



# MEMORANDUM

**DATE:** July 26, 2022  
**TO:** Mayor and City Councilors  
**FROM:** Heather Richards, Planning Director  
**SUBJECT:** New Public Testimony for G 7-21, Three Mile Lane Area Plan

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Mayor and Councilors,

Following is the public testimony that has been received today on July 26, 2022.

**Public Testimony:**

Email from Anna Rufo, 07.26.22  
Letter from Arnie Hollander, 07.26.22  
Email from Dave Anderson, 07.26.22  
Email from Heather Peck, Oregon Department of Aviation, 07.26.22  
Email from Kurt Wiley, 07.26.22  
Email from Kyle Putnam, 07.26.22  
Email from Ruth Robinson, 07.26.22

**From:** [annarufo](#)  
**To:** [Heather Richards](#)  
**Subject:** growth of Mc  
**Date:** Tuesday, July 26, 2022 10:29:13 AM

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This message originated outside of the City of McMinnville.

Thank you for requesting input from residents that live in Mac.

Yes, I am one of these individual who shop outside of Mac because of limited availability of groceries plus other things. Our community is growing perhaps we like the 'small town feeling' but our streets are congested and then what is available in Mac is limited. I shop at Costco and Trader Joe's they have products that are not available here in town. So that is revenue lost. The congestion on 1-5 the street is difficult especially on weekend and when the 'Farmer's Market ' is operating or any event occurring in that area. Perhaps 2&3 street should be close off for traffic as some cities have done-since it is the core of Mac.

Anna

Arnie Hollander  
13440 SW McCabe Chapel Road  
McMinnville, OR 97128

July 25, 2022

**RE: Critique of Three Mile Lane Area Plan**

Ms. Heather Richards  
Planning Director  
231 NE 5<sup>th</sup> St.  
McMinnville, OR 97128

Dear Ms. Richards:

As a way of introduction, I want to describe a bit of my background. I have a Bachelor of Architecture degree and a Master's in Urban Planning. I worked seven years as a municipal city planner and over 29 years for commercial real estate developers and property owners, managing the planning for and the design, construction and maintenance of commercial real estate that included golf courses, offices and warehouses.

I have read over the Three Mile Lane Area Plan documents that are currently under review. I have the following limited observations:

Your planning process seems to have put the cart before the horse. I see three buckets of problems that would best to addressed and solved BEFORE development in the Three Mile Plan is approved. Those buckets are:

**Bucket One Problems: Financing.**

Determining and acquiring public and private financing of the municipal, state and related improvements that will need to be in place before any occupancy within the Three Mile Lane Area Plan takes place. The determination of what those costs will be needs to take place before the nature and extent of the proposed development is finalized. Such improvements and related expenses include traffic improvements, road construction, the extension of public utilities including water, power and sewer, the provision of municipal services including police, fire, public works, building inspection and planning. The list goes on. What is also needed is a thorough assessment of the capacity of the City of McMinnville, Oregon Department of Transportation and all related agencies to provide the needed improvements. AND then there needs to be a through analysis of the current and long term costs to do the related design, construction and maintenance of those facilities plus the related staffing. You need to follow up the determination of the costs with a determination of where the funding will come from to put all those improvements in place and how those funds will be acquired. It is quite likely that the developers in the Plan area will only pay a small fraction of the over-all improvements costs. Citizens of McMinnville need to know what the economic impact on the City will be and how much they will have to pay to get this development built and maintained.

It seems unlikely, for example, that ODOT will be able to fund the traffic improvements that are currently outlined in the Plan, for years to come. You absolutely need a commitment from ODOT to

fund those improvements and a definitive timetable for when that funding will take place before the nature and scope of the Plan's land uses are finalized. It is essential that such commitments are in place before development is approved and then that financing is in place before construction takes place. This could be done on a phased basis, but an accurate determination of what funding is needed to support the proposed land uses and how and when funding will take place, to construct and manage those improvement and developments, should be in place prior to the Three Mile Lane Area Plans approval.

### **Bucket Two Problems: Traffic Improvements.**

Numerous traffic improvements will need to be constructed to assure the City that traffic, access, transit and related transportation problems will not burden the City, County and State. An updated comprehensive assessment of the traffic impacts of the projects that could be built under the Three Mile Lane Area Plan is needed. It needs to cast a wide net so that traffic impacts on downtown McMinnville, Highway 18 and Highway 99 for miles beyond the Three Mile Lane Plan Area are analyzed.

