Cleanup of oil-saturated absorbent material or used oil from a minor spill response will be containerized in buckets or drums and disposed of by trained onsite personnel or a licensed waste hauler.

Any material containing PCB will be disposed of according to Federal and State requirements.

Cleanup and disposal of oil-contaminated materials from significant releases (e.g. reportable spills), should such releases occur, will be removed and disposed of by a qualified environmental contractor or MW&L personnel.

3. EMERGENCY RESPONSE

3.1 EMERGENCY CONTACTS

40 CFR §112.7(a)(3)(vi)

Facility Response

McMinnville Water & Light (24-hour emergency response)		(503) 472-6158
Chad Hudson	Purchasing Manager	(503) 472-0221 (direct) (971) 237-4643 (cell)
Bryce Niehus	Facilities Technician	(503) 843-3197 (home) (503) 434-1933 (cell)
Bob Banke	Equipment Supervisor	(503) 472-0282 (home) (503) 434-1030 (cell)
Scott Rosenbalm	Electric Distribution Superintendent	(503) 472-6158 (office) (503) 434-1016 (cell) (503) 472-1561 (home)
Robert Klein	Water Superintendent	(503) 472-6158 (office) (503) 583-0192 (cell) (503) 474-7090 (home)

Cleanup Contractor

Clearwater Environmental Services, Inc.	Wilsonville, OR www.clearwaterenv.com	(888) 244-1951
NRC Environmental Services Co.	Portland, OR www.nrcc.com	(800) 337-7455
NWFF Environmental	Philomath, OR www.nwffenviro.com	(800) 942-4614

Federal, State and Local Agencies

Oregon Emergency Response System	(800) 452-0311
National Response Center (EPA Spill Hotline)	(800) 424-8802
EPA (Region 10) Environmental Hot Line	(209) 553-1263
Emergency Services (Police, fire, ambulance, emergency management)	911/ (503) 434-6500

3.2 SPILL NOTIFICATION

40 CFR §112.7(a)(4).

Spills that can potentially harm human health or the environment must be reported to State and Federal agencies. DEQ and the EPA have established different criteria for triggering the reporting requirement for releases. See Appendix C-1 and C-2 for full Spill Notifications and Reporting Requirements.

DEQ/ Oregon Emergency Response

The following spills must be reported to the Oregon Emergency Response System:

- Any amount of oil to waters of the state;
- Oil spills on land in excess of 42 gallons;
- Hazardous materials (see 40 CFR Part 302, List of Hazardous Substances and Reportable Quantities)

The initial report consists of a telephone call to the Oregon Emergency Response System's 24-Hour Hotline (Section 3.1). Provide all of the information outlined on the MW&L Spill Notification Form (see Appendix D-4).

EPA/ National Response Center

The following types of releases must be reported to the EPA National Response Center, which is staffed by the US Coast Guard, within 24 hours of discovery:

- Spills of a "harmful quantity" of oil directly to surface water.
- Spills that harm human health or the environment.
- Spills of oil that contain over one (1) pound of PCB. See Appendix C-4 for an example of the Calculations for 1 Pound of PCB. (*40 CFR 761.125*)

A "harmful quantity" is defined as any quantity that violates applicable water quality standards, or causes a film or sheen on the surface or causes a sludge beneath the surface.

In addition, spills involving over one pound of PCB must be reported to the EPA Region 10 Office at the number listed in Section 3-1.

Reporting to EPA Regional Administrator

In accordance with 40 CFR Part 112.4, the EPA Region 10 Regional Administrator must be sent an incident report if the facility experiences a single discharge of 1,000 gallons of oil, or two discharges, each more than 42 gallons of oil, in a single 12-month period. The report will be sent within 60 days of the incident that subjects the facility to this regulatory section. The required information is described in Appendix C-1.

3.3 DISTRIBUTION OF RESPONSIBILITIES

Response Coordinator (RC)

The Purchasing Manager is the oil discharge Response Coordinator (RC) in the event of an oil spill. In the absence of the Purchasing Manager, the Facilities Technician will be the Response Coordinator.

Response Operation Center

The Purchasing Manager's Office will be the Response Operation Center.

Distribution of Responsibilities

In the event of an oil discharge or any spill that threatens a navigable waterway, the following will be followed:

The **Response Coordinator** is responsible for:

- Mobilize and organize employees as necessary to assist with spill response.
- Assess damage to buildings and grounds and drainage channel
- Arrange security
- Request outside assistance from local emergency responders, as needed.
- Relay status of recovery efforts to personnel
- Notify State and Federal authorities, response contractors, and downstream water users/ receptors
- Emergency resource procurement

The **Resource Specialist** is responsible for:

- Assist Response Coordinator in investigating the discharge to assess the actual or potential threat to human health or the environment:
 - Location of the discharge relative to receiving water bodies;
 - Type and quantity of spilled material;
 - Effect on environment, and
 - Sensitive receptors downstream
- Disposal of materials
- Review and revision of SPCC plan.
- Paperwork

The **Electric Distribution Superintendent** is responsible for:

- Assess damage to electric equipment

Employees are responsible for:

- If unsafe conditions exist (e.g. fire, explosion or other threat to life), the employee should evacuate the area and call 911.
- Attempt to contain and control the spill, if safe to do so.
- Immediately notify the RC or designated alternate upon discovery of the spill.
- After initial response measures have been taken, or if the spill is beyond the individual's ability to contain it, make note of the time the spill occurred, the type of material spilled, and the approximate quantity of the spilled material. These items will be needed if subsequent reporting is required.

3.4 EMERGENCY PROCEDURES

40 CFR §112.7(a)(5).

Emergency Procedures are described in the checklists below.

3.4.1 PHASE 1: Initial Discovery and Source Control

Completed	Actions
	ASSURE PUBLIC SAFETY: Take immediate action to assure public safety and keep non-authorized personnel out of the affected area. Eliminate all sources of ignition.
	CONTROL ACCESS until facility is confirmed safe for entry.
	REPORT the discharge to the RC.
	STOP THE SPREAD OF OIL If safe to do so, MW&L trained first responders will begin containment and control.

3.4.2 PHASE 2: Assessment and Notifications

Completed	Actions
	Investigate the discharge to assess the actual or potential threat to the environment.
	Request outside assistance from local emergency responders, as needed.
	Evaluate the need to evacuate facility and evacuate employees.
	Notify: 911, Federal and State authorities, Response Contractors
	Communicate with neighboring property owners and downstream receptors regarding the discharge and actions taken to mitigate the damage.

3.4.3 PHASE 3: Control and Recovery

Next actions taken will depend on whether the oil has reached moving water or is still on land. All effort will be made to prevent oil from reaching moving water.

If the oil has not yet reached moving water:

Completed	Actions
	Implement land based response actions (countermeasures) such as digging temporary containment pits, ponds, or curbs to prevent the flow of oil into the river.
	During rain events, use sorbent booms for containment. Overlap, interlock and anchor sorbent booms. Use sorbent sheets inside of containment booms and replace as required. Place additional sorbent booms downstream as soon as the primary containment is completed, to capture any escaping migrating oil.
	Deploy sorbent material along the route to prevent oil from entering waters.

If the oil has reached or appears to be able to reach moving water:

Completed	Actions
	String sorbent booms across the drainage channel downstream of the spill. See Appendix B-4 for specific access points. Securely anchor the booms to the banks and allow adequate excess booms to compensate for changing stream flows. Crews should remove oiled vegetation and debris from the creek banks and place them in bags for later disposal.
	Control oil flow on the ground by placing sorbent material or physical barriers (e.g., earthen berm, trenches) across the oil flow path.
	Contact emergency response contractors to mobilize cleanup crews. Access points and staging areas along the shoreline are identified on Appendix B-4 of this Plan.
	Deploy protective boom measures for downstream receptors that may be impacted by the spill.

3.4.4 PHASE 4: Disposal of Recovered Product and Contaminated Response Material

Dispose of all waste in accordance with all applicable solid and hazardous waste regulations.

Completed	Actions
	Collect all debris in properly labeled drums.
	Dispose of contaminated material in accordance with all applicable solid and hazardous waste regulations using a licensed waste hauler and disposal facility, after appropriately characterizing the material for collection and disposal.
	Wastes resulting from a major spill response may be removed and disposed of by a cleanup contractor or MW&L Personnel.

3.4.5 PHASE 5: Completion

Completed	Actions
	Ensure that all repairs to the defective equipment have been completed.
	Review circumstances that led to the discharge and take all necessary precautions to prevent a recurrence.
	Evaluate the effectiveness of the response activities and make adjustments as necessary to response procedures and personnel training.
	Carry out personnel and contractor debriefings as necessary to emphasize prevention measures or to communicate changes in operations or response procedures.
	Submit any required follow-up reports to the authorities.

3.5 POTENTIAL DISCHARGES DUE TO EQUIPMENT FAILURE

40 CFR §112.7(b)

Oil-filled equipment is listed and described in Appendix A-7, including an analysis of the potential discharges due to equipment failure.

The maximum anticipated oil spill is **660 gallons**, based on the individual equipment with the largest oil capacity on the property as of March 13, 2017.

3.6 CONTAINMENT AND DIVERSIONARY STRUCTURES

40 CFR §112.7(c) and (d)

The facility is configured to minimize the likelihood of a discharge reaching navigable waters. The following containment and diversionary measures are provided:

The transformer storage area contains oil/water separators after the catch basins prior to entering the site's storm water piping.

The transformer storage area is sealed asphalt contained to the south and east by a concrete curb.

Secondary containment for the 660 gallon generator consists of an oil containment base tank. The tank is of adequate size to contain the diesel fuel in all anticipated leakage events, excepting a catastrophic failure.

The constructed topography and oil containment equipment at the facility can reasonably be expected to contain and delay migration of an oil spill, reducing the risk of a harmful discharge of oil into or upon navigable waters.

Booms, sorbents, and other discharge response materials are stored at the facility.

Broken transformers are kept in containment until they are removed from the property or repaired.

Because the facility does not contain secondary containment for the transformer storage area, McMinnville Water & Light has provided with this Plan additional elements required under 40 CFR 112.7(d), including:

A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful

An Oil Spill Contingency Plan following the provisions of 40 CFR 109 (see page 4-3).

4. INSPECTIONS AND SECURITY

4.1 INSPECTIONS, TESTS AND RECORDS

40 CFR §112.7(e)

MW&L personnel conduct monthly inspections of the facility. The monthly facility inspection includes the oil-filled equipment and the containment structures. Transformers and other equipment are inspected for signs of leaks, or accumulation of oil at the base of the transformer. The oil water separators are checked for general conditions, evidence of oil, or signs of leakage. The fencing and security lighting is also inspected.

The Monthly Checklist provided in Appendix D-2 is used during monthly inspections.

Informal inspections of oil-filled equipment are frequently performed as part of normal facility operations. Although these inspections may not be documented, they help identify facility and equipment deterioration, malfunctions, or operational deficiencies.

McMinnville Water & Light personnel maintain the drainage channel access points and make sure that they remain accessible.

