



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

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

## **Planning Commission**

### **ZOOM Online Meeting:**

**August 20, 2020**

*Please Note that this meeting will be conducted via  
ZOOM meeting software due to the COVID-19 event.*

### **6:30 PM Regular Meeting**

### **ZOOM Meeting: You may join online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/96993146808?pwd=WUdQRzRjWkdscDVKNUIJKaFhxbFBzd09>

**Zoom ID: 969 9314 6808**

**Zoom Password: 921023**

**Or you can call in and listen via zoom: 1 699 900 9128**

**ID: 969 9314 6808**

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#### *Public Participation:*

*Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

*Public Hearing: To participate in the public hearings, please choose one of the following.*

- 1) *Email in advance of the meeting – Email at any time up to 12 p.m. the day of the meeting to [Sarah.Sullivan@mcminnvilleoregon.gov](mailto:Sarah.Sullivan@mcminnvilleoregon.gov), that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.*
- 2) *By ZOOM at the meeting - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.*
- 3) *By telephone at the meeting – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom.*

**----- MEETING AGENDA ON NEXT PAGE -----**

Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.

| Commission Members  | Agenda Items   |
|---|--|
| <p>Roger Hall,<br/>Chair</p> <p>Lori Schanche,<br/>Vice-Chair</p> <p>Robert Banagay</p> <p>Erin Butler</p> <p>Susan Dirks</p> <p>Gary Langenwalter</p> <p>Roger Lizut</p> <p>Amanda Perron</p> <p>Beth Rankin</p> | <p><b>6:30 PM - REGULAR MEETING</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Approval of Minutes</b> <ul style="list-style-type: none"> <li>• <b>July 16, 2020</b> (<i>Exhibit 1</i>)</li> </ul> </li> <li><b>4. Public Hearing</b> <ol style="list-style-type: none"> <li><b>A. <u>Quasi-Judicial Hearing: Conditional Use Permit (CU 3-20)</u> – (<i>Exhibit 2</i>)</b> <p>Request: Approval of a conditional use permit to allow for the operation of an adult day care facility on the subject property.</p> <p>Location: 2270 NE McDaniel Lane and is more specifically described as Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.</p> <p>Applicant: Blair Goldstein</p> </li> <li><b>B. <u>Quasi-Judicial Hearing: Conditional Use Permit (CU 2-20)</u> – (<i>Exhibit 3</i>)</b> <p>Request: Request for approval of a conditional use permit to allow for the construction and operation of a fueling station facility, primarily for fueling McMinnville Water &amp; Light fleet vehicles, also providing at least mutual aid (emergency use) for City of McMinnville fleet vehicles. The proposed facility will have access via Marsh Lane, and will occupy approximately one-half acre of the property. The proposed facility is comprised of two above-ground tanks and a card lock fueling pump kiosk under a permanent canopy. The applicant is requesting approval of two options which differ in access and fencing configuration, but are otherwise the same proposed facilities in the same location.</p> <p>Location: 855 NE Marsh Lane and is more specifically described as Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.</p> <p>Applicant: City of McMinnville, acting by and through its Water and Light Commission (McMinnville Water and Light), c/o Samuel R. Justice, General Counsel</p> </li> </ol> </li> <li><b>5. Work Session: Goal 7 Natural Hazards Study Discussion</b><br/>(<i>Presentation at the meeting</i>)</li> <li><b>6. Commissioner/Committee Member Comments</b></li> <li><b>7. Staff Comments</b></li> <li><b>8. Adjournment</b></li> </ol> |

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# EXHIBIT 1 - MINUTES

**July 16, 2020**  
**Planning Commission**  
**Regular Meeting**

**6:30 pm**  
**Zoom Online Meeting**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Commissioners: Robert Banagay, Erin Butler, Susan Dirks, Gary Langenwalter, Roger Lizut, Amanda Perron, Beth Rankin, and Lori Schanche

**Members Absent:**

**Staff Present:** Heather Richards – Planning Director and Chuck Darnell – Senior Planner

## 1. Call to Order

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

## 2. Public Hearing

### A. Quasi-Judicial Hearing: Conditional Use Permit (CU 1-20) – (Exhibit 1)

**Request:** Approval of a conditional use permit to allow for the operation of a short term rental on the subject property.

**Location:** 1113 NE 4<sup>th</sup> Street and is more specifically described as Tax Lot 600, Section 21BD, T. 4 S., R. 4 W., W.M.

**Applicant:** Casey McLane

**Opening Statement:** Chair Hall read the opening statement and described the application.

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

**Staff Presentation:** Senior Planner Darnell said this was a request for a Conditional Use Permit for property at 1113 NE 4<sup>th</sup> Street to allow the operation of a short term rental lodging use. The property was located in Zone 3 of the NE Gateway Planned Development Overlay District and in that district short term lodging was a conditional use. The NE Gateway District was adopted by ordinance in 2013. At that time short term rental lodging was referred to as vacation home rentals which required a conditional use. In 2014, vacation home rentals were changed to a permitted use in residential zones and in 2018, the terminology of vacation home rentals was

changed to short term rentals. This language was not updated in the NE Gateway District and the conditional use still applied. Also some District development standards also applied to this application. None of the activities proposed required development review and the District did not require off street parking. He explained the site plan which showed the existing improvements on the site. No changes were proposed to the structure or site. He then reviewed the conditional use criteria. The existing single family dwelling would retain its residential appearance and its consistency with the neighborhood. The applicant was proposing some operational measures for the use that would limit occupancy to five adults and they intended to prohibit events and parties to reduce potential conflicts with the surrounding residential uses. Staff recommended a condition that limited the occupancy to the five unrelated adults. This site was in the NE Gateway District that permitted a wide range of commercial and light industrial types of uses. Some of those would be much more impactful on livability than the proposed short term rental use. The other conditions recommended by staff included: registering with the City and participating in the Transient Lodging Tax program, providing CO2 and smoke detectors in bedrooms and hallways, limiting the size of signage and that it be wall mounted and meet the signage standards in the District, and not allowing parking in the driveway as the vehicles would go into the sidewalk. Staff recommended approval of the application with conditions. A question had been raised about how the City tracked short term rentals. The City required permitting of the rentals which was an annual renewable permit. If they found a rental that did not have a permit, they worked with the code compliance officer to have the owner go through the permitting process. Another question was about off street parking and whether there was enough space. The NE Gateway District did not require off street parking and it was likely that there would be on street parking for the rental. Another question had to do with food and review by the Department of Health. There was no mention of food service being provided for the site.

Commission Questions: Commissioner Butler asked about the five unrelated adults and how many could be there if they were related. Senior Planner Darnell said the language was based on the current definition in the zoning code of family and number of people allowed to occupy a dwelling unit which was a maximum of five unrelated and no limitation of related.

Planning Director Richards said the premise of the definition was somewhat antiquated and needed to be reviewed in terms of fair housing policies. Families varied quite a bit and they wanted to allow for that variation. They were trying to ensure that the impact of a short term rental was no more than the impact of a residence that would be next door to someone.

Commissioner Rankin thought it should be based on the number of bedrooms. It was almost a 1,200 square foot house and five adults would be a load on that structure. Planning Director Richards said it was hard for them to do that from a land use perspective because one bedroom could house more than two people. They were trying to create some parameters from a land use perspective and bringing in the same impact that they had in the residential areas. They could not by law define what a family was.

Commissioner Dirks asked if the applicant had a neighborhood meeting and if so, what was the response. Senior Planner Darnell said there was a neighborhood meeting and there was no objection from the neighborhood.

Commissioner Banagay had worked in the building that faced the home for six years. It was a quiet street. If no one objected, then he thought it was a good sign.

Applicant's Testimony: Casey McLane, applicant, said what the Commission wanted for the neighborhood and community was the same thing he wanted. He did not want parties causing havoc on the neighborhood. He had put a lot of time and effort into making this a special place and he wanted people to come out and enjoy McMinnville. Children were not

allowed, and five adults would be the maximum. His neighbors were all in support and could contact him if there were any problems.

Public Testimony: None

Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commission Deliberation: None

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to APPROVE CU 1-20 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Butler. The motion PASSED 9-0.

**B. Quasi-Judicial      Hearing:      Planned      Development      Amendment**  
**(PDA 1-20) – (Exhibit 2)**

Request: Approval of a Planned Development Amendment to amend the conditions of approval of the existing Planned Development Overlay District governed by Ordinance 4667. The requested amendments would include:

- 1) Amending a condition of approval that currently limits use of the site to professional office, medical office, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, to also allow multiple family dwellings and community buildings associated with residential uses.
- 2) Removal of a condition with an existing 35 foot building height limitation, resulting in the ability to construct to the maximum building height allowed in the underlying C-3 zone.
- 3) Addition of a new condition of approval requiring future review of a master plan prior to any development of the site.
- 4) Addition of a new condition of approval requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings.

Location: 235 SE Norton Lane and is more specifically described as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

Applicant: Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc.

Opening Statement: Chair Hall read the opening statement and described the application.

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

Staff Presentation: Senior Planner Darnell explained the request for a Planned Development Amendment for the property at 235 SE Norton Lane. The Planned Development Overlay

District was adopted by ordinance in 1998. That ordinance zoned the site C-3 PD and placed a number of conditions and limitations on the property. It also included a master plan for a one story office park and future development area. Since that time one of the office buildings had built out, the Altimus Plaza. The future development area was built out in the late 2000's and the ordinance was amended to allow a taller building to 45 feet in height for the Comfort Inn and Suites. That amendment only applied to the hotel parcel. Additional amendments occurred to allow the development of The Diner restaurant. The subject site included three parcels that were partitioned in 2007. The amendments being requested were changes to some of the conditions of approval. The first was to remove Condition #3 which had to do with building height which allowed up to 35 feet. The second was to change Condition #7 which limited the use of the site to office or accessory commercial uses to allow multiple family dwellings and community buildings associated with residential use. The third was a procedural update to reflect the City's current review process in Condition #16. The fourth was to propose a new condition to require the existing master plan not apply to these three parcels and to require a future review of an updated master plan prior to any development occurring. The fifth was to add another new condition to require open space if the site was developed as multiple family but that the open space not be required to be contiguous, have a dimension of 20 feet, and to allow a slight extension into the front yard space.

Senior Planner Darnell then reviewed the applicable criteria. This was an existing Planned Development and the existing requirements of the site were the standard requirements the applicant was requesting a departure from. The City had to find that there were special physical conditions or objectives for what was being proposed to warrant the changes. There was need for additional land for residential use in the City identified in the most recent Buildable Lands Inventory and Housing Needs Analysis. The underlying zoning of C-3 did allow multiple family as a permitted use; it was just not allowed here. Staff supported the request for review of an updated master plan prior to development, especially if the multiple family use was approved and the current master plan was over 20 years old. Staff recommended a condition for this review, not only for these three parcels but also for parcels that were outside of this area, and that any necessary shared access, parking, or utility easements be incorporated into the updated plan and that the new master plan would replace the existing plan and that the updated master plan be reviewed by the Planning Commission through the Planned Development Amendment process and review criteria and against the Great Neighborhood Principles. The applicant explained the request to remove the existing 35 foot building height limitation was because the single story office park master plan would no longer be applicable based on a multiple family use and the underlying zoning had a taller building height. If multiple family was developed, they would be limited to 60 feet in height. There were other buildings in the surrounding area that appeared to be taller than 35 feet. Staff could not identify any specific reason for the 35 foot height, but this same height limitation was used in many other planned development overlay districts along the Three Mile Lane frontage corridor. There was an allowance for a 45 foot height on the adjacent parcel for the hotel. Staff suggested that the condition be revised to have the applicant follow a process to request the additional height at the time of the updated master plan and submission of building plans. There were goals and policies in the Comprehensive Plan that would be achieved by increasing the opportunity for multiple family housing. He explained the policies for locations for higher density housing such as being within one half mile of planned or existing transit, one half mile of commercial, and adjacent to public or private open space. This location was near transit and commercial but there were no adjacent open spaces. This was why the applicant proposed the condition to require 10% of the site be used for open space which was consistent with the size requirement for other planned development overlay districts. Staff suggested that the other parameters requested for the open space not be included in the condition for consistency and equality, which would require

the open space to be contiguous. Also the other features that had been required on other sites would also be required here, such as the dimension be 25 feet of open space and not allowing it in the front yard area. There were conditions that would require street improvements at the time of development. The applicant used a recently submitted trip generation analysis on the property to the south stating that a medical office development would generate more traffic than the proposed multiple family development. There were conditions for utility improvements and a study of those components at the time of development. The sanitary sewer capacity analysis showed there was enough capacity to accommodate a multiple family development. Staff recommended the Commission recommend approval to the City Council with amendments to the conditions. No public comments had been received for this application. The applicant had held a neighborhood meeting and there was no opposition raised at that meeting.

Commission Questions: Commissioner Schanche asked about the 35 foot height limitation. Senior Planner Darnell said staff could not find documentation about where it came from. It was the maximum height in lower density residential zones.

Commissioner Rankin thought they should allow the height adjustment, but require the larger open space.

Commissioner Langenwaller agreed. He would rather have an extra floor of apartments and keep the open space for the kids to play in. He thought because they could not find the reason for the 35 feet, holding onto it did not make sense to him. He thought they needed to do what was right moving forward, not be tied to the past by something arbitrary that they did not know what it meant anymore.

Commissioner Butler said it was a picturesque entry into McMinnville and she wouldn't want it to be marred by an exceptionally tall building. Was there a maximum height? Senior Planner Darnell said that was probably the intention, to preserve the horizon and view through the corridor. That was why staff thought they should set up a process where the applicant's height, setbacks, and building form be similar to other development in the corridor and allow for the Planning Commission to look at the building plans and how they could minimize impacts instead of selecting a building height now without knowing those details.

Commissioner Schanche was worried about making this multiple family because there would be people running across the street. She thought they should add neighborhood commercial to this area for people who might be living there. Senior Planner Darnell said small scale commercial uses would still be allowed on the property.

Commissioner Dirks asked how this proposal fit into the Three Mile Lane Plan. She thought this was supposed to be a mixed commercial area in that plan. Senior Planner Darnell said there was an alternative that was not yet finalized, but was the preferred alternative. It did identify the northern half of this site as commercial and the southern half as residential. There was still flexibility in the process and it was not completely inconsistent for the vision for the site.

Commissioner Langenwaller asked if there would be commercial development to the south of Hwy 18 just east of the hospital. That would provide some commercial support for the housing nearby. He suggested a pedestrian bridge over Hwy 18 for safety. Senior Planner Darnell said the intent of the Three Mile Plan was to create a mixture of uses and better neighborhoods on both sides of the highway as well as improving crossings and intersections.

**Applicant's Testimony:** Mike Andrews, development consultant working for the Housing Authority, explained the Housing Authority was under contract from the current owner to acquire these three lots. The intent was to build an affordable housing project as there was a well-documented need for affordable housing in McMinnville. They were early in the development process and were close to selecting an architectural engineering team. The team would consist of architectural firms, landscape architects, civil engineers, and structural engineers to determine the right project for this site. They hoped to complete the conceptual design work during this calendar year. They would need to work with staff to better understand the specific requirements that would be put upon the project to get a building permit so they could make an application to the Department of Housing and Community Services for the necessary funding needed to construct the project. That application would need to be submitted in the first quarter of next year. The action tonight was the first step in the process and they knew they would need to do a design review in the future. Their requests tonight were to allow for the multi family use, modify the height, modify the open space, and clean up of the current master plan. This was a good site for multi family and they would take the point about the proximity to Hwy 18 and safety concerns into consideration. Regarding the height, the base zoning was C-3 which allowed R-4 that had a height of 60 feet. If approved, they planned to use the 60 feet as the maximum height. He thought there would be a variety of different heights for the project and they would think about how to site the buildings and what the proper height would be with proper sensitivity to the northern edge that was visible and had some safety and proximity considerations. The 35 foot height would be a constraint that would be limiting for them as they could not get a three story building at that height. In order to achieve the unit yield they hoped for and to accommodate the open space, some relief on the height would be needed. Coming back later when they had something specific was workable. Regarding open space, they wanted open space on the site. Their intent was not to limit it but to give themselves some room to balance the tension between height and open space and unit yield. He requested that the Commission be open to non-contiguous open space to the 10% level. The site was 304,000 square feet or 6.9 acres and 10% of that would be 30,000 square feet, just over two thirds of an acre. It would be helpful to have open space that was in proximity to windows and doors so parents could better watch their children. If it was non-contiguous they would be able to do that. They could also program the space differently so there could be space for older kids and younger kids. It would allow some flexibility that could make the site work well for residents. He thought they could come back with the design as they were doing for the height.

Joyce Morrow, Chair of the Housing Authority Board, said they had been looking for property to build affordable housing for a long time. The City had talked to them several times about the great need for affordable housing. They were different from other developers because they were looking at a different population.

**Commission Questions:** Commissioner Langenwaller said the Commission would be looking at a change to the open space requirement from 10% to 12.5% in the near future. If there was any way for them to go to 12.5% he would appreciate it especially with the number of children that would be in this development. Mr. Andrews said there were some challenges to the site given it had one right-of-way frontage and they had to work with the neighbors to the east for access. There was a stormwater drainage easement that they had to be mindful of. Overall it was a great site and he thought they could come up with a great design. If there was flexibility for the height and open space, it would help them greatly.



Commissioner Langenwalter was in support of the flexibility of the height and open space. He asked if the parking for the medical offices was part of this site and if so what would happen to their parking. Mr. Andrews said there was a use and access easement granted to the owner of the medical offices by the current owner of the property. A similar condition existed for the hotel. The ingress and egress was shared between the hotel and parcel 1 of this property. Those were some of the quirks of the site that they had to accommodate and would influence how circulation occurred on the site and where the buildings would go, how they would maintain a quality front at the northern edge, and appropriate open space.

Public Testimony:

Proponent: Mark Davis, McMinnville resident, offered his strong support for the proposal. He had worked for the Housing Authority and served on the City's Affordable Housing Task Force. There was a need for more affordable housing and this project would provide it. He did have concerns about the location and questioned whether it was a good place for affordable housing. It was next to a busy highway and had no amenities without either crossing the highway or driving somewhere. A lot of this had to do with the land shortage in the City and the Housing Authority had to make do with the limited supply of land. The project needed to go ahead but it was not optimal. He did not think it would fit with the Great Neighborhood Principles because it was not close to a grocery store or park. They needed to get more land in the City so they could appropriately site affordable housing projects. They needed to do everything they could to make the site safe and usable now, but hopefully they could do better in the future.

Opponent: None

Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commission Deliberation: Commissioner Dirks had similar concerns as Mr. Davis. While she was in favor of the project she questioned the location. What they could do about it was make sure the Three Mile Lane Plan had commercial development and appropriate pedestrian support in this area to make it a more amenable area for what would be residential. Regarding the height, what staff had proposed was good. Regarding the open space, she suggested changing Condition #7 to allow it to be non-contiguous and that the open space be at a minimum of 10% so they could go up to 12.5% if they were able. The entire site plan would be subject to review by the Planning Commission.

Commissioner Lizut said they needed affordable housing in the City and there would be trade-offs. There was no optimal solution and there was give and take and they needed to proceed to address the main problem of providing affordable housing given the economic situations they had seen and the limitations of land that they could work with. This was a good place to start. He was in favor of the project and having further conversations. They needed to do what they could to start addressing this serious problem in the community.

Commissioner Butler thought more commercial would be going in on the south side that could serve this site.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Dirks MOVED to RECOMMEND the City Council APPROVE PDA 1-20 subject to the conditions of approval provided in the decision document and

amending Condition #7 to require a minimum of 10% for open space and that the open space may be non-contiguous subject to review of the Planning Commission at the time of the updated master plan review. SECONDED by Commissioner Langenwalter. The motion PASSED 9-0.

Commissioner Perron left the meeting at 8:30 p.m.

The Commission took a short break until 8:40 p.m.

**C. Legislative Hearing: Zoning Ordinance Text Amendments: General Provisions – Code Compliance (G 5-20) – (Exhibit 3)**

Request: The City of McMinnville is initiating a legislative text amendment to amend Chapter 17.03, “General Provisions” relative to compliance, enforcement and violations of the Zoning Ordinance to align it with Chapter 2.50 of McMinnville Municipal Code.

Applicant: City of McMinnville

**3. Work Session: Residential Site and Design Review: Cottage Clusters**

**4. Commissioner Comments**

**5. Staff Comments**

**6. Adjournment**

Chair Hall adjourned the meeting at

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Heather Richards  
Secretary



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## EXHIBIT 1 - STAFF REPORT

**DATE:** August 20, 2020  
**TO:** Planning Commission  
**FROM:** Jamie Fleckenstein, Associate Planner  
**SUBJECT:** Conditional Use Permit Application CU 3-20  
for an adult daycare facility at 2270 NE McDaniel Lane

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Conditional Use Permit (CU 3-20) to operate an adult day-care facility at 2270 NE McDaniel Lane, (Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.). The proposed use would occupy 3,400 square feet of an approximately 8,000 square foot building. The decision of the Planning Commission is the final decision, unless appealed to City Council. The hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on July 23, 2020.

### Background:

#### **Subject Property & Request**

The subject property is located at 2270 NE McDaniel Lane. **See Exhibits 1 & 2.** The site was previously developed with an approximately 8,000 square foot building and associated off-street parking lot. The proposed use will occupy 4,000 square feet of the existing building. Proposed alterations to the existing building to accommodate the adult daycare facility would include the conversion of three windows to egress doors on the north side of the building. **See Exhibit 3.**

The subject property and adjacent properties to the north, east and west have commercial zoning and uses. To the south is Wortman Park, a community park on residentially zoned land. The existing building on the subject site has two commercial spaces. The northern space is vacant and the site of the proposed adult daycare facility, and the southern commercial space is occupied by the Oregon Department of Motor Vehicles office.

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#### *Attachments:*

*Attachment A: Decision Document*

*Attachment B: CU 3-20 Application*

**Neighborhood Meeting**

Before a Conditional Use Permit application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant scheduled the required neighborhood meeting in accordance with these requirements and submitted the necessary documentation meeting with the application. The applicant waited for the required 30 minutes and an additional 15 minutes, but nobody arrived. In accordance with the Zoning Ordinance, the applicant may leave if nobody has arrived within 30 minutes of the noticed time.

**Discussion****Summary of Criteria & Issues**

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions 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.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The proposed conditional use will be conducted within a portion of the building, with only minor external physical site improvements that would not significantly modify the existing building or site plan. Therefore, the primary issues for the conditional use relate to compatibility of the use at the location and given the operational characteristics. These include issues such as noise, traffic, parking, hours of operation, etc. Based on the applicant’s submittal, no substantial adverse impacts were associated with the proposal. The site has sufficient parking for the existing tenant together with the proposed conditional use. The proposed conditional use is not expected to generate noise or traffic greater than that of uses permitted outright in commercial zones. This is discussed in greater detail in the decision document.

**Public Comments**

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

**Agency Comments**

Notice of the proposed application was sent to affected agencies and departments. Agency comments were received from the Engineering and Fire Departments. They responded with no comments. McMinnville Water and Light responded with comments about requirements if additional water service is required.

**Fiscal Impact:**

Not Applicable to Quasi-Judicial Decision

**Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.

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**Attachments:**

Attachment A: Decision Document

Attachment B: CU 3-20 Application

- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

### **Staff Recommendation:**

Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

### **Suggested Motion:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE CONDITIONAL USE PERMIT APPLICATION CU 3-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

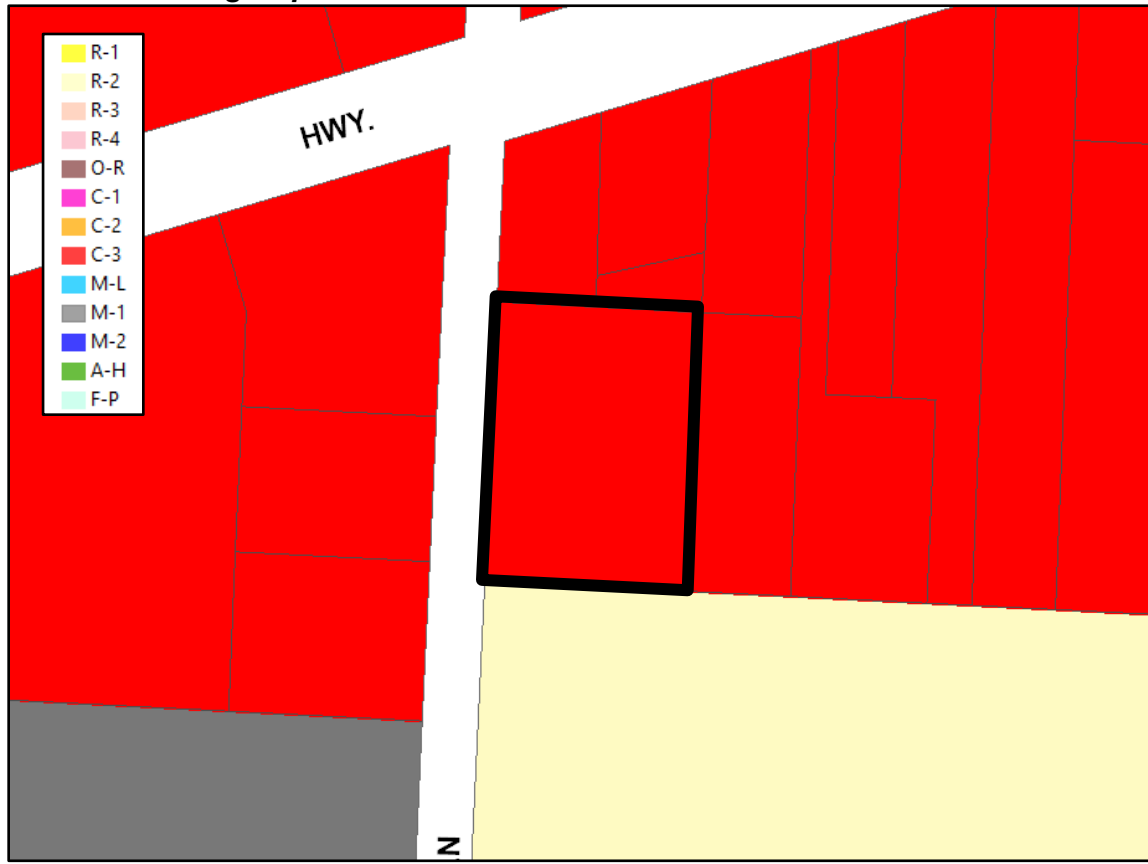
***Exhibit 1. Vicinity Map***



### ***Attachments:***

***Attachment A: Decision Document***

***Attachment B: CU 3-20 Application***

**Exhibit 2. Zoning Map**

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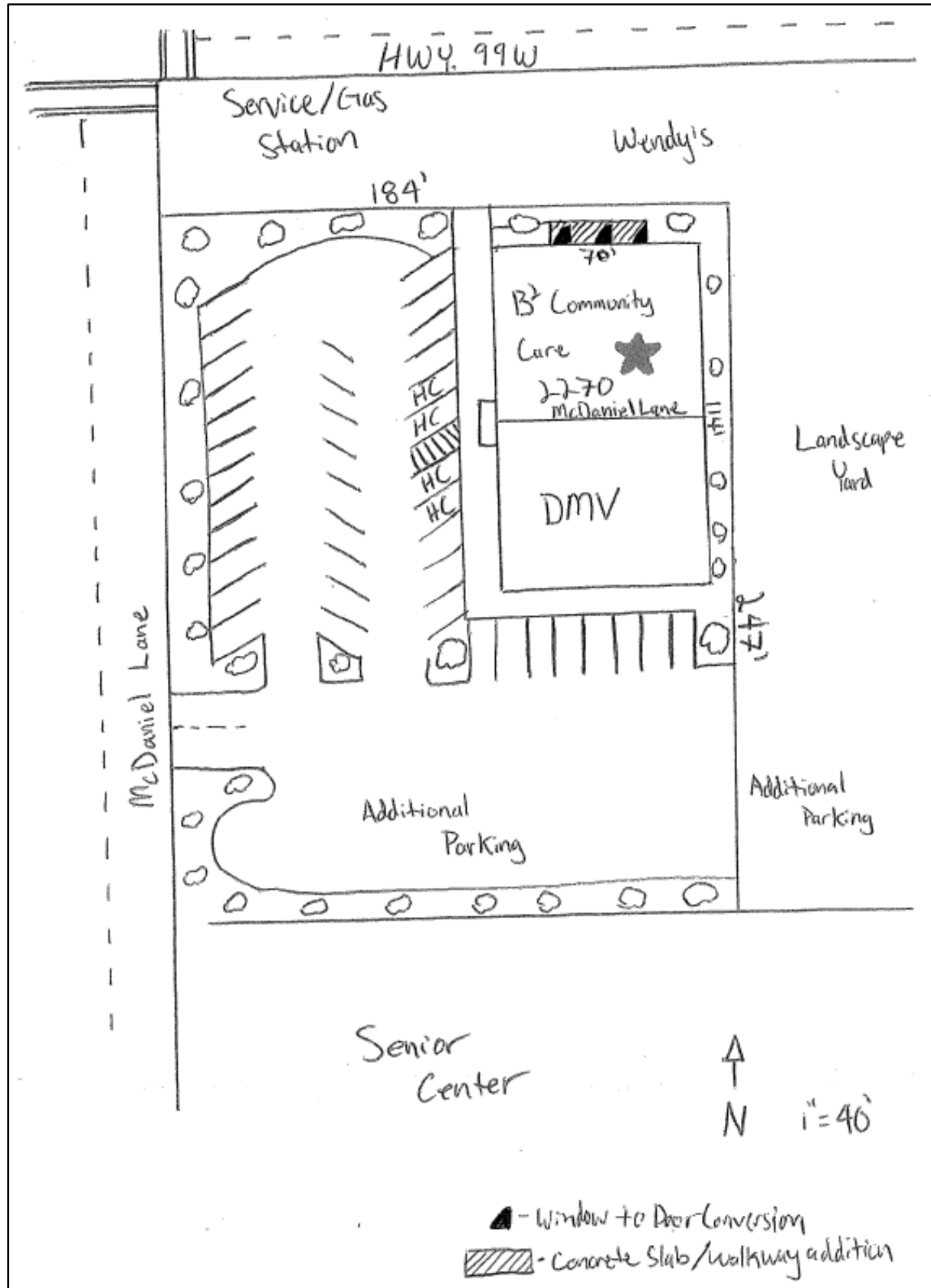
**Attachments:**

Attachment A: Decision Document

Attachment B: CU 3-20 Application



### ***Exhibit 3. Site Plan***



JF:sjs

**Attachments:**

*Attachment A: Decision Document*

Attachment B: CU 3-20 Application



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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A CONDITIONAL USE PERMIT FOR AN ADULT DAY CARE FACILITY AT 2270 NE  
McDANIEL LANE**

**DOCKET:** CU 3-20 (Conditional Use)

**REQUEST:** Application for a Conditional Use Permit to allow for an adult day care facility to provide services to developmentally diverse adults with the purpose of assisting clients in community integration and socialization.

**LOCATION:** 2270 NE McDaniel Lane. The property is more specifically described as Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.

**ZONING:** C-3 (General Commercial)

**APPLICANT:** Blair Goldstein, B<sup>2</sup> Community Care LLC

**STAFF:** Jamie Fleckenstein, Associate Planner

**DATE DEEMED  
COMPLETE:** July 23, 2020

**DECISION MAKING  
BODY & ACTION:** The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.

**DECISION DATE  
& LOCATION:** August 20, 2019, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 969 9314 6808

**PROCEDURE:** An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. 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 Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Conditional Use Permit 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.