The acquisition of rights-of-way, the noise and air quality impacts of the added traffic, restrictions on adjacent development re: egress and the like need to be looked at now. This analysis should result in a to-do list of improvements that are needed to facilitate the even flow of traffic year-round, maintain access that enables other area developments to get in and out of their properties with no fewer restrictions than they are facing now and the like. Then a determination of who is going to pay for those improvements and the mechanisms to acquire the funding must be made. The City must make these decisions now so that the type and scale of the potential development and the phasing of construction will match up with financing that is guaranteed and available when those improvements are needed to take place. The type and size of the land uses must match up with the amount of funding that is available to build the needed improvements.

### **Bucket Three Problems: Design Guidelines and Reviews.**

The design guidelines that are included in the Three Mile Lane Plan are very limited in number and very broad in scope. If the City wants to be assured that the final design of site improvements, buildings, landscaping, signage, lighting and the like meet high quality standards, the related guidelines need to be in place BEFORE developers submit their plans. If not, it will be a major uphill battle to get developers to make revisions to their plans. From my experience in real estate development, it is better to know what is acceptable before the design process starts rather than go through pull and tug reviews with major uncertainties about what will be approved.

The complementary process that should go along with the guidelines is a solid design review process. It is best if that design review process be established by the City Council. The process should incorporate an appointed group of citizens with experience in architecture, landscape architecture, development and community membership. There are many design review programs in place all around the country to use as models for McMinnville.

At minimum, a well thought-out and comprehensive set of design guidelines is needed upfront to guide developers and city departments in their design efforts.

## **Summary**

The plan development and approval process that assures the City of McMinnville and other governmental agencies that they can afford the cost of the improvements that are needed to put in place so that the proposed developments can function properly, have minimum negative impacts, and match up to City standards involves 1.) determining the general nature of the proposed land uses, 2.) determining their public improvement needs, including transportation and utilities, 3.) determining what it will cost to put those improvements in place, 4.) determining where the public and private funding for those improvements will come from, 5.) determining when the funding will be in place and then 6.) the Plan needs to be adjusted so that the type and sizes of the land uses that are allowed match the funding that is guaranteed to be available when it is needed.

To assure the City of McMinnville that the quality of the design of the improvements and construction envisioned by the Area Plan match the high standard that the City seeks to set, a comprehensive set of design guidelines and a City Council established design review process utilizing architects, landscape architects, developers and citizen should be place before development applications are accepted.

Sincerely,

Arnie Hollander

**From:** [dave anderson](#)  
**To:** [Heather Richards](#); [Jeb Bladine](#)  
**Subject:** Commercial development on Three Mile Lane  
**Date:** Tuesday, July 26, 2022 12:54:46 PM

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**This message originated outside of the City of McMinnville.**

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Ms. Richards,

Clearly no matter what path is taken on TML development, some people will be disappointed.

However, I believe common sense points to keeping the area designated industrial rather than portioning off a section for commercial. Here's why: If the commercial development is successful, it will dramatically increase traffic, and Hwy 18 will cease to be a viable bypass. The fallout of that is well documented. If the commercial development fails (see the former Tanger Mall on the north side of 18) then we've wasted valuable real estate. Either outcome is regrettable, and neither is reversible.

On the other hand, industrial development will generate full time jobs paying livable wages with benefits. Commercial development will, for the most part, do neither.

Finally, commercial development will vacuum consumer dollars from downtown, threatening what we all know is McMinnville's jewel. The argument that over \$100 million dollars are spent outside the region is a sketchy argument inasmuch as much of that is spent online, and no matter how many commercial opportunities are developed on TML, those online dollars will continue to leave the community.

The idea of commercial development south of TML is ill-conceived. We have a chance to get this right, and commercial development isn't it.