4.2 TRAINING

40 CFR §112.7(f)

4.2.1 Personnel, Training, and Discharge Prevention Procedures

All MW&L personnel authorized to work in the facility receive training on proper handling of oil products and procedures to respond to an oil discharge. The training ensures that all facility personnel understand the procedures described in this SPCC Plan and are informed of the rules and regulations.

MW&L ensures that all contractor personnel are familiar with the facility operations, safety procedures, and spill prevention and control procedures described in this Plan prior to working at the facility.

MW&L management holds training sessions with authorized personnel at least once a year, as described below.

Training records are kept in MW&L's Safety Training file in the Human Resources Department.

4.2.2 Annual Training

MW&L conducts spill prevention training annually to ensure adequate understanding and effective implementation of this SPCC Plan. This training highlights and describes known spill events or failures, malfunctioning components, and recently developed precautionary measures.

The training is conducted in conjunction with the company safety meetings. The scheduled annual training includes a review of MW&L policies and procedures relating to spill prevention, control, cleanup, and reporting; procedures for routine handling of products (e.g., loading and unloading); SPCC inspections and spill prevention procedures; spill reporting procedures; spill response; and recovery, disposal, and treatment of spilled material.

4.2.3 Contractors

McMinnville Water & Light implements spill prevention measures for loading and unloading of oil-filled equipment. McMinnville Water & Light will also ensure that all contractors understand the site layout, know the protocols for entering the site and unloading product, and are aware of the necessary spill equipment located at the facility.

4.2.4 General Operating Procedures

McMinnville Water & Light employees are trained to implement spill prevention practices for work with and around oil sources. McMinnville Water & Light personnel shall use common sense and rely on spill prevention practices at all times to minimize the potential for a release of oil.

For example, the following “common sense” practices are recommended:

- keep container lids securely fastened at all times;
- do not leave portable sources unattended (outside);
- return portable sources to their storage location after use;
- use pads, drip pans, and funnels when transferring petroleum products from a portable container;
- protect oil sources from damage by moving equipment;
- do not store oil sources near catch basins or floor drains; and
- loading and unloading of oil products shall be attended at all times.

4.2.5 Designated Person

See page 3-3 for Personnel responsibilities.

4.3 SECURITY

40 CFR §112.7(g)

The facility is access controlled, fenced, gated and locked, with security cameras installed. Facility lighting is provided as a deterrent to vandalism and unauthorized access and increase visibility of potential oil spills during hours of darkness.

4.4 TANK CAR AND TANK TRUCK LOAD/ UNLOADING RACK

40 CFR §112.7(h)(1)

MW&L does not load or unload tank cars or tank trucks. This section is not applicable.

4.5 FIELD-CONSTRUCTED ABOVEGROUND CONTAINERS

40 CFR §112.7(i)

No field-erected aboveground tank is located at this facility. This section is not applicable.

4.6 APPLICABLE STATE REQUIREMENTS

40 CFR §112.7(j); OAR 340 §141

This SPCC Plan was written to conform with 40 CFR part 112 requirements. The facility thereby conforms to general requirements for oil pollution facilities in Oregon. Although this facility does store more than 10,000 gallons of oil at this location, it does not meet the definition of “facility” in OAR 340 §141 that is subject to an Oregon oil spill contingency plan; therefore, a state oil spill contingency plan is not necessary. All discharge notifications are made in compliance with local, state, and federal requirements.

4.7 OIL-FILLED OPERATIONAL EQUIPMENT

40 CFR §112.7(k)

Secondary containment for oil-filled operational equipment is not installed at this location; therefore, an oil spill contingency plan is required at this location and is included as a part of this SPCC Plan. Below is a cross-reference table listing the location of the Contingency Plan elements in the main SPCC Plan.

REGULATION	DESCRIPTION	SECTION #
§109.5(a)	Definition of the authorities, responsibilities and duties of all entities involved in oil removal operations	3.3
§109.5(b)	Procedures for early detection and timely notification of an oil discharge including:	3.4
§109.5(b)(1)	Identification of critical water use areas	2.1.2
§109.5(b)(2)	list of names, phone numbers and addresses of responsible persons (with alternates) to be notified when an oil discharge is discovered.	3.1
§109.5(b)(3)	Provisions for access to a reliable communications system for timely notification of an oil discharge.	2.4
§109.5(b)(4)	Prearranged procedure for requesting assistance when the situation exceed the site's response capability.	3.4
§109.5(c)	Assurance that full resource capability is known and can be committed during an oil discharge situation including:	Mgmt Approval Page
§109.5(c)(1)	Identification and inventory of applicable equipment, materials and supplies which are available.	2.4, App.C-3
§109.5(c)(2)	Estimate of the equipment, materials and supplies which would be required to remove the maximum discharge to be anticipated.	2.3, App C-3
§109.5(c)(3)	Arrangements for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.	2.5, 3.1
§109.5(d)	Actions to be taken after discovery and notification of an oil discharge including:	3.4
§109.5(d)(1)	Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	3.3
§109.5(d)(2)	Predesignation of a properly qualified oil discharge response coordinator.	3.3

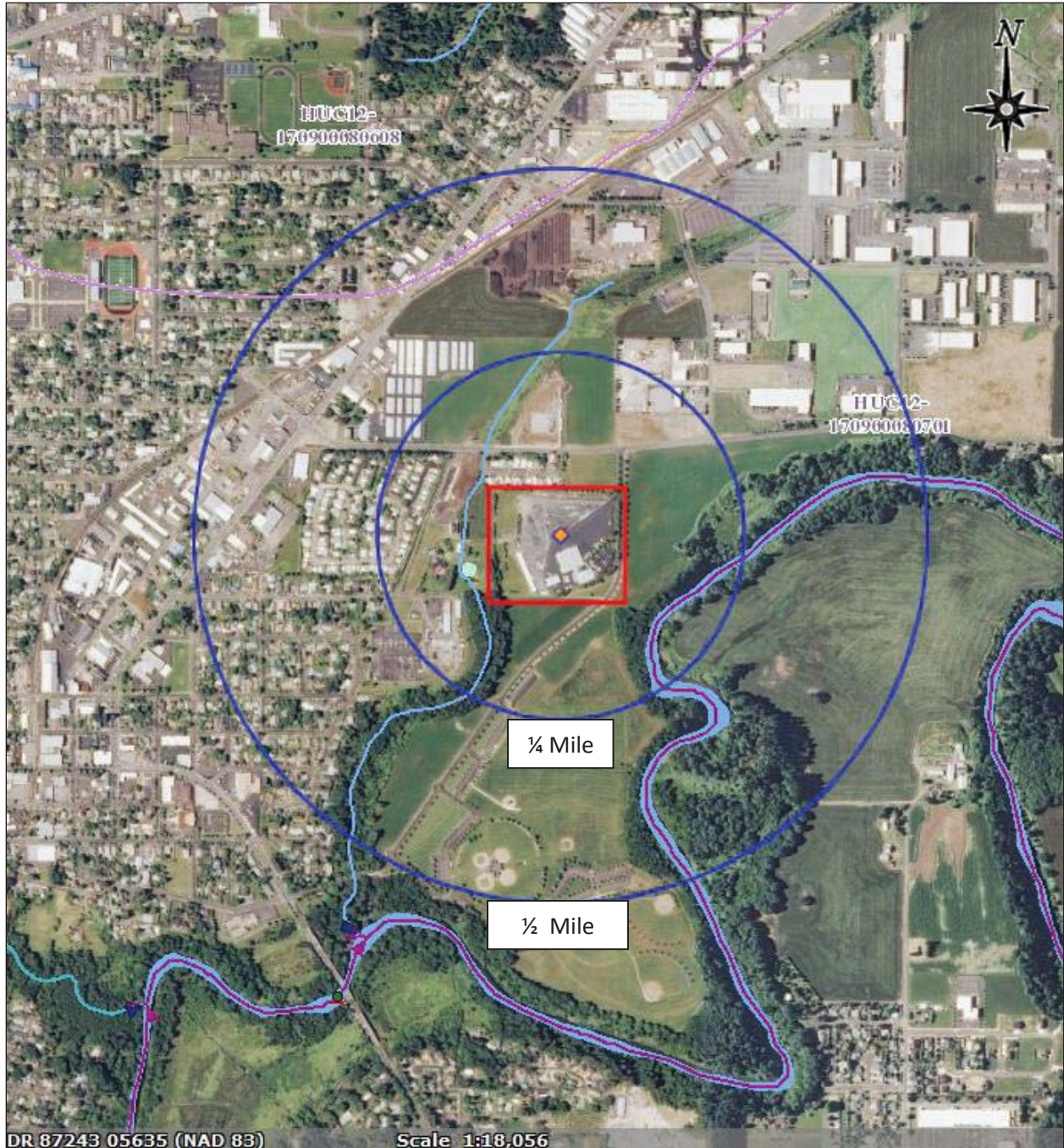
§109.5(d)(3)	Preplanned location for an oil discharge response operation center and a reliable communication system for directing coordinated operations.	3.3
§109.5(d)(4)	Provisions for varying degrees of response effort depending on the severity of the oil discharge.	3.4
§109.5(d)(5)	Specification of the order of priority for protecting various water uses where response operations may not be adequate to protect all users.	n/a
§109.5(e)	Procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	n/a

APPENDIX A – FACILITY MAPS AND DRAWINGS

- A-1 Aerial Photograph
- A-2 Location Map
- A-3 Facility Site Plan
- A-4 Facility Photos
- A-5 660-CPS-R Oldcastle Oil/ Water Separator
- A-5b 660-CPS-R Oldcastle Oil/ Water Separator - 660-SA-550 Max Volumes and Flow Rate
- A-6 Inventory of Oil-Filled Equipment
- A-7 Potential Discharges Due to Equipment Failure