**APPEAL:** As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City's final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

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

## DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 3-20), **subject to the conditions of approval provided in Section II of this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Commission: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

Attachments :  
Attachment 1 – Application and Attachments

## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The proposal is an application for a Conditional Use Permit (CU 3-20) to allow for a new adult day care facility. The proposed adult day care facility would be located in an existing structure on the property and would provide services to developmentally diverse adults with the purpose of assisting clients in community integration and socialization. The subject site is located at 2270 NE McDaniel Lane, and is more specifically described as Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.

The subject property is located on the east side of NE McDaniel Lane between NE Highway 99W and Wortman Park. The subject property is zoned C-3 (General Commercial). Wortman Park, to the south of the subject property, is zoned R-2 (Single Family Residential). Other adjacent and surrounding properties to the north, east, and west of the subject property are zoned C-3 (General Commercial). Uses on the surrounding properties include Wortman Park and the McMinnville Senior Center to the south, an outdoor storage yard to the east, a gas station with convenience store and restaurant to the north, and a bank and a laundromat to the west across McDaniel Lane.

The subject property is developed with a building and off-street parking area. A state agency office (Department of Motor Vehicles) operates in the southern portion of the existing building. The northern portion of the existing building, previously a medical office, is currently vacant and the location of the proposed adult day care facility. The off-street parking area on the property provides 71 parking spaces, 11 of which are specifically marked for use by the previous medical office use, and would be for the adult day care facility use. To accommodate the proposed conditional use, three windows on the north side of the existing building would be replaced with egress doors, and a concrete walkway would be extended to the doors. The existing structure and site would not otherwise be altered for the conditional use.

**See Vicinity Map (Figure 1), Zoning Map (Figure 2), and Applicant's Proposed Site Plan (Figure 3) below.**

**Figure 1: Vicinity Map**



Attachments:

Attachment 1 – Application and Attachments

Figure 2: Zoning Map

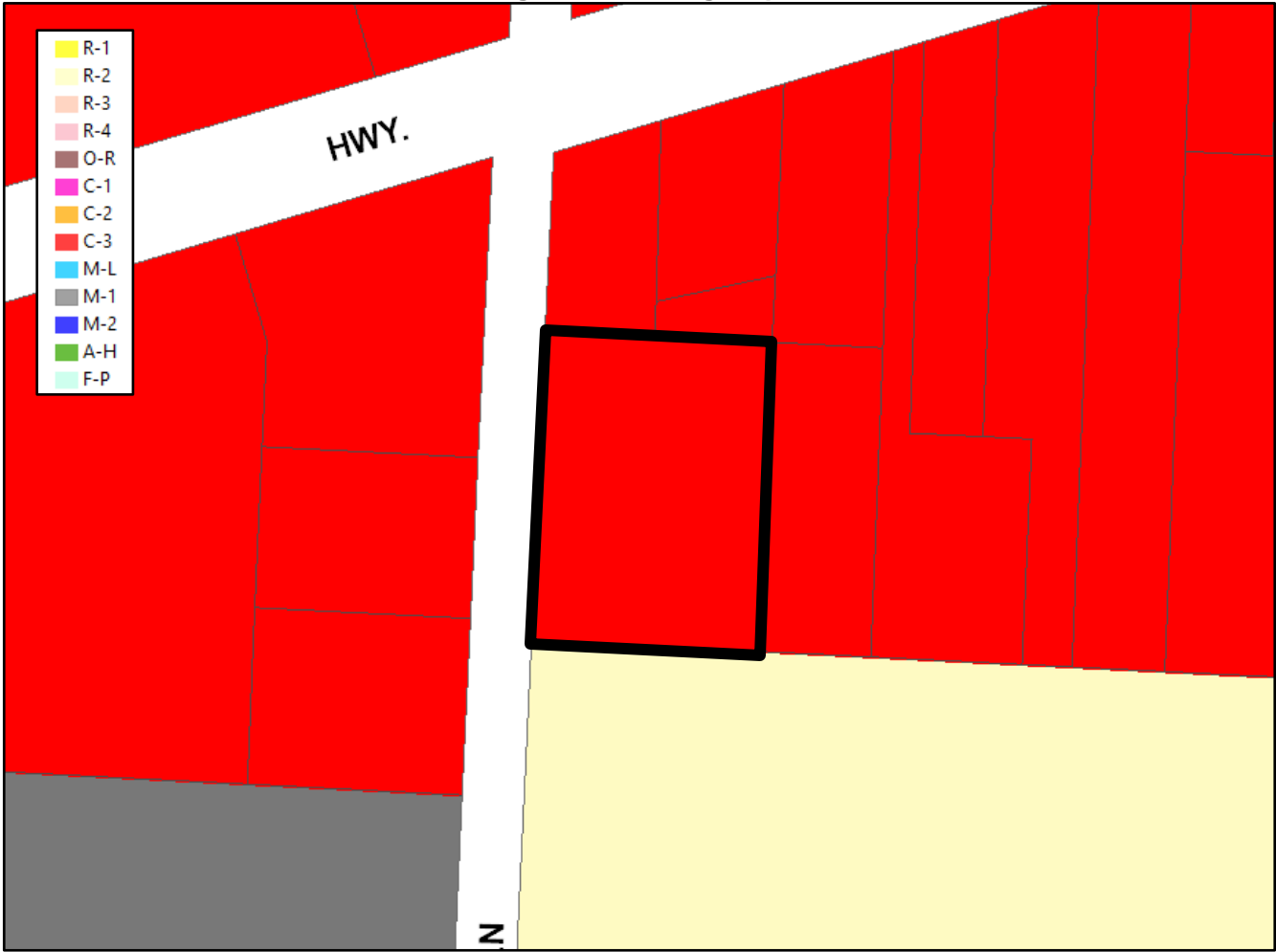
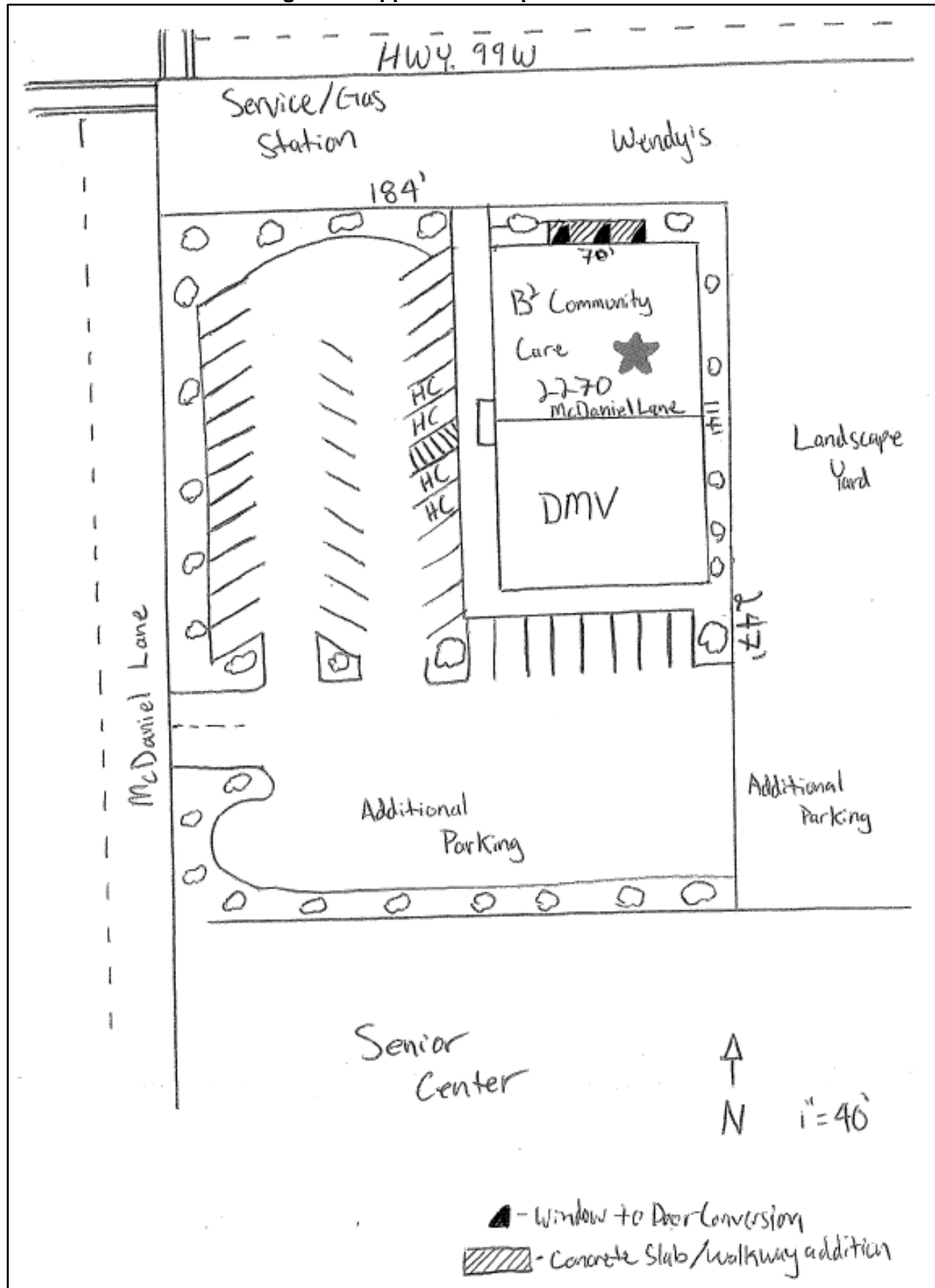


Figure 3. Applicant's Proposed Site Plan



Attachments:

Attachment 1 – Application and Attachments



The applicant provided the following information regarding the property and proposed conditional use request:

“The request is to utilize the space for the purpose of an (adult day care) center, with the purpose of assisting clients in community integration & socialization. Our proposal is to change the use of the space to an I-4 classification in which an adult day care or day care by other means should be allowed with the filing and acceptance of a Conditional Use application process. When accepted we will provide services to the developmentally disabled adults of our community.”

The applicant provided the following information regarding the business model for the proposed conditional use:

“B<sup>2</sup> Community Care LLC is a day support community center for the Developmentally Diverse and caters to those who may need assistance with taking on daily tasks such as self-care, travel, communicative skills, ambulatory ability or medication handling. We here at B<sup>2</sup> Community Care assist our clients daily to attend outings within the community that they may not be able to otherwise attend due to a lack of access or ability within their day to day lives at home. Our staff is expertly trained in all scenarios and cross trained further still for every individual to ensure that all are cared for in a safe, healthy, fun and most importantly professional environment. We take pride in providing a fun and safe environment for all who attend the program, along with an ease of mind for all parents, family, staff and providers who have the faith in our support professionals who assist clients daily. It is our hope to bring this location to life within the next few months [...]”

### **Summary of Criteria & Issues**

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions 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.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this nature relate to the interest of the surrounding area. Typical concerns associated with conditional uses include compatibility with the character of the surrounding area, privacy, noise, parking, and traffic.

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;

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Attachments :

Attachment 1 – Application and Attachments

- 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 (Conclusionary Findings) below.

## **II. CONDITIONS:**

- 1. Prior to the issuance of building permits, the applicant shall coordinate with McMinnville Water & Light to determine if an additional water meter and/or backflow prevention is required.

## **III. ATTACHMENTS:**

- 1. CU 3-20 Application and Attachments (on file with the Planning Department)

## **IV. COMMENTS:**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments from Engineering.

- McMinnville Fire Department

We have no issues with this request.

- McMinnville Water & Light

Existing water meter is 1.5". This may be adequate for the total water fixture count. If a separate water meter is needed, the second existing service onsite will accommodate up to a ¾" water meter. Backflow protection may be required on the existing 1.5" meter and possible new meter to the adult day care. If they are doing any medical procedures at the location an RP will be required at the meter. If facility is used only for office purposes only a DCVA would be required at the meter, for premises isolation.

## Public Comments

Notice of this request was mailed to property owners located within 200 feet of the subject site. No public testimony was received by the Planning Department.

## V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Blair Goldstein of B<sup>2</sup> Community Care, held a neighborhood meeting on June 9, 2020.
2. The applicant submitted the Conditional Use application (CU 3-20) on June 25, 2020.
3. The application was deemed complete on July 23, 2019. Based on that date, the 120 day land use decision time limit expires on November 20, 2020.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of the Decision Document.

5. Notice of the application and the August 20, 2020 Planning Commission public hearing was filed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the August 20, 2020 Planning Commission public hearing was published in the News Register on Tuesday, August 11, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On August 20, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

## VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 2270 NE McDaniel Lane (Tax Lot 2700, Section 16AD, T. 4 S., R. 4 W., W.M.)
2. **Size:** 1.07 acres (total existing site); 3,400 square feet (area of existing building proposed for adult day care facility)
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Northern portion of existing structure: vacant (previously medical office)  
Southern portion of existing structure: state agency office (DMV)

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Attachments:

Attachment 1 – Application and Attachments

**7. Inventoried Significant Resources:**

- a. **Historic Resources:** None
- b. **Other:** None

**8. Other Features:**

- a. **Slopes:** The site is generally flat.
- b. **Easements:** None

**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. **Stormwater:** 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:** NE McDaniel Lane is classified as a Minor Collector in the 2010 McMinnville Transportation System Plan (TSP). The existing right-of-way is 50 feet wide, with improved street surface of approximately 36 feet in width centered within the right-of-way. McDaniel Lane adjacent to the subject property is improved with curb and gutter and curb-tight sidewalk. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes.

**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary 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 II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.****NOISE**


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Attachments:

Attachment 1 – Application and Attachments

*Policy 12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed conditional use of adult day care facility would not create noise that is incompatible with adjacent and surrounding land uses. The proposed conditional use is not anticipated to generate noise at higher levels than that created by uses permitted outright in the C-3 (General Commercial) zone, which include automobile repair garage, music studio, and auditorium exhibition hall.

**GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**

**GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.**

*Policy 21.00 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare would provide a service to the McMinnville community and to developmentally diverse clients that is not presently available in the City. The location of the proposed conditional use is consistent with the comprehensive plan, as described in findings for applicable goals and policies in this section.

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

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare would be located in an existing commercial structure. The applicant has noted that the layout of the existing commercial space is ideal for the adult daycare operation, and minimal changes to the building to comply with a building code change of use are required. The reuse of the existing commercial structure is efficient use of the existing commercial property.

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

**APPLICANT’S RESPONSE:** None.

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Attachments:

Attachment 1 – Application and Attachments

**FINDING: SATISFIED.** The adult daycare conditional use is proposed for a commercially zoned property mainly surrounded by other commercially zoned and developed properties. To the south of the subject property is a public park and senior center on residentially zoned land. The proposed adult daycare would not conflict with adjacent land uses. Because the site was previously fully developed, city services are already in place and serve the site.

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

**PARKING**

*Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site has an off-street parking area with 71 available parking spaces. Compliance with off-street parking standards is described further in the findings for below.

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

**SANITARY SEWER SYSTEM**

*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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal sewer system.

**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:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal storm drainage system.

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Attachments :

Attachment 1 – Application and Attachments



## 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:** None.

**FINDING: SATISFIED.** The subject site is developed and is served by the municipal water system.

## POLICE AND FIRE PROTECTION

*Policy 153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed development of the conditional use on the subject site.

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

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

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

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

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

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Attachments:

Attachment 1 – Application and Attachments

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

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
  - a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No significant natural features exist on the subject site, which is fully developed. The overall site plan would not be changed, and there would be no impact to existing trees on the property or the adjacent park.

2. *Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
  - a. *Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No significant scenic views exist on the subject site, which is fully developed. The overall site plan would not be changed, and there would be no impact to existing views to the adjacent park.

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** No parks or open space exist on the subject site, which is fully developed. The site is adjacent to Wortman Park, which is designated as a community park in the McMinnville Parks Master Plan. Park amenities would be available for the use of the adult daycare staff and clients.

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

**APPLICANT’S RESPONSE:** None.

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Attachments:

Attachment 1 – Application and Attachments

**FINDING: SATISFIED.** The subject site is developed with sidewalks that provide pedestrian connection to nearby and adjacent commercial areas and to Wortman Park. The trail network within the park can be utilized by the adult daycare staff and clients.

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed with sidewalks that provide bicycle connection to nearby and adjacent commercial areas and to Wortman Park. McDaniel Lane is a designated street with shared lane (bicycle and vehicle) pavement markings and posted signs ("Sharrows") in the Bicycle System Plan described in the 2010 McMinnville Transportation System Plan. The bicycle network can be utilized by the adult daycare staff and clients.

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
  - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed, and is located on McDaniel Lane, a designated Minor Collector in the 2010 McMinnville Transportation System Plan (TSP). No new streets are proposed as part of the conditional use permit application.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. *Design practices should strive for best practices and not minimum practices.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare facility would provide services to developmentally diverse clientele, a population to which accessibility and ease of use is important. The applicant has identified the available space on the subject site as meeting the needs of the business and its clients because of its accessibility and ease of use of the interior spaces.

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
  - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*

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Attachments:

Attachment 1 – Application and Attachments

- b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed with a building of a scale that is compatible with the surrounding built environment that is comprised of commercial uses to the north, east, and west. The only change to the existing building that is proposed as a result of the conditional use application is the conversion of three windows on the north side of the building to egress doors. The new doors are not visible from the public right-of-way, so the appearance and scale of the building would not change.

- 9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
  - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed adult daycare use introduces a new use to the surrounding neighborhood that already includes a variety of commercial uses. Additionally, a part of the daycare program is to provide it clients access to a mix of activities and opportunities within the community. The adult daycare provides transportation for its clients to and from the facility, and to and from outings and activities, reducing its clients' reliance on personal automobiles.

- 10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
  - a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is surrounded by other property that is also within the McMinnville Urban Growth Boundary. Therefore, buffers or transitions to rural lands are not applicable.

- 11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
  - a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Housing is not proposed in the conditional use permit application.

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

- a. *Neighborhoods shall have several different housing types.*
- b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Housing is not proposed in the conditional use permit application.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed, and major changes to the existing building and site conditions are not proposed in the conditional use permit application.

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** 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 access to provide testimony and ask questions during the public review and hearing process.

### **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**

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Attachments:

Attachment 1 – Application and Attachments

**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:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

## **Chapter 17.33 General Commercial Zone**

**17.33.020 Conditional Uses.** In an C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: [...]

A. Day care facility;

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is zoned C-3 (General Commercial), which allows for the intended adult day care use of the property as a conditional use. Adult day care is specifically included in the definition of “Day Care Facility” in Section 17.06.015 of the McMinnville Municipal Code, which is “Any facility that provides care to three or more persons exclusive of family members during a limited portion of a 24-hour period, including a day nursery, family day care center, adult day care, or similar unit operating under any name or as may be licensed by the State of Oregon. This does not include educational or health care facilities, residential facilities or those offering overnight care or detention facilities.”

## **Chapter 17.57 Landscaping**

**17.57.030 Zones where required.** Landscaping shall be required in the following zones except as otherwise noted:

D. C-3 (General Commercial Zone);

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is developed and landscaping has previously been provided. The proposed use would not alter the site plan such that additional landscaping is required.

## **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:** None.

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Attachments:

Attachment 1 – Application and Attachments

**FINDING: SATISFIED.** The subject site is a previously developed commercial site on McDaniel Lane, and new development is not proposed in the conditional use application. McDaniel Lane does not have a curb-side planting strip adjacent to the site. Trees were previously planted between the parking lot and the public roadway. Therefore, no new street trees are required.

## Chapter 17.60 Off-Street Parking and Loading

**17.60.060 Spaces-Number Required.** Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

B. Institutional land use category

5. Day care, preschool, nursery, or kindergarten One space for each teacher or supervisor

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has indicated that there will not be more than ten (10) staff at the adult daycare facility at a time. The existing parking lot on the property has a total of 71 parking spaces, and 11 parking spaces are designated for use by the commercial space where the adult daycare is proposed. Therefore, sufficient off-street parking for the proposed conditional use is available.

## Chapter 17.74 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:** The plan will be consistent with the comprehensive plans of McMinnville's zoning ordinance due to the necessary steps of following a conditional use application process for any zoning being required for an adult day care center or any other day care center. This is rather than a simple change of use application process for a C-1, C-2, or C-3 classified building. The plans have followed all requirements for neighborhood meetings, notices, announcements and allowances for objection or suggestions for alterations to the original use plan.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, and also refers to the findings provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

Attachments:

Attachment 1 – Application and Attachments

**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:** As the property stands, it will be mostly maintained aside from a minor structural adjustment, there will be no alteration to the existing surrounding areas. There may in fact be a decrease in the impact on traffic flow due to the previously listed usage being a therapeutic/clinicians office. Our new project will provide transportation to clients reducing the number of vehicle trips to the area to simply staff and company vehicles. There will be a positive impact to the surrounding community due to the business model and strategy for client integration.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings. The adult daycare is proposed for an existing commercial space, and no new development on the site is proposed. The proposed adult daycare use is not incompatible with surrounding commercial uses or with the adjacent public park. The application states that part of the business model is to integrate the daycare's clients into the surrounding community and uses through outings and activities. The variety of nearby commercial and park uses and the daycare will be mutually beneficial as noted in the application.

The proposed conditional use will have minimal impact on the livability and development of surrounding properties. The scale, bulk, and coverage of the existing structure and site features would not change with the proposed conditional use. Public facilities and utilities have been provided and serve the existing site. Unlike a child daycare where children are often individually dropped off and picked up, the proposed adult daycare will provide transportation for its clients, who may be unable to drive themselves. This will limit trips to and from the site and the generation of additional traffic in the area.

These features of the proposed conditional use result in a use of the site and its existing elements that is reasonably compatible with and has minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood.

**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:** When compared to the impact of a regularly permitted use, our conditionally appropriate use would not have a significant impact. As it is understood an adult day care center or any day care center for that matter is listed as a conditional use. This conditional use would actually have a positive impact in the direct surrounding area more so than a regularly permitted use. This would be due to our staff and business model to integrate our clients into the community & assist them with activities and outings, on which they will spend their money, willingly, and boost local economic surplus. It can be said that the impact that would be had on abutting properties would either be positive or null.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings, and adds that the location, site, design, and operations of the adult daycare 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.

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Attachments :

Attachment 1 – Application and Attachments



**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:** The setting & property is essentially flawless, aside from a requirement for fire safety code regulations for our implementation of an egress door in all room in which care is provided, there will be no changes. We will simply be adding /altering three windows to be doors, there will be no effect or disruption of the surrounding area. The setting provided for conditionally appropriate use fits all of the need of the business perfectly, there are multiple large rooms, several smaller rooms for individualized or small group care or projects, and there is even a complete kitchen area with two rather large bathrooms with an abundance of space & ADA capabilities for DD adults.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings, and notes that the portion of the existing building visible from the public right-of-way and the site would not be altered. The location, site, design, and operations of the adult day care 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.

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

**APPLICANT’S RESPONSE:** It is our goal to make as few alterations possible to the existing features and site. That being said, I do not believe there are preservable or environmental assets within the property, if there are we have not been made aware by the owners who have signed off on all projects through this point.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings. As discussed in more detail above, no significant natural features or environmental assets are present on the site.

**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:** There are no motives to do such property value alterations or speculations of inflation or deflation. Our ownership has signed a tentative lease pending acceptance of a conditional use application and the proceeding of operations. This lease is a term of five years with an option known to managing partners.

**FINDING: SATISFIED.** Staff concurs with the applicant’s findings.

#### **17.74.040. 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:

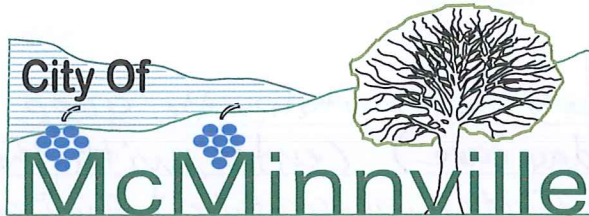
- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;

- 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:** None

**FINDING: SATISFIED.** As described in findings for Section 17.74.030 above, the proposed conditional use (adult daycare) is adaptively re-using an existing commercial structure and commercial property, is relatively compatible with surrounding properties and uses, and causes no significant adverse impact on the livability, value, or appropriate development of the surrounding area, staff does not recommend any further conditions are necessary to protect the best interest of the surrounding area or the community as a whole.

JF

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)**Office Use Only:**File No. CU 3-20Date Received 6/25/2020Fee 2325.00

Receipt No. \_\_\_\_\_

Received by SA

## Conditional Use Application

**Applicant Information**Applicant is: ☐ Property Owner ☒ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_Applicant Name Blair Goldstein Phone (818) 914-8588Contact Name \_\_\_\_\_ Phone (503) 746-3171  
(If different than above)Address 18096 SW Handley St.City, State, Zip Sherwood, OR 97140Contact Email Blair.Goldstein@B2CommunityCare.com**Property Owner Information**Property Owner Name Dean Klaus Phone (503) 435-9261  
(If different than above)

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address 450 NW 7th St.City, State, Zip McMinnville OR 97128Contact Email DKlaus7@MSN.com**Site Location and Description**

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

Property Address 2270 McDaniel LaneAssessor Map No. R4 916 - AD - 02700 Total Site Area 1.07 Acres

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Commercial Zoning Designation C-3

1. State nature of the request in detail: The request is to utilize the space for the purpose of an (adult day care) center, with the purpose of assisting clients in community integration & socialization. Our proposal is to change the use of the space to an I-4 classification in which an adult day care or day care by other means should be allowed with the filing and acceptance of a Conditional Use application process. When accepted we will provide services to the developmentally disabled adults of our community.
2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: The plan will be consistent with the comprehensive plans of McMinnville's zoning ordinance, due to the necessary steps of following a conditional use application process for any zoning being required for an adult day care center or any other day care center. This is rather than a simple change of use application process for a C-1, C-2 or C-3 classified building. The plans have followed all requirements for neighborhood meetings, notices, announcements and allowances for objection or suggestions for alterations to the original use plan.
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: As the property stands, it will be mostly maintained aside from a minor structural adjustment, there will be no alteration to the existing surrounding areas. There may in fact be a decrease in the impact on traffic flow due to the previously listed usage being a therapist/clinicians office. Our new project will provide transportation to clients reducing the number of vehicle trips to the area to simply staff and company vehicles. There will be a positive impact to the surrounding community due to the business model and strategy for client integration.

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: When compared to the impact of a regularly permitted use, our conditionally appropriate use would not have a significant impact. As it is understood an adult day care center or any day care center for that matter is listed as a conditional use. This conditional use would actually have a positive impact in the direct surrounding area more so than a regularly permitted use. This would be due to our staff & business model to integrate our clients into the community & assist them with activities and outings, on which they will spend their money, willingly, and boost local economic surplus. It can be said that the impact that would be had on abutting properties would either be positive or null.
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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: The setting & property is essentially flawless, aside from a requirement for fire safety code regulations for our implementation of an Egress door in all room in which care is provided, there will be no changes. We will be simply adding/altering three windows to be doors, there will be no effect or disruption of the surrounding area. The setting provided for our conditionally appropriated use fits all of the needs of the business perfectly, there are multiple large rooms, several smaller rooms for individualized or small group care or projects and there is even a complete kitchen area with two rather large bathrooms with an abundance of space & ADA capabilities for DD adults.
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6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? It is our goal to make as few alterations possible to the existing features & site. That being said, I do not believe there are preservable or environmental assets within the property, if there are we have not been made aware by the owners who have signed off on all projects through this point.

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: There are no motives to do such property value alterations or speculations of inflation or deflation. Our ownership has signed a tentative lease pending acceptance of a conditional use application and the proceeding of operations. This lease is a term of five years with an option known to managing partners.

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.).
- ☐ A legal description of the property, preferably taken from deed.
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

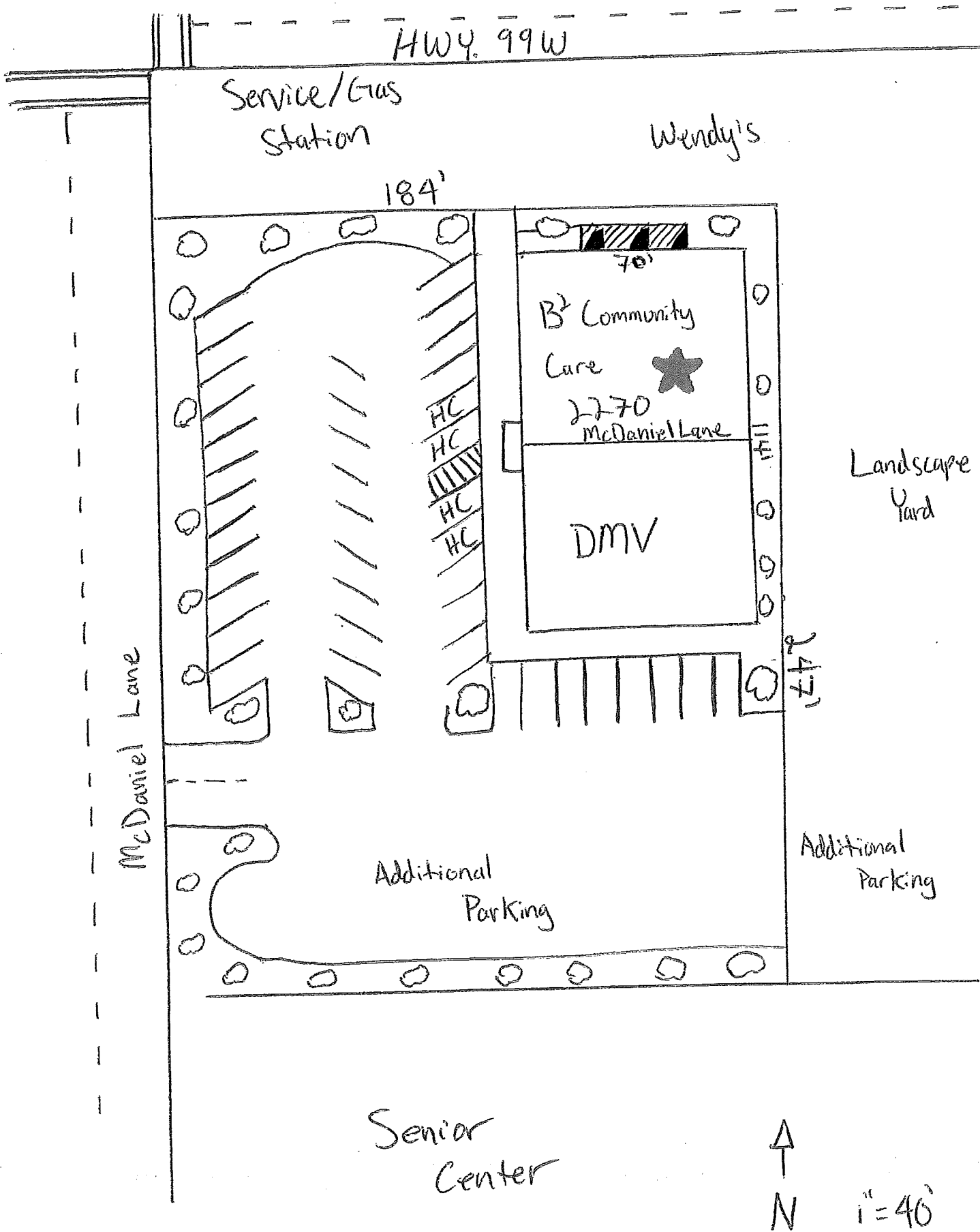
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

M. G. Q.  
Applicant's Signature

6/23/2020  
Date

D. C. Davis  
Property Owner's Signature

6/24/2020  
Date

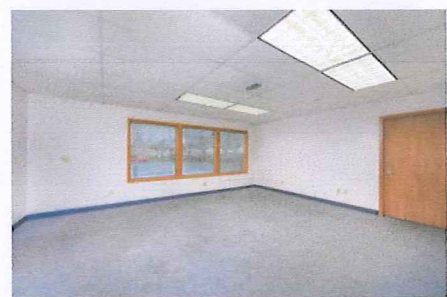


▲ - Window to Door Conversion

▨ - Concrete Slab/Walkway addition

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This turnkey office space located in desirable McMinnville location has plenty of onsite parking, ten private rooms, 2 ADA bathrooms, breakroom and plenty of common area. Lobby is bright and spacious. Landlord will paint and install new carpet with signed lease. Shown by appointment only.