Thanks for your attention,  
Dave Anderson  
1340 SW Fleishauer Ln.  
McMinnville, OR 97128  
971-237-3913

**From:** [PECK Heather](#)  
**To:** [Heather Richards](#); [CHRISTENSEN Jody \\* GOV](#); [Jeff Knapp](#); [Patty Herzog](#)  
**Cc:** [PIKE Brandon](#)  
**Subject:** Re: Airports and Adjacent Residential Development  
**Date:** Tuesday, July 26, 2022 11:06:37 AM  
**Attachments:** [image002.png](#)  
[We sent you safe versions of your files.msg](#)  
[Full Version - ODA Airport Land Use Compatibility Guidebook.pdf](#)

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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**This message originated outside of the City of McMinnville.**

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Thanks for reaching out Heather. I appreciate the opportunity to clarify our position. Please see my comments below to explain our agency position on safety and compliance related to building around airports. I have also attached the Land Use Compatibility Guidebook.

According to FAA Order 5190.6B “The general rule on residential use of land on or near airport property is that it is incompatible with airport operations because of the impact of aircraft noise and, in some cases, for reasons of safety, depending on the location of the property.” “Incompatible land use at or near airports may result in the creation of hazards to air navigation and reductions in airport utility resulting from obstructions to flight paths or noise-related incompatible land use resulting from residential construction too close to the airport.”

All Airports that receive federal funds are obligated by a number of Federal Aviation Administration Grant assurances, ([https://www.faa.gov/airports/aip/grant\\_assurances/](https://www.faa.gov/airports/aip/grant_assurances/)), Grant Assurance 21 (which the McMinnville Airport is committed), “Compatible Land Use, relates to the obligation of the airport sponsor to take appropriate actions to zone and control existing and planned land uses to make them compatible with aircraft operations at the airport. The FAA recognizes that not all airport sponsors have direct jurisdictional control over uses of property near the airport. However, for the purpose of evaluating airport sponsor compliance with the compatible land use assurance, the FAA does not consider a sponsor’s lack of direct authority as a reason for the sponsor to decline to take any action at all to achieve land use compatibility outside the airport boundaries. In all cases, the FAA expects a sponsor (owner) to take appropriate actions to the extent reasonably possible to minimize all incompatible land. Quite often, airport sponsors have a voice in the affairs of the community where an incompatible development is located or proposed. The sponsor (owner and in this case, the City of McMinnville) should make every effort to ensure proper zoning or other land use controls are in place and followed. Incompatible land uses around an airport can affect the safe and efficient operation of aircraft and airport function. If current airport function is hindered or changed and airport sponsor may be in jeopardy of losing federal funding and may also have to repay the FAA for recent grants. Within an airport’s noise impact areas, residential and public facilities – such as schools, churches, public health facilities, and concert halls – are sensitive to high noise levels

and can affect the development of the airport. At federally obligated public-use airports, the existence of the incompatible land use is not acceptable. Permitting development of a residential airpark near a federally obligated airport, through zoning approval or otherwise, would be inconsistent with Grant Assurance 21, Compatible Land Use. The FAA expects sponsors to oppose zoning laws that would permit residential development near airports. Under Grant Assurance 21, Compatible Land Use, airport sponsors, to the extent possible, must ensure compatible land use both on and off the airport. Residential development in the vicinity of airports may result in complaints from residents concerned about personal safety, aircraft noise, pollution, and other quality-of-life issues. Such residential development may have some or all of the following undesirable consequences: (1). Aircraft noise complaints. (2). Proposed restrictions or limitations on aircraft and/or airport operations brought by the residential tenants. (3). The execution of easements, leases, and subleases that encumber airport property for non-aeronautical uses at the expense of aeronautical uses. (4). Increased likelihood of vehicle/pedestrian deviations (V/PDs) due to residents, guests, and unsupervised children unfamiliar with an operating airfield environment; unleashed pets roaming the airfield; and the interaction between private vehicles and aircraft that compromise safe airfield operations. (5). Increased public safety and legal liability risks, including fire hazards, if codes have been compromised by the co-location of residential living quarters within hangars and other aeronautical facilities. (6). Line-of-sight obstructions and operational limitations due to the greater height of two-story hangars.

### [Grant Assurances \(Obligations\)](#)

Grant assurances are the obligations airport owners or sponsors, planning agencies, and other organizations agree to when they accept Airport Improvement Program grants or other FAA-administered airport financial assistance.