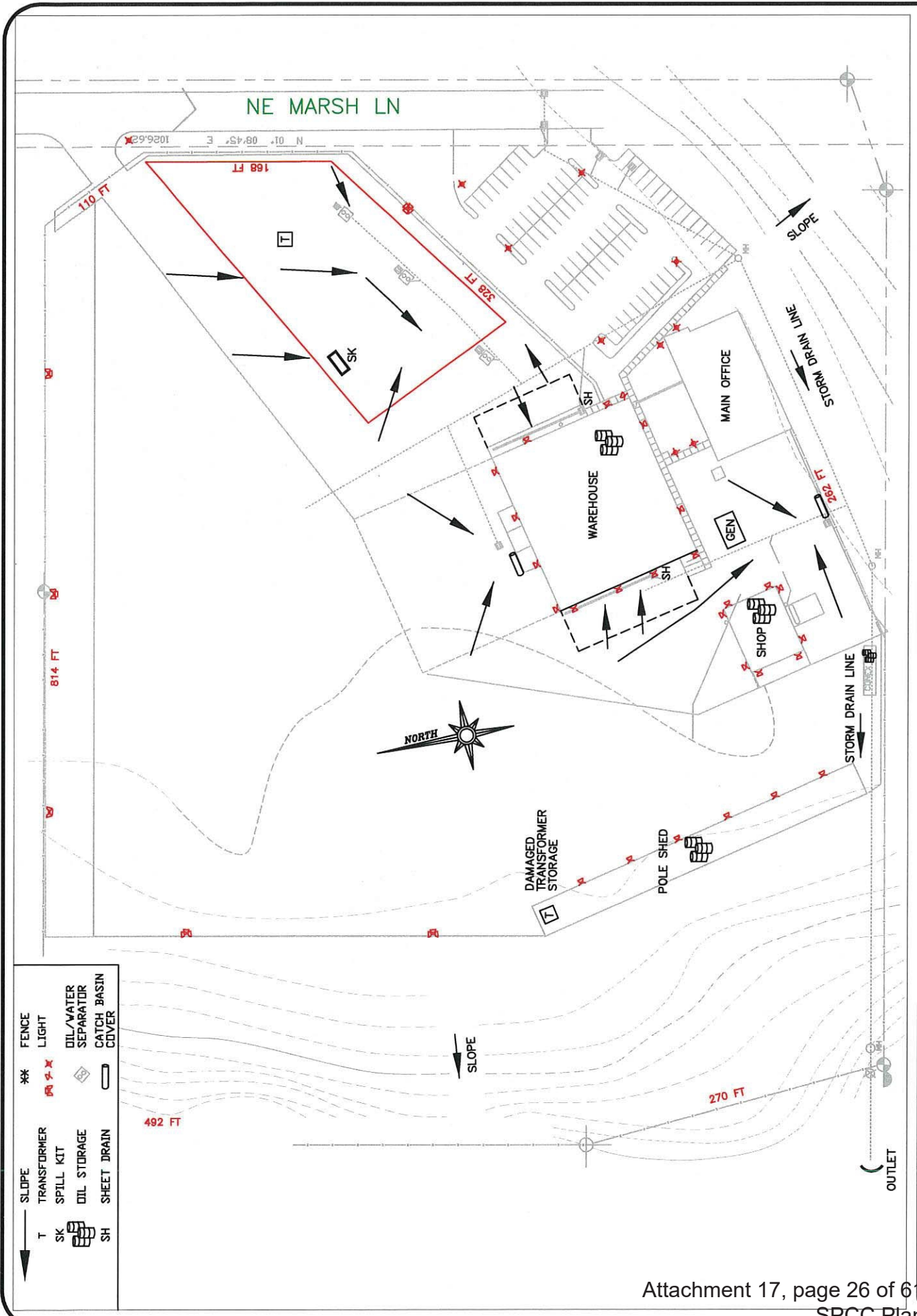
<p align="center">Appendix A-1: Aerial Photograph</p>	<p align="center">MW&L SPCC Plans/ MW&L Facility</p>
<p align="center">Downloaded from ©Google Maps on March 13, 2017</p>	<p align="center">03/13/2017</p>



Site Location

NE 1/4 of Section 22, Township 4 South, Range 4 West, Willamette Meridian
 855 NE Marsh Lane
 Yamhill County, City of McMinnville, McMinnville, OR.
 Latitude: 45.2141, Longitude -123.1758

Appendix A-2: Location Map	MW&L SPCC Plans/ MW&L Facility
Downloaded from USGS National Map May 6, 2014	04/27/2015



MCMINVILLE WATER AND LIGHT
 APPENDIX A-3: FACILITY SITE PLAN
 855 NE MARSH LN

IRS 4-4-22
 DATE 5/13/15
 SCALE NA





Transformer Storage Area



Transformer Storage Area

Appendix A-4: Facility Photos	MW&L SPCC Plans/ MW&L Facility
Page 1 of 6	03/10/2017
	Attachment 17, page 27 of 61 SPCC Plan



Transformer Disposal Storage Area



Spill Response Supplies Kit



Facility Generator

<p>Appendix A-4: Facility Photos</p>	<p>MW&L SPCC Plans/ MW&L Facility</p>
<p>Page 2 of 6</p>	<p>03/10/2017</p>
<p>Attachment 17, page 28 of 61 SPCC Plan</p>	



Conex Building for Maintenance Supplies



Drums in Conex Building



Drum on Mezzanine of Warehouse

<p>Appendix A-4: Facility Photos</p>	<p>MW&L SPCC Plans/ MW&L Facility</p>
<p>Page 3 of 6</p>	<p>03/10/2017</p>
	<p>Attachment 17, page 29 of 61 SPCC Plan</p>



Containment Area in Pole Shed for Damaged Transformers Awaiting Pickup



Sign Identifying Location of Extra Spill Response Supplies



Empty Drums Available for Spill Cleanup



Additional Spill Response Supplies Stored in the Warehouse



Damaged Transformers in Containment

<p>Appendix A-4: Facility Photos</p>	<p>MW&L SPCC Plans/ MW&L Facility</p>
<p>Page 4 of 6</p>	<p>03/10/2017</p>
	<p>Attachment 17, page 30 of 61 SPCC Plan</p>



Catch Basin Cover near Catch Basin in Freight Ramp Area



Catch Basin Cover near Catch Basin by Southern Fence

Appendix A-4: Facility Photos	MW&L SPCC Plans/ MW&L Facility
Page 5 of 6	03/10/2017
	Attachment 17, page 31 of 61 SPCC Plan



Sheet Drain Plugs Located Above Key Holders in Warehouse

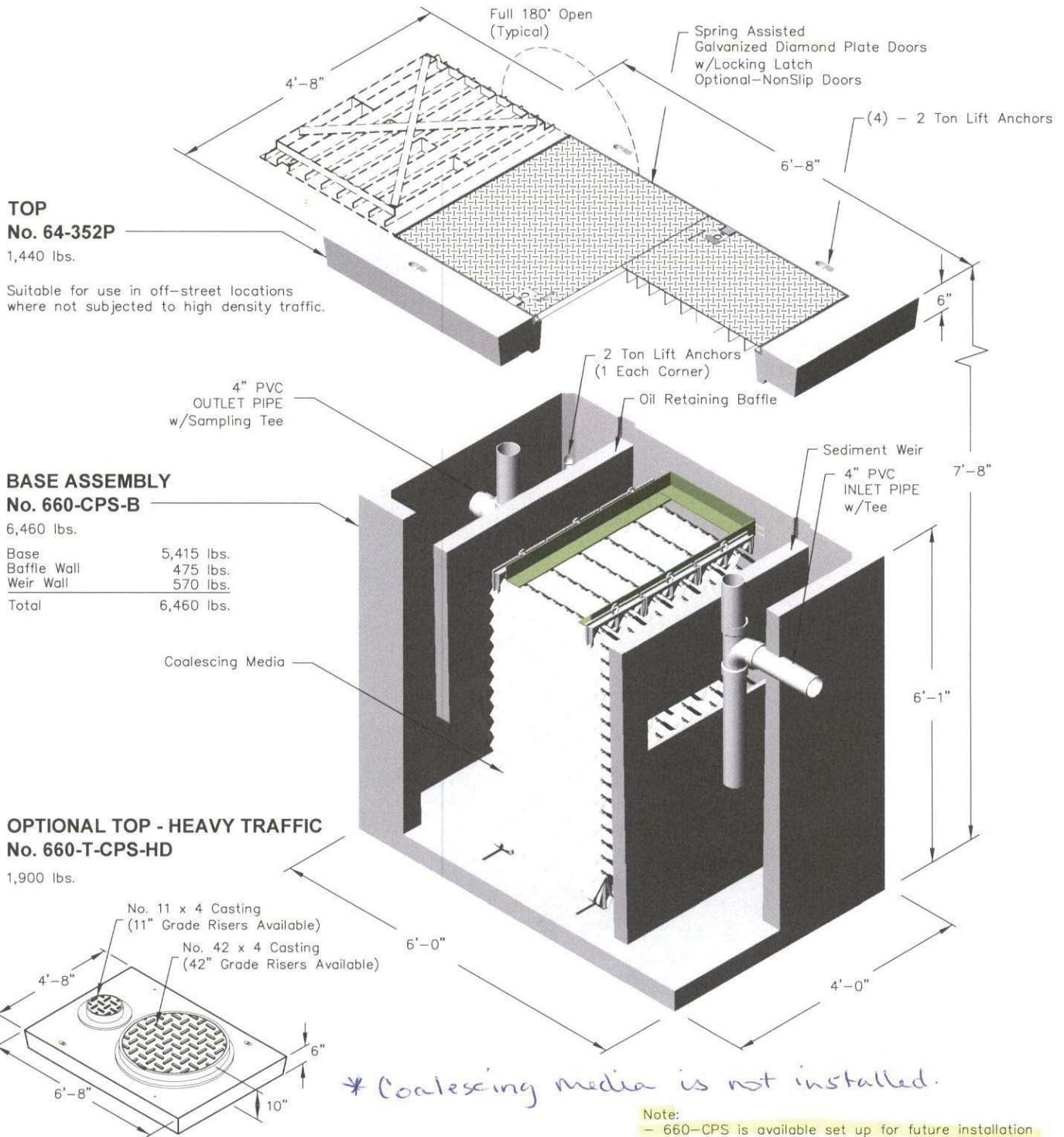


Drums in the shop

<p>Appendix A-4: Facility Photos</p>	<p>MW&L SPCC Plans/ MW&L Facility</p>
<p>Page 6 of 6</p>	<p>03/10/2017</p>
<p>Attachment 17, page 32 of 61 SPCC Plan</p>	