Listing agent must be present at showing.

**Mike Morris, Broker**

Direct: 971-241-3847

Email: [Mike@MillerConsultingGroup.net](mailto:Mike@MillerConsultingGroup.net)

**Mary Martin Miller, CCIM**

Owner/Principal Broker

Miller Consulting Group, LLC

Direct: 503-740-9200

Email: [mary@millerconsultinggroup.net](mailto:mary@millerconsultinggroup.net)

Licensed in the State of Oregon



**MILLER CONSULTING GROUP, LLC**

COMMERCIAL AND INVESTMENT REAL ESTATE SERVICES

Information contained herein has been obtained from the owner of the property or other sources that are deemed to be reliable. There is no reason to doubt the accuracy, but it is not guaranteed.





This turnkey office space located in desirable McMinnville location has plenty of onsite parking, ten private rooms, 2 ADA bathrooms, breakroom and plenty of common area. Lobby is bright and spacious. Landlord will paint and install new carpet with signed lease. Shown by appointment only.

Listing agent must be present at showing.

**Mike Morris, Broker**

Direct: 971-241-3847

[Mike@MillerConsultingGroup.net](mailto:Mike@MillerConsultingGroup.net)

**Mary Martin Miller, CCIM**

Owner/Principal Broker

Miller Consulting Group, LLC

Direct: 503-740-9200

Email: [mary@millerconsultinggroup.net](mailto:mary@millerconsultinggroup.net)

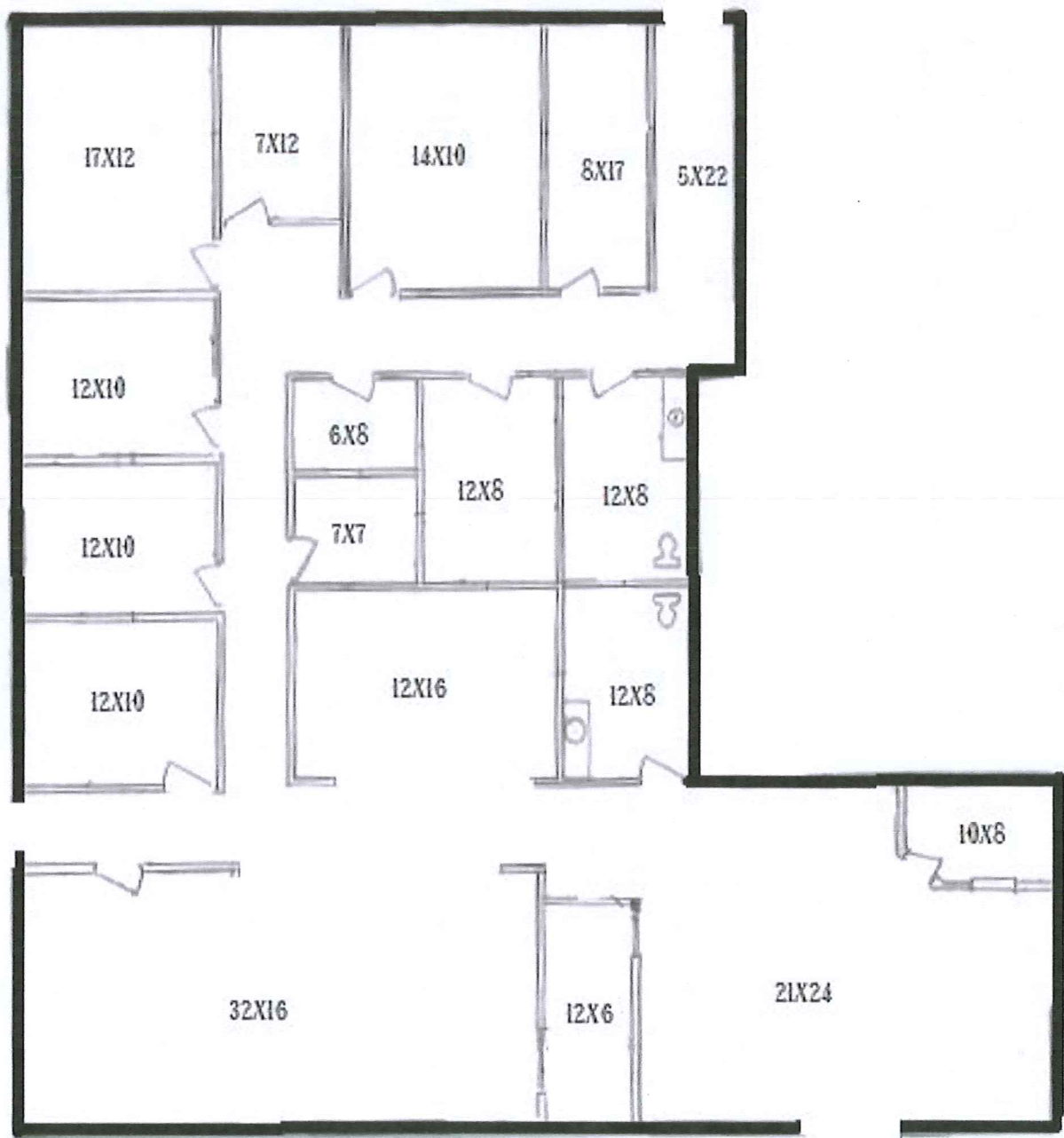
Licensed in the State of Oregon



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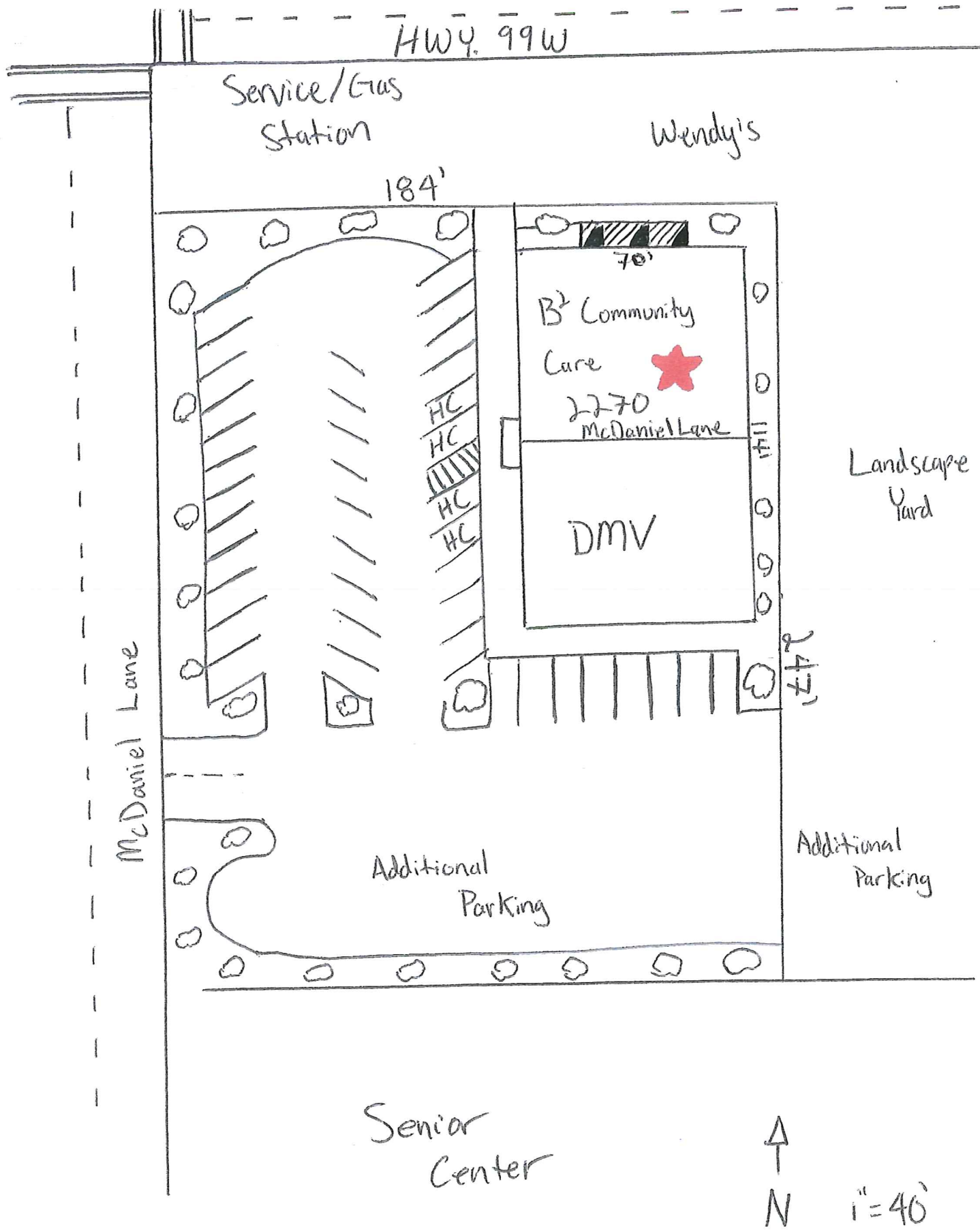
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B<sup>2</sup> Community Care LLC  
Neighborhood Meeting Summary & Proposal Adjustment  
June 9<sup>th</sup>,2020 Meeting Summary:

Entailed is a completed summary of the neighborhood meeting that was held on this conditional use applicant's behalf. Upon arrival and installment of the notification of signage and postings according to requirements received by the city of McMinnville the applicant allowed for the proper time to pass prior to removing the required signage and exiting the building. The applicants allowed for an additional fifteen minutes for any persons who may have been late to come into the meeting and state their purposes or ask questions about the proposal. Following the required thirty-minute time frame and then the additional fifteen-minute grace period allowed by the applicant it was determined by the witness and the ownership that there would be no attendees or obstacles to proceed with our plans as they are. This is following our required posting of the signage on the right-of-way to the entrance of the property's driveway or entrance. Included with this are the photos of the posted signage required and additional safety mitigation techniques addressed by ownership and management to alleviate risks of contracting the COVID-19 virus due to the timing of the held meeting.

|     | Name               | Date     | Signature          | Address                | Email Address                        |
|-----|--------------------|----------|--------------------|------------------------|--------------------------------------|
| 6PM | MARY MARTIN MILLER | 6/9/2020 | Mary Martin Miller | consulting group, neto | margemiller@gmail.com                |
| 6PM | Blair Goldstein    | 6/9/2020 | Blair Goldstein    | Blair Goldstein        | Blair.Goldstein@B2CommunityCare.com  |
| 6PM | Baylee Goldstein   | 6/9/2020 | Baylee Goldstein   | Baylee Goldstein       | baylee.goldstein@B2communitycare.com |



▲ - Window to Door Conversion

▨ - Concrete Slab/Walkway addition

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| Attn:                         | Mailing Address       | City        | State | Zip   |
|-------------------------------|-----------------------|-------------|-------|-------|
|                               | PO BOX 14769          | PORTLAND    | OR    | 97214 |
|                               | 1140 NW SHADYWOOD ST  | MCMINNVILLE | OR    | 97128 |
|                               | 1140 NW SHADY WOOD ST | MCMINNVILLE | OR    | 97128 |
| LAND AND PROPERTIES           | 101 N TRYON ST        | CHARLOTTE   | NC    | 28255 |
|                               | 535 NE 5TH ST         | MCMINNVILLE | OR    | 97128 |
|                               | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
|                               | 676 MORNING VIEW CT   | MCMINNVILLE | OR    | 97128 |
|                               | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
| FOURIER JAN J & FRANCES N 1/2 | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
|                               | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
|                               | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
|                               | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
| FOURIER JAN J & FRANCES N 1/2 | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
|                               | 3450 E COMMERCIAL CT  | MERIDIAN    | ID    | 83642 |
| PLANNING DEPARTMENT           | 231 NE 5TH ST         | MCMINNVILLE | OR    | 97128 |

| Attn:                         | Mailing Address       | City        | State | Zip   |
|-------------------------------|-----------------------|-------------|-------|-------|
|                               | PO BOX 14769          | PORTLAND    | OR    | 97214 |
|                               | 1140 NW SHADYWOOD ST  | MCMINNVILLE | OR    | 97128 |
|                               | 1140 NW SHADY WOOD ST | MCMINNVILLE | OR    | 97128 |
| LAND AND PROPERTIES           | 101 N TRYON ST        | CHARLOTTE   | NC    | 28255 |
|                               | 535 NE 5TH ST         | MCMINNVILLE | OR    | 97128 |
|                               | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
|                               | 676 MORNING VIEW CT   | MCMINNVILLE | OR    | 97128 |
|                               | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
| FOURIER JAN J & FRANCES N 1/2 | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
|                               | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
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| FOURIER JAN J & FRANCES N 1/2 | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
|                               | 3450 E COMMERCIAL CT  | MERIDIAN    | ID    | 83642 |
| PLANNING DEPARTMENT           | 231 NE 5TH ST         | MCMINNVILLE | OR    | 97128 |

# **Public Land Usage**

## **Meeting @ 6PM**

- This meeting is open to the public and all are welcome to provide their input on the proposed usage at hand.
- We welcome all McMinnville citizens to join us as we discuss our proposal and offer a time for your thoughts on our up and coming project to be voiced.
- Please join us inside for more information regarding the proposed usage posted on the Right-of-way at the entrance to this parking lot!



# **COVID-19 Phase 2**

## **Guidelines for Meeting:**

### **Phase 2: Higher-risk activities**

**After 21 days in Phase 1**, counties that meet specific prerequisites may be able to enter Phase 2. Subject to public health guidelines, physical distancing, gathering size limits, and sanitization guidelines, this includes: recreational sports; pools; venues like movie theaters, bowling alleys, and arcades; some additional in-office work; bars and restaurants able to stay open until midnight; social, civic, and faith-based gatherings can meet in larger, **physically-distanced groups**.

- **Rest assured that Yamhill County meets these requirements and has been approved to enter this second Phase of the opening process of the Governors order as of 6/6/2020 per our resources at [Oregon.gov](https://www.oregon.gov)**







# Public Land Usage Meeting @ 6PM

- This meeting is open to the public and all are welcome to provide their input on the proposed usage at hand.
- We welcome all McMinnville citizens to join us as we discuss our proposal and offer a time for your thoughts on our up and coming project to be voiced.
- Please join us inside for more information regarding the proposed usage posted on the Right-of-way at the entrance to this parking lot!

## COVID-19 Phase 2 Guidelines for Meeting:

### Phase 2: Higher-risk activities

After 21 days in Phase 1, counties that meet specific prerequisites may be able to enter Phase 2. Subject to public health guidelines, physical distancing, gathering size limits, and sanitization guidelines, this includes: recreational sports; pools; venues like movie theaters, bowling alleys, and arcades; some additional in-office work; bars and restaurants able to stay open until midnight; social, civic, and faith-based gatherings can meet in larger, physically-distanced groups.

- Rest assured that Yamhill County meets these requirements and has been approved to enter this second Phase of the opening process of the Governors order as of 6/6/2020 per our resources at [Oregon.gov](https://www.oregon.gov)





PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
CONDITIONAL USE PERMIT  
2270 NE McDANIEL LANE**

NOTICE IS HEREBY GIVEN that an application for a conditional use permit has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding the application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Jamie Fleckenstein with any questions at 503-474-4153, or [jamie.fleckenstein@mcminnvilleoregon.gov](mailto:jamie.fleckenstein@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** CU 3-20 (Conditional Use Permit)

**REQUEST:** Approval of a conditional use permit to allow for the operation of an adult day care facility on the subject property.

**APPLICANT:** Blair Goldstein

**SITE LOCATION(S):** 2270 NE McDaniel Lane (see attached map)

**MAP & TAX LOT(S):** R4416AD02700

**ZONE(S):** C-3 (General Commercial)

**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Section 17.74.030  
(see reverse side for specific review criteria)

**NOTICE DATE:** July 30, 2020

**PUBLIC HEARING DATE:** August 20, 2020 at 6:30 P.M.

**HEARING LOCATION:** Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/96993146808?pwd=WUdQRzRjWkdscDVKNuJkaFhxbFBzd09>  
Meeting ID: 969 9314 6808  
Passcode: 921023  
(See below for more detailed instructions on how to join Zoom meeting)

**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either approve or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [jamie.fleckenstein@mcminnvilleoregon.gov](mailto:jamie.fleckenstein@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). The materials can also be made available at the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

**Appeal:** Failure to raise an issue in person (via Zoom – please see instructions below) or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

**Invitation to Zoom Meeting:** The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/96993146808?pwd=WUdQRzRjWkdscDVKNUJKaFhxbFBzdz09>

Meeting ID: 969 9314 6808  
Passcode: 921023

The public may also join the Zoom meeting by phone by following the instructions below:

+1 669 900 9128 US (San Jose)  
Meeting ID: 942 3599 8716

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

## **REVIEW CRITERIA:**

### **MMC Section 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

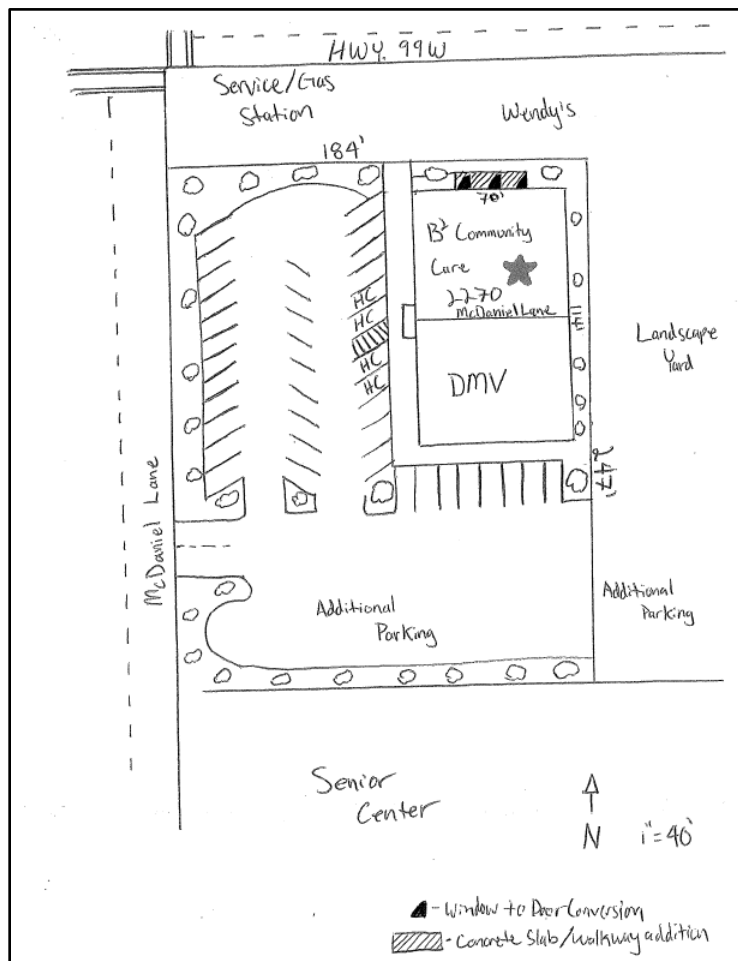
uses. In judging whether or not a conditional use proposal shall be approved or denied, the planning commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development 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:

- 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.

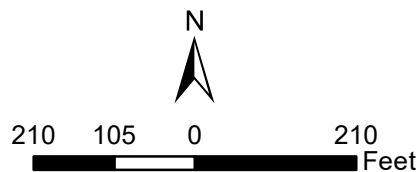
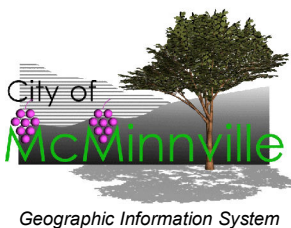
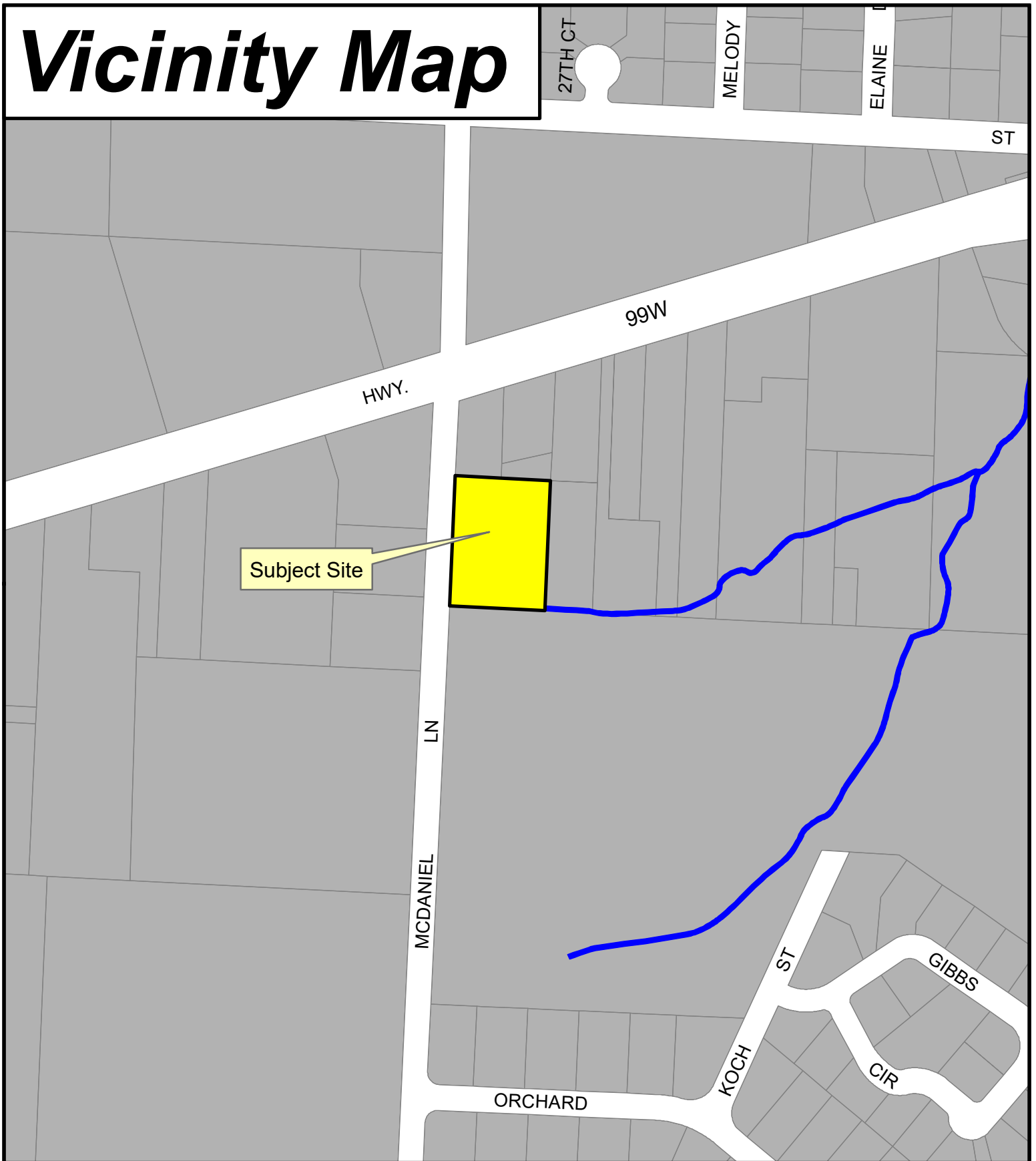
Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

**SITE PLAN OF PROPOSED ADULT DAY CARE FACILITY:**



# Vicinity Map



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



| Map No. | Tax Lot      | Site Address          | Owner                  | Attn:                   | Mailing Address       | City        | State | Zip   |
|---------|--------------|-----------------------|------------------------|-------------------------|-----------------------|-------------|-------|-------|
| 1       | R4416AC01400 |                       | UNITED STATES BAKERY   |                         | PO BOX 14769          | PORTLAND    | OR    | 97214 |
| 2       | R4416AC01500 | 2245 NE MCDANIEL LN   | SKYLINE RANCH LLC      |                         | 1140 NW SHADYWOOD ST  | MCMINNVILLE | OR    | 97128 |
| 3       | R4416AC01501 | 2223 NE MCDANIEL LN   | SKYLINE RANCH LLC      |                         | 1140 NW SHADY WOOD ST | MCMINNVILLE | OR    | 97128 |
| 4       | R4416AC01502 | 1650 NE HIGHWAY 99W   | BANK OF AMERICA OREGON | LAND AND PROPERTIES     | 101 N TRYON ST        | CHARLOTTE   | NC    | 28255 |
| 5       | R4416AD00100 | 2051 NE LAFAYETTE AVE | MCMINNVILLE CITY OF    |                         | 230 NE 2ND ST         | MCMINNVILLE | OR    | 97128 |
| 6       | R4416AD02200 | 1822 NE HIGHWAY 99W   | YANS PROPERTY LLC      |                         | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
| 7       | R4416AD02300 | 1800 NE HIGHWAY 99W   | FACKLER-THOMAS LLC     |                         | 676 MORNING VIEW CT   | MCMINNVILLE | OR    | 97128 |
| 8       | R4416AD02301 | 1801 NE HIGHWAY 99W   | YANS PROPERTY LLC      |                         | 6035 SE SHERMAN ST    | PORTLAND    | OR    | 97215 |
| 9       | R4416AD02400 |                       | KLAUS DEAN 1/2 &       | FOURIER JAN J & FRANCES | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
| 10      | R4416AD02401 | 1730 NE HIGHWAY 99W   | JOSHUA INC             |                         | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
| 11      | R4416AD02500 |                       | JOSHUA INC             |                         | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
| 12      | R4416AD02600 |                       | JOSHUA INC             |                         | 1701 WOODLAND TERRACE | LAKE OSWEGO | OR    | 97034 |
| 13      | R4416AD02700 | 2270 NE MCDANIEL LN   | KLAUS DEAN C 1/2 &     | FOURIER JAN J & FRANCES | PO BOX 907            | LAFAYETTE   | OR    | 97127 |
| 14      | R4416AD02701 | 1714 NE HIGHWAY 99W   | PACWEST ENERGY LLC     |                         | 3450 E COMMERCIAL CT  | MERIDIAN    | ID    | 83642 |

Date Sent 7/31/2020

Sent By [Signature]



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

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

## EXHIBIT 3 - STAFF REPORT

**DATE:** August 20, 2020  
**TO:** Planning Commission  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Conditional Use Permit Application CU 2-20  
for Fueling Station at 855 NE Marsh Lane

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

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

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

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### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Conditional Use Permit (CU 2-20) to develop and operate a card-lock fueling station at 855 NE Marsh Lane (Tax Lot 4421 00100). The decision of the Planning Commission is the final decision, unless appealed to City Council. The hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was submitted on June 18, 2020 and deemed complete on July 17, 2020.

### Background:

#### ***Subject Property & Request***

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office.

The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately

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*Attachments:*

*Attachment A: Decision Document*

to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side. **See Exhibit 1 for vicinity map and Exhibit 2 for zoning map below.**

The applicant is now seeking approval of a conditional use permit for the construction and operation of a card-lock fueling station. The facility would be primarily for fueling McMinnville Water & Light fleet vehicles, also providing at least mutual aid (emergency use) for City of McMinnville fleet vehicles. The proposed facility will have access via Marsh Lane, and will occupy approximately one-half acre of the property. The proposed facility is comprised of two above-ground tanks and a card lock fueling pump kiosk under a permanent canopy. The applicant is requesting approval of two options which differ in access and fencing configuration, but are otherwise the same proposed facilities in the same location. **See Exhibits 3 and 4 for site plans for Option 1 and Option 2. Exhibit 5 is a photo representative of the canopy for the kiosk.**

The difference between the two options is as follows, with landscaping adjusted accordingly:

- Option 1. The existing northerly access (which provides access to the fenced and gated equipment yard) would be retained, a second access point to the kiosk would be added approximately 28 feet north of the entrance to the separate parking lot to the south for the office, and fencing and the gate to the equipment yard would be moved west of the fueling kiosk. This would leave the above-ground tanks in the fenced yard area with the other equipment. The fueling kiosk would be outside of the fenced area, accessible between the two driveways without fencing. The site plan doesn't show an additional gate to the equipment yard, so the new driveway would only provide access to the kiosk.
- Option 2. The existing northerly access would be retained. A secondary driveway would not be added as in Option 1. Fencing and the gate to the equipment yard would remain at the current location. This would mean the above-ground tanks and fueling kiosk would all be within the fenced and gated area with the equipment yard, with no facilities other than the existing access driveway accessible outside of the fenced and gated area.

The facility would be approximately 400 feet from the closest corner of the abutting property with the mobile home park.

### ***Neighborhood Meeting***

Before a Conditional Use Permit application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting in accordance with these requirements and submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

The meeting notes indicated the meeting was attended by the Sam Justice, representing McMinnville Water and Light (MWL) and Dean Klaus, owner of nearby property. The meeting notes indicate Mr. Klaus stated that he would like to see the applicant build approximately 600 feet of sidewalk along the frontage of the MWL property along NE Riverside Drive as a condition of approval.

The meeting notes also indicate MWL received a phone call in advance of the meeting from Larry Schnell, owner of Riverside Mobile Terrace. The notes indicated he asked of the proposed fuel station would be next to the mobile home park, and he requested additional maps. Mr. Justice emailed maps and aerial photos showing the property location.

## **Discussion**

### ***Summary of Criteria & Issues***

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions 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.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

Typically, it isn't necessary to justify the need for a use that is listed as a conditional use in a zone. While permitted uses **are** authorized on any site with the correct zoning, subject to standards and criteria, conditional uses **may be** authorized on a specific site if the use is listed as a conditional use in that zone, provided the use and its specific characteristics are compatible with that site's location, and are compatible or can be made compatible with other permitted surrounding use and development through conditions of approval to adequately mitigate any potential adverse impacts. The applicant's narrative also addresses the need for the use and benefits of the use, which also provides benefits for emergency fuel storage for response for water and power. Generally, condition use permit criteria don't require justification of the need for the use; rather the criteria generally address compatibility.

The nature and scale of the current proposal doesn't rise to the scale of impacting the community as a whole. The predominant issues with a conditional use of this scale usually relate to the interest of the surrounding area, often related to compatibility with nearby uses. Typical concerns associated with conditional uses include compatibility with character, privacy, noise, parking, odors, vibration, and traffic. For the proposed fueling station, there may also be considerations of safety, as would apply to fueling stations with similar characteristics. Above ground storage tanks are regulated by the applicable state-adopted fire code.

Staff has reviewed the proposed site improvements and operations, agency comments, public comments, and applicable criteria. Staff finds that the applicable criteria can be satisfied with conditions which address the physical site development and operating characteristics. The addition of the fueling station at the location of existing MWL's fleet and equipment yard doesn't introduce significant impacts, and potential issues can be mitigated. The proposed kiosk is approximately 400 feet from the nearest residential use. Since the use isn't open to the general public, impacts such as traffic and parking are limited. The distance and separation from the residential use minimizes impacts associated with potential noise. Conditions of approval can address issues such as impacts from lighting, requiring that lighting be downcast and not shine onto adjacent right-of-way or residential properties that creates glare or visual impacts.