[www.faa.gov](http://www.faa.gov)

As an airport sponsor, the City is responsible for the safety and operation of the airport and its obligations, as well as the compliance obligations and need to take appropriate action, to the extent possible, to minimize incompatible land and development both on and off the airport. I know that the City has done a good job in adopting code and zoning that should be reviewed as a part of any of these discussions <https://mcminnville.municipal.codes/MMC/17.52.010> in conjunction with the Oregon Airport Land Use Compatibility Guidebook.

The Oregon Airport Land Use Compatibility Guidebook was developed by ODA and DLCD and many other state and local partners through a public process that included input from the Federal Aviation Administration (FAA) and an advisory group



of stakeholders for the LCDC. DLCD adopted it and refers to this is their own state rules OAR660 Division 13. ODA worked in coordination with DLCD and other agencies to make the Land Use Compatibility Guidebook available as a roadmap for all local jurisdictions to determine land use compatibility near airports, which is why it is part of DLCD's Oregon Administrative Rule (OAR) 660-013 Airport Planning.

Municipalities and counties with public use airports within their jurisdiction, **or that have areas within safety zones or compatibility zones near public use airports, are required to comply with OAR 660-013** Airport Planning are responsible for compliance. Structures around airports and the airport overlay should also part of these discussions.

When planning to build or modify a structure in Oregon, one of the considerations must be the impact of the structure on the national airspace system. Protecting the airspace is vitally important to Oregon's public use airports, navigational aids, and instrument approach flight procedures.

A number of federal, state and local regulations exist to protect our airspace system. A primary concern of aviation is protecting airspace around airports for the safety of pilots as well as people on the ground.

Through Oregon [ORS 836.535](#) and [OAR 738-070](#), Physical Hazards to Air Navigation, the Oregon Department of Aviation (ODA) has the responsibility of determining whether specific objects or structures constitute a hazard to air navigation. These structures may include, but are not limited to, permanent structures such as power poles, telecommunications towers, buildings, signs or billboards, fences or gates, or wind turbines, as well as temporary structures such as construction materials or equipment, dirt piles and cranes. And, since vegetation grows and spreads, tress and other vegetation, either naturally occurring or installed as landscaping are subject to the same airspace analysis.

## Frequently Asked Questions

### **Obstruction Notification and Applicant Responsibility Information and Reference Guide**

The purpose of this document is to provide guidance for notifying the Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) of potential obstructions to air navigation. The goal of this document is to explain why notification is necessary and important. Common obstructions to air navigation are cranes, buildings, power poles and antenna towers. The following sections explain when and how to notify the FAA and ODA, what to do after you receive your determination letters from the FAA and ODA, and answers to common questions regarding the notification process.

#### **When should I notify the FAA and ODA?**

In accordance with OAR 738-070-0060, notification to the ODA is required for any construction or alteration described in OAR 738-070-0070. Obstructions are also defined in 14 Code of Federal Regulations 77, Subpart C (Sections 77.13 through 77.23), which defines obstructions based on the height of a proposed object and height in relation to a protected airspace. Thresholds for notifying the FAA are defined in 14 Code of Federal Regulations Subpart B Section 77.9. Any proposed construction or alteration that exceeds these thresholds are automatically considered obstructions by the FAA and ODA. However, even if the proposed construction or

alteration does not exceed these thresholds, notification to the FAA and ODA is required. These thresholds are summarized below:

- Any proposed construction or alteration more than 200 feet above ground level (AGL) at its site.
- Any proposed construction or alteration within 20,000 feet (3.8 miles) of a public-use or military airport having at least one runway more than 3200 feet in length and exceeding a 100:1 slope.
- Any proposed construction or alteration within 10,000 feet of a public-use or military airport having no runway more than 3200 feet in length and exceeding a 50:1 slope.
- Any proposed construction or alteration within 5,000 ft. of any public-use heliport and exceeding a 25:1 slope.

### **When should I submit my notice?**

In accordance with 14 CFR Part 77 and ORS 836.535(1), you must provide notice at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest. However, we recommend that you file notice 60-90 days before planned construction. The aeronautical study process includes evaluations by various lines of business, and any identified impacts must be resolved before a final agency determination is issued.