660-CPS

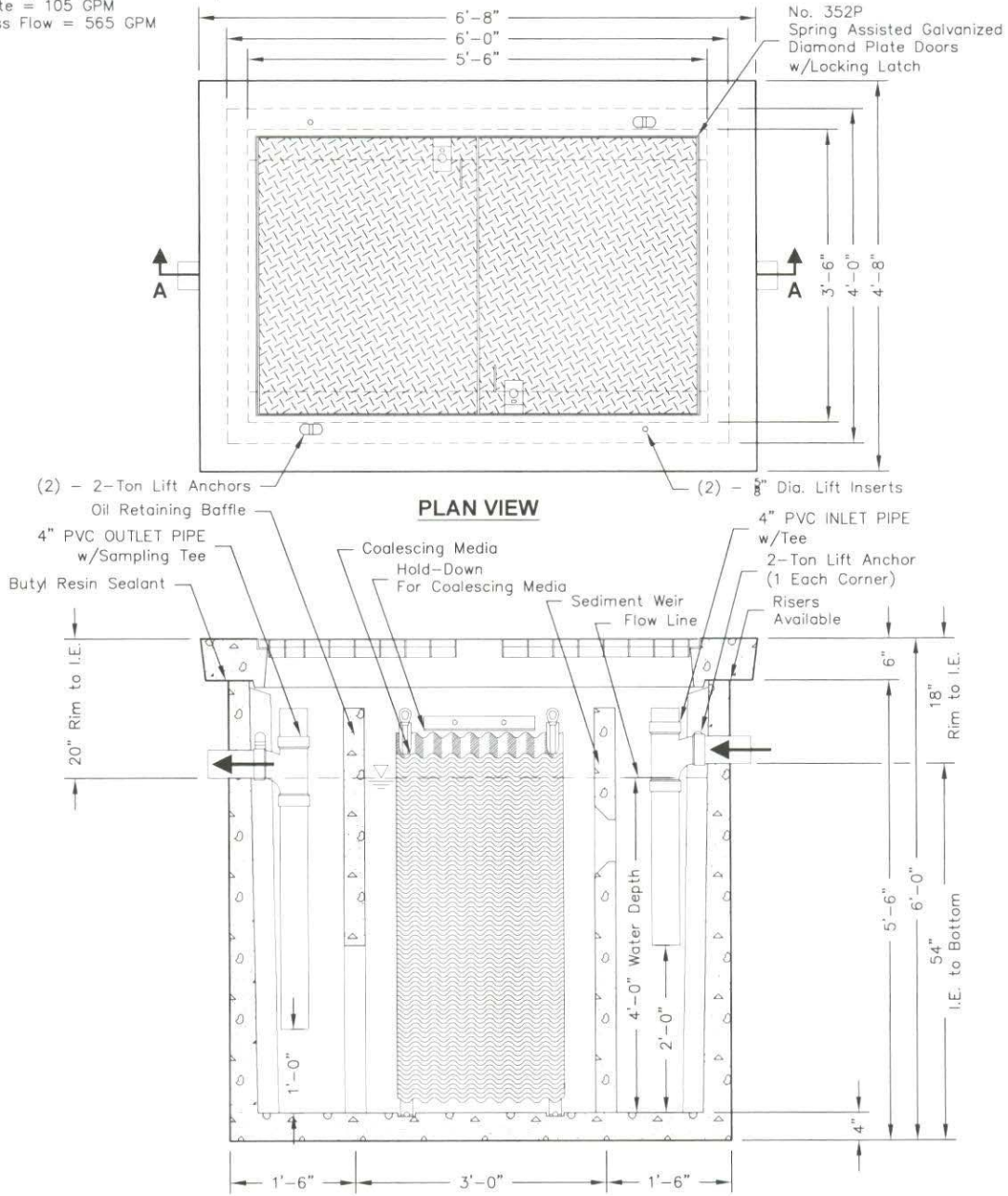
Projected Coalescing Plate Area = 444 Sq.Ft.
 *Design Flow Rate = 105 GPM (see back page)
 Maximum Process Flow = 565 GPM



 Oldcastle Precast® PO Box 323, Wilsonville, Oregon 97070-0323 Tel: (503) 682-2844 Fax: (503) 682-2657	660-CPS	660-CPS OIL / WATER SEPARATOR COALESCING - 105 GPM
	File Name: 020ECO660CPS1	
	Issue Date: Revised 3-19-21	
	oldcastleprecast.com/wilsonville	

660-CPS

Projected Coalescing Plate Area = 444 Sq.Ft.
 *Design Flow Rate = 105 GPM
 Maximum Process Flow = 565 GPM



SECTION AA

Basic Design Information: *
 Influent Characteristics
 - Oil Specific Gravity = 0.88
 - Operating Temperature = 50°
 - Influent Oil Concentration = 100 ppm
 - Mean Oil Droplet Size = 130 Microns
 - .033 ft/min. Critical Oil Droplet Predicted Rise Rate


*Basic Design Information per Washington State Department of Ecology, User to Adjust Estimates for Variations in Real Conditions.

** Coalescing media is not installed.*

- Notes:
- Static Water Depth = 4'-0"
 - Prior to "Startup" of system, fill with clean water to bottom of outlet pipe. For best results, fill to flow line.
 - Follow Regular Inspection, Cleaning, & Maintenance Schedule (See Clean Out & Maintenance).

*DESIGN FLOW RATE	EFFLUENT QUALITY	100% COLLECTED SIZE
105 GPM	10 ppm	60 Micron

Scale: 1/2" = 1'-0"

 <p>Oldcastle Precast®</p> <p>PO Box 323, Wilsonville, Oregon 97070-0323 Tel: (503) 682-2844 Fax: (503) 682-2657</p>	<p>660-CPS</p> <p>File Name: 020ECO660CPS2</p> <p>Issue Date: Revised 3-19-12</p> <p>oldcastleprecast.com/wilsonville</p>	<p>660-CPS</p> <p>OIL / WATER SEPARATOR</p> <p>COALESCING - 105 GPM</p>
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INVENTORY OF OIL-FILLED EQUIPMENT WITH OIL CAPACITY OF 55 GALLONS OR MORE

ITEM	DESCRIPTION	TYPE	KVA	QUANTITY	GALLONS/EA	TTL GALLONS
Generator	Generator			1	660	660
Transformer	Transformers:					
Transformer	3681	P	167	1	57	57
Transformer	3764	P	167	1	57	57
Transformer	2969	P	250	1	60	60
Transformer	2970	P	250	1	60	60
Transformer	2971	P	250	1	60	60
Transformer	3928	P	250	1	60	60
Transformer	107	PAD	100	1	107	107
Transformer	2862	PAD	100	1	107	107
Transformer	5217	PAD	100	1	107	107
Transformer	5219	PAD	100	1	107	107
Transformer	5220	PAD	100	1	107	107
Transformer	5222	PAD	100	1	107	107
Transformer	5223	PAD	100	1	107	107
Transformer	4203	PAD	112.5	1	148	148
Transformer	5123	PAD	112.5	1	148	148
Transformer	5770	PAD	150	1	167	167
Transformer	5771	PAD	150	1	167	167
Transformer	5772	PAD	150	1	167	167
Transformer	5859	PAD	150	1	167	167
Transformer	5860	PAD	150	1	167	167
Transformer	5861	PAD	150	1	167	167
Transformer	5862	PAD	150	1	167	167
Transformer	1570	PAD	167	1	78	78
Transformer	4467	PAD	167	1	78	78
Transformer	4650	PAD	167	1	78	78
Transformer	5209	PAD	225	1	165	165
Transformer	5254	PAD	225	1	165	165
Transformer	5503	PAD	225	1	165	165
Transformer	5846	PAD	225	1	165	165
Transformer	2692	PAD	300	1	184	184
Transformer	5187	PAD	300	1	187	187
Transformer	1492	PAD	300	1	238	238
Transformer	5250	PAD	300	1	238	238
Transformer	5251	PAD	300	1	238	238
Transformer	3530	PAD	500	1	140	140
Transformer	3604	PAD	500	1	143	143
Transformer	5125	PAD	500	1	190	190
Transformer	3783	PAD	500	1	200	200
Transformer	4119	PAD	500	1	200	200
Transformer	5192	PAD	500	1	200	200
Transformer	5038	PAD	500	1	239	239
Transformer	3773	PAD	750	1	234	234
Transformer	5375	PAD	750	1	316	316
Transformer	5121	PAD	750	1	332	332
Transformer	5216	PAD	750	1	355	355
Transformer	5662	PAD	1000	1	266	266
Transformer	5193	PAD	1500	1	414	414
Voltage Regulator	Voltage Regulator			1	93	93
Voltage Regulator	Voltage Regulator			6	355	2130
Drum	Transformer oil on shop mezzanine			1	55	55
Drum	hydrocarbons - pole shed			1	55	55
Drum	hydrocarbons - conex			4	55	220
Drum	hydrocarbons - mechanicalshop			5	55	275
Tank	used oil tank - mechanical shop			1	250	250
		TOTAL GALLONS				11,514

Appendix A-6: Inventory of Oil-Filled Equipment	MW&L SPCC Plans/ MW&L Facility
Inventory taken March 3, 2017	03/03/2017

POTENTIAL DISCHARGES DUE TO EQUIPMENT FAILURE

This Appendix lists and describes the containers of oil products located at the MW&L Main Facility. Containers less than 55 gallons are not included. There is a table for each part of the facility listing the type of container, number of containers, storage capacity of the container, type of oil and the direction of plow and method of containment in the event of a spill. Items listed were inventoried on March 3, 2017. Each table is followed by a brief discussion of the destination of a spill and spill control measures.

The rate of flow for each will be dependent on the type of event. In the event of a catastrophic failure, the release could be nearly instantaneous. A small leak or spill could release the product at a slow and manageable rate.

Parking Lot

LOCATION	ITEM	QUANTITY	CAPACITY, GAL.	TOTAL GALLONS	TYPE OF OIL	PREDICTED DIRECTION OF SPILL	CONTAINMENT METHOD
Yard	Generator	1	660	660	Diesel Fuel	Discharge will flow into the secondary containment structure. If discharge were to reach beyond the containment structure, it would flow onto sealed pavement, and travel south into the catch basin. From the catch basin, the spill will enter storm drain piping until it open airs to drainage channel, and then flow south until it reaches the South Yamhill River.	Secondary Containment Structure for Generator. Also, a catch basin cover is located at the catch basin.

There is a reasonable potential for a spill or leak at this location. The greatest risk for a spill event would occur during a loading or unloading accident. Other potential risks include seismic activity or vandalism.

The maximum anticipated oil spill is **660 gallons** based on the capacity of the largest piece of oil-filled equipment. Discharge from the generator will flow into secondary containment. If it escapes the secondary containment, it will flow onto the pavement, and then flow south into a catch basin. From the catch basin, the spill will enter storm drain piping until it opens into the drainage channel, and then flow south until it reaches the South Yamhill River.

Appendix A-7: Potential Discharges Due to Equipment Failure	MW&L SPCC Plans/ MW&L Facility
Page 1 of 4	3/13/2017

Transformer Storage Area

LOCATION	ITEM	DESCRIPTION	SIZE	QUANTITY	CAPACITY, GAL.	TOTAL GALLONS	PCB	TYPE OF OIL	PREDICTED DIRECTION OF SPILL	CONTAINMENT METHOD
Transformer Storage Yard	Transformer	Pole	167	2	57	114	≤1	Mineral Oil	Onto sealed pavement, and into the catch basin. From the catch basin, the spill will reach one of three oil/water separators. If the oil/water separator should fail, oil will enter storm drain piping until it opens to drainage channel, and then flow south until it reaches the South Yamhill River.	Curbing, drain protectors and oil containing equipment. Oil/water separators in the storm drain system.
			250	4	60	240				
		Padmount	100	7	107	749				
			112.5	2	148	296				
			150	7	167	1169				
			167	3	78	234				
			225	4	165	660				
			300	1	184	184				
			300	1	187	187				
			300	3	238	714				
			500	1	140	140				
			500	1	143	143				
			500	1	190	190				
			500	3	200	600				
			500	1	239	239				
			750	1	234	234				
			750	1	316	316				
			750	1	332	332				
			750	1	355	355				
	1000	1	266	266						
	1500	1	414	414						
	Voltage Regulator		1	93	93					
			6	355	2130					
			TOTAL			9999				

There is a reasonable potential for a spill or leak at this location. The greatest risk for a spill event would occur during a loading or unloading accident. Other potential risks include seismic activity or vandalism.

The maximum anticipated oil spill is 414 gallons based on the piece of equipment at this location with the largest oil capacity. The spilled oil would flow on pavement to a catch basin, and would be contained in an oil water separator. There are three oil water separators in this area, designed to hold 250 gallons of oil each. Should the oil water separator fail to stop the flow of oil, the oil will enter the storm drain system, and flow into a drainage channel located at the southwest corner of the property.