### ***Public Comments***

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

### ***Agency Comments***

Notice of the proposed application was sent to affected agencies and departments. Responses were received from the Engineering Division, McMinnville Water & Light, and Ziply Fiber. Those comments are noted in the Decision Document and addressed as conditions when applicable.

### **Fiscal Impact:**

Not Applicable for a quasi-judicial proceeding

**Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

**Staff Recommendation:**

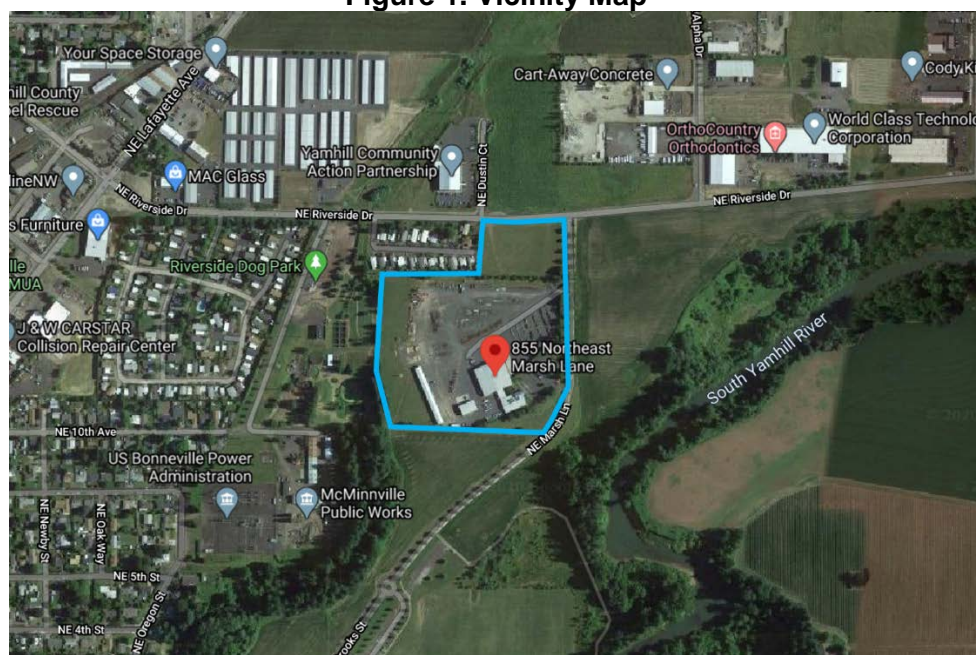
Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

**Suggested Motion:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE CONDITIONAL USE PERMIT APPLICATION CU 2-20 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.**

**Figure 1. Vicinity Map**

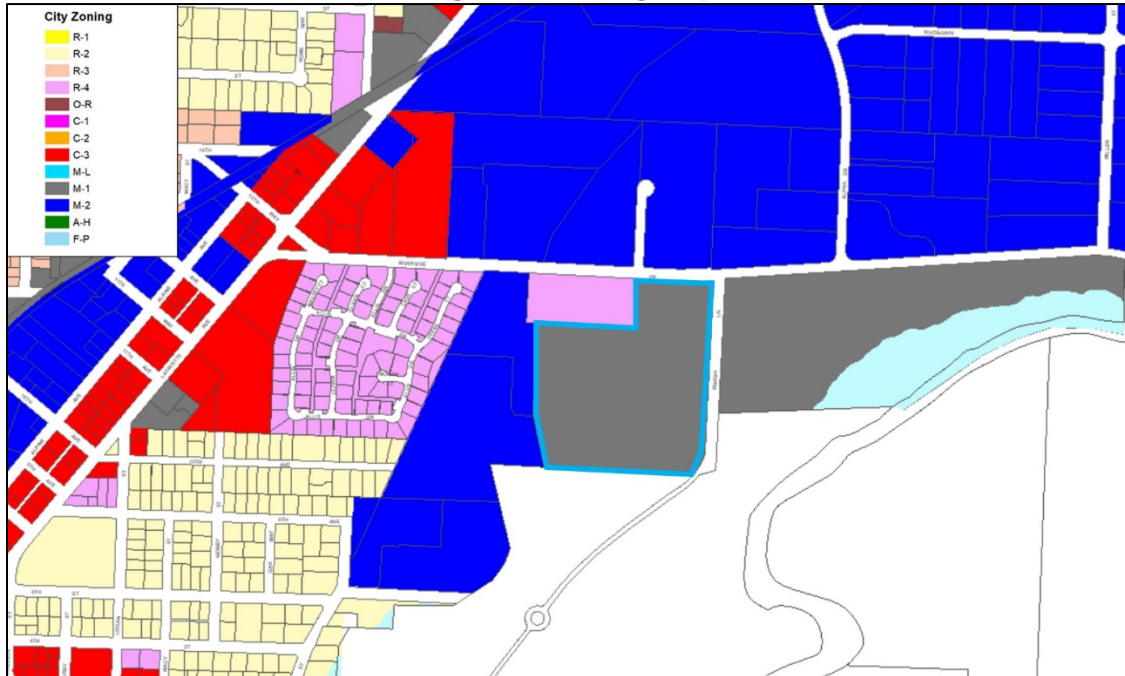


Attachments:

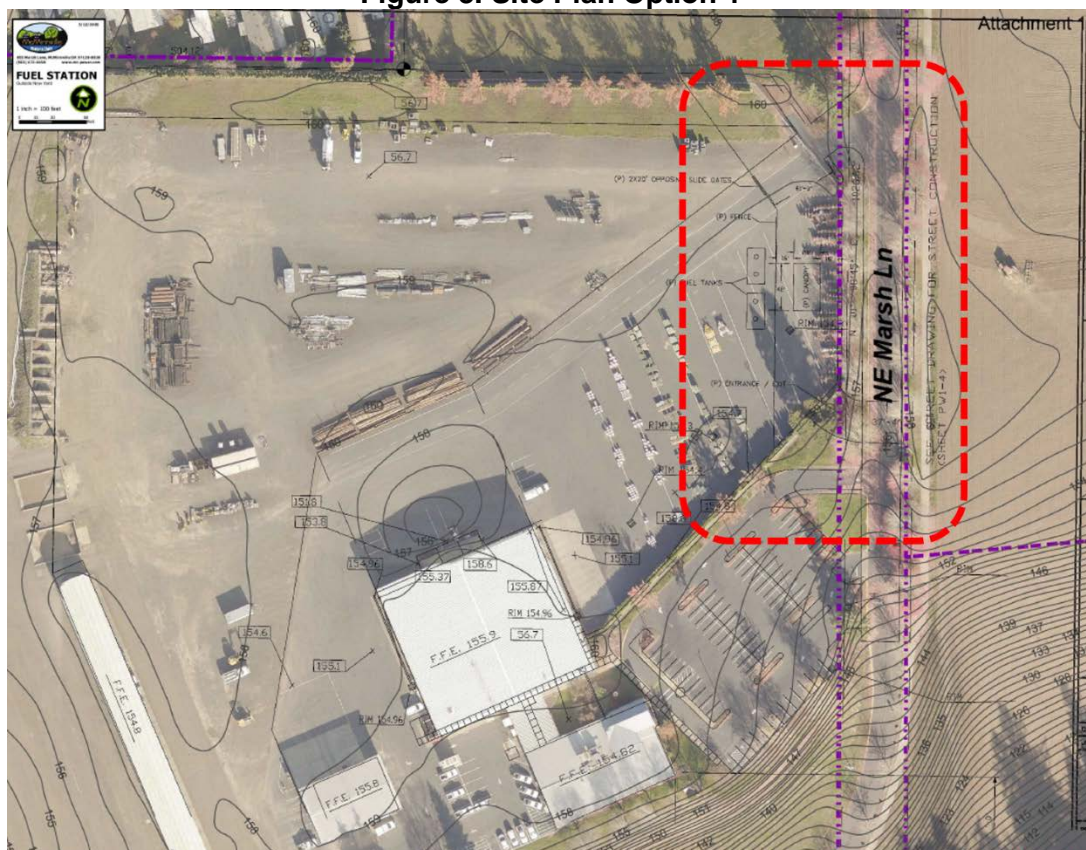
Attachment A: Decision Document



### Figure 2. Zoning Map



### Figure 3. Site Plan Option 1



Attachments:  
Attachment A: Decision Document

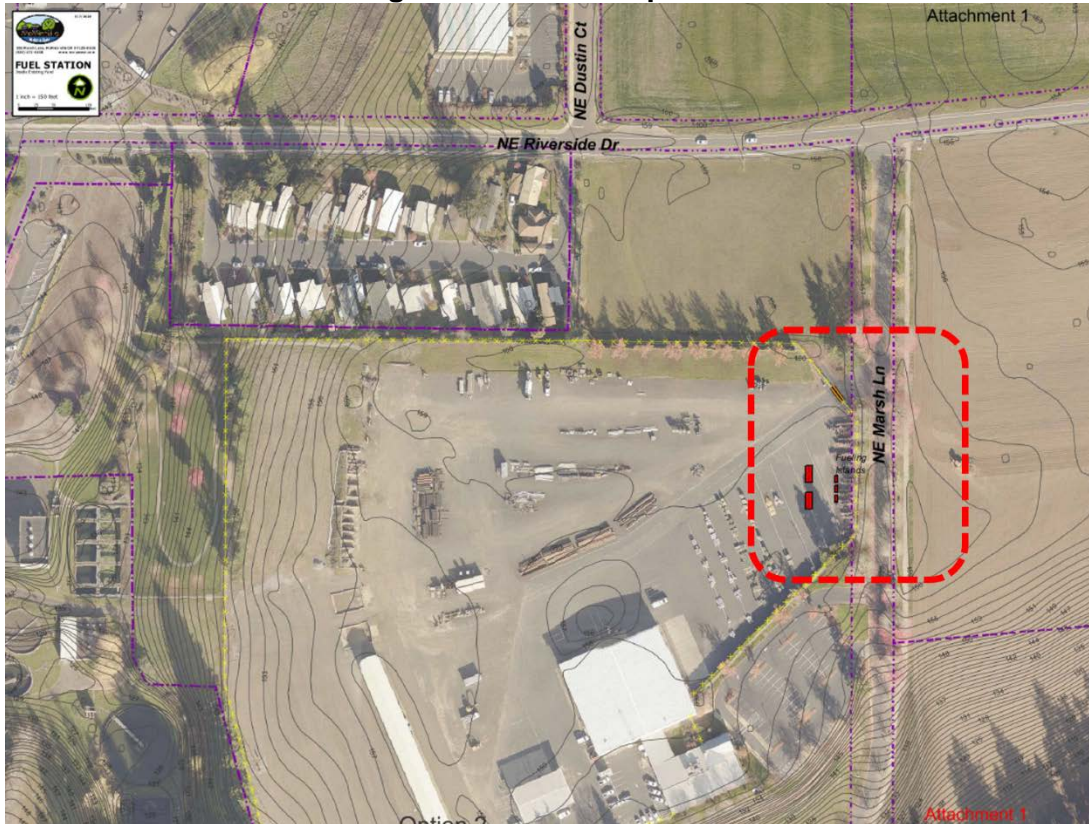
**Figure 4. Site Plan Option 2****Figure 5a. Photo of Representative Canopy**

Photo No.1: This is a photo illustrating the canopy over the two fueling station dispensers.



**Exhibit 5b. Photo of 12,000 gallon tank**



Photo No.2: This is a photo of a 12,000 gallon fuel tank.

**Exhibit 5c. Photos of 20,000 gallon tank**



Photo No. 3: This is a photo of a 20,000 gallon fuel tank.

TS:sjs





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

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A CARD-LOCK FUELING STATION AT 855 NE MARSH LANE.**

|                                     |   |
|-------------------------------------|---|
| <b>DOCKET:</b>                      | CU 2-20 (Conditional Use Permit)  |
| <b>REQUEST:</b>                     | Application for a Conditional Use Permit to construct and operate a card-lock fueling station   |
| <b>LOCATION:</b>                    | 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)   |
| <b>ZONING:</b>                      | M-1 (Light Industrial)  |
| <b>APPLICANT:</b>                   | McMinnville Water & Light, c/o Samuel R. Justice, General Counsel   |
| <b>STAFF:</b>                       | Tom Schauer, Senior Planner   |
| <b>DATE DEEMED COMPLETE:</b>        | July 17, 2020   |
| <b>HEARINGS BODY &amp; ACTION:</b>  | The McMinnville Planning Commission makes the final decision, unless the Planning Commission's decision is appealed to the City Council.  |
| <b>HEARING DATE &amp; LOCATION:</b> | August 20, 2020, Civic Hall, 200 NE 2 <sup>nd</sup> Street, McMinnville, Oregon, and Zoom Online Meeting ID 969 9314 6808   |
| <b>PROCEDURE:</b>                   | An application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. 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 Zoning Ordinance.   |
| <b>CRITERIA:</b>                    | The applicable criteria for a Conditional Use Permit 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. |

**APPEAL:** As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City's final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

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

## DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **APPROVES** the Conditional Use Permit (CU 2-20), **subject to the conditions of approval provided in Section II of this document.**

**DECISION: APPROVAL WITH CONDITIONS**

Planning Commission: \_\_\_\_\_  
 Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_

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*Attachments:*

Attachment 1 – Application and Attachments

## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The subject property was recently reconfigured through a property line adjustment (BLA 11-19), and the resulting property is approximately 18.1 acres in size, located at the southwest corner of Riverside Drive and Marsh Lane, which includes the existing McMinnville Water and Light facilities. The proposed fueling station will occupy approximately one-half acre of the site near Marsh Lane, in the area located between the existing driveway to the equipment yard and the driveway entrance to the parking lot for the office.

The subject property is zoned M-1, and it is the site of McMinnville Water and Lights offices and fleet and equipment yards. Portions of the property to the north and west are undeveloped. Property across Marsh Lane to the east is also zoned M-1, which is vacant and owned by the City. It is leased for farming. Property to the west is zoned M-2, which is City-owned and includes the Riverside Dog Park, the old wastewater treatment plant and a wastewater pump station, and Parks and Public Works facilities. Property abutting the north property line of the subject property is Riverside Mobile Terrace, which is zoned R-4. Property across Riverside Drive to the north is zoned M-2 zoning. The property immediately to the north is undeveloped, and other properties include YCAP and industrial businesses. The property to the south is outside the UGB and includes property owned by McMinnville Water and Light northwest of the extension of Marsh Lane and Joe Dancer Park on the southeast side. **See Exhibit 1 for vicinity map and Exhibit 2 for zoning map below.**

The applicant is now seeking approval of a conditional use permit for the construction and operation of a card-lock fueling station. The facility would be primarily for fueling McMinnville Water & Light fleet vehicles, also providing at least mutual aid (emergency use) for City of McMinnville fleet vehicles. The proposed facility will have access via Marsh Lane, and will occupy approximately one-half acre of the property. The proposed facility is comprised of two above-ground tanks and a card lock fueling pump kiosk under a permanent canopy. The applicant is requesting approval of two options which differ in access and fencing configuration, but are otherwise the same proposed facilities in the same location. **See Exhibits 3 and 4 for site plans for Option 1 and Option 2. Exhibit 5 is a photo representative of the canopy for the kiosk.**

The difference between the two options is as follows, with landscaping adjusted accordingly:

- Option 1. The existing northerly access (which provides access to the fenced and gated equipment yard) would be retained, a second access point to the kiosk would be added approximately 28 feet north of the entrance to the separate parking lot to the south for the office, and fencing and the gate to the equipment yard would be moved west of the fueling kiosk. This would leave the above-ground tanks in the fenced yard area with the other equipment. The fueling kiosk would be outside of the fenced area, accessible between the two driveways without fencing. The site plan doesn't show an additional gate to the equipment yard, so the new driveway would only provide access to the kiosk.
- Option 2. The existing northerly access would be retained. A secondary driveway would not be added as in Option 1. Fencing and the gate to the equipment yard would remain at the current location. This would mean the above-ground tanks and fueling kiosk would all be within the fenced and gated area with the equipment yard, with no facilities other than the existing access driveway accessible outside of the fenced and gated area.

The facility would be approximately 400 feet from the closest corner of the abutting property with the mobile home park.

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#### ***Attachments:***

Attachment 1 – Application and Attachments

### ***Neighborhood Meeting***

Before a Conditional Use Permit application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting in accordance with these requirements and submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

The meeting notes indicated the meeting was attended by the Sam Justice, representing McMinnville Water and Light (MWL) and Dean Klaus, owner of nearby property. The meeting notes indicate Mr. Klaus stated that he would like to see the applicant build approximately 600 feet of sidewalk along the frontage of the MWL property along NE Riverside Drive as a condition of approval.

The meeting notes also indicate MWL received a phone call in advance of the meeting from Larry Schnell, owner of Riverside Mobile Terrace. The notes indicated he asked of the proposed fuel station would be next to the mobile home park, and he requested additional maps. Mr. Justice emailed maps and aerial photos showing the property location.

### **Discussion**

#### ***Summary of Criteria & Issues***

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions 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.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

Typically, it isn't necessary to justify the need for a use that is listed as a conditional use in a zone. While permitted uses **are** authorized on any site with the correct zoning, subject to standards and criteria, conditional uses **may be** authorized on a specific site if the use is listed as a conditional use in that zone, provided the use and its specific characteristics are compatible with that site's location, and are compatible or can be made compatible with other permitted surrounding use and development through conditions of approval to adequately mitigate any potential adverse impacts. The applicant's narrative also addresses the need for the use and benefits of the use, which also provides benefits for emergency fuel storage for response for water and power. Generally, condition use permit criteria don't require justification of the need for the use; rather the criteria generally address compatibility.

The nature and scale of the current proposal doesn't rise to the scale of impacting the community as a whole. The predominant issues with a conditional use of this scale usually relate to the interest of the surrounding area, often related to compatibility with nearby uses. Typical concerns associated with conditional uses include compatibility with character, privacy, noise, parking, odors, vibration, and traffic. For the proposed fueling station, there may also be considerations of safety, as would apply to fueling stations with similar characteristics. Above ground storage tanks are regulated by the applicable state-adopted fire code.

Staff has reviewed the proposed site improvements and operations, agency comments, public comments, and applicable criteria. Staff finds that the applicable criteria can be satisfied with conditions which address the physical site development and operating characteristics. The addition of the fueling station at the location of existing MWL's fleet and equipment yard doesn't introduce significant impacts, and potential issues can be mitigated. The proposed kiosk is approximately 400 feet from the nearest residential use. Since the use isn't open to the general public, impacts such as traffic and parking are limited. The distance and separation from the residential use minimizes impacts associated with

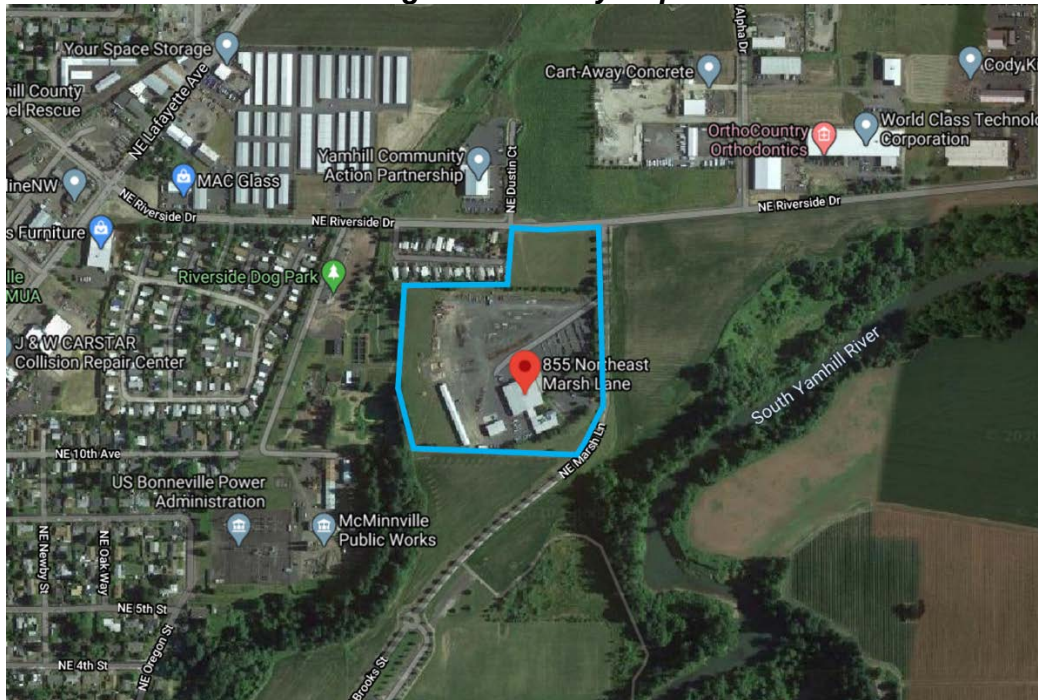
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#### ***Attachments:***

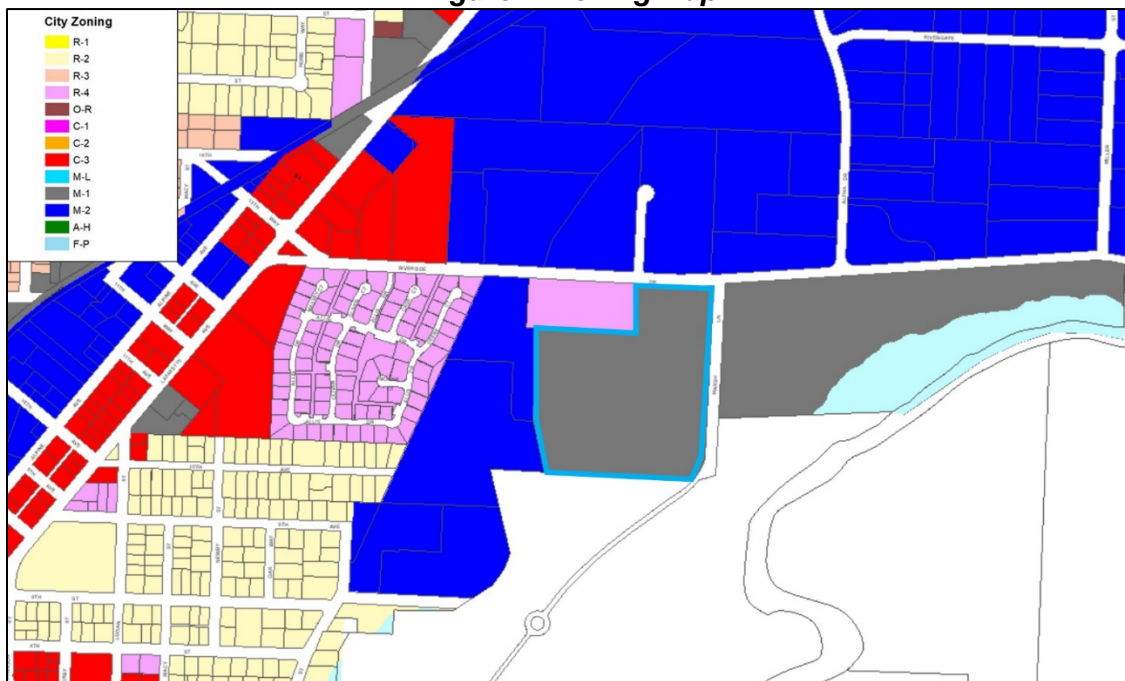
Attachment 1 – Application and Attachments

potential noise. Conditions of approval can address issues such as impacts from lighting, requiring that lighting be downcast and not shine onto adjacent right-of-way or residential properties that creates glare or visual impacts.

**Figure 1. Vicinity Map**



**Figure 2. Zoning Map**



**Attachments:**

Attachment 1 – Application and Attachments



Figure 3. Site Plan Option 1

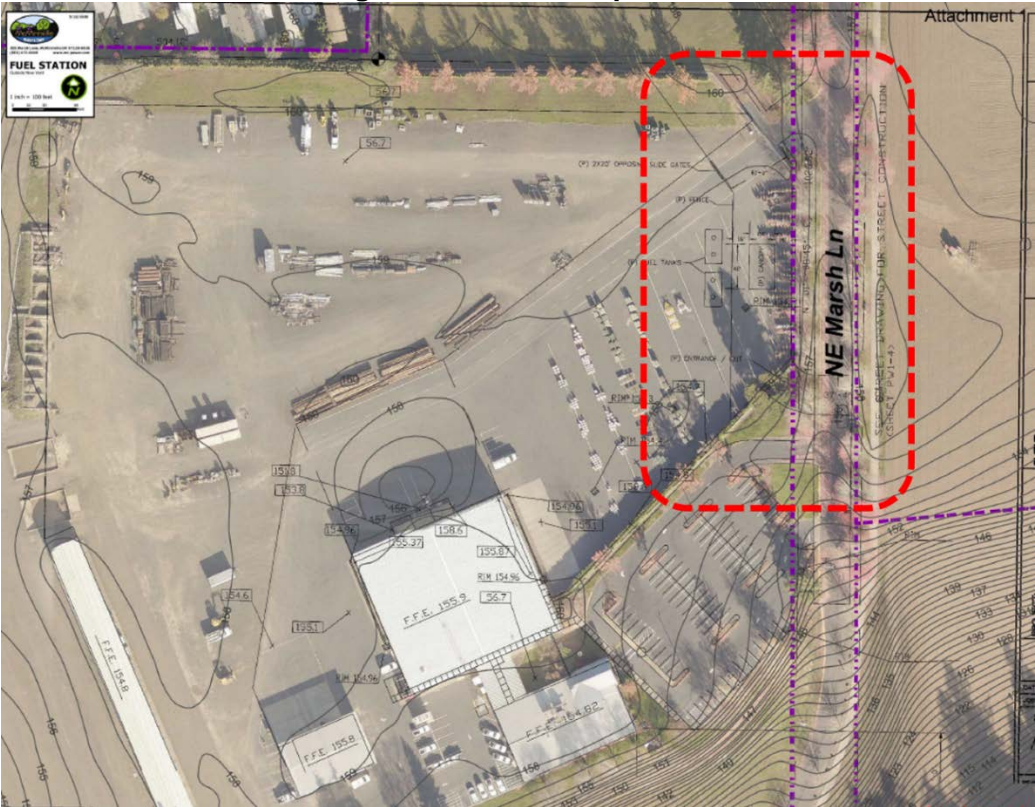


Figure 4. Site Plan Option 2



Attachments:  
Attachment 1 – Application and Attachments



**Figure 5a. Photo of Representative Canopy**



Photo No.1: This is a photo illustrating the canopy over the two fueling station dispensers.

**Exhibit 5b. Photo of 12,000 gallon tank**



Photo No.2: This is a photo of a 12,000 gallon fuel tank.

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**Attachments:**

Attachment 1 – Application and Attachments

**Exhibit 5c. Photos of 20,000 gallon tank**

Photo No. 3: This is a photo of a 20,000 gallon fuel tank.

**II. CONDITIONS:**

1. Prior to issuance of a building permit or construction, the applicant shall:
  - a. Submit the final site plan with Option 1 or Option 2 consistent with the preliminary site plan, and submit the final elevations for the canopy consistent with the provided photo.
  - b. Submit a landscape plan application for review and approval by the Landscape Review Committee, consistent with the proposed fencing, screening and landscaping described in the application. The landscape plan shall be consistent with the provisions of Chapter 17.57 and the applicable perimeter treatment and buffer yard standards of Section 17.39.040. Obtain approval of the landscape plan prior to issuance of building permits.
  - c. Submit a final lighting plan that demonstrates canopy lighting will be downcast and lighting will not create glare on adjoining properties or the public right-of-way.
  - d. Submit plans for sidewalks and driveway approaches along the project's frontage. PROWAG compliant sidewalks and driveways, 5' in width, will need to be constructed adjacent to the Project's frontage as part of the Project. Meandering of the sidewalk would be allowed if necessary to preserve existing trees.
  - e. **NOTE:** The existing sanitary sewer main is not shown on the conceptual drawings. No structures shall be located within the existing sanitary sewer easement.
  - f. Apply for a sign permit for any proposed signage.
  - g. Obtain all necessary local, state, and federal permits.

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***Attachments:***

Attachment 1 – Application and Attachments

2. All site work and construction shall be completed prior to use or occupancy, or financial surety provided as may be authorized for any site work that has not been completed.
3. This approval is for the improvements, use, and operating characteristics described in the application. No major deviation from the approved characteristics shall occur without prior approval in accordance with the procedures for amendment in Chapter 17.74. The Planning Director shall determine what constitutes a minor or major deviation. The approval is for use of the card-lock fueling station by specified fleet vehicles. It is not approved for general public use.
4. This conditional use permit approval shall be terminated if the proposed use does not commence within one year of the effective date of this approval, if the use once commenced lapses for any single period of time that exceeds one year in duration, if there is a failure to comply with conditions of approval, or for any other reason specified in Section 17.74.060 of the Zoning Ordinance. The determination for termination shall be made in accordance with the procedures in Section 17.74.060 of the Zoning Ordinance.

### **III. ATTACHMENTS:**

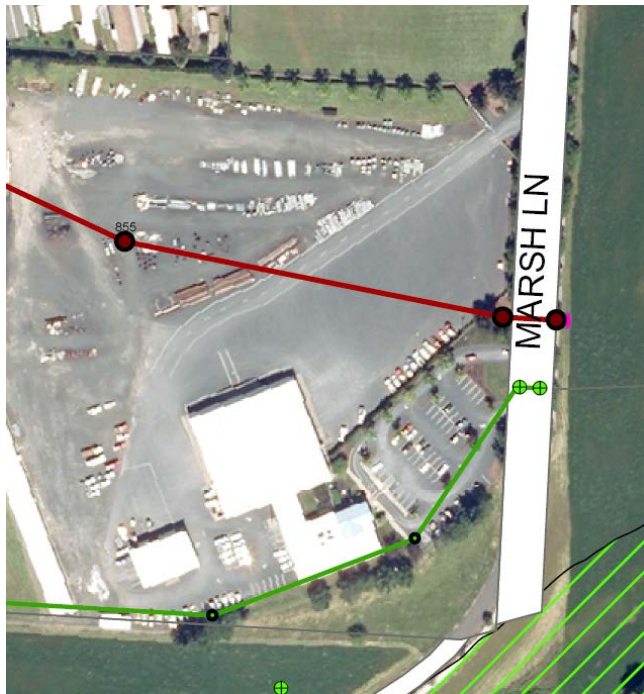
1. CU 2-20 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

This matter was 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. The following comments were received:

- McMinnville Engineering Department  
No concerns over the conditional use. Some comments on the application:
  - Marsh Lane is a local street with a 60' ROW and 36' wide street, not a minor collector as referred to in the application
  - PROWAG compliant sidewalks and driveways, 5' in width, will need to be constructed adjacent to the Project's frontage as part of the Project. Meandering of the sidewalk would be allowed if necessary to preserve existing trees.
  - The existing sanitary sewer main is not shown on the conceptual drawings. No structures shall be located within the existing sanitary sewer easement.



- McMinnville Water and Light  
MW&L has no comments on this submittal
- Ziplay Fiber  
No conflicts. Ziplay does request path/conduit to the Right-of-Way should the developer want communications for the new facilities. Or, at least contact Ziplay to discuss/meet.

### Public Comments

Notice of this request was mailed to property owners located within 200 feet of the subject site. Notice of the public hearing was also provided in the News Register. As of the date of the Planning Commission public hearing on August 20, 2020, no public testimony had been received by the Planning Department.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on May 6, 2020.
2. The applicant submitted the Conditional Use Permit application on June 18, 2020.
3. The application was deemed complete on July 17, 2020.
4. Notice of the application was 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 are addressed in this Decision Document.