In addition, the proposal may warrant a 30-day public notice to obtain aeronautical impacts. There is no guarantee that a final agency determination will be issued at the end of 45 days, so the earlier you file, the better. 14 CFR Part 77 does not carry provisions for waivers or exemptions, so there is no way to shorten or bypass this process.

### **What is a notification and how do I file one?**

Notification is provided by the applicant through submittal of a FAA Form 7460-1 Notice of Proposed Construction or Alteration to the FAA and ODA.

Please notify the FAA by visiting the following link below:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Please notify the ODA by emailing your FAA Form 7460-1 to [oda.7460@odot.state.or.us](mailto:oda.7460@odot.state.or.us).

### **What do I need to complete a FAA Form 7460-1?**

The essential information required for this form is the latitude and longitude coordinates that identify the location of the structure, as well as the structure's height and site elevation. If you have any questions or need assistance, please contact [oda.7460@odot.state.or.us](mailto:oda.7460@odot.state.or.us).

**The airport manager and/or air traffic control tower manager said it's OK to put my crane up; do I still have to file an FAA Form 7460-1, Notice of Proposed Construction or Alteration?**

Obtaining approval from the airport or air traffic control tower manager does not waive your requirement to submit the notice to the FAA and ODA if the structure meets the notice criteria of 14 CFR Part 77.

You must receive a Determination of No Hazard to Air Navigation from the FAA, a Letter of Determination from the ODA, and meet all conditions identified in both determinations prior to raising the crane.

**What happens if I don't file the notice for a structure that exceeds 14 CFR Part 77 notice criteria?**

Notice required by 14 CFR Part 77 is pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of Part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., Section 46301(a).

**What happens next after I receive my Determination of No Hazard to Air Navigation from the FAA and Letter of Determination from the ODA?**

The determination letters issued by the FAA and ODA will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard, but will not have a substantial aeronautical impact to air navigation. The determination letters may include conditional provisions, limitations to minimize potential problems, supplemental notice requirements, or requirements for marking and lighting, as appropriate.

**I've received my determination letters for my structure. I've learned that the coordinates or height may be different than those noted in my determination. Am I required to file a new 7460-1 with the FAA and ODA?**

A new filing is required with the FAA any time there is an increase in height and/or change to the frequencies or use of greater power and/or coordinates stated on the original determination letter. You are also required to re-file for a lighting study if you intend to use marking/lighting other than what was stated as a condition on your determination letter.

Changes to the described information will void your determination. Prior to the start of construction, you must file for a New Case (Off Airport) so the FAA and ODA may re-evaluate your proposal and issue a revised determination if there will be an increase in height, change to the frequencies or use of greater power, or change to the coordinates.

**How long is my determination valid?**

Both determination letters issued by the FAA and ODA are valid for 18 months. This is the maximum time as specified by 14 CFR Part 77.

- The FAA and ODA are committed to ensuring safe air travel in Oregon while contributing to the local economy by serving as a resource for local businesses. Thank you for your cooperation when notifying the FAA and ODA of potential obstructions to air navigation. The success of the FAA and ODA in administering this program depends on your support. If you have any questions regarding the contents of this information and reference guide please contact [oda.7460@odot.state.or.us](mailto:oda.7460@odot.state.or.us).

I hope this email helps. Please feel free to reach out with any questions.

Heather Peck

**HEATHER PECK**  
OREGON DEPARTMENT OF AVIATION  
PLANNING & PROGRAMS MANAGER

**OFFICE** 503-378-3168 **CELL** 503-881-6966

**EMAIL** [heather.peck@odav.oregon.gov](mailto:heather.peck@odav.oregon.gov)

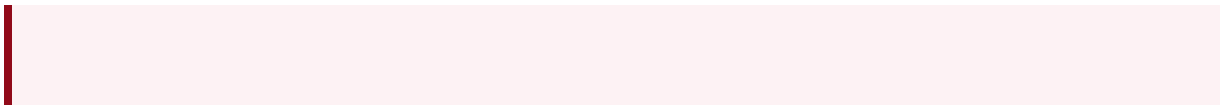
**3040 25<sup>TH</sup> STREET SE, SALEM, OR 97302**

**[WWW.OREGON.GOV/AVIATION](http://WWW.OREGON.GOV/AVIATION)**

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**From:** [Claudia Cisneros](#)  
**To:** [Heather Richards](#)  
**Subject:** FW: Form submission from: Contact the City of McMinnville  
**Date:** Tuesday, July 26, 2022 8:04:14 AM

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Good Morning Heather,

Please see the below form submission request.