The generic Material Safety Data Sheet (MSDS) for Mineral Oil can be found in Appendix C-4.

Mechanical Shop

LOCATION	ITEM	QUANTITY	CAPACITY, GAL.	TOTAL GALLONS	TYPE OF OIL	PREDICTED DIRECTION OF SPILL	CONTAINMENT METHOD
Mechanical Shop	Drum	1	55	55	Transmission Oil	Onto floor of mechanical shop	Any spill will be contained inside the building
		4	55	220	Motor Oil		
	Tank	1	250	250	Used Oil		
		TOTAL		525			

Appendix A-7: Potential Discharges Due to Equipment Failure	MW&L SPCC Plans/ MW&L Facility
Page 2 of 4	3/13/2017

A spill at this location is not likely to reach navigable waters. The maximum number of drums expected to be stored in the Mechanical Shop is 10 drums. The maximum anticipated oil spill is 250 gallons from the used oil tank in the Mechanical Shop. The spilled oil would be contained in the building.

Conex Building

LOCATION	ITEM	QUANTITY	CAPACITY, GAL.	TOTAL GALLONS	TYPE OF OIL	PREDICTED DIRECTION OF SPILL	CONTAINMENT METHOD
Conex	Drum	2	55	110	Hydraulic Oil	Onto floor of Conex Building	Any spill will be contained inside the building. There are no drains located near the drums.
		2	55	110	Transmission Oil		
		TOTAL		220			

A spill at this location is not likely to reach navigable waters. The maximum number of drums expected to be stored in the Conex Building is 10 drums. The maximum anticipated oil spill is 55 gallons from a drum in the Conex building. The spilled oil would be contained in the building.

Pole Shed

LOCATION	ITEM	DESCRIPTION	KVA	CAPACITY, GAL.	QUANTITY	TOTAL GALLONS	TYPE OF OIL	DIRECTION OF SPILL	CONTAINMENT METHOD
Pole Shed	Drum			55	1	55	Chain Bar Oil	into rigid spill deck	any spill will be contained in the rigid spill deck
			TOTAL			55			

A spill at this location is not likely to reach navigable waters. Transformers that are damaged and in need of repair are stored in secondary containment in the pole shed. Also, drums with diesel, lubricant, antifreeze and motor oil are stored at this location. The maximum anticipated oil spill is 55 gallons from a drum in the pole shed. The spilled oil would flow into the containment box. Any oil spill from a drum or transformer will be contained in the pole shed.

Appendix A-7: Potential Discharges Due to Equipment Failure	MW&L SPCC Plans/ MW&L Facility
Page 3 of 4	3/13/2017

Warehouse

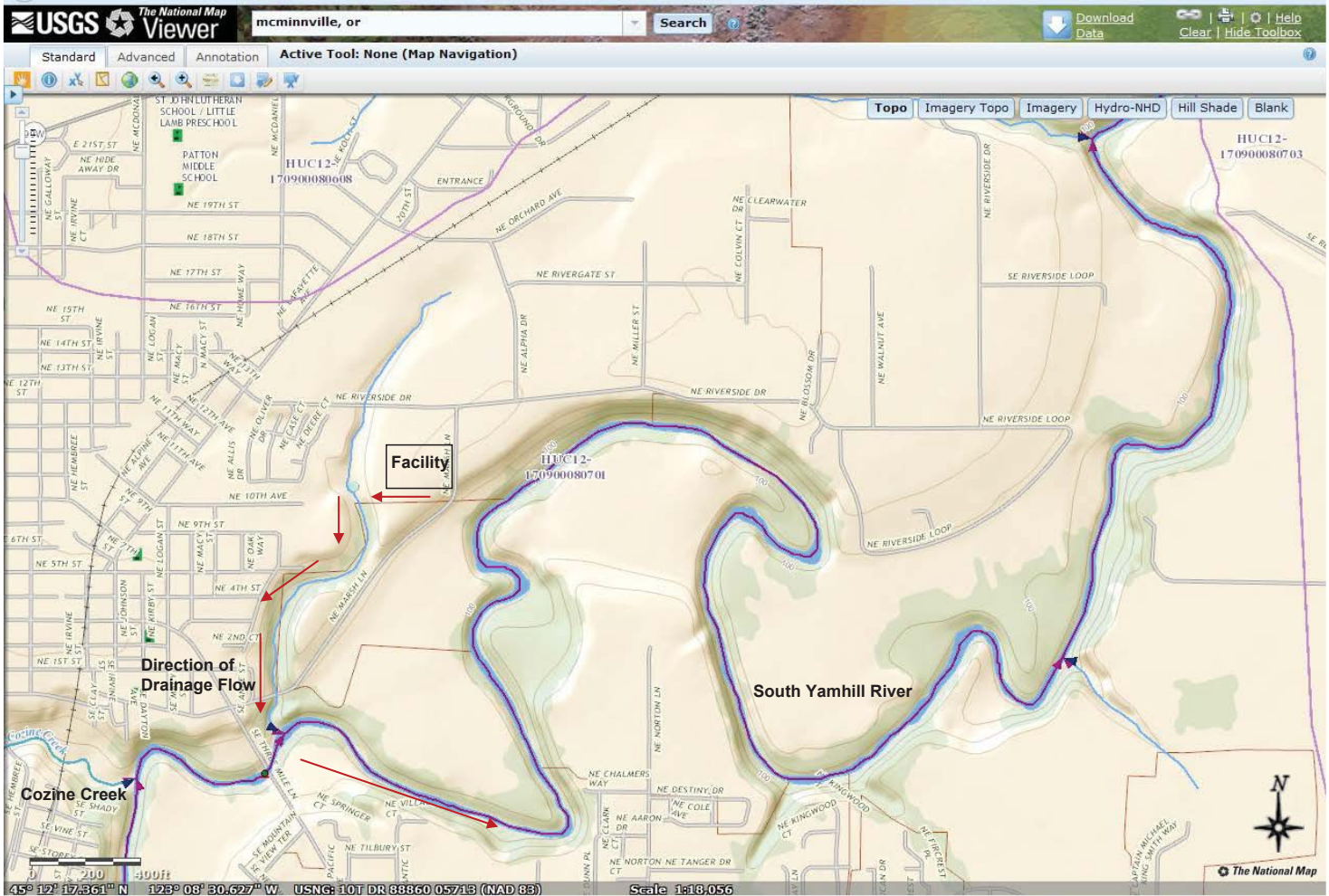
LOCATION	ITEM	QUANTITY	GALLONS	TOTAL GALLONS	TYPE OF OIL	PREDICTED DIRECTION OF SPILL	CONTAINMENT METHOD
Warehouse	Drum	1	55	55	Transformer Oil	Onto floor of mezzanine	Any spill will be contained inside the building. There are no drains located near the drum.

A spill at this location is not likely to reach navigable waters. The maximum anticipated oil spill is 55 gallons from the drum of transformer oil. The spilled oil would flow onto the cement floor in the Mezzanine. There are no drains at this location.

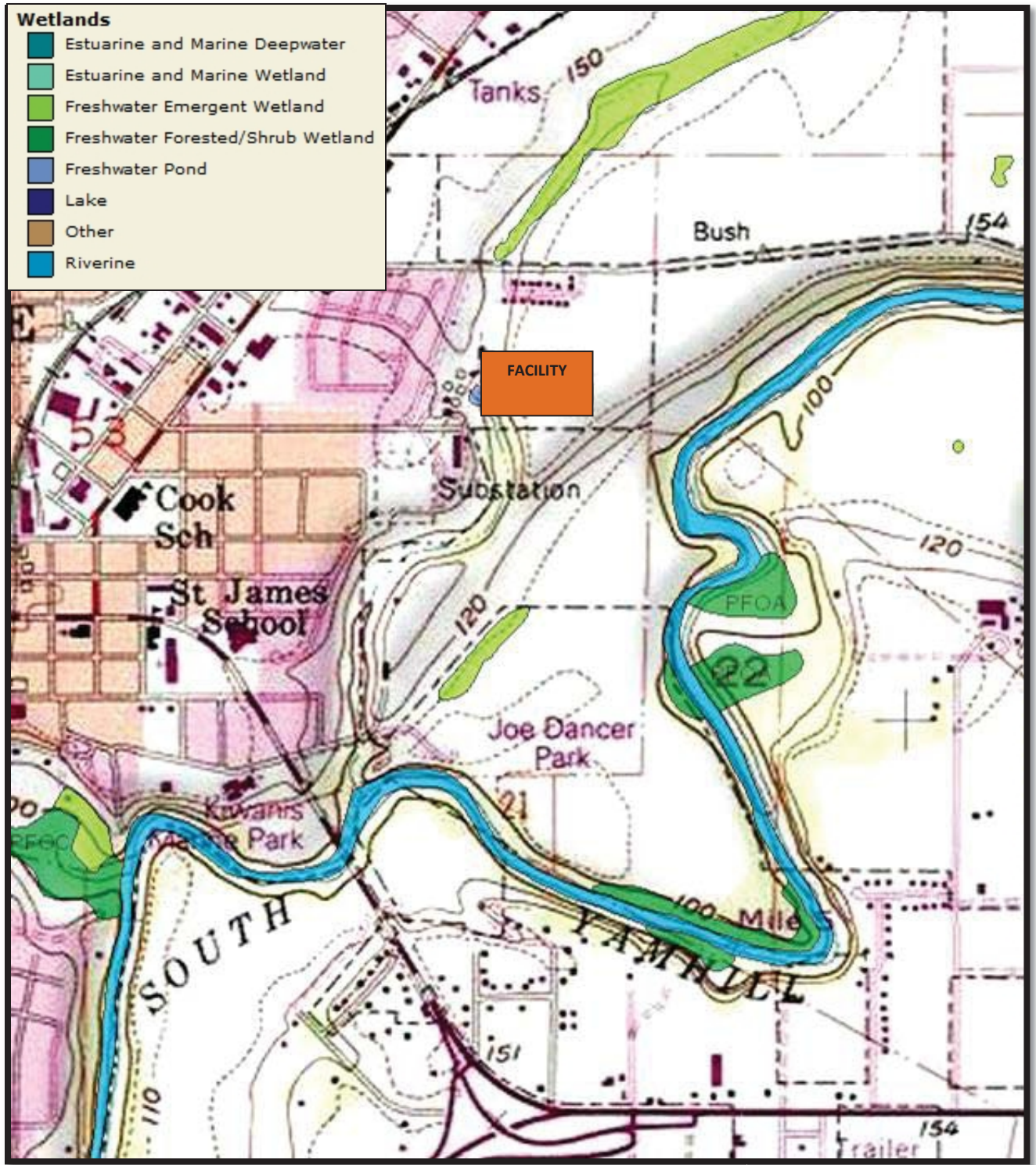
Appendix A-7: Potential Discharges Due to Equipment Failure	MW&L SPCC Plans/ MW&L Facility
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APPENDIX B – DRAINAGE INFORMATION