#### Attachments:

Attachment 1 – Application and Attachments

5. On July 31, 2020, notice of the application and the August 20, 2020 Planning Commission public hearing was mailed to property owners within 200 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the August 20, 2020 Planning Commission public hearing was published in the News Register on Tuesday, August 11, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

7. On August 20, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 855 NE Marsh Lane (Tax Lot 100, Section 21, T. 4 S., R. 4 W., W.M.)
2. **Size:** The property is approximately 18.1 acres. The area proposed for the fueling station facilities is approximately one-half acre.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:** M-1 (Light Industrial)
5. **Overlay Zones/Special Districts:**
  - a. **Airport Overlay:** Property is within the Conical Surface of the Airport Overlay Zone and a portion may also be within the Horizontal Surface
6. **Current Use:** McMinnville Water & Light Office and Facilities
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None identified.
  - b. **Other:** None identified.
8. **Utilities:**
  - a. **Water:** Public water mains are present in NE Riverside Drive and NE Marsh Lane and cross Tax Lot 100. There do not appear to be public easements for all of the water mains on the subject property.
  - b. **Sewer:** Public sanitary sewer mains are present in NE Riverside and cross Tax Lot 100. Some sewer easements are present on the property. A public sewer easement was dedicated at the time of the property line adjustment.
  - c. **Stormwater:** Public storm drain lines are present in NE Riverside and cross Tax Lot 100. There do not appear to be public easements for all of the storm drain facilities.
  - d. **Electric:** Power service is available to the subject property. Overhead power is present along the frontage of NE Riverside Drive.
  - e. **Other Services:** Other utility services are available to the subject properties.

9. **Transportation & Access:** The property has frontage on NE Riverside Drive and NE Marsh Lane. The McMinnville Water & Light facilities take access from NE Marsh Lane.
  - a. **NE Riverside Drive:** Major Collector. South side frontage improvements include bike lane, curb and gutter, no sidewalk
  - b. **NE Marsh Lane:** Local Street. West side frontage improvements include on-street parking, curb and gutter, no sidewalk
10. **Proposed Use and Development.** The proposed use is a card-lock fueling station, which is classified as a “service station.” The property is zoned M-1. A service station is a conditionally-permitted use listed in Section 17.39.030(C) for the M-1 zone. Uses in the M-1 zone are subject to the design standards in Section 17.39.040 and environmental standards of Section 17.39.050. They are also subject to development standards found in other chapters. These are also referenced in the Design Standards Section, 17.39.040. These include off-street parking and loading standards (17.60), clear vision standards (17.54.080), and landscaping standards (17.57). If not served, or substandard, properties are also responsible for provision of public facilities specified in the Municipal Code, Transportation System Plan, and McMinnville Water & Light standards.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use Permit are specified in Section 17.74.030 of the Zoning Ordinance. Section 17.74.040 addresses conditions which the Planning Commission may impose “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.”

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 applicant found the following goals and policies to be applicable to the request and provided responses regarding consistency with them. The applicant’s responses are provided below.***

### **Chapter VI: Transportation**

- Goal VI-1.
- **Streets:**
  - Policy 118.00
  - Policy 122.00
- **Growth Management:**
  - Policy 132.29.00

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*Attachments:*

Attachment 1 – Application and Attachments



**Chapter VII: Community Facilities and Services**

- Goal VII-1.
- *Public Administration and Storage Facilities*
  - Policy 135.00
- *Sanitary Sewer System*
  - Policy 136.00
  - Policy 139.00
- *Storm Drainage*
  - Policy 143.00
- *Water System*
  - Policy 144.00
  - Policy 145.00
  - Policy 146.00
  - Policy 147.00
- *Water and Sewer – Land Development Criteria*
  - Policy 151.00
- *Police and Fire Protection*
  - Policy 152.00

**Chapter VIII: Energy**

- Goal VIII-1.
- *Energy Supply Distribution*
  - Policy 171.00
  - Policy 173.00
  - Policy 175.00
  - Policy 176.00
  - Proposal 31.00
  - Proposal 34.00
  - Proposal 35.00

**Chapter X: Citizen Involvement**

- Goal X-1:
- Goal X-2:
- Policy 188.00

***Below is a finding regarding applicability of these goals and policies as they relate to this conditional use permit application:***

**FINDING:** Staff finds that some policies identified below are not independent approval criteria for this conditional use permit application, because they don't directly address the land use compatibility issues related to the conditionally permitted use. Instead, they provide guidance for the design and development standards to be implemented, guidance for coordinated planning and plans, and direction to the city in its role as a provider of public facilities networks and services. For this conditional use permit application, applicable goals and policies are those that relate to land use compatibility if the policies are not already sufficiently implemented and addressed through implementation measures and development standards. Applicable goals and policies are those which the City of McMinnville applies for land use compatibility considerations of the conditional use permit application for which McMinnville Water & Light is acting in the capacity of property owner and applicant.

- **Not Applicable:** 118.00, 122.00, 132.29.00, 136.00, 139.00, 144.00, 145.00, 146.00, 147.00, 152.00, 173.00.

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*Attachments:*

Attachment 1 – Application and Attachments

- **Applicable:** Policies 135.00, 143.00, 151.00, 175.00, 176.00, 188.00.
- **Proposals:** “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- **Other:** Policy 171.00 is somewhat unique as it relates to this conditional use permit, as the proposal is to provide a fueling station with storage tanks for use by the power and water utility, and is addressed below.

## CHAPTER VI: TRANSPORTATION SYSTEM

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

#### 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).
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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

**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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

**(NOTE: Marsh Lane is a local 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 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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

## **CHAPTER VII: COMMUNITY FACILITIES AND SERVICES**

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

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### *Attachments:*

Attachment 1 – Application and Attachments

**PUBLIC ADMINISTRATION AND STORAGE FACILITIES**

**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.

**FINDING: SATISFIED WITH CONDITIONS.** Adverse impacts on surrounding lands are minimal due to the location of the proposed facility on the site, which is separated from surrounding uses. Conditions regrading landscaping and screening will minimize visual impacts.

**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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

**STORM DRAINAGE:**

**Policy 143.00.** The City of McMinnville shall encourage the retention of natural drainage ways for stormwater drainage.

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

**FINDING: SATISFIED.** The facility is sited at a location that has been previously used for storage of equipment. There are no natural drainageways that would be disturbed at the location of the proposed facility.

**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 122.0 and Policy 132.29.00 above.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

**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.

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*Attachments:*

Attachment 1 – Application and Attachments

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.

**APPLICANTS 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 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 ("the 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.

**FINDING: SATISFIED.** There are adequate public services and facilities available to serve the site. Applicable laws and policies can be adhered to.

## **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.

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### *Attachments:*

Attachment 1 – Application and Attachments



**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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

## CHAPTER VIII: ENERGY

**GOAL VIII-1. 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.

**FINDING: SATISFIED.** This criterion generally refers to having adequate energy supplies as the community grows. It wouldn't typically be a criterion for a conditional use permit, which focuses on land use compatibility. However, the proposed use is unique relative to this criterion. While a conditional use permit doesn't require justification of need for the use, in this case, the proposed land use helps ensure fuel to support the personnel and equipment for the power and water utility, include storage that is available in event of 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.

**FINDING: NOT APPLICABLE TO THIS CONDITIONAL USE PERMIT APPLICATION AS AN INDEPENDENT APPROVAL CRITERION.**

**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.

**FINDING: SATISFIED WITH CONDITIONS.** The conditional permit review criteria and conditions provide sufficient opportunity to ensure compatibility with surrounding uses based on the design, location, and screening.

**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 s SPCC.

**FINDING: SATISFIED.** This policy generally applies to the energy distribution network. The proposal is a fueling station for the fleet, which is somewhat different. However, the location and design of the facility on the industrial site, co-located with the equipment yard for MWL, minimizes impacts on residential, farm, and natural area.

**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.

**FINDING: SATISFIED WITH CONDITIONS.** This is a "proposal." "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. Conditions regarding screening and landscaping address this proposal.

**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.

**FINDING: SATISFIED.** This is a "proposal." "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. Facilities are available to the subject property.

**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.

**FINDING: SATISFIED WITH CONDITIONS.** This is a “proposal.” “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The location and design of the proposed facility minimize impacts to natural areas, farmlands, and residential areas, as the proposed facility is co-located on an industrial site in a location separated from surrounding uses, and screened from the right-of-way.

## CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

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

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

**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). AU 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.

**FINDING: SATISFIED.** The process for a conditional use permit 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 access to provide testimony and ask questions during the public review and hearing process.

**McMinnville Zoning Ordinance**

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

**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 WITH CONDITIONS.** With conditions of approval, the proposal will be consistent with the Comprehensive Plan and zoning ordinance, addressing the conditional use permit criteria for compatibility with the intent of the conditional use permit provisions.

**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.

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

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*Attachments:*

Attachment 1 – Application and Attachments

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 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.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's response effectively describes the proposal, its size and scale and location, and the proposed screening and lighting. There are adequate public facilities to serve the proposed development, and additional traffic generation will be limited since the facility will predominantly serve the MWL fleet at this location. The landscaping and screening will address compatibility with the neighborhood,

**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(8) above.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed use will not have characteristics that are more impactful than permitted industrial uses in the M-1 zone. This facility will predominantly serve MWL fleet vehicles, limiting vehicular traffic.

**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.

**FINDING: SATISFIED WITH CONDITIONS.** The kiosk and canopy are small in scale, and the frontage of the property will be landscaped. The above ground tanks will be in the equipment yard area which will be screened by fencing and landscaping, and the canopy and kiosk would also be screened in one option. The proposal will minimize the paved area in front of the fenced and screened area, limiting paving to the areas needed for access and circulation.

**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.

**FINDING: SATISFIED.** The proposed improvements will predominantly occur on a portion of the site that has previously been used for equipment storage, and there are no unique environmental assets in this area.

**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.

**FINDING: SATISFIED.** The purpose of the proposal is to develop the fueling station, and it is not for speculative purposes.

**17.74.040. 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.

**FINDING: SATISFIED WITH CONDITIONS.** Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, and the best interest of the surrounding area or the community as a whole is protected.

TS:sjs

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

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

569-20-000327-Plng

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| <b>Office Use Only:</b> |                     |
| File No.                | CU 2-20             |
| Date Received           | 12-18-2020          |
| Fee                     | 2325. <sup>00</sup> |
| Receipt No.             | 202508              |
| Received by             | SP                  |

\$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."

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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

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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.

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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. Applicants 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)

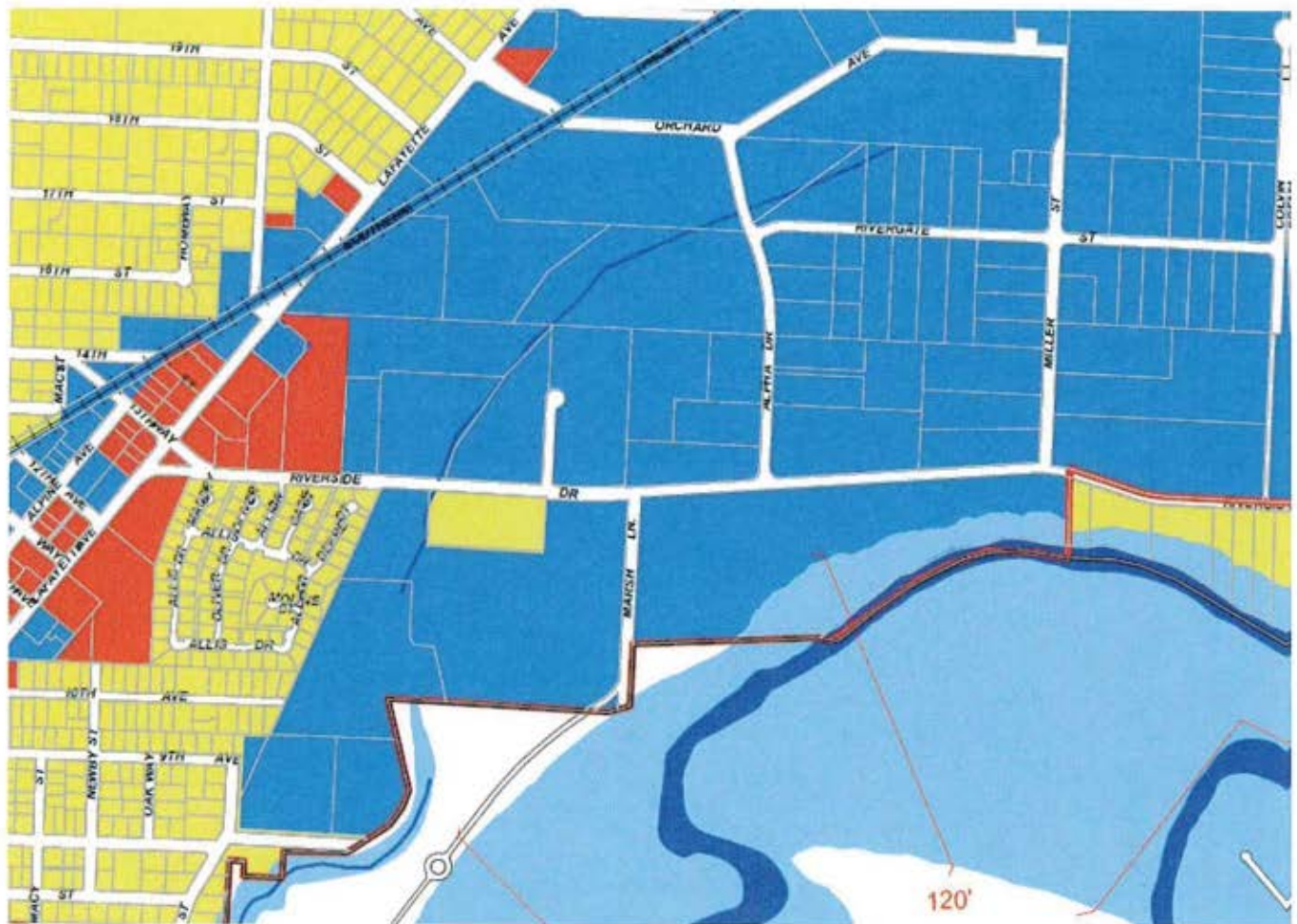


Figure 1C (Option 2) (Same as option 1, except outside fence remains and no southern entrance/exit to fuel station).





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

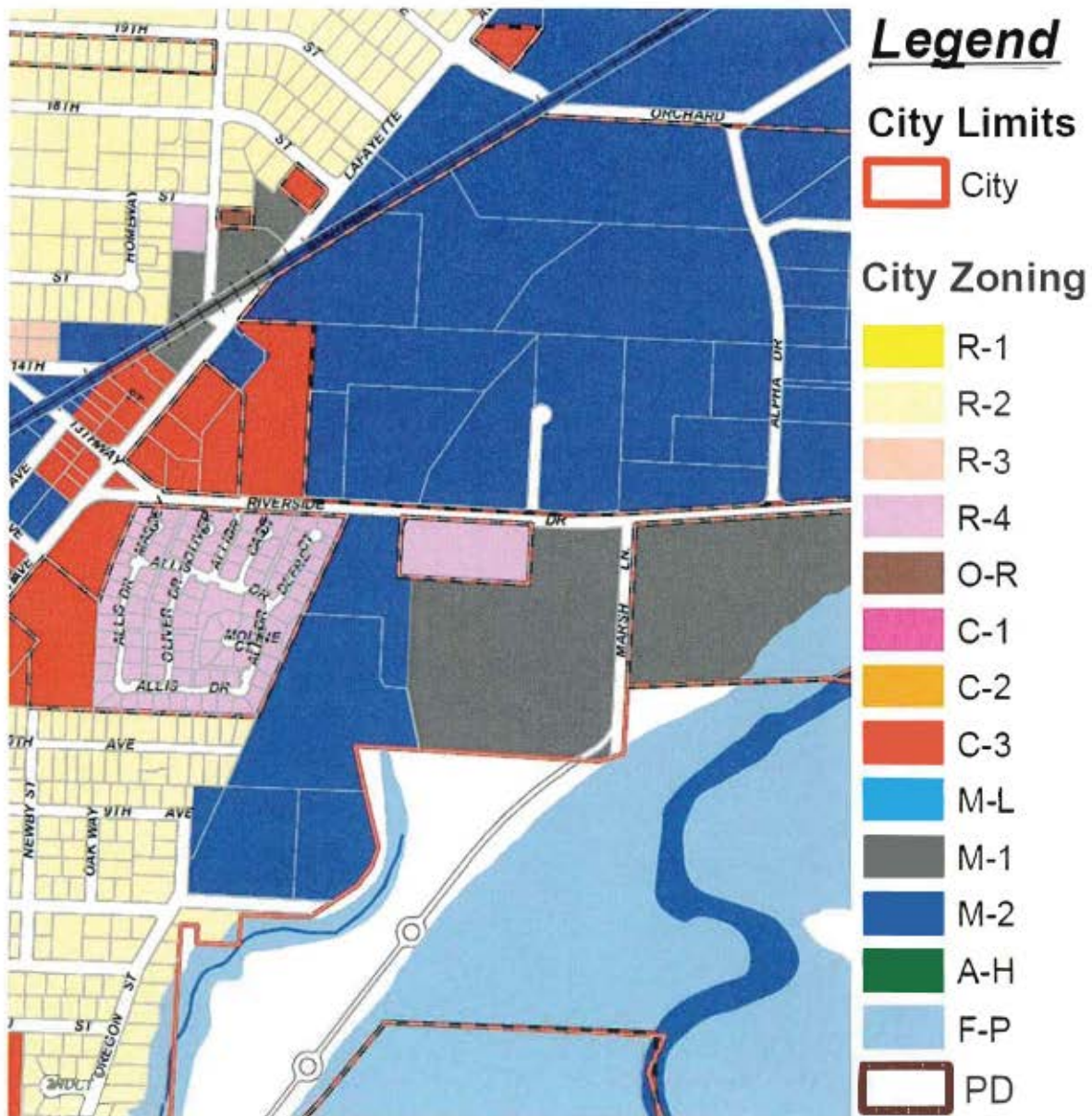




Figure 4: 1987 Survey

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

Located in 42N 54E, T4S, R24W, W1E Newby  
Donation Land Claim, City of McMinnville,  
Yamhill County, Oregon

By: Matt Dunkel  
19010 Baker Creek Rd  
McMinnville, Oregon  
Phone: 472-7704

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

Legend

- 0 = monument found from C&P 3290.  
2" IP's were set as ground stakes and  
were approx 3' high
- 1 = 1/2" x 3/4" iron rod with yellow cap  
marked "Dunkel W.S. 1987" 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 from the  
proposed building right for the Water  
and Light Dept Survey is based on  
Donation Land Claim 3290

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
Matthew F. Dunkel  
OREGON  
MATTHEW F. DUNKEL

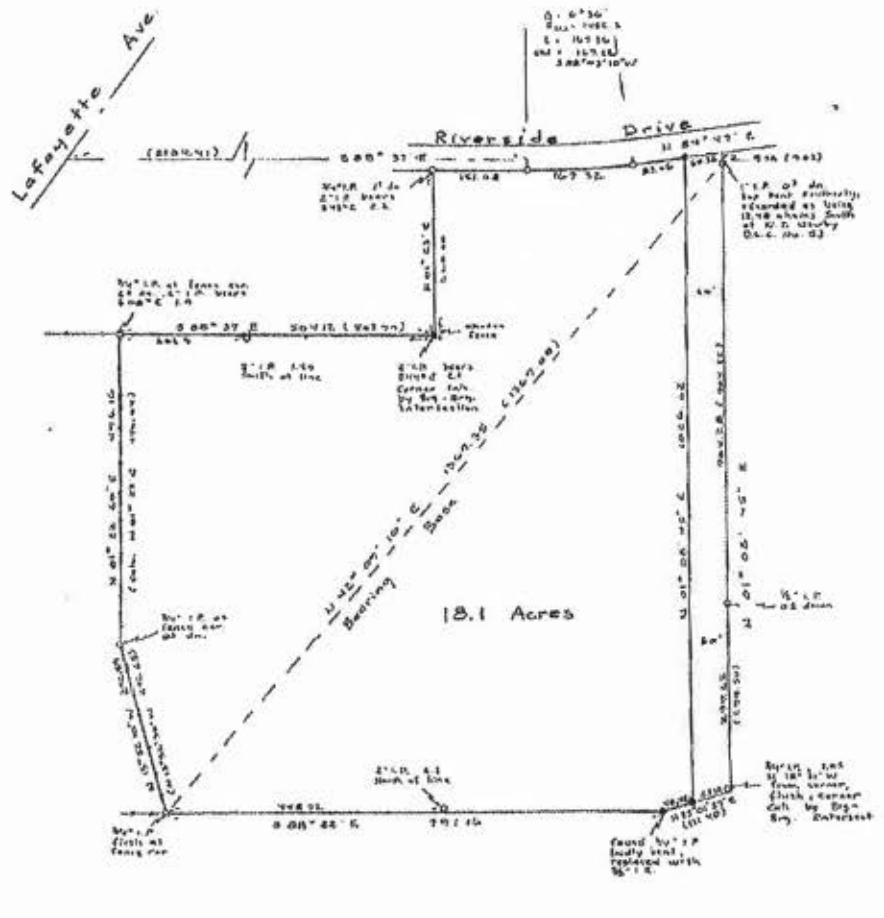


Figure 5, 1972 Survey

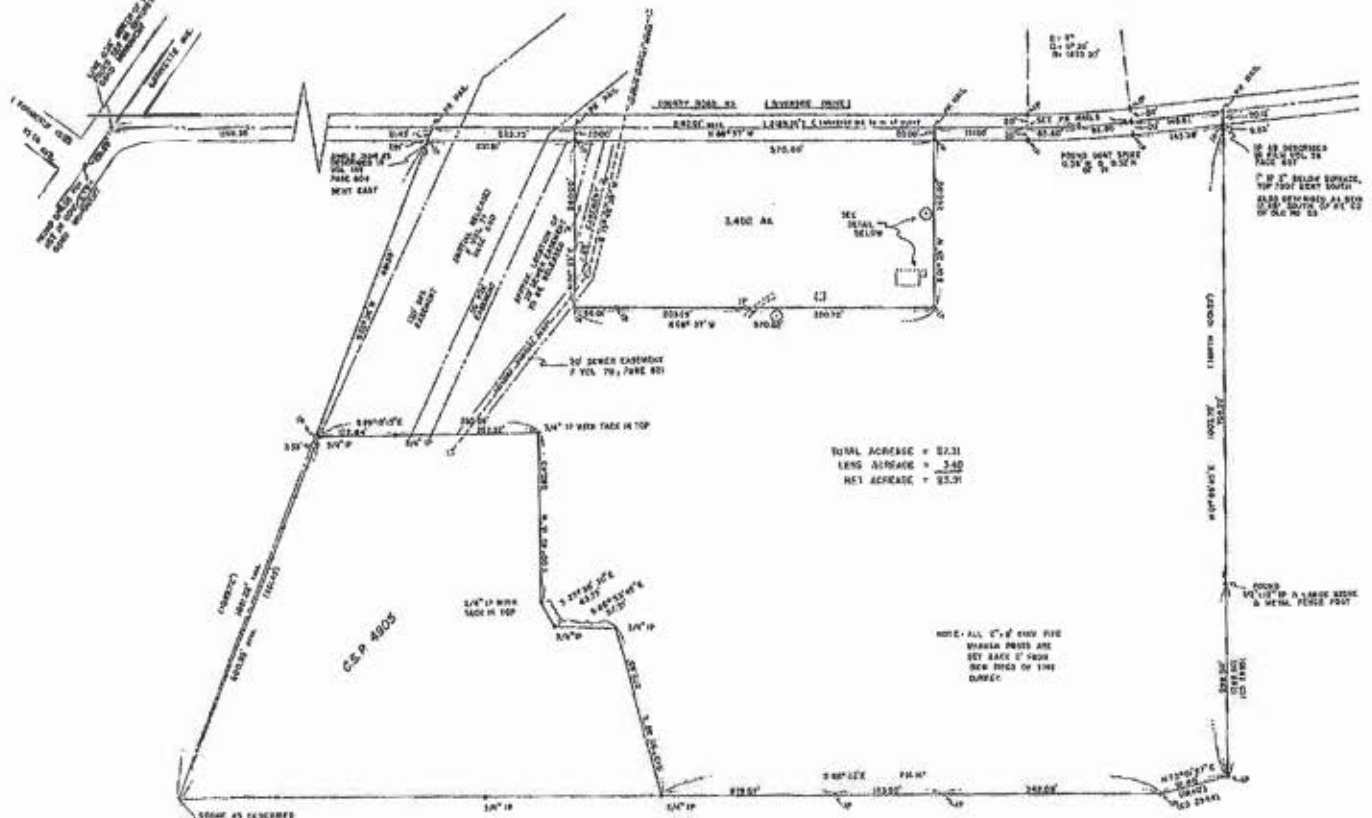
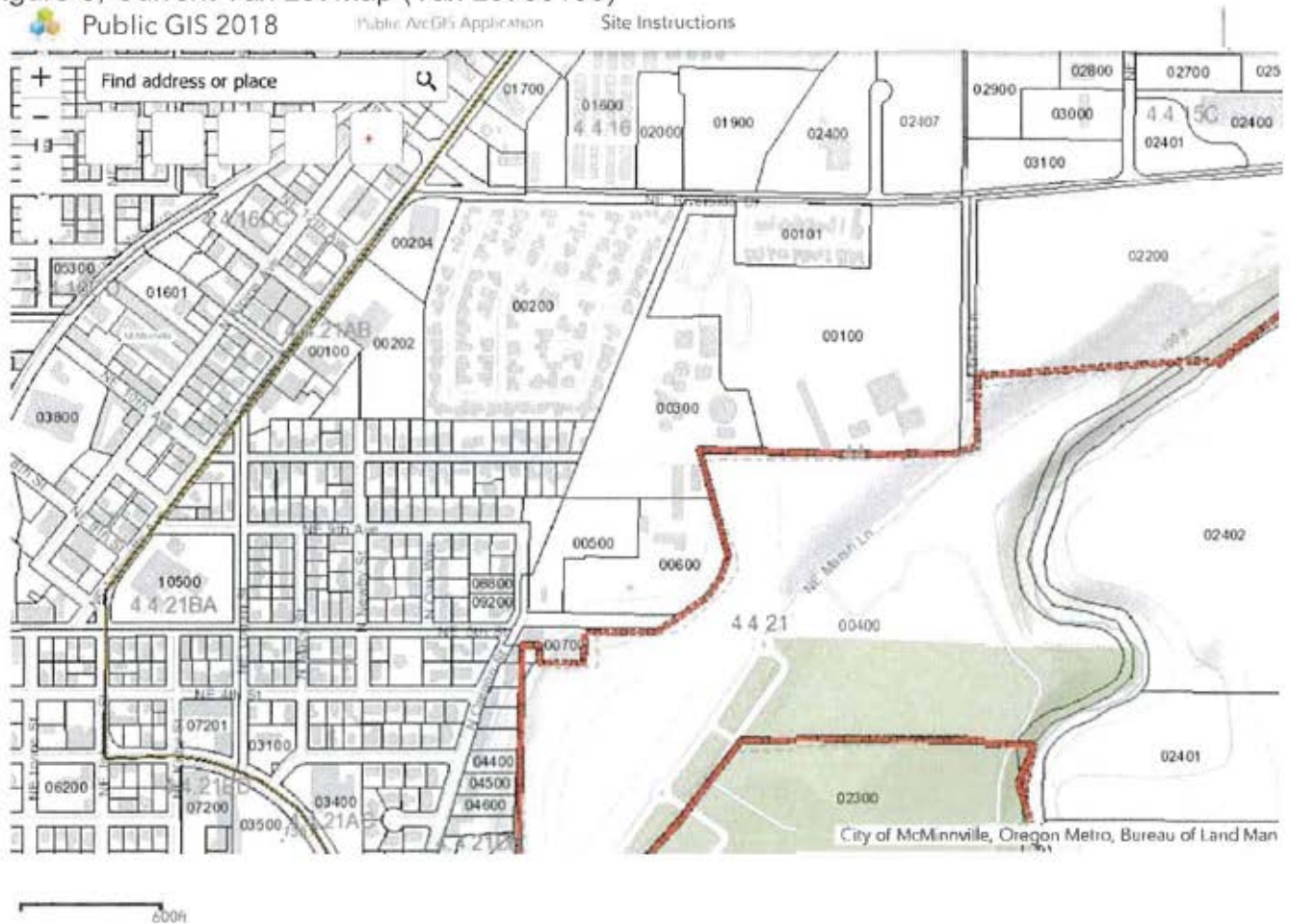


Figure 6, Current Tax Lot Map (Tax Lot 00100)



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



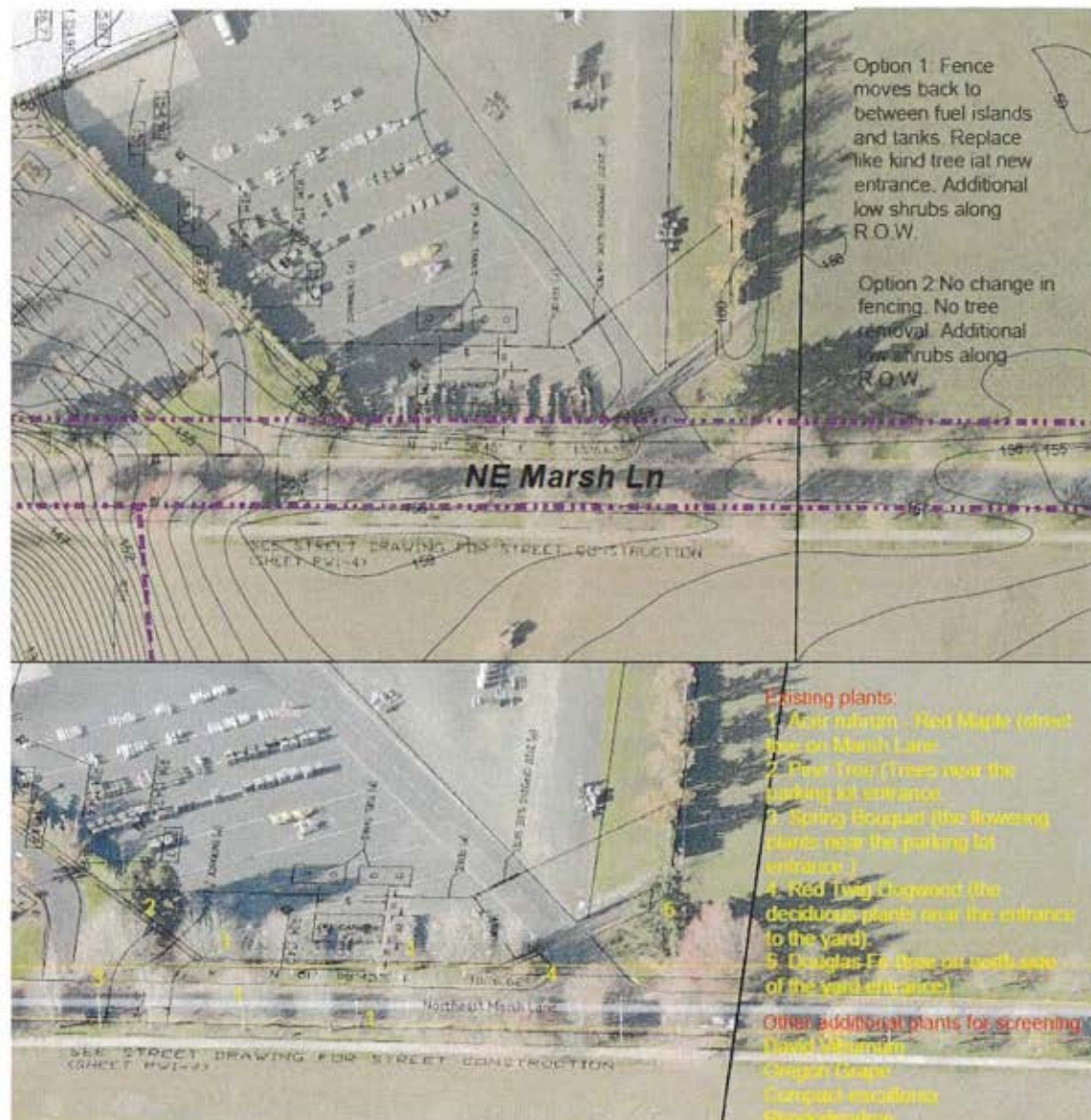
also be located within the perimeter fencing. Bollards will be placed to protect equipment from driving hazards.