Thank you,  
Claudia

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**From:** McMinnville Oregon <mcminnville-or@unicodeweb.com>  
**Sent:** Monday, July 25, 2022 7:42 PM  
**To:** Claudia Cisneros <Claudia.Cisneros@mcminnvilleoregon.gov>  
**Subject:** Form submission from: Contact the City of McMinnville

**This message originated outside of the City of McMinnville.**

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Submitted on Monday, July 25, 2022 - 7:41pm

Submitted by anonymous user: [50.39.144.41](#)

Submitted values are:

Attention Department Planning Commission

First Name kurt

Last Name wiley

Email [appleanimator@aol.com](mailto:appleanimator@aol.com)

Question/Comment

Hello. I wasn't able to attend planning meetings but am offering quick opinions regarding future McMinnville development. 1. Roads are important; the new 3rd street bridge will help but Hwy 18 interchanges will need some love, and if west side building accelerates, better west side access will be needed. 2. A few big box stores would help better supply the community with needed goods and reduce long drives for such. A COSTCO should be built here (probably in the proposed hospital development area), but as a smaller scale version to avoid serious traffic congestion. 3. Additional policing will be needed to cope with the increase in reckless and nuisance vehicle traffic. In future I will try to attend one of the related development events. Thank you.

The results of this submission may be viewed at:

<https://www.mcminnvilleoregon.gov/node/7/submission/51355>

**From:** [Planning](#)  
**To:** [Heather Richards](#)  
**Subject:** FW: HWY 18 Planning  
**Date:** Tuesday, July 26, 2022 10:47:52 AM

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**From:** Kyle Putnam <kputnam@linfield.edu>  
**Sent:** Monday, July 25, 2022 12:10 PM  
**To:** Planning <Planning@mcminnvilleoregon.gov>  
**Subject:** HWY 18 Planning

**This message originated outside of the City of McMinnville.**

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Hello –

I just wanted to offer some brief comments re: the Zoom presentation about the potential development of the area around HWY 18. I appreciate the details and survey data shared with the community. I am a bit of a data nerd, so it would have been nice to ask some questions and look more deeply at the numbers, but I understand that may not be the appropriate venue for it.

Anyway, my young family of four lives in Mac and perhaps the biggest let down after coming from a larger city (Houston) years ago is that if we need to do some basic shopping at a larger retailer (e.g. Costco, Target) it turns into literally an all day adventure out of town. I can appreciate that we have a Walmart, but it simply does not meet all the needs of our family. The data around \$ leakage out of McMinnville from families doing exactly what I mentioned above was quite shocking. McMinnville is losing a significant amount of local dollars because the city is not equipped to deal with the growing family demographic. That data point in particular should really help guide the direction/rules the city is going to create.

Additionally, it would be so nice to have some additional restaurant options for families; you know, something that sits between a Shari's and Nick's restaurants in terms of quality and atmosphere.

I know from several discussion w/ others that have growing families that these sentiments are shared. I hope this feedback proves helpful as additional testimonies are shared.

Cheers,

Kyle J. Putnam, Ph.D. | Associate Professor of Finance

Linfield University | School of Business  
900 SE Baker St. | A478 | McMinnville, OR 97128  
Phone: 503.883.2298 | Email: [kputnam@linfield.edu](mailto:kputnam@linfield.edu)



**From:** [Ruth Robinson](#)  
**To:** [Heather Richards](#)  
**Subject:** Three Mile Plan  
**Date:** Monday, July 25, 2022 10:31:39 PM

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**This message originated outside of the City of McMinnville.**

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Dear Ms. Richards:

To the extent public comments are still of use, I offer the following, as a resident of McMinnville.

The development as proposed will clearly add viable employment opportunities, and MUCH needed housing options.

Some fear the presence of "big box" retail. WalMart IS big box retail, and is an organization that does not treat its employees well. I for one choose not to shop at WalMart, and I frequently drive to Salem and other towns to purchase goods and services not available in McMinnville.

Thank you,

Ruth Robinson  
503 857 0330