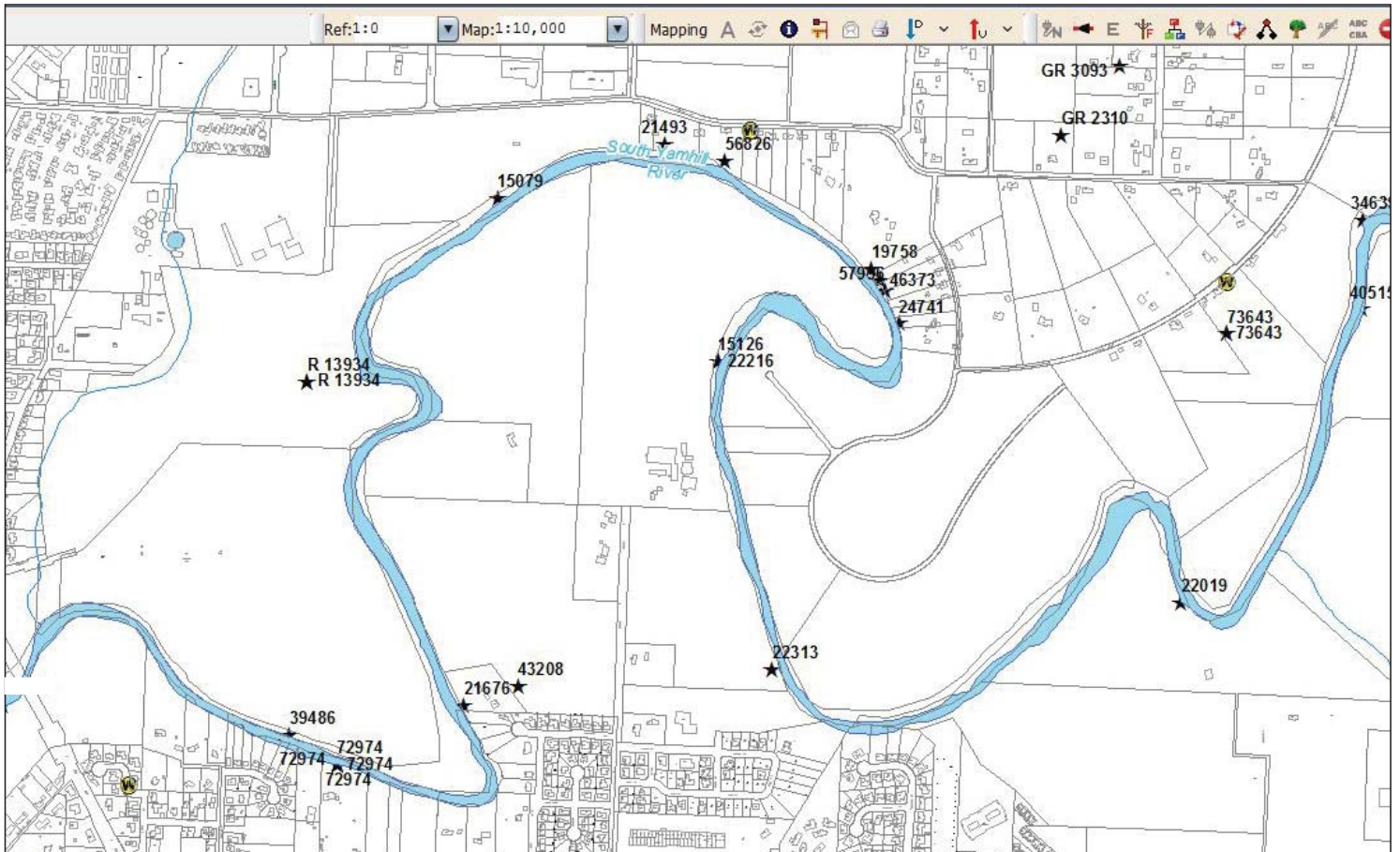
- B-1 Map of Facility and Nearby Waterways
- B-2 Wetland Map
- B-3 Downstream Points of Diversion
- B-4 Drainage Access Points



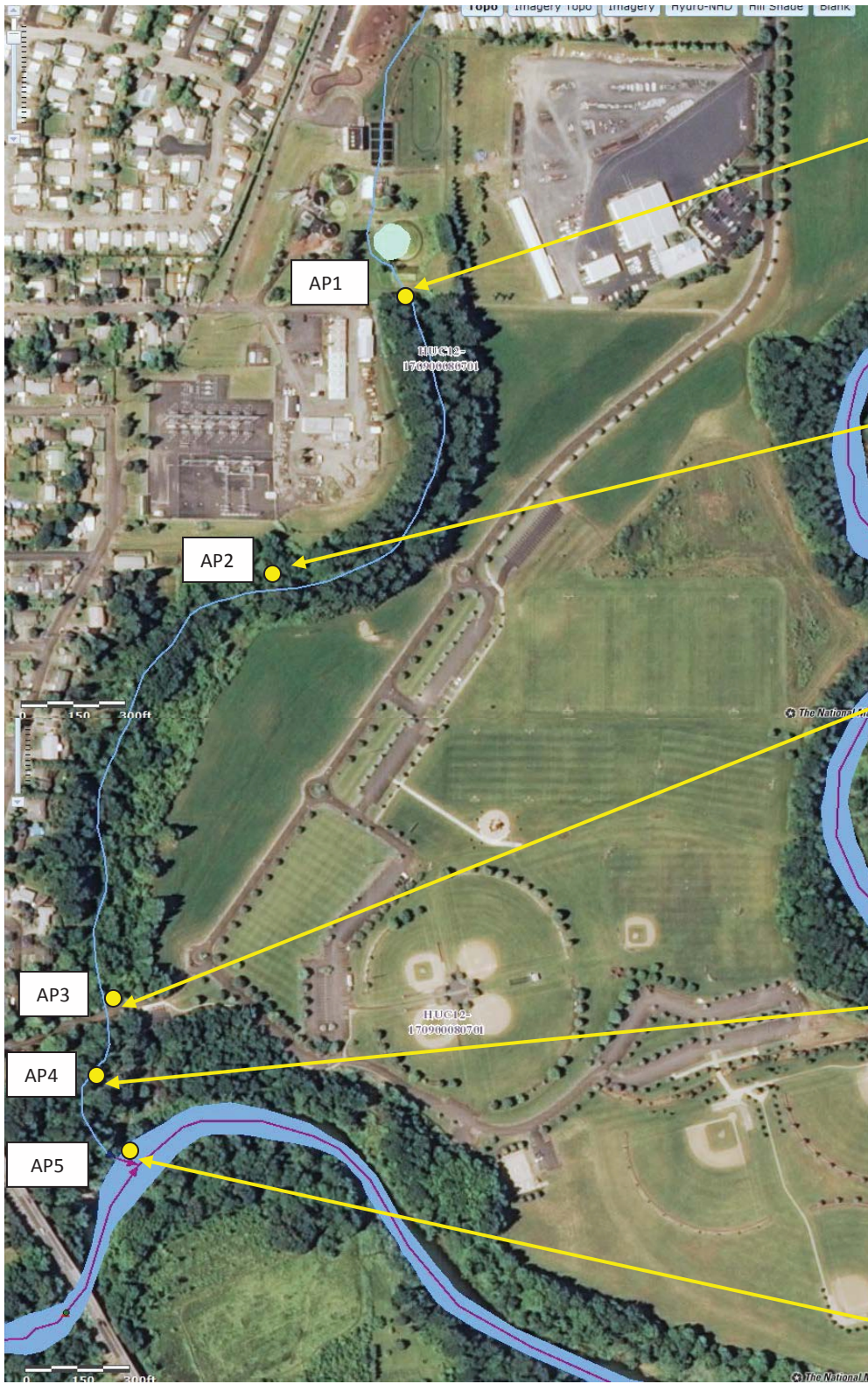
<p>Appendix B-1: Map of Facility and Nearby Waterways</p>	<p>McMinnville Water & Light SPCC Plans/ MW&L Facility</p>
<p>Downloaded from National Maps on May 29, 2014</p>	<p>04/27/2015 Attachment 17, page 41 of 61 SPCC Plan</p>



Appendix B-2: Wetland Map	MW&L SPCC Plans/ MW&L Facility
Downloaded from National Wetland Inventory on May 29, 2014	04/27/2015



Appendix B-3: Downstream Points of Diversion	MW&L SPCC Plans/ MW&L Facility
Downloaded from MW&L GIS on September 3, 2014	04/27/2015



<p align="center">Appendix B-4: Drainage Access Points</p>	<p align="center">MW&L SPCC Plans/ MW&L Facility</p>
<p align="center">Downloaded from USGS National Maps on May 29, 2014</p>	<p align="center">04/27/2015</p>

APPENDIX C – EMERGENCY RESPONSE REFERENCE MATERIALS

- C-1 EPA Fact Sheet
- C-2 DEQ Fact Sheet
- C-3 Spill Cleanup Supplies
- C-4 PCB Calculation



Oil Discharge Reporting Requirements

How to Report Oil Discharges to the National Response Center and EPA

If a facility or vessel discharges oil to navigable waters or adjoining shorelines, waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or Deepwater Port Act of 1974, or which may affect natural resources under exclusive U.S. authority, the owner/operator is required to follow certain federal reporting requirements. These requirements are found in two EPA regulations – 40 CFR part 110, Discharge of Oil regulation, and 40 CFR part 112, Oil Pollution Prevention regulation. The Discharge of Oil regulation provides the framework for determining whether an oil discharge to inland and coastal waters or adjoining shorelines should be reported to the National Response Center. The Oil Pollution Prevention regulation, part of which is commonly referred to as the “SPCC rule,” identifies certain types of discharges from regulated facilities that also need to be reported to EPA. Although these reporting requirements were not changed by EPA’s recent modifications of the SPCC rule, this Fact Sheet will help facilities with the Reportable Discharge History criterion associated with the qualified facility option and the oil-filled operational equipment option offered in the recent SPCC modifications.

Who is subject to the Discharge of Oil regulation?

Any person in charge of a vessel or of an onshore or offshore facility is subject to the reporting requirements of the Discharge of Oil regulation if it discharges a harmful quantity of oil to U.S. navigable waters, adjoining shorelines, or the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or Deepwater Port Act of 1974, or which may affect natural resources under exclusive U.S. authority.

What is a “harmful quantity” of discharged oil?

A harmful quantity is any quantity of discharged oil that violates state water quality standards, causes a film or sheen on the water’s surface, or leaves sludge or emulsion beneath the surface. For this reason, the Discharge of Oil regulation is commonly known as the “sheen” rule. Note that a floating sheen alone is not the only quantity that triggers the reporting requirements (e.g., sludge or emulsion deposited below the surface of the water may also be reportable).

Under this regulation, reporting oil discharges does not depend on the specific amount of oil discharged, but instead can be triggered by the presence of a visible sheen created by the discharged oil or the other criteria described above.

To whom do I report an oil discharge?

A facility should report discharges to the National Response Center (NRC) at 1-800-424-8802 or 1-202-426-2675. The NRC is the federal government’s centralized reporting center, which is staffed 24 hours per day by U.S. Coast Guard personnel.

If reporting directly to NRC is not practicable, reports also can be made to the EPA regional office or the U.S. Coast Guard Marine Safety Office (MSO) in the area where the incident occurred.