### 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 obscurification 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.



~~Attachment~~

Attachment 1





136 of 289



5/7/2020

**FUEL STATION**  
Inside Existing Yard

1 inch = 150 feet

0 50 100

North Arrow

Attachment 1

NE Dustin Ct

NE Riverside Dr

NE Marsh Ln

Fueling Islands

Option 2

Attachment 1





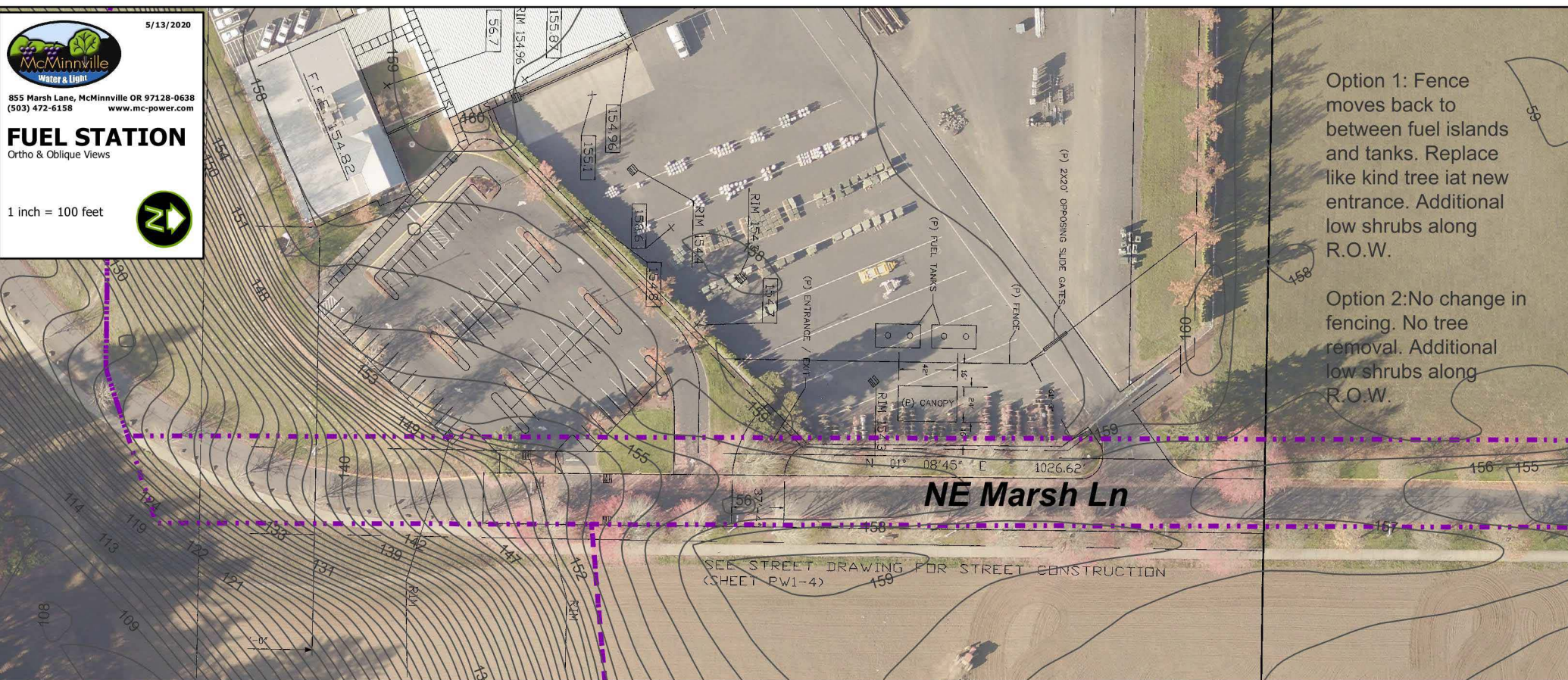
5/13/2020

855 Marsh Lane, McMinnville OR 97128-0638  
(503) 472-6158 www.mc-power.com

## FUEL STATION

Ortho & Oblique Views

1 inch = 100 feet



Option 1: Fence moves back to between fuel islands and tanks. Replace like kind tree at new entrance. Additional low shrubs along R.O.W.

Option 2: No change in fencing. No tree removal. Additional low shrubs along R.O.W.



### Existing plants:

1. Acer rubrum - Red Maple (street tree on Marsh Lane)
2. Pine Tree (Trees near the parking lot entrance)
3. Spring Bouquet (the flowering plants near the parking lot entrance.)
4. Red Twig Dogwood (the deciduous plants near the entrance to the yard)
5. Douglas Fir (tree on north side of the yard entrance)

### Other additional plants for screening

David Viburnum  
Oregon Grape  
Compact-escallonia  
Rhododendron



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     | <b>202005365</b>              |
| DMR-DDMR                            |                               |
| Stn=4 JENSENC                       | <b>04/02/2020 12:58:59 PM</b> |
| 7Pgs \$35.00 \$11.00 \$5.00 \$60.00 | <b>\$111.00</b>               |

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.

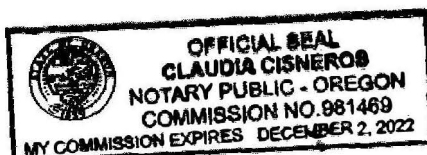
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use 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)



Name: Scott A. Hill

Title: Mayor and Ex-Officio Member of the  
Water and Light Commission

Attest:

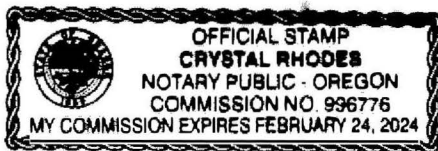



Name: Trena McManus

Title: Clerk of the Water and Light  
Commission

State of Oregon ) SS.  
County of Yamhill)

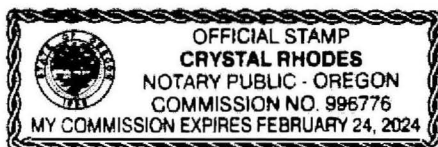
This record was acknowledged before me on 3/27/2020 by Scott A. Hill, as mayor  
and ex-officio member of the Water and Light Commission.

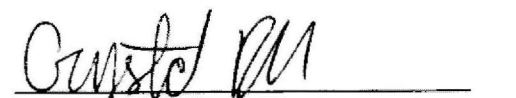


  
Notary Public for Oregon  
My Commission Expires: 2/24/24

State of Oregon ) SS.  
County of Yamhill )

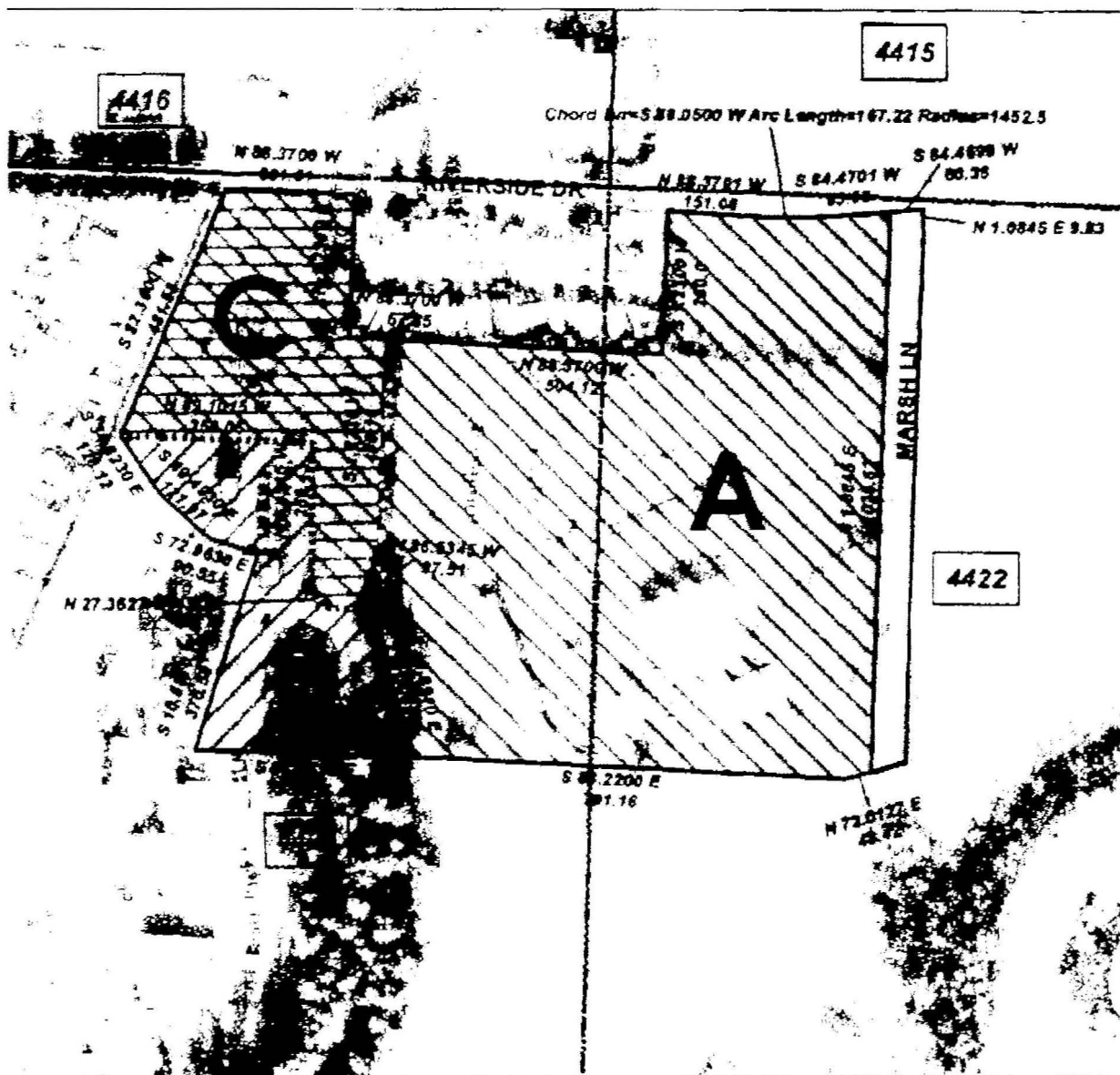
This record was acknowledged before me on 3/27/2020 by Trena McManus, as clerk  
of the Water and Light Commission.



  
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 MC MINNVILLE", 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°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°39'50" East 547.79 feet to an existing manhole; thence South 80°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**

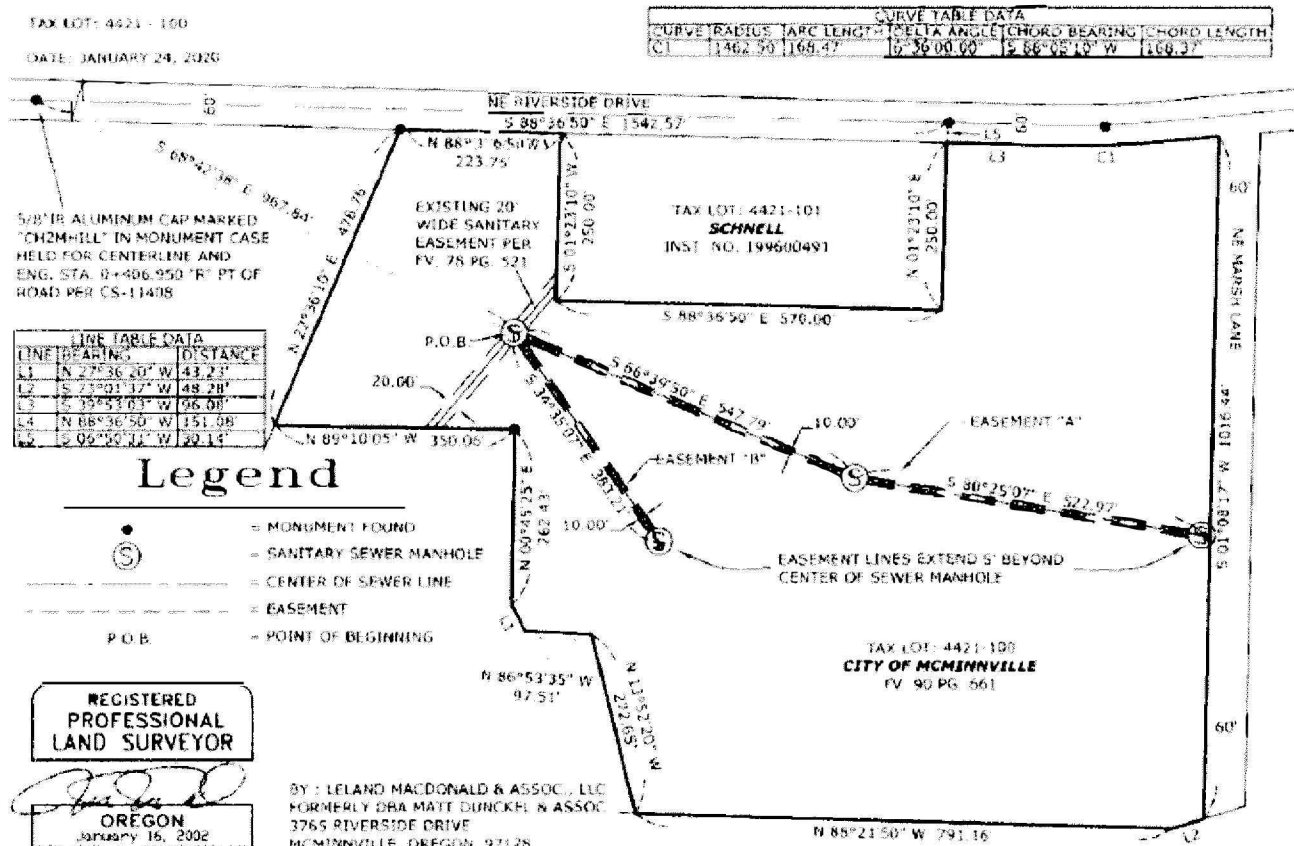
LOCATION: NE 1/4 SECTION 21 & NW 1/4 SECTION 22, T. 4 S., R. 4 W., W.M.  
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

TAX LOT: 4421 - 100

DATE: JANUARY 24, 2020

**EXHIBIT " C "  
EASEMENT MAP**

Scale: 1" = 200'



PAGE 4 OF 4

#9138

EXHIBIT C





# CONTINUITY OF OPERATIONS (COOP) PLAN

for  
*McMinnville Water and Light*



(Excerpt)

Attachment 4, page 1  
Continuity of OP Plan

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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

(Excerpt)



## 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.

(Excerpt)



## 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                                   |

(Excerpt)

## 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.

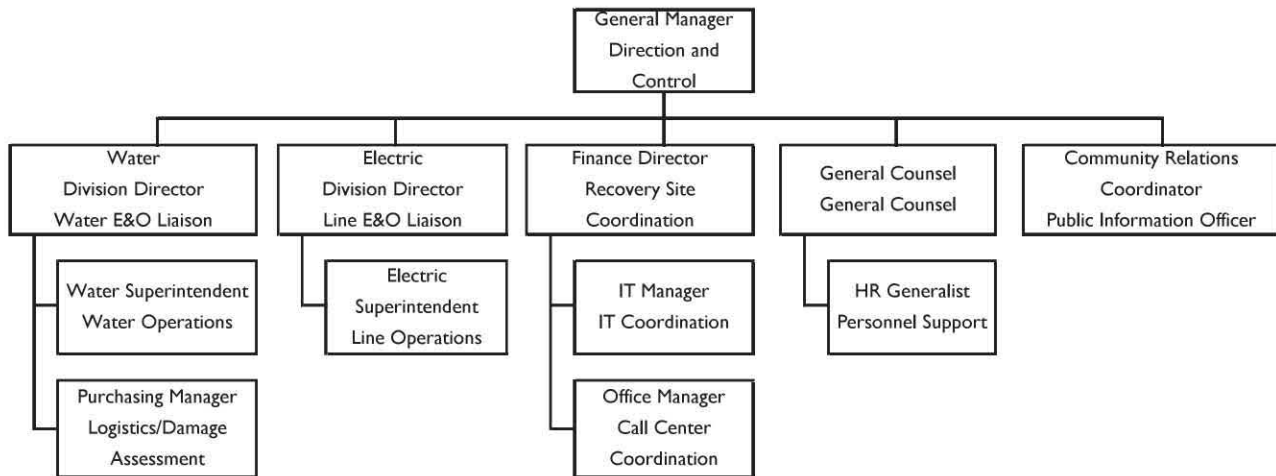
Describe to the best of your knowledge:

- 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.



## 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.

(Excerpt)

| <b>EMERGENCY RESPONSE TEAM AND DESIGNATED SUCCESSORS</b> |                                 |                             |
|--|---------------------------------|-----------------------------|
| <b>Emergency Response Team Area of Responsibility</b>    | <b>Key Position</b>             | <b>Designated Successor</b> |
| 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:

| <b>Emergency Response Team Member</b> | <b>Assessment Area</b>              |
|---------------------------------------|-------------------------------------|
| 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

(Excerpt)

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

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 2<sup>nd</sup> 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 |
|      |            |                            |
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**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        |
|--|--------------------------|
| <b>Basic Plan</b>                                    | Emergency Management     |
| <b>Functional Annexes (FAs)</b>                      |                          |
| <b>FA 1</b> Emergency Services                       | Public Works             |
| <b>FA 2</b> Human Services                           | Emergency Management     |
| <b>FA 3</b> Infrastructure Services                  | Public Works             |
| <b>FA 4</b> Recovery Strategy                        | Fire Department          |
| <b>Incident Annexes (IAs)</b>                        |                          |
| <b>IA 1</b> Severe Weather (including Landslides)    | Public Works             |
| <b>IA 2</b> Hazardous Materials (Accidental Release) | Fire Department          |
| <b>IA 3</b> Utility Failures and Resource Shortage   | Public Works             |
| <b>IA 4</b> Earthquake/Seismic Activity              | Public Works             |
| <b>IA 5</b> Volcano/Volcanic Activity                | Public Works             |
| <b>IA 6</b> Flood                                    | Public Works             |
| <b>IA 7</b> Civil Disorder and Terrorism             | Police Department        |
| <b>IA 8</b> Transportation and Industrial Incident   | Police Department        |
| <b>IA 9</b> Major Fire                               | Fire Department          |
| <b>IA 10</b> Nuclear                                 | Fire Department          |
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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**

| <b>Yamhill County ESFs</b>          | <b>City of McMinnville Function</b>               |
|-------------------------------------|---|
| ESF 2 – Communications              | Alert and Warning<br>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**

| <b>Yamhill County ESFs</b>  | <b>City of McMinnville Function</b>                                    |
|---|--|
| ESF 6 – Mass Care, Emergency Assistance, Housing and Human Services | Evacuation<br>Sheltering and Mass Care<br>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**

| <b>Yamhill County ESFs</b>           | <b>City of McMinnville Function</b> |
|--------------------------------------|-------------------------------------|
| 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**

| <b>Yamhill County ESFs</b>            | <b>City of McMinnville Function</b> |
|---------------------------------------|-------------------------------------|
| 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 |
|---|--------------------|--------------------|----------------------------------|------------------|--------------------------|--|---|--|-----------------------|----------------------------------|--|-------------|---------------------------------|-----------------------------------|-----------------------|
| <b>Key:</b><br>P – Primary<br>S – Support |                    |                    |                                  |                  |                          |  |   |  |                       |                                  |  |             |                                 |                                   |                       |
| <b>City of McMinnville</b>                |                    |                    |                                  |                  |                          |  |   |  |                       |                                  |  |             |                                 |                                   |                       |
| 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                                 |                       |
| <b>Yamhill County</b>                     |                    |                    |                                  |                  |                          |  |   |  |                       |                                  |  |             |                                 |                                   |                       |
| 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                                      |             |                                 |                                   |                       |
| <b>Special Districts</b>                  |                    |                    |                                  |                  |                          |  |   |  |                       |                                  |  |             |                                 |                                   |                       |
| 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                                      |             |                                 |                                   |                       |
| <b>Private/Non-Profit Organizations</b>   |                    |                    |                                  |                  |                          |  |   |  |                       |                                  |  |             |                                 |                                   |                       |
| 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.



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| Table 1-6 City Incident Annexes (IAs)   |  |
|---|--|
| 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

## 1. Introduction

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.

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**Table 1-7 Legal Authorities****Federal**

- 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**

- Oregon Revised Statutes 401.305 through 401.335.
- Executive Order of the Governor

**Yamhill County**


- Yamhill County Ordinance 759

**City of McMinnville**

- 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.



## 1. Introduction

| <b>Table 1-8 City Lines of Succession</b> |  |
|---|--|
| <b>Emergency Operations</b>               | <b>Emergency Policy and Governance</b> |
| 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.

**1. Introduction**

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.

| Table 2-1 City Hazard Analysis Matrix   |                                     |                                      |                                    |                                    |             |
|---|-------------------------------------|--------------------------------------|------------------------------------|------------------------------------|-------------|
| Hazard  | Rating Criteria with Weight Factors |                                      |                                    |                                    | Total Score |
|   | History <sup>1</sup><br>(WF=2)      | Vulnerability <sup>2</sup><br>(WF=5) | Max Threat <sup>3</sup><br>(WF=10) | Probability <sup>4</sup><br>(WF=7) |             |
| Score for each rating criteria =<br>Rating Factor (High = 10 points; Moderate = 5 points; Low = 1 point) X Weight Factor (WF)   |                                     |                                      |                                    |                                    |             |
| 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



## 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 |

|  |                     |                   |                   |                     |                   |
|--|---------------------|-------------------|-------------------|---------------------|-------------------|
| <b>Total Capitalized Physical Facilities</b> | <b>\$ 1,060,000</b> | <b>\$ 875,000</b> | <b>\$ 570,000</b> | <b>\$ 1,045,000</b> | <b>\$ 180,000</b> |
|--|---------------------|-------------------|-------------------|---------------------|-------------------|

|                           |            |            |            |            |            |
|---------------------------|------------|------------|------------|------------|------------|
| 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



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.

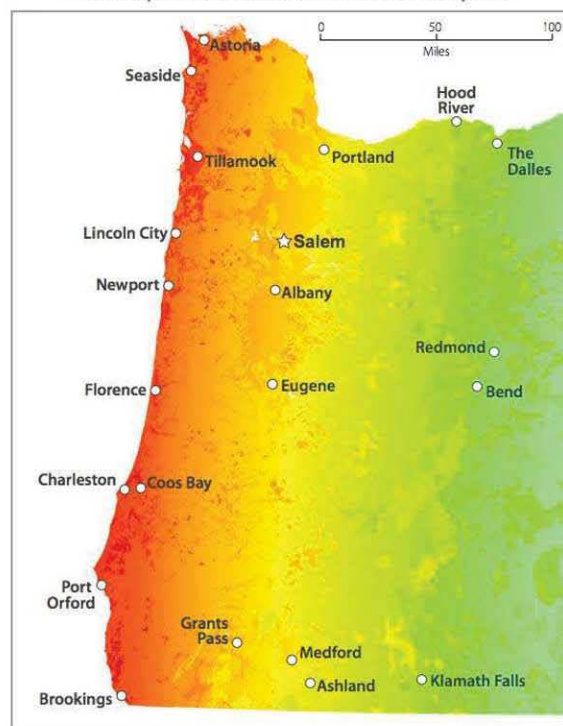
Oregon counties in the high impact areas along the coast include: Clatsop, Tillamook, Lincoln, Lane, Douglas, Coos, and Curry counties. Mid-range impacted areas include the Portland metropolitan area with Washington, Multnomah, and Clackamas counties.

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.

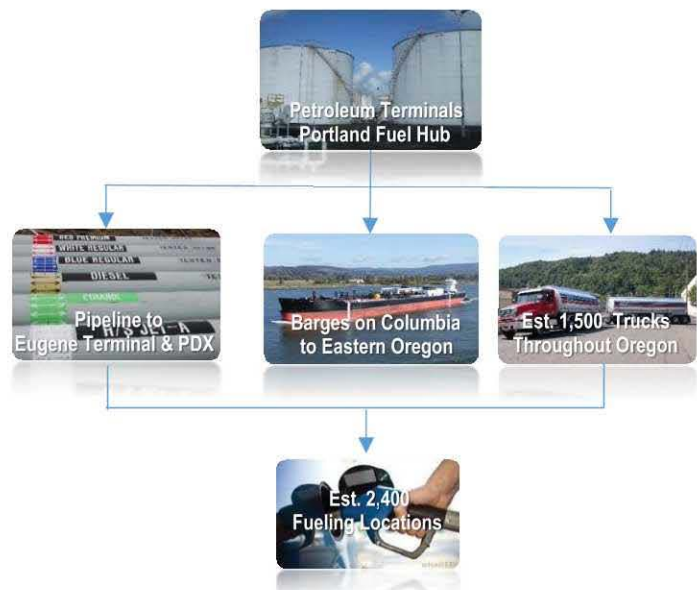
### Gasoline & Diesel Supply and Distribution System

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.....                   | up to 4 percent<br>(diesel & heating oil) |
| 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

## RECTALS:

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 T4 R4

10-19-87

K

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. Hume*  
MAYOR

ATTEST:

*Carole M. Stevens*  
RECORDER



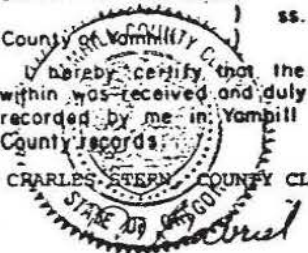
GRANTOR:

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 STEPHEN COUNTY CLERK



Page 2 of 3 Pages. DECLARATION OF DEDICATION.

10-19-87

Attachment 9, page 2  
Marsh Lane Dedication Deed

**Riverside Drive**

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

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

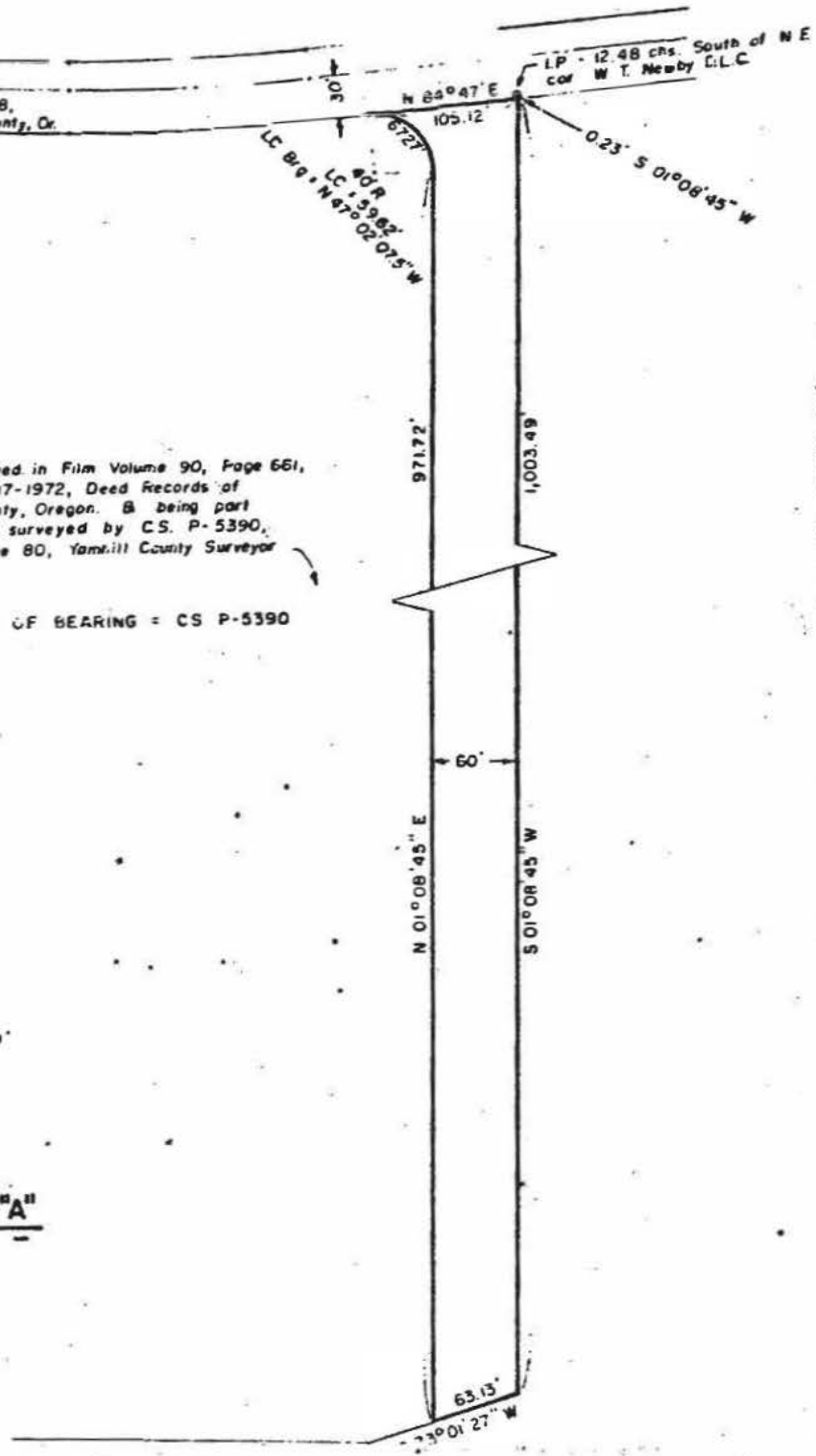
BASIS OF BEARING = CS P-5390

SCALE 1"=100'

**EXHIBIT "A"**

1987 OCT 19 PM 4:36

F217P0831



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](mailto: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