When must I report to NRC?

Any person in charge of a vessel or an onshore or offshore facility must notify NRC immediately after he or she has knowledge of the discharge.

What information do I need to report?

NRC will ask a caller to provide as much information about the incident as possible including:

- Name, organization, and telephone number
- Name and address of the party responsible for the incident
- Date and time of the incident
- Location of the incident
- Source and cause of the discharge
- Types of material(s) discharged
- Quantity of materials discharged
- Danger or threat posed by the discharge

Oil Discharge Reporting Fact Sheet

Appendix C-1: EPA Fact Sheet	MW&L SPCC Plans
Page 1 of 3	Attachment 17, page 46 of 61

- Number and types of injuries (if any)
- Weather conditions at the incident location
- Other information to help emergency personnel respond to the incident

How are reports to NRC handled?

NRC relays information to an EPA or U.S. Coast Guard On Scene Coordinator (OSC), depending on the location of the incident. After receiving a report, the OSC evaluates the situation and decides if federal emergency response action is necessary.

If I report a discharge to NRC, do I also report to EPA?

If a facility is regulated under the SPCC rule and has a reportable discharge according to EPA regulations (see below), it must be reported to both NRC and EPA.

What are the oil discharge reporting requirements in the SPCC rule?

Any facility owner/operator who is subject to the SPCC rule must comply with the reporting requirements found in §112.4.

A discharge must be reported to the EPA Regional Administrator (RA) when there is a discharge of:

- More than 1,000 U.S. gallons of oil in a single discharge to navigable waters or adjoining shorelines
- More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines occurring within any twelve-month period

When determining the applicability of this SPCC reporting requirement, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled.

What do I need to submit to EPA?

The owner/operator must provide the following:

- Name and location of the facility
- Owner/operator name
- Maximum storage/handling capacity of the facility and normal daily throughput
- Corrective actions and countermeasures taken, including descriptions of equipment repairs and replacements

- Adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary
- Cause of the discharge to navigable waters, including a failure analysis
- Failure analysis of the system where the discharge occurred
- Additional preventive measures taken or planned to take to minimize discharge reoccurrence
- Other information the RA may reasonably require

An owner/operator must also send a copy of this information to the agency or agencies in charge of oil pollution control activities in the state in which the facility is located.

What happens after a facility submits this information to EPA?

The EPA Regional Administrator will review the information submitted by the facility and may require a facility to submit and amend its SPCC Plan. Facilities and equipment that qualified for the new streamlined requirements may lose eligibility for those options as determined by the Regional Administrator. A state agency may also make recommendations to EPA for a facility to amend its Plan to prevent or control oil discharges.

For More Information

Review the Discharge of Oil regulation (40 CFR part 110)
<http://www.gpoaccess.gov/cfr/>

Review the Oil Pollution Prevention regulation (40 CFR part 112)
<http://www.gpoaccess.gov/cfr/>

Visit the EPA Office of Emergency Management Web site
www.epa.gov/emergencies

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center
 (800) 424-9346 or (703) 412-9810
 TDD (800) 553-7672 or (703) 412-3323
www.epa.gov/superfund/resources/infocenter

To Report an Oil or Chemical Discharge

Contact the National Response Center
 (800) 424-8802 or (202) 267-2675
 TDD (202) 267-4477
<http://www.nrc.uscg.mil/index.html>

Oil Discharge Reporting Fact Sheet

Appendix C-1: EPA Fact Sheet	MW&L SPCC Plans
Page 2 of 3	Attachment 17, page 47 of 61

Additional information concerning EPA Oil Discharge Reporting Requirements

If you are not able to make contact at the NRC's number, the reportable release or discharge should be reported directly to EPA Region 10, at 1 206 553 1263.

When reporting an oil discharge to the EPA, also send a copy of the report to:

U.S. Environmental Protection Agency
1200 6th Avenue, Mail Stop ECL-116
Seattle, WA 98101
Attn: Emergency Response Unit

and

Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390

Appendix C-1: EPA Fact Sheet	MW&L SPCC Plans
Page 3 of 3	Attachment 17, page 48 of 61

Fact Sheet

What to Do When You've Had a Spill

Contact local emergency services

Call 911 for medical emergency and public safety assistance from the local fire, police and medical services.

Report the spill immediately

Immediately report the spill or threatened spill to the Oregon Emergency Response System, 1-800-452-0311, when the spill or threat of a spill includes:

- Any amount of oil to waters of the state;
- Oil spills on land in excess of 42 gallons;
- Hazardous materials that are equal to the Code of Federal Regulations, [40 CFR Part 302](#) (List of Hazardous Substances and Reportable Quantities), and amendments adopted before July 1, 2002.

Provide information

When you report the spill to OERS you will need to provide basic spill information:

- Contact names and phone numbers
- Type of oil or hazardous material
- Estimated quantity
- Location descriptions (land or water)

Some spills require reporting to the U.S. Environmental Protection Agency

Some oil or hazardous material spills will require a separate notification to the National Response Center, 1-800-424-8802. Visit EPA's [Emergencies](#) web page for information necessary to determine if you need to report to the federal system.

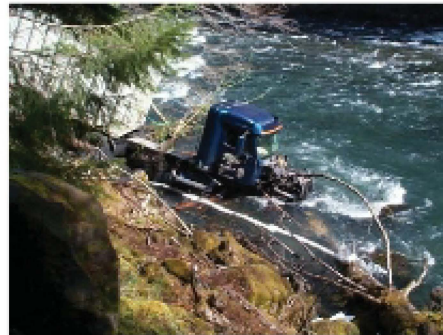
Other actions to take

- Move away or upwind from the spill if you detect an odor and are unsure if it's safe.
- Avoid contact with liquids or fumes.
- Keep non-emergency people out of the area.
- Control and contain the spill.
- Clean up what you can immediately.
- Remove cleanup materials to an approved facility (such as a solid or hazardous waste landfill or recycling facility.) Save your receipts for documentation.
- Continue with long-term cleanup measures.
- File a completed [Spill Release Report form](#) with DEQ.

Your role

You are responsible for the immediate cleanup of your spill, regardless of the quantity involved.

The responsibility lies with the person who spills the product, as well as the person owning or having authority over the oil or hazardous material. You may need to hire a qualified contractor or properly trained and equipped personnel to respond immediately to the spill. If you fail to clean up your spill, DEQ may clean it up for you and is allowed by law to fine you up to three times the cost of the cleanup, in addition to the actual cost of the cleanup ([Oregon Administrative Rules 340-142](#)).



Contractors can work to control, contain and mitigate difficult spills like this truck crash on the North Umpqua Highway that caused diesel to leak into the river.

DEQ's role

DEQ is responsible for ensuring that the cleanup is done in a way that protects human health and the environment. Oregon law also requires DEQ to recover its costs in carrying out this responsibility.

Depending on the type and quantity of material spilled, and the potential threat to people or the environment, DEQ may choose to oversee the cleanup. This oversight may take the form of DEQ staff at the scene, phone contact, document review or a combination of these actions. You are responsible for these oversight costs and will normally be billed within 45 days.

For more information

Regional Emergency Response coordinators are listed in the margin. You can also visit the web page for the program at: www.oregon.gov/DEQ/LQ



State of Oregon
Department of
Environmental
Quality

Emergency Response
811 SW 6th Avenue
Portland, OR 97204
Phone: 503-229-6931
Fax: 503-229-6954
Contact: Mike Zollitsch
zollitsch.michael@deq.state.or.us

Contact the State On-Scene Coordinator in your area:

Northwest Region
Portland-Metro and North Coast
Michael Greenburg
503-229-5153
greenburg.michael@deq.state.or.us

Western Region
Willamette Valley, Cascades, Central and South Coast
Wes Gebb
541-687-7465
gebb.wes@deq.state.or.us

Eastern Region
East of Cascades
Mike Renz
541-633-2004
renz.mike@deq.state.or.us

Last Updated: 11/11
By: Wes Gebb
08-LQ-090

SPILL CLEANUP SUPPLIES

Supplies located in the spill kit at the Facility

Description	Quantity
Boots – latex disposable - large	3 pair
Drum liner – hazardous material – 55 gal.	10
Duct tape	1
Emergency Response Handbook	1
Environmentally Hazardous Substance Label	2
Gloves – Latex disposable - large	1box/ 50 gloves
Hammer – hard rubber	1
Hand Cleaner – Waterless cream	1
Office supplies: pen, sharpie, pencil, clip board	1 each
PCB Label – Non-PCB	2
Polyethylene film 6 mil black 20' x100'	4 rolls
Protective goggles – Class 1 & 2	3
Repair putty	1

Description	Quantity
Shovel – round point d-handle	1
Sorbent booms – oil only – 4"x20'	1
Sorbent booms – oil only – 8"x10'	2
Sorbent pig pan – oil only – 10"sq.x3"deep	2
Sorbent pillows – oil only – 5"x14"x25"	8
Sorbent sheets – oil only – 11"x13" or 17"x19"	20
Stakes non-conducting ½"x2"x22"	6
Storage bag – hazardous material- Zip lock 14" x 25"	4
Tarpaulin – 2-' x 30'	1
Tyvek Suits – Large	2
Tyvek Suits – X-large	1
Valve wrap – 17"x36"	3

Additional supplies available at the main office pole shed, 855 Marsh Lane, McMinnville, OR

Spill Response Equipment	Minimum Quantity
Tyvek Suits – Large	Case
Tyvek Suits – X-large	Case
Gloves – Latex disposable - large	Case
Boots – latex disposable - large	Case
Protective goggles – Class 1 & 2	Case
Polyethylene film 6 mil black 20' x100'	Case
Tarpaulin – 20' x 30'	Case
Drum liner – hazardous material – 55 gal.	Case
Storage bag – hazardous material- Zip lock 14" x 25"	Case
Sorbent sheets – oil only – 11"x13" or 17"x19"	Case
Sorbent pillows – oil only – 5"x14"x25"	Case
Sorbent booms – oil only – 8"x10'	Case
Sorbent booms – oil only – 4"x20'	Case
Sorbent pig pan – oil only – 10"sq.x3"deep	Case
Valve wrap – 17"x36"	Case
Shovel – round point d-handle	Case
Hammer – hard rubber	2 minimum
Stakes non-conducting ½"x2"x22"	Bundle
Hand Cleaner – Waterless cream	Case

Power Equipment	Quantity
Backhoes	2
Dump Trucks	2
Excavator	1
Sand	10 yd
¾" minus crushed rock	10 yd
Power washer	2
Pump- gas powered	2
Pump – electric. For use with no pcb oil	2
Pump – electric - for use with 2-49 ppm pcb oil	1
Pump – electric - for use with >50 ppm pcb oil	1
Solvent	1 gallon

Appendix C-3: Spill Cleanup Supplies	MW&L SPCC Plans/ MW&L Facility
	04/27/2015

PCB or Non-PCB determination

PCB (Polychlorinated Biphenyl) refers to any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain polychlorinated biphenyls (includes monochlorinated and dechlorinated biphenyls).

Electrical equipment is classified by the following criteria:

PCB	Contains 500 parts per million (ppm) or greater of PCB
PCB Contaminated	Contains 50 ppm or greater and less than 500 ppm of PCB
Non-PCB	Contains less than 50 ppm of PCB
No PCB	Does not contain a detectable concentration of PCB

Oil filled electrical equipment in which the PCB concentration is unknown must be assumed to contain 50 - 500 ppm PCB.

Actual PCB concentration can be determined by use of a Clor-n-oil™ test kit or by fixed based laboratory analysis using EPA SW-846 Method 8080.

Additional information will be obtained through the following marking and labels:

- Name Plate Data
- Date Manufactured (After 7/1/79 - Non-PCB)
- Yellow PCB Marker
- Non-PCB Blue Label

Calculation for 1 Pound of PCB

Examples:

- One gallon of Askarel or PCB capacitor fluid (60% PCB) weighs approximately 12.5 pounds. Therefore, if 17 ounces of fluid is spilled, 1 pound of PCB will have been spilled.

 $128 \text{ ounces/gallon} \div (12.5 \text{ lbs/gallon} \times .60) = 17 \text{ ounces of fluid for 1 lb PCB}$
- Over 263 gallons of PCB-contaminated oil (50-500 ppm PCB) must be released to reach the 1 pound PCB reporting level; however, a spill of that magnitude should be reported even without the presence of PCB.

Table A provides typical PCB concentrations and quantity of oil that if released would be more than 1 pound PCB.

Appendix C-4: PCB Calculation	MW&L SPCC Plans/ MW&L Facility
Page 1 of 2	04/27/2015

TABLE A
CALCULATIONS FOR 1 POUND OF PCB

1) Aroclor/Pyranol/Askarel Fluid

PCB Concentration: ~ 60% by weight
 Fluid Weight: 12.5 pound/gallon
 PCB Weight/Gallon: 0.60 (12.5) = 7.5 pounds/gallon

17 ounces of fluid = 1 pound PCB

2) Mineral Oil

Fluid Weight: 0.91 specific gravity x 8.34 pounds/gallon =
 7.589 pounds/gallon

In order to spill 1 lb of PCB, the following volumes of a specific concentration PCB-containing mineral oil would have to be spilled.

For 50 ppm PCB: Volume of Oil =

$$\frac{1}{\frac{7.589 \times 50}{1 \times 10^6}} = 2,635.4$$

Concentration (ppm)	Volume of Oil (gallons)
50	2,635.4
500	263.5
3,500	37.6

Appendix C-4: PCB Calculation	MW&L SPCC Plans/ MW&L Facility
Page 2 of 2	04/27/2015

APPENDIX D – FORMS

- D-1 Substantial Harm Criteria
- D-2 Form Monthly Inspection Form
- D-3 Notification of Change Form
- D-4 MW&L Spill Notification Form
- D-5 DEQ Spill / Release Report

**Certification of the Applicability of the Substantial Harm Criteria
(40 CFR PART 112 - Attachment C-II)**

FACILITY NAME: McMinnville Water and Light Facility
FACILITY ADDRESS: 855 NE Marsh Lane
McMinnville, OR 97128

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

YES NO

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?

YES NO

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments.

YES NO

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula¹) such that a discharge from the facility would shut down a public drinking water intake?

YES NO

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

YES NO

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature  Date MAY 07, 2015
Name Patrick Quinn Title General Services Manager

Appendix D-1: Substantial Harm Criteria Form	MW&L SPCC Plans/ MW&L Facility
	04/27/2015

MAIN WAREHOUSE B (CONT)	Yes/No		Comment
Lunch Room			
Sink, Counters Clean	Y	N	
Refrigerator Clean	Y	N	
Freezer Clean	Y	N	
Cords in Good Condition	Y	N	
Floors Clean & Dry	Y	N	
Lighting OK	Y	N	
Cabinets Clean/Functional	Y	N	
Microwaves Clean	Y	N	
Faucet OK	Y	N	
Parking Garage			
Floor Clean, Dry, Free of Oil	Y	N	
Materials & Equip. Storage Neat	Y	N	
Lighting OK	Y	N	
Storage Yard			
Lighting OK	Y	N	
Transformers Stored Properly/Leak Free	Y	N	
Poles Stacked Neatly/Secured	Y	N	
Barrels Labeled/Leak Free	Y	N	
Security Signs Properly Posted	Y	N	
Yard Clean of Debris	Y	N	
Recycle Bins Labeled	Y	N	
Vehicle Gate Operating OK	Y	N	
Fence- Clips & Barbwire	Y	N	
Bunkers OK	Y	N	
Oil/Water Separators	Y	N	

NOTIFICATION OF CHANGE FORM

Originator: _____

Document Being Revised: _____

Reason for change: _____

Page	Description

Completion Date _____

Persons notified _____

History of Revisions

Appendix D-3: Notification of Change Form	McMinnville Water and Light SPCC Plans
	04/27/2015

MW&L SPILL NOTIFICATION FORM

Part A: Basic Spill Data		
Type of Spilled Fluid:	Notification Person:	
Estimated Quantity Released:	Spill Date and Time:	
Location of Spill: McMinnville Water & Light Main Facility 855 NE Marsh Lane McMinnville, OR 97128 (503) 472-6158	Discovery Date and Time:	
	Spill Duration:	
	Release to: air well soil sewer containment other _____	
	Owner / Company Name: McMinnville Water & Light 855 Marsh Lane PO Box 638 McMinnville, OR 97128 Facility: 503-472-6158 / 24 hr.: 503-472-6158	
EQUIPMENT ID #:		
PCB:		
Nature of spill and any environmental or health effects:		
Part B: For Spills that Reach Groundwater or Surface Water: Notification Checklist		
Spill Type	Notification Date and Time	Name of Person that Received Call
Oregon Emergency Response Center 1-800-452-0311		
EPA Region 10 1-206-553-1263		
National Response Center 1-800-424-8802		

Send a copy of this form to the McMinnville Water & Light Environmental Compliance Officer. This form shall be filed by facility name and maintained as long as McMinnville Water & Light owns and/or operates the facility.

Appendix D-4: MW&L Spill Notification Form	MW&L SPCC Plans/ MW&L Facility
	04/27/2015

SPILL/RELEASE REPORT



1 - GENERAL INFORMATION

OERS No. _____

- a. Company/Individual Name: _____
- b. Address: _____

- c. Company Contact Person: _____
- d. Phone Number(s): _____
- e. Specific on-site location of the release (and address if different from above):

Please provide a map of the site showing area(s) where the release occurred, any sample collection locations, location of roads/ditches/surface water bodies, etc.

2 - RELEASE INFORMATION

- a. Date/Time Release started: _____ Date/Time stopped: _____
- b. Release was reported to (specify Date/Time/Name of Person contacted where applicable):
ODEQ _____
OERS _____
NRC _____
Other (describe): _____
- c. Person(s) reporting release: _____
- d. Name, quantity and physical state (gas, liquid, solid or semi-solid) of material(s) released:

Please attach copies of material safety data sheets (MSDS) or constituent profiles for released material(s).

- e. The release affected: ___ Air ___ Groundwater ___ Surface Water ___ Soil ___ Sediment
- f. Name and distance to nearest surface water body(s), even if unaffected (include locations of creeks, streams, rivers and ditches that discharge to surface water on maps):

Has the release reached the surface water identified above?: ___ Yes ___ No
Could the release potentially reach the surface water identified above? ___ Yes ___ No
Explain: _____

- g. Depth to nearest aquifer/groundwater: _____
Is nearest aquifer/groundwater potable (drinkable)? ___ Yes ___ No
Has the release reached the nearest aquifer/groundwater? ___ Yes ___ No
Explain: _____

h. Release or potential release to the air occurred? Yes No

Explain: _____

i. Was there a threat to public safety? Yes No

j. Is there potential for future releases? Yes No

Explain: _____

k. Describe other effects/impacts from release (emergency evacuation, fish kills, etc.):

l. Describe how the release occurred. Include details such as the release source, cause, contributing weather factors, activities occurring prior to or during the release, dates and times of various activities, first responders involved in containment activities, etc.:

3 - SITE INFORMATION

a. Adjacent land uses include (check all that apply and depict on site maps):

Residential Commercial Light Industrial Heavy Industrial
 Agricultural Other (describe): _____

b. What is the population density surrounding the site: _____

c. Is the site and/or release area secured by fencing or other means? Yes No

d. Soil types (check all that apply): alluvial bedrock clay sandy
 silt silty loam artificial surface (cement/asphalt/etc.)

e. Describe site topography: _____

4 - CLEANUP INFORMATION

a. Was site cleanup performed? Yes No

If No, explain: _____

b. Who performed the site cleanup?

Company Name: _____

Address: _____

Cleanup Supervisor: _____

Phone Number(s): _____

c. Has all contamination been removed from the site? Yes No

If No, explain: _____

d. Estimated volume of contaminated soil removed: _____

e. Estimated volume of contaminated soil left in place: _____

f. Was a hazardous waste determination made for cleanup materials? Yes No

g. Based on the determination, are the cleanup materials hazardous wastes?
 Yes No If Yes, list all waste codes: _____

h. Was contaminated soil or water disposed of at an off-site location? Yes No

If yes, attach copies of receipts/manifests/etc., and provide the following information:

Facility Name: _____

Address: _____

Facility Contact: _____

Phone Number(s): _____

i. Is contaminated soil or water being stored and/or treated on-site? Yes No

If yes, please describe the material(s), storage and/or treatment area, and methods utilized (attach additional sheets if necessary):

j. Describe cleanup activities including what actions were taken, dates and times actions were initiated and completed, volumes of contaminated materials that were removed, etc. (attach additional sheets or contractor reports if necessary or more convenient):

5 - SAMPLING INFORMATION

Attach copies of all sample data and indicate locations of sample collection on maps.

- a. Were samples of contaminated soil collected? Yes No N/A
- b. Were samples of contaminated water collected? Yes No N/A
- c. Were samples collected to show that all contamination had been removed?
 Yes No N/A

d. Describe sampling activities, results and discuss rationale for sampling methods:

6 - ADDITIONAL INFORMATION

- a. Provide a description or plan outlining the list of actions to be taken to prevent future releases from occurring.

7 - SPILL REPORT CHECKLIST

To ensure that you have gathered all the information requested by the Department in this Spill/Release Report, please complete the following checklist:

Map(s), pre and post cleanup photos of the site showing buildings, roads, surface water bodies, ditches, waterways, point of the release, extent of contamination, areas of excavation and sample collection locations attached.

Material Safety Data Sheet (MSDS), or constituent profiles for released material(s) attached. **Note: an MSDS is not required for motor fuels.**

Sampling data/analytical results attached.

Receipts/manifests (if any) for disposal of cleanup materials attached.

Contractor reports (if any) attached.

If you would like to submit your report by e-mail it can be submitted electronically to:

DOSPILLS@deq.state.or.us



Photo No.1: This is a photo illustrating the canopy over the two fueling station dispensers.



Photo No.2: This is a photo of a 12,000 gallon fuel tank.



Photo No. 3: This is a photo of a 20,000 gallon fuel tank.