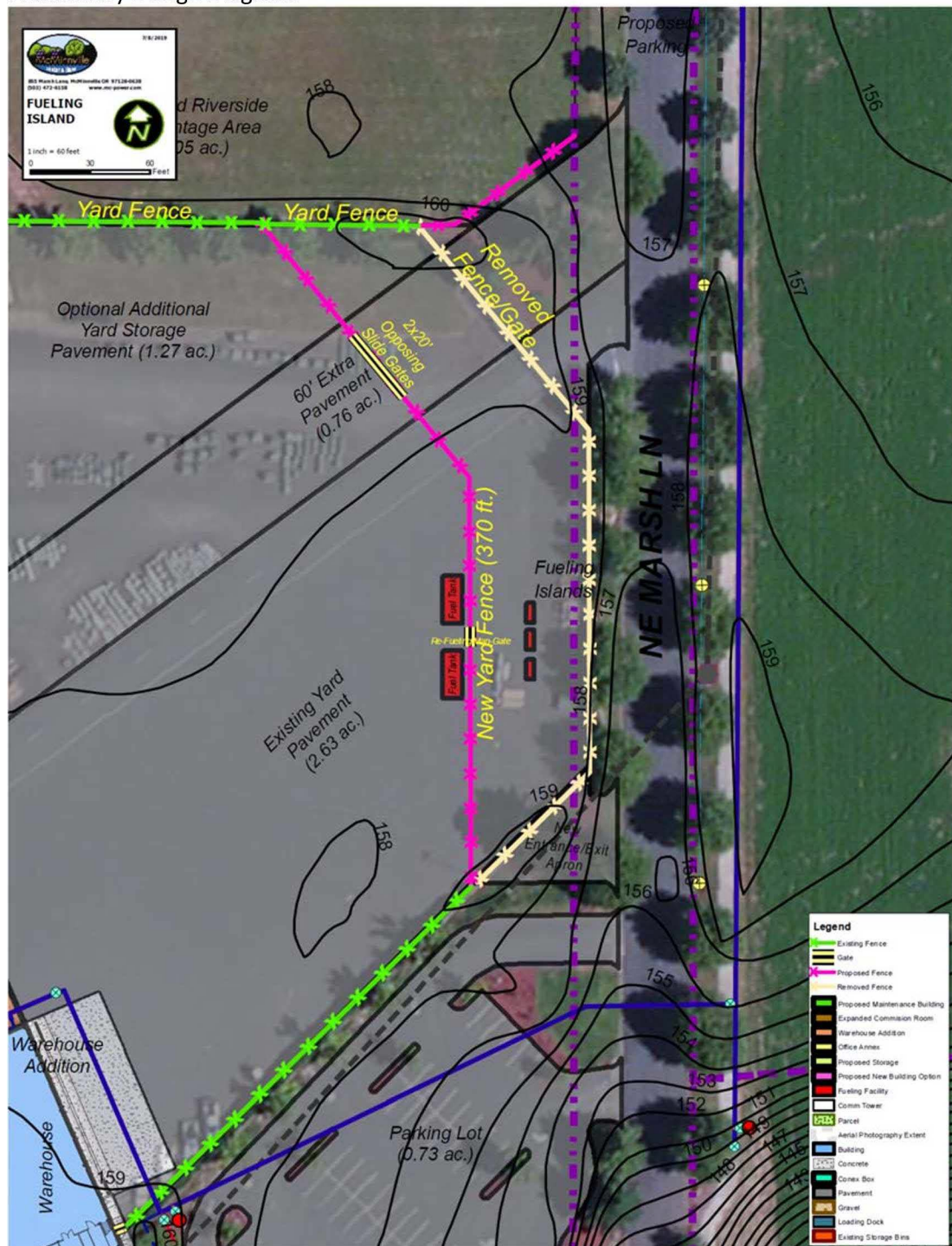
Enclosed: Preliminary Design diagram

# MCMINNVILLE WATER & LIGHT

COMMUNITY OWNED - COMMUNITY FOCUSED

PO Box 638  
855 NE Marsh Lane  
McMinnville, OR 97128  
503-472-6158 | mc-power.com

Preliminary Design Diagram:



JOHN C. DIETZ, General Manager  
TRENA MCMANUS, Clerk



LOW RATES  
RELIABLE SERVICE

WATER AND LIGHT COMMISSION: SCOTT A. HILL, Mayor | TOM TANKERSLEY, Chair | ED GORMLEY | PATRICK FUCHS | JODY C208 of 289

Attachment 10  
Letter to Neighbors

| 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                  |                     | PO BOX 638      | MCMINNVILLE | OR    | 97128 |
|         |              |                       | CITY OF MCMINNIVLLE                  | PLANNING DEPARTMENT | 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



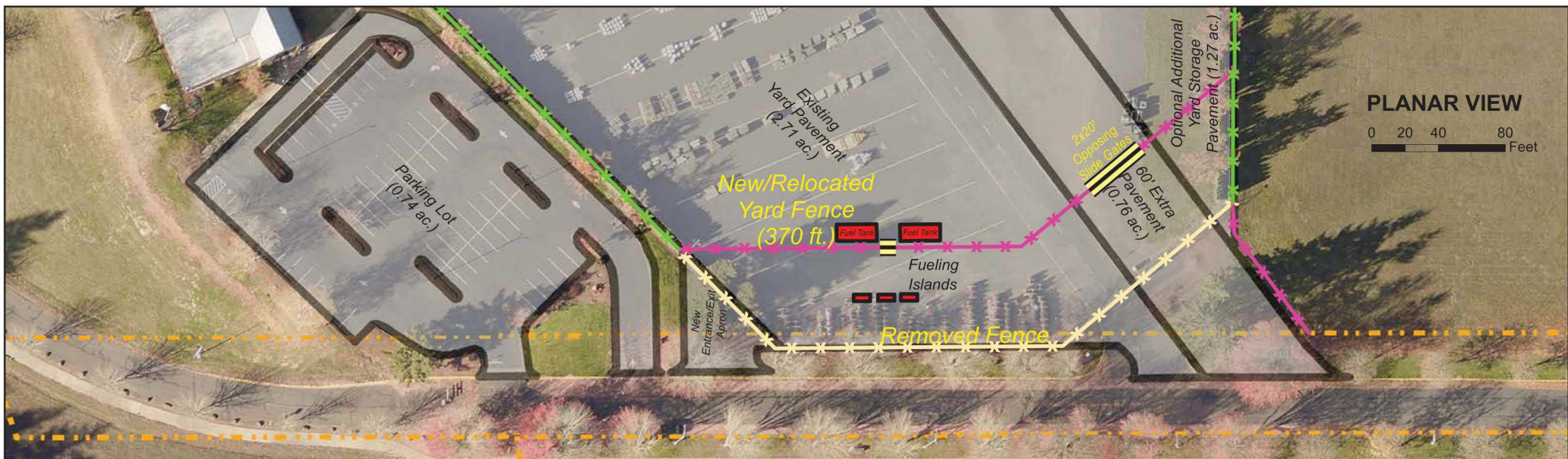
NEIGHBORHOOD  
MEETING  
FUTURE LAND USE APPLICATION  
Conditional Use Permit  
for a Fuel Station  
DATE: Wednesday  
May 6th, 2020  
TIME: 6:00 PM  
MEETING LOCATION:  
McMinnville, Oregon  
855 NE Marsh Lane,  
McMinnville, Oregon  
Call for more information: 503-471-1419





**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 Electric Utility  
503-472-6129





## MWL PROPOSED FUEL STATION



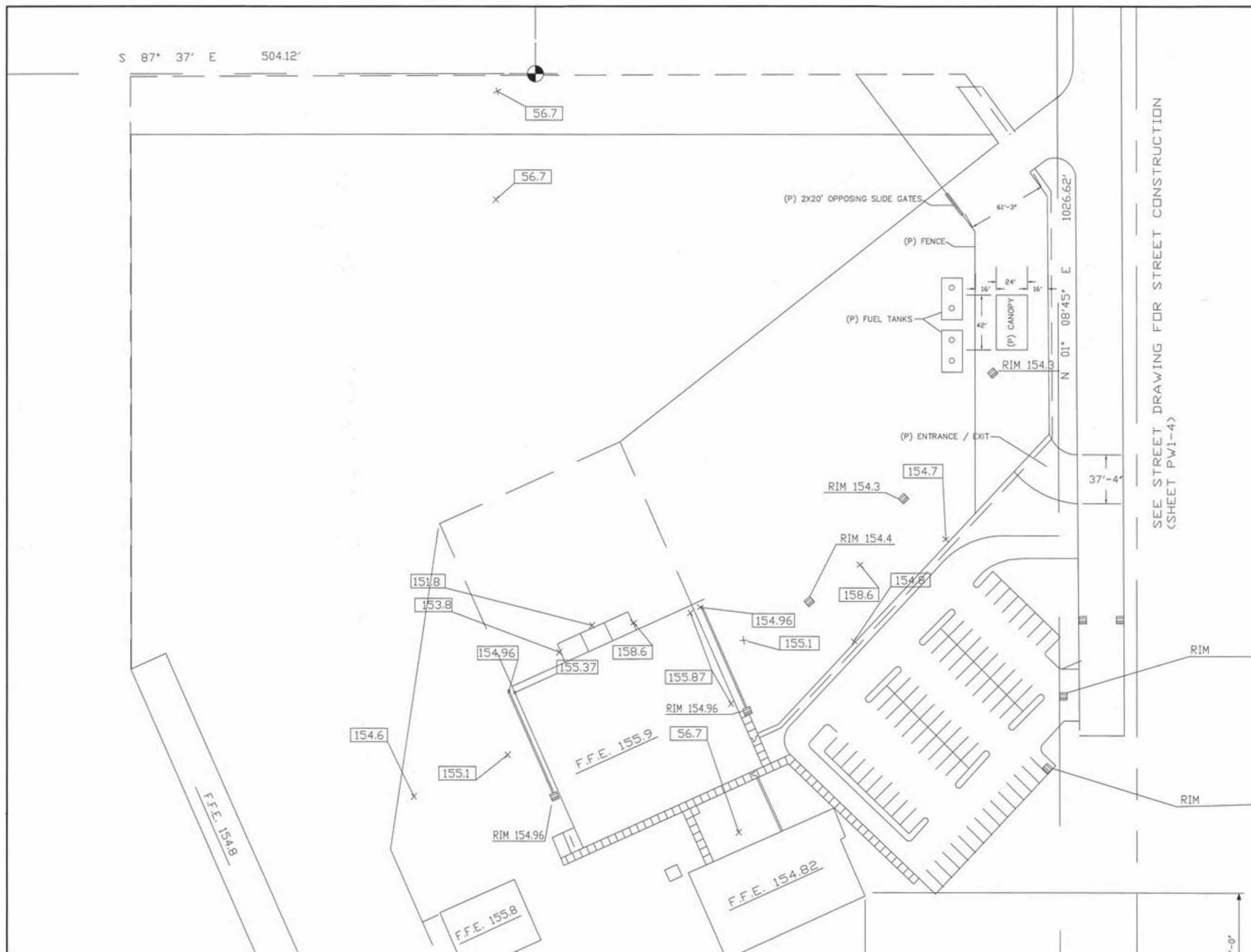












VERIFY SCALE:  
THIS BAR  
MEASURES 1" ON  
ORIGINAL DRAWING



901 NORTHWEST  
GRANTS PASS, OR 97526  
Phone: 541-476-1387 Fax: 541-474-2528  
CCB #40432



**CLIENT:**

PROJECT:

**SITE  
PLAN**

|      |
|------|
| DATE |
| JOB  |

SHEET  
A-1  
OF 1



## SIGN IN SHEET

## NEIGHBORHOOD MEETING

FUEL STATION – MW&amp;L

6PM, Wednesday, May 6, 2020; 855 NE Marsh Lane, McMinnville, Oregon

|    | Print Name: | Address:                                    | Email & Phone       |
|----|-------------|---|---------------------|
| 1. | Sam Justice | 2360 NW Grenfell Lp<br>McMinnville OR 97128 | srj@mc-power.com    |
| 2. | DEAN KAAS   | 450 NW 7th St<br>McMinnville OR 97128       | dktaus7@<br>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

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

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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

Date Signed:

04.29.2015

(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)<br>(971) 237-4643 (cell)                          |
| Bryce Niehus   | Facilities Technician                | (503) 843-3197 (home)<br>(503) 434-1933 (cell)                            |
| Bob Banke  | Equipment Supervisor                 | (503) 472-0282 (home)<br>(503) 434-1030 (cell)                            |
| Scott Rosenbalm  | Electric Distribution Superintendent | (503) 472-6158 (office)<br>(503) 434-1016 (cell)<br>(503) 472-1561 (home) |
| Robert Klein   | Water Superintendent                 | (503) 472-6158 (office)<br>(503) 583-0192 (cell)<br>(503) 474-7090 (home) |

##### ***Cleanup Contractor***

---

|   |   |                |
|---|---|----------------|
| Clearwater Environmental Services, Inc. | Wilsonville, OR<br><a href="http://www.clearwaterenv.com">www.clearwaterenv.com</a> | (888) 244-1951 |
| NRC Environmental Services Co.          | Portland, OR<br><a href="http://www.nrcc.com">www.nrcc.com</a>                      | (800) 337-7455 |
| NWFF Environmental                      | Philomath, OR<br><a href="http://www.nwffenviro.com">www.nwffenviro.com</a>         | (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





|  |                                |
|--|--------------------------------|
| Appendix A-1: Aerial Photograph                | MW&L SPCC Plans/ MW&L Facility |
| Downloaded from ©Google Maps on March 13, 2017 | 03/13/2017                     |





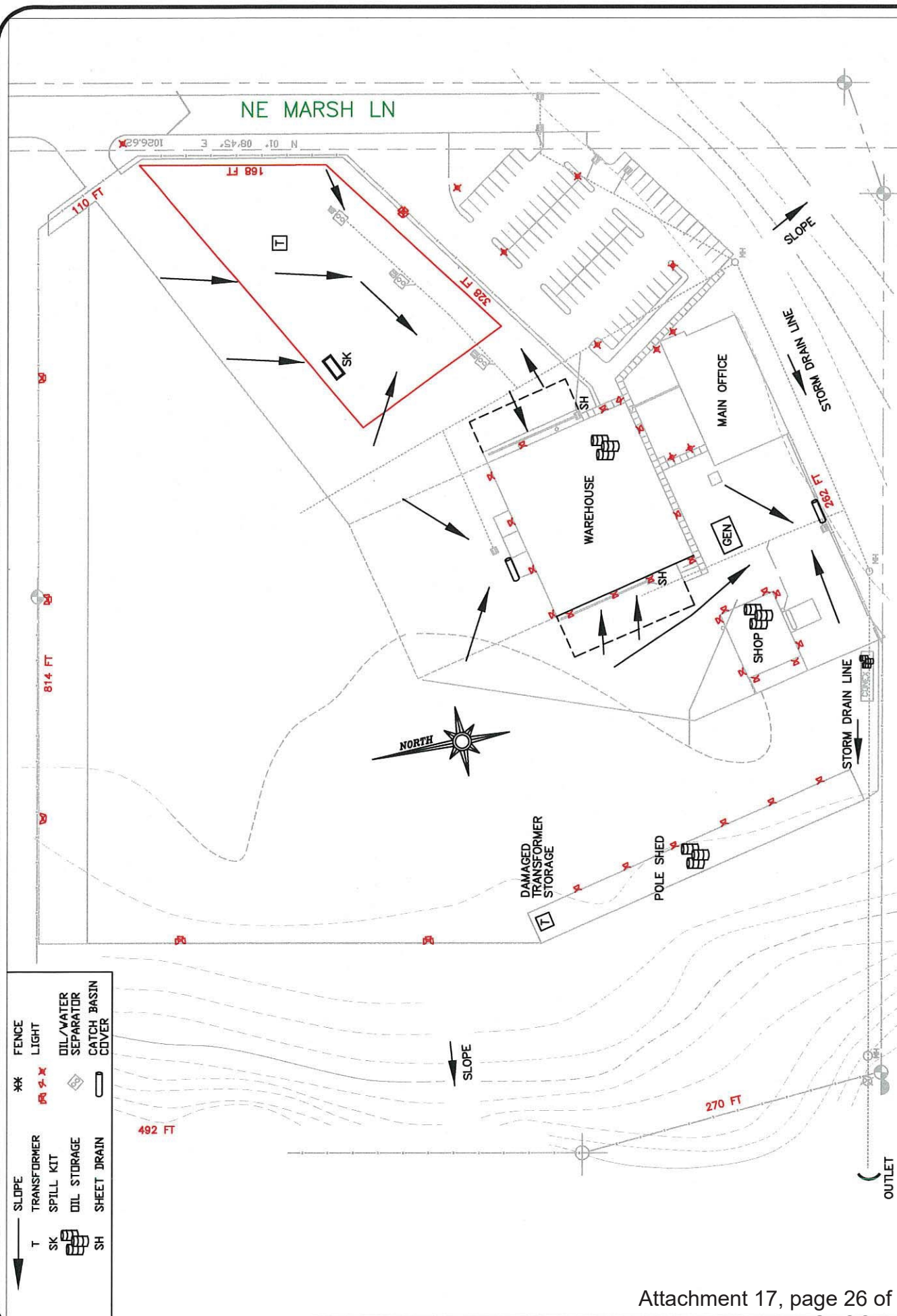
#### Site Location

NE ¼ 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                     |

Attachment 17, page 25 of 61  
 SPCC Plan





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

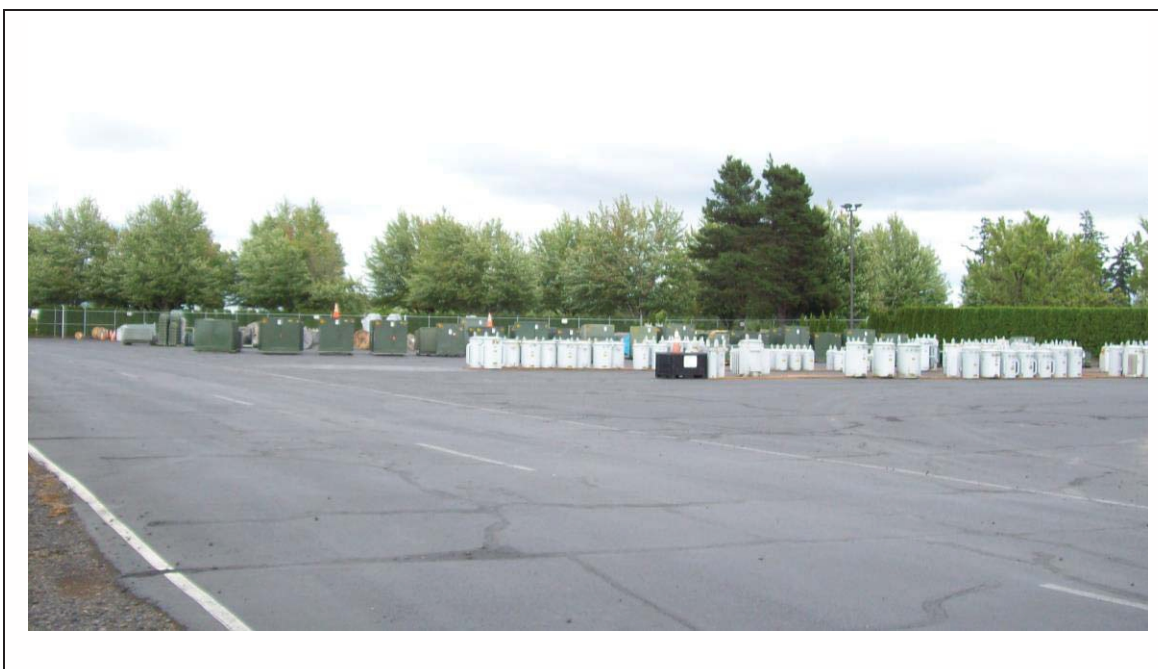
ITS 4-4-22  
DATE 5/13/15  
SCALE NA







Transformer Storage Area



Transformer Storage Area

|                                      |   |
|--------------------------------------|---|
| <b>Appendix A-4: Facility Photos</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b>     |
| <b>Page 1 of 6</b>                   | <b>03/10/2017</b>                                 |
|                                      | <b>Attachment 17, page 27 of 61<br/>SPCC Plan</b> |



Transformer Disposal Storage Area



Spill Response Supplies Kit



Facility Generator

|   |  |
|---|--|
| <p><b>Appendix A-4: Facility Photos</b></p> | <p><b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b></p> |
| <p><b>Page 2 of 6</b></p>                   | <p><b>03/10/2017</b></p>                             |

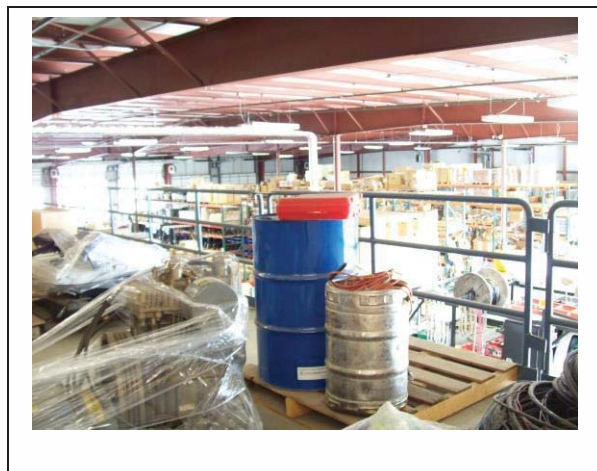




Conex Building for Maintenance Supplies



Drums in Conex Building



Drum on Mezzanine of Warehouse

|   |  |
|---|--|
| <p><b>Appendix A-4: Facility Photos</b></p> | <p><b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b></p> |
| <p><b>Page 3 of 6</b></p>                   | <p><b>03/10/2017</b></p>                             |
|   | <p>Attachment 17, page 29 of 61<br/>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><b>Appendix A-4: Facility Photos</b></p> | <p><b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b></p> |
| <p><b>Page 4 of 6</b></p>                   | <p><b>03/10/2017</b></p>                             |
|   | <p>Attachment 17, page 30 of 61<br/>SPCC Plan</p>    |



Catch Basin Cover near Catch Basin in Freight Ramp Area



Catch Basin Cover near Catch Basin by Southern Fence

|                                      |   |
|--------------------------------------|---|
| <b>Appendix A-4: Facility Photos</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b>           |
| <b>Page 5 of 6</b>                   | <b>03/10/2017</b>                                       |
|                                      | <b>Attachment 17, page 31 of 61</b><br><b>SPCC Plan</b> |





Sheet Drain Plugs Located Above Key Holders in Warehouse



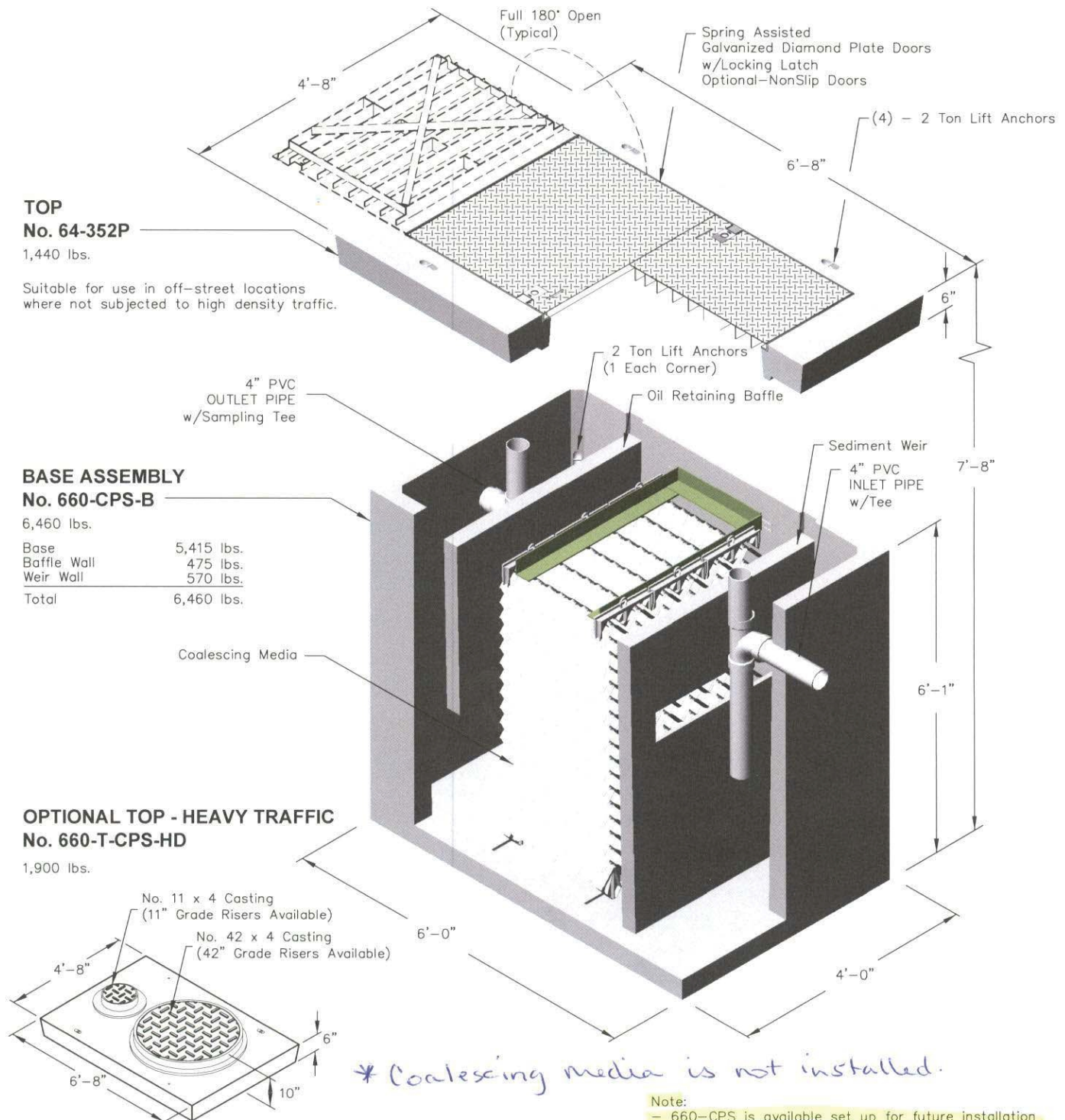
Drums in the shop


|                               |                                |
|-------------------------------|--------------------------------|
| Appendix A-4: Facility Photos | MW&L SPCC Plans/ MW&L Facility |
| Page 6 of 6                   | 03/10/2017                     |



# 660-CPS

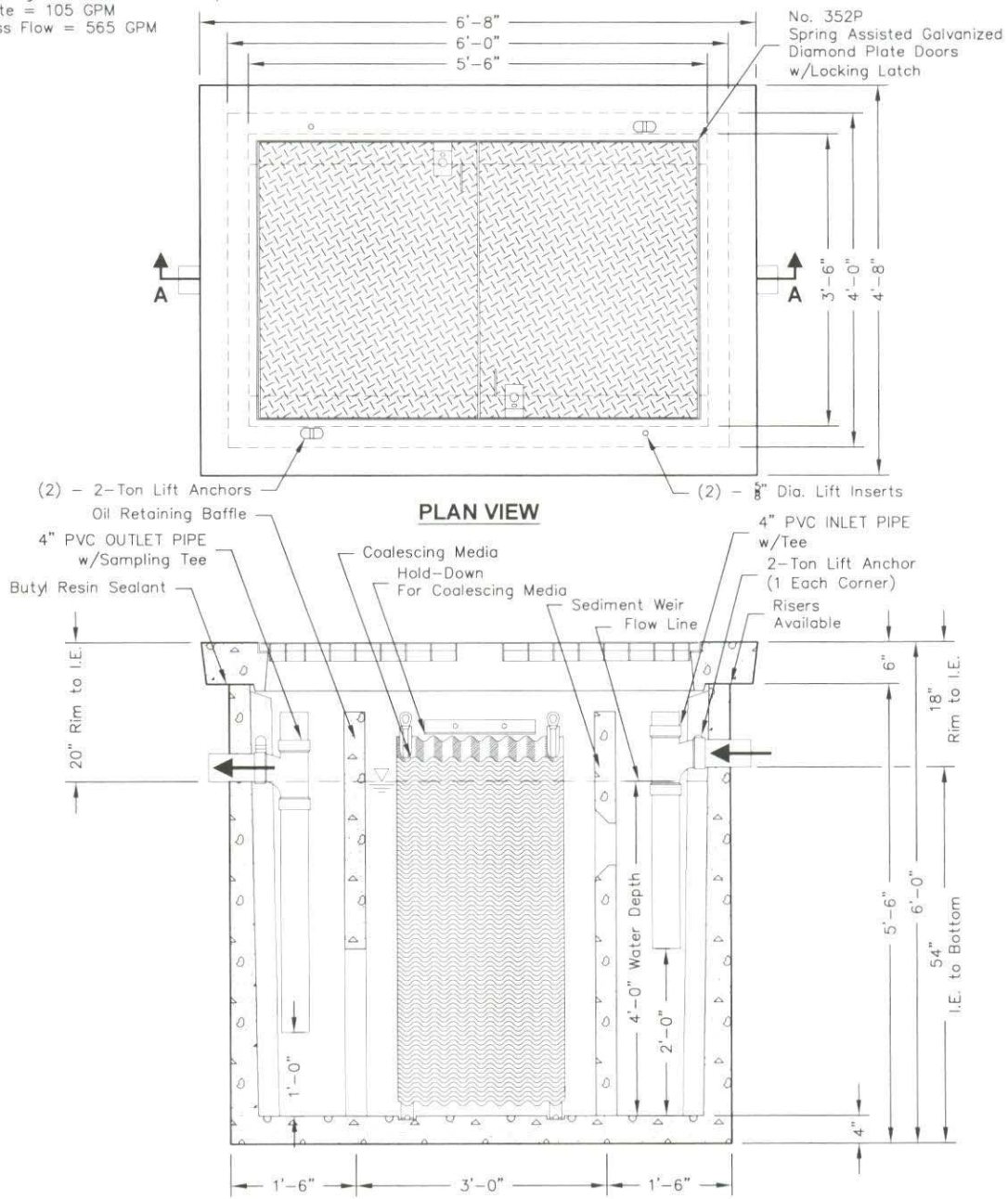
Projected Coalescing Plate Area = 444 Sq.Ft.  
 \*Design Flow Rate = 105 GPM (see back page)  
 Maximum Process Flow = 565 GPM



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

# 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.

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

\* 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           |



**Oldcastle Precast®**

PO Box 323, Wilsonville, Oregon 97070-0323  
 Tel: (503) 682-2844 Fax: (503) 682-2657

## 660-CPS

File Name: 020ECO660CPS2

Issue Date: Revised 3-19-12

[oldcastleprecast.com/wilsonville](http://oldcastleprecast.com/wilsonville)

## 660-CPS

**OIL / WATER SEPARATOR  
 COALESCING - 105 GPM**

## 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      |

|  |   |
|--|---|
| <b>Appendix A-6: Inventory of Oil-Filled Equipment</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b> |
| <b>Inventory taken March 3, 2017</b>                   | <b>03/03/2017</b>                             |



## 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 flow 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 opens 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:<br>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,<br>GAL. | TOTAL<br>GALLONS | PCB | TYPE OF OIL | PREDICTED DIRECTION<br>OF SPILL  | CONTAINMENT<br>METHOD   |      |  |  |  |
|-----------------------------|----------------------|-------------|-------|----------|-------------------|------------------|-----|-------------|--|---|------|--|--|--|
| Transformer<br>Storage Yard | Transformer          | Pole        | 167   | 2        | 57                | 114              | ≤1  | Mineral Oil | Onto sealed pavement,<br>and into the catch basin.<br>From the catch basin,<br>the spill will reach one<br>of three oil/water<br>separators. If the oil/<br>water separator should<br>fail, oil will enter storm<br>drain piping until it open<br>airs to drainage<br>channel, and then flow<br>south until it reaches the<br>South Yamhill River. | Curbing, drain<br>protectors and oil<br>containing equipment.<br>Oil/water separators in<br>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<br>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,<br>GAL. | TOTAL<br>GALLONS | TYPE OF OIL      | PREDICTED<br>DIRECTION OF<br>SPILL | CONTAINMENT<br>METHOD                                 |
|--------------------|------|----------|-------------------|------------------|------------------|------------------------------------|---|
| Mechanical<br>Shop | Drum | 1        | 55                | 55               | Transmission Oil | Onto floor of<br>mechanical shop   | Any spill will be<br>contained inside<br>the building |
|                    |      | 4        | 55                | 220              | Motor Oil        |                                    |   |
|                    | Tank | 1        | 250               | 250              | Used Oil         |                                    |   |
|                    |      | TOTAL    |                   | 525              |                  |                                    |   |

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



### Warehouse

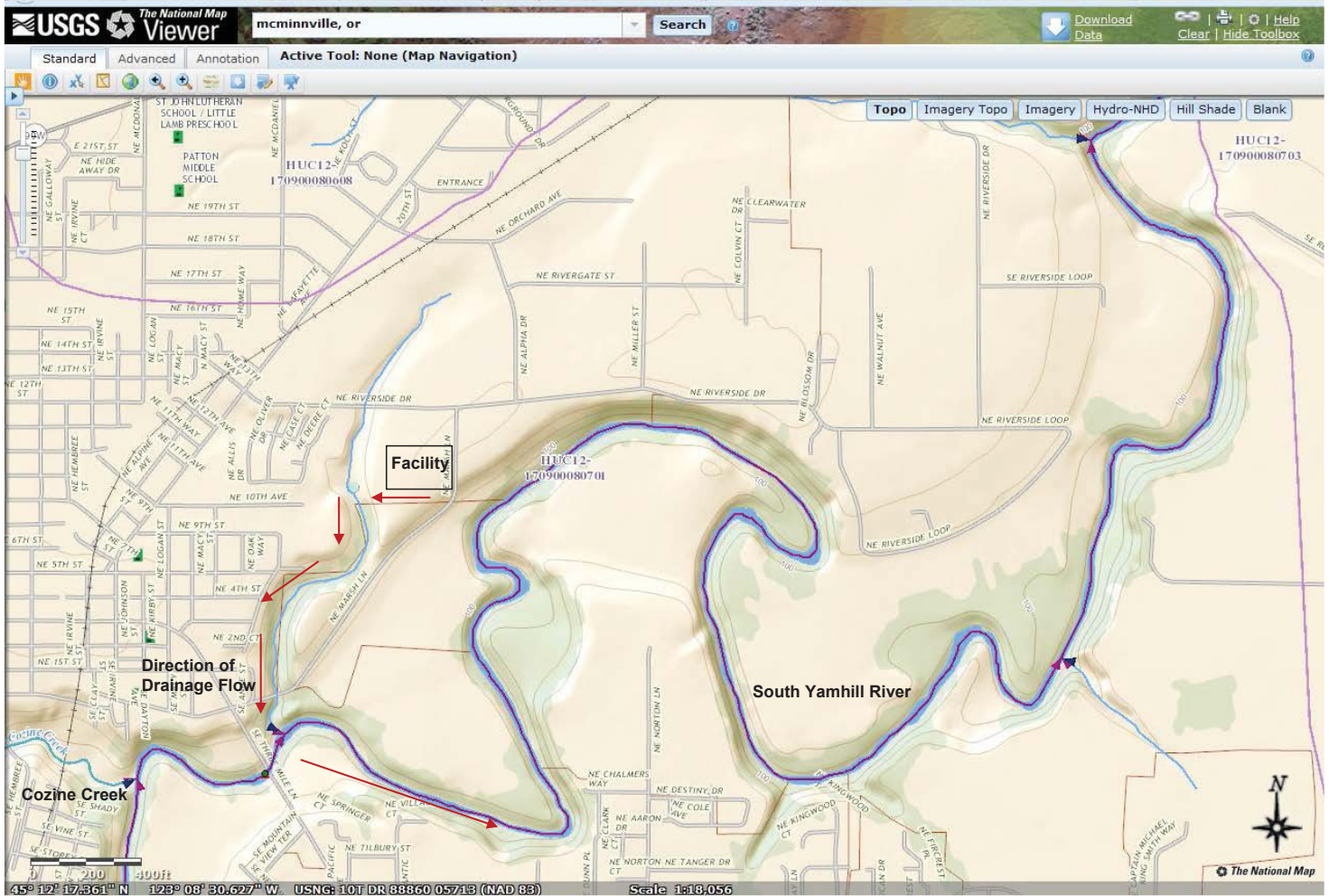
| LOCATION  | ITEM | QUANTITY | GALLONS | TOTAL GALLONS | TYPE OF OIL     | PREDICTED DIRECTION OF SPILL | CONTAINMENT METHOD  |
|-----------|------|----------|---------|---------------|-----------------|------------------------------|---|
| Warehouse | Drum | 1        | 55      | 55            | Transformer 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:<br>Potential Discharges Due to Equipment Failure | MW&L SPCC Plans/ MW&L Facility |
| Page 4 of 4  | 3/13/2017                      |

## **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



**Appendix B-1: Map of Facility and Nearby Waterways**

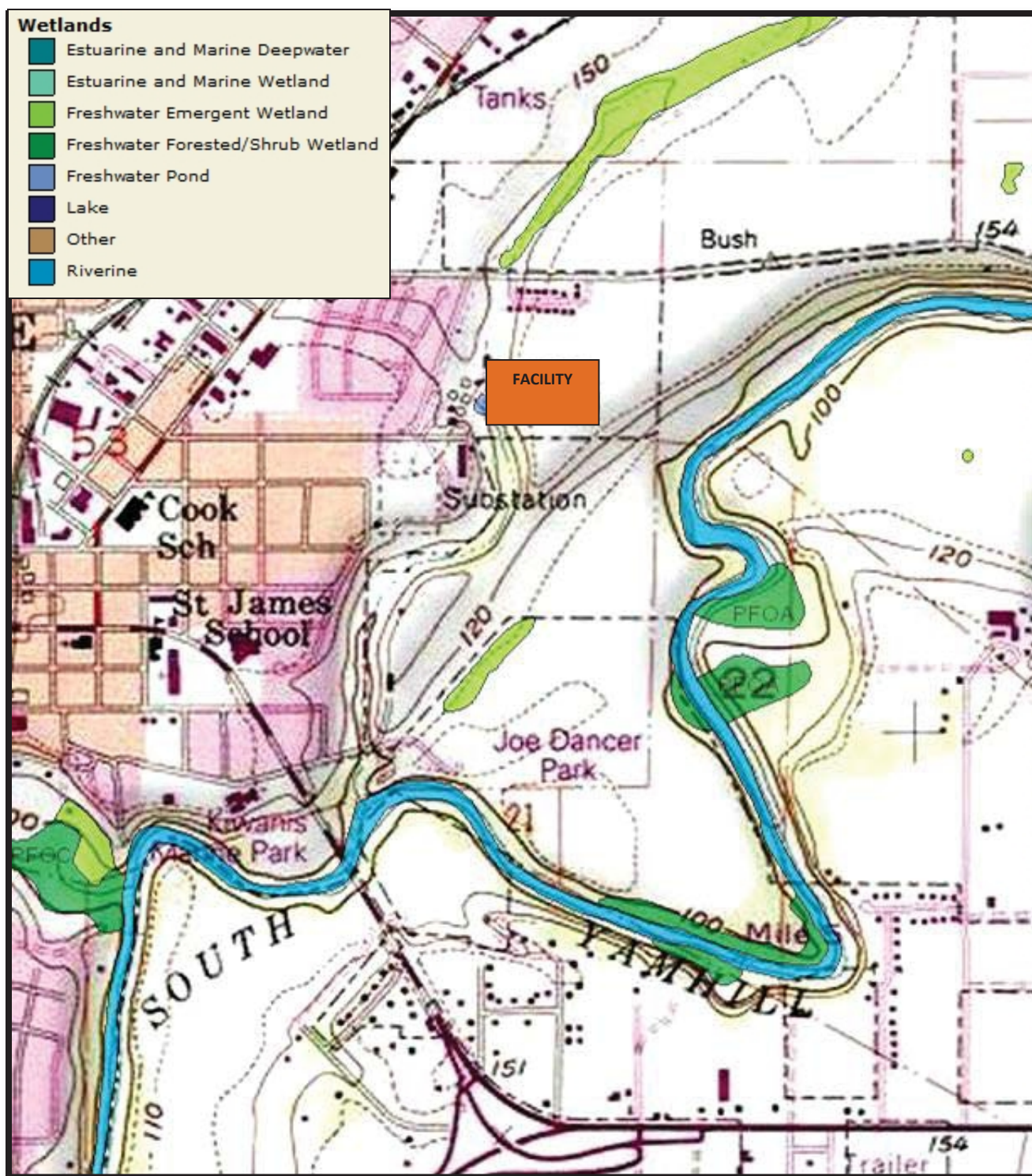
**McMinnville Water & Light SPCC Plans/ MW&L Facility**

Downloaded from National Maps on May 29, 2014

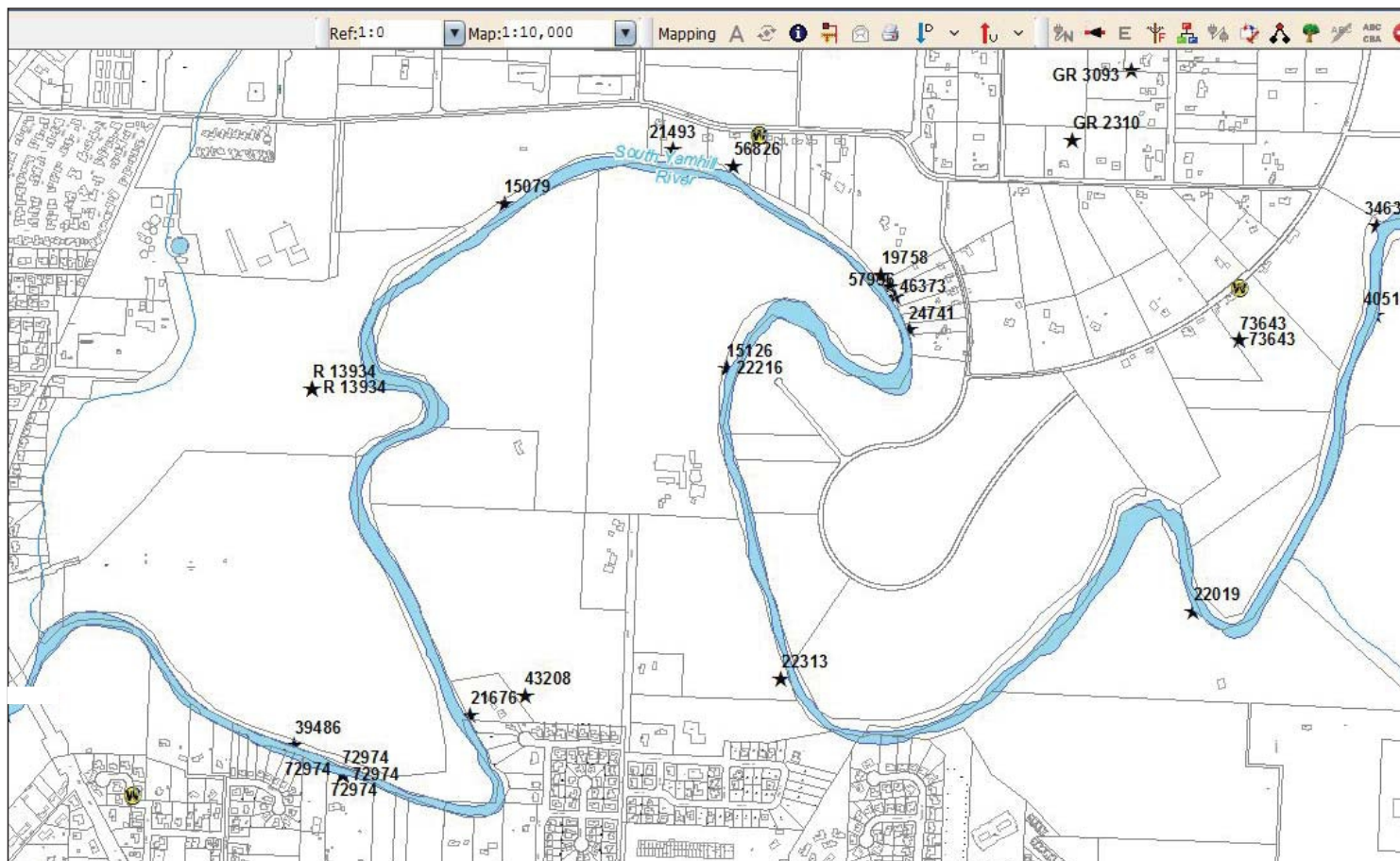
04/27/2015

Attachment 17, page 41 of 61  
SPCC Plan





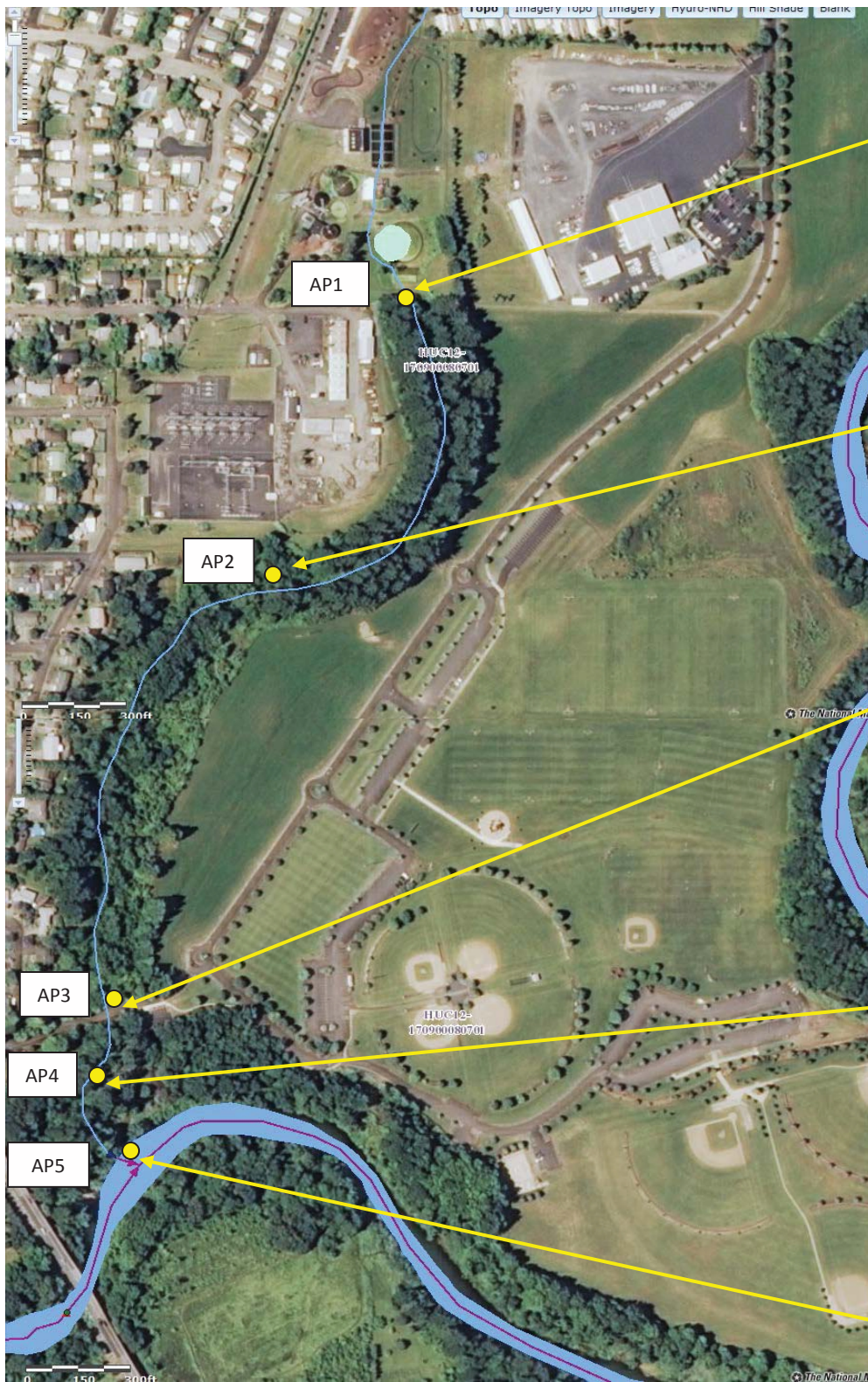
|  |                                |
|--|--------------------------------|
| Appendix B-2: Wetland Map                                  | MW&L SPCC Plans/ MW&L Facility |
| Downloaded from National Wetland Inventory on May 29, 2014 | 04/27/2015                     |



|   |                                |
|---|--------------------------------|
| 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                     |

Attachment 17, page 43 of 61  
SPCC Plan





|  |                                |
|--|--------------------------------|
| Appendix B-4: Drainage Access Points               | MW&L SPCC Plans/ MW&L Facility |
| Downloaded from USGS National Maps on May 29, 2014 | 04/27/2015                     |



## **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**

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| <b>Appendix C-1: EPA Fact Sheet</b> | <b>MW&amp;L SPCC Plans</b>          |
| <b>Page 1 of 3</b>                  | <b>Attachment 17, page 46 of 61</b> |

- 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](http://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](http://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 6<sup>th</sup> 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

|                                     |   |
|-------------------------------------|---|
| <b>Appendix C-1: EPA Fact Sheet</b> | <b>MW&amp;L SPCC Plans</b>                              |
| <b>Page 3 of 3</b>                  | <b>Attachment 17, page 48 of 61</b><br><b>SPCC Plan</b> |

## 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.

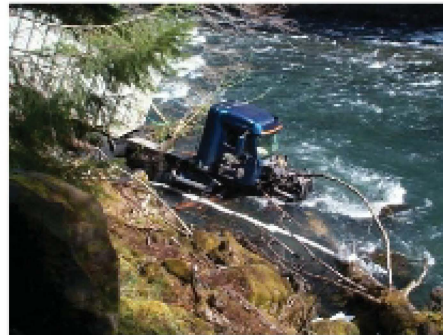
### Other actions to take

- 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](http://www.oregon.gov/DEQ/LQ)



State of Oregon  
Department of  
Environmental  
Quality

### Emergency Response

811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: 503-229-6931  
Fax: 503-229-6954  
Contact: Mike Zollitsch  
[zollitsch.michael@deq.state.or.us](mailto: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](mailto: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](mailto:gebb.wes@deq.state.or.us)

### Eastern Region

East of Cascades  
Mike Renz  
541-633-2004  
[renz.mike@deq.state.or.us](mailto: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 |

|   |   |
|---|---|
| <b>Appendix C-3: Spill Cleanup Supplies</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b> |
|   | <b>04/27/2015</b>                             |



## 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.

|                                      |   |
|--------------------------------------|---|
| <b>Appendix C-4: PCB Calculation</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b> |
| <b>Page 1 of 2</b>                   | <b>04/27/2015</b>                             |

**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:  $0.91 \text{ specific gravity} \times 8.34 \text{ pounds/gallon} = 7.589 \text{ pounds/gallon}$

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 formula<sup>1</sup>) 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 formula<sup>1</sup>) 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 |
|--|--------|---|---------|
| <b>Lunch Room</b>                      |        |   |         |
| 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 |         |
| <b>Parking Garage</b>                  |        |   |         |
| Floor Clean, Dry, Free of Oil          | Y      | N |         |
| Materials & Equip. Storage Neat        | Y      | N |         |
| Lighting OK                            | Y      | N |         |
| <b>Storage Yard</b>                    |        |   |         |
| 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

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Completion Date

Persons notified

History of Revisions

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| <b>Appendix D-3: Notification of Change Form</b> | <b>McMinnville Water and Light SPCC Plans</b> |
|  | <b>04/27/2015</b>                             |



## MW&L SPILL NOTIFICATION FORM

| Part A: Basic Spill Data   |   |  |
|--|---|--|
| <b>Type of Spilled Fluid:</b>  | <b>Notification Person:</b>   |  |
| <b>Estimated Quantity Released:</b>  | <b>Spill Date and Time:</b>   |  |
| <b>Location of Spill:</b><br><br><div style="display: flex; justify-content: space-between;"> <div> McMinnville Water &amp; Light<br/> Main Facility<br/> 855 NE Marsh Lane<br/> McMinnville, OR 97128<br/> (503) 472-6158 </div> <div> Lat: 45.2141,<br/> Long: -123.1758 </div> </div> | <b>Discovery Date and Time:</b>   |  |
|  | <b>Spill Duration:</b>  |  |
|  | <b>Release to:</b> air                      well                      soil<br>sewer                      containment<br>other _____ |  |
| <b>Owner / Company Name:</b><br>McMinnville Water & Light<br>855 Marsh Lane<br>PO Box 638<br>McMinnville, OR 97128<br>Facility: 503-472-6158 / 24 hr.: 503-472-6158  | <b>EQUIPMENT ID #:</b><br><br>  |  |
| <b>PCB:</b><br><br>  |   |  |
| <b>Nature of spill and any environmental or health effects:</b>  |   |  |
| Part B: For Spills that Reach Groundwater or Surface Water: Notification Checklist   |   |  |
| <b>Spill Type</b>  | <b>Notification Date and Time</b>   | <b>Name of Person that Received Call</b> |
| Oregon Emergency Response Center<br>1-800-452-0311   |   |  |
| EPA Region 10<br>1-206-553-1263  |   |  |
| National Response Center<br>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.

|   |   |
|---|---|
| <b>Appendix D-4: MW&amp;L Spill Notification Form</b> | <b>MW&amp;L SPCC Plans/ MW&amp;L Facility</b> |
|   | <b>04/27/2015</b>                             |

# 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:

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## 6 - ADDITIONAL INFORMATION

- a. Provide a description or plan outlining the list of actions to be taken to prevent future releases from occurring.

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## 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](mailto:DOSPILLS@deq.state.or.us)



Photo No.1: This is a photo illustrating the canopy over the two fueling station dispersers.





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.



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE  
PLANNING COMMISSION REVIEW OF A  
CONDITIONAL USE PERMIT  
855 NE MASRH LN.**

NOTICE IS HEREBY GIVEN that an application for a conditional use permit has been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding the application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Tom Schauer with any questions at 503-474-5108, or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** CU 2-20 (Conditional Use Permit)

**REQUEST:** Request for approval of a conditional use permit to allow for the construction and operation of a fueling station facility, primarily for fueling McMinnville Water & Light fleet vehicles, also providing at least mutual aid (emergency use) for City of McMinnville fleet vehicles. The proposed facility will have access via Marsh Lane, and will occupy approximately one-half acre of the property. The proposed facility is comprised of two above-ground tanks and a card lock fueling pump kiosk under a permanent canopy. The applicant is requesting approval of two options which differ in access and fencing configuration, but are otherwise the same proposed facilities in the same location.

**APPLICANT:** City of McMinnville, acting by and through its Water and Light Commission (McMinnville Water and Light), c/o Samuel R. Justice, General Counsel

**SITE LOCATION(S):** 855 NE Marsh Ln. (see attached map)

**MAP & TAX LOT(S):** R4421 00100

**ZONE(S):** M-1 (Light Industrial)

**MMC REQUIREMENTS:** McMinnville Municipal Code (MMC) Section 17.74.030  
(see reverse side for specific review criteria)

**NOTICE DATE:** July 31, 2020

**PUBLIC HEARING DATE:** August 20, 2020 at 6:30 P.M.

**HEARING LOCATION:** Zoom Online Meeting:  
<https://mcminnvilleoregon.zoom.us/j/96993146808?pwd=WUdQRzRjWkdscDVKNuJkaFhxYFBzdz09>  
Meeting ID: 969 9314 6808  
Passcode: 921023  
(See below for more detailed instructions on how to join Zoom meeting)



**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either approve or deny the application.

Persons are hereby invited to attend (via Zoom – please see instructions below) the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person (via Zoom – please see instructions below), by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). The materials can also be made available at the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon. However, due to the COVID-19 public health emergency, the Planning Department office is closed to walk-in customers. If you cannot access the materials electronically, please call the Planning Department at (503) 434-7311 to request a copy of the materials, and staff will assist in making the materials available physically by appointment and in a manner that meets social distancing requirements.

**Appeal:** Failure to raise an issue in person (via Zoom – please see instructions below) or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Commission to respond to the issue precludes an action for damages in circuit court.

**Invitation to Zoom Meeting:** The public is invited and welcome to attend the Planning Commission meeting. Due to the COVID-19 public health emergency and in accordance with Governor Kate Brown's Executive Order, the Planning Commission meeting is being held virtually through the Zoom meeting software to avoid gatherings and allow for social distancing. The Planning Department encourages those that are interested in participating and have access to technology to access the Zoom meeting online or through the call in options (see below for details).

The public may join the Zoom meeting online here:

<https://mcminnvilleoregon.zoom.us/j/96993146808?pwd=WUdQRzRjWkdscDVKNUNJKaFhxbFBzd09>

Meeting ID: 969 9314 6808

Passcode: 921023

The public may also join the Zoom meeting by phone by following the instructions below:

+1 669 900 9128 US (San Jose)

Meeting ID: 942 3599 8716

If you do not have access to a telephone or computer to participate in the meeting, a conference room with access to a computer to participate in the Zoom Online Meeting can be provided at the Community Development Center at 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128. Please call the Planning Department at (503) 434-7311 at least 24 hours in advance of the meeting for assistance. Participation in the conference room will be limited to accommodate social distancing guidelines and will be provided on a first-come, first-served basis.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

## **REVIEW CRITERIA:**

### **MMC Section 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:

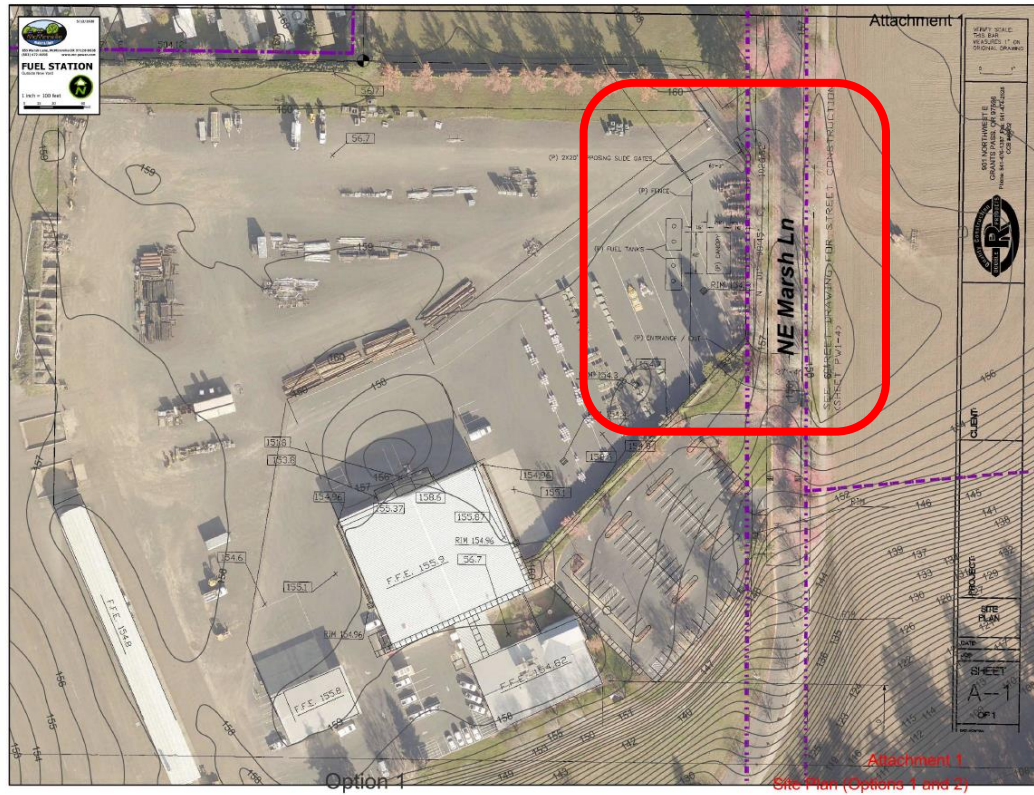
- A. The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with 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.

### **Comprehensive Plan Goals and Policies:**

All applicable goals and policies apply to this request.

## SITE PLAN OF PROPOSED FUELING STATION:

### Option 1:

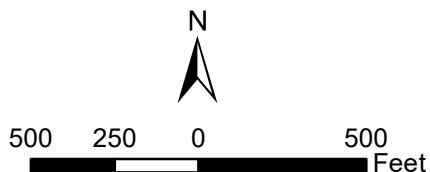
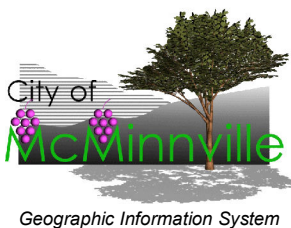
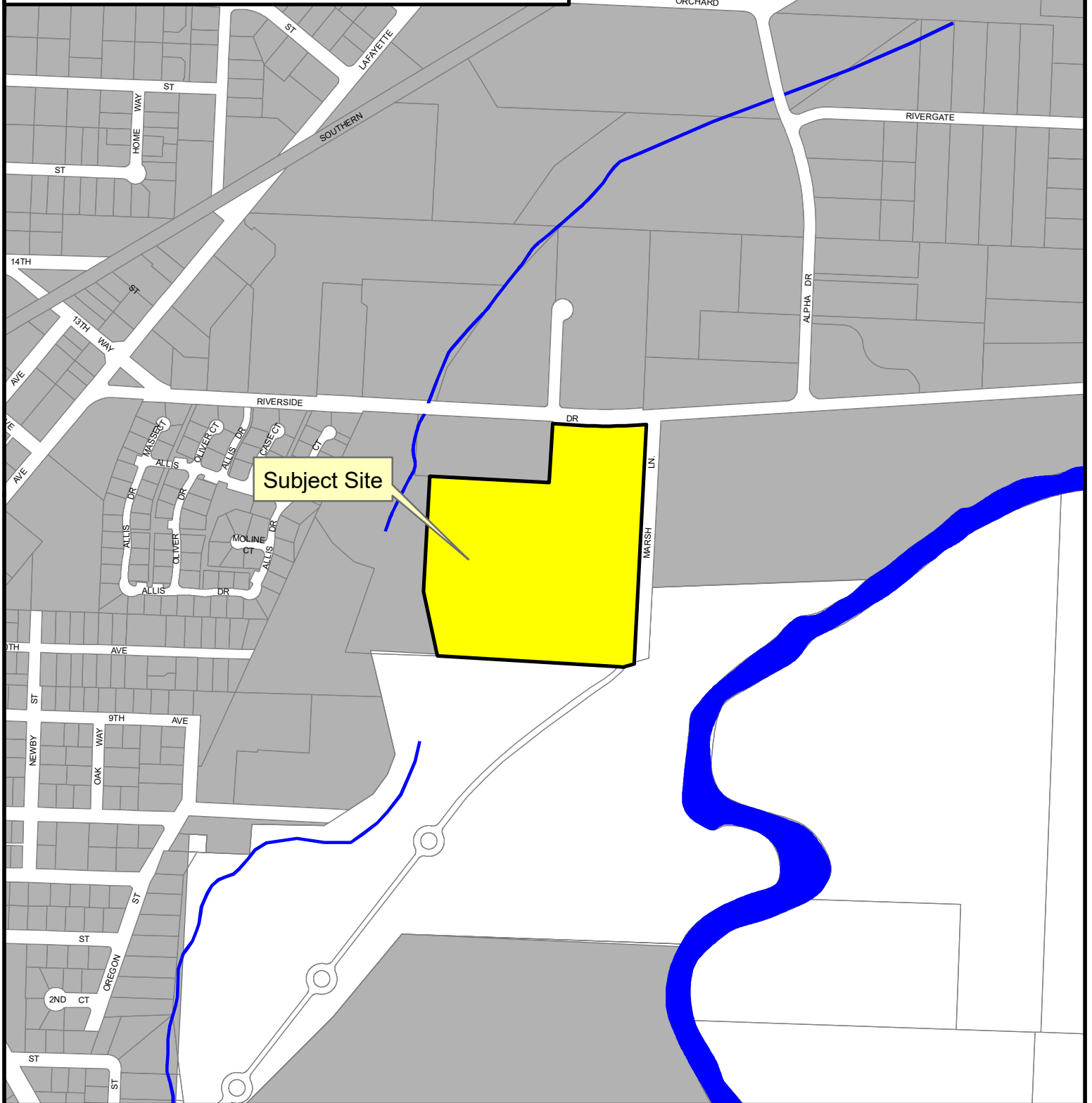


### Option 2:





# Vicinity Map



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

## CU 2-20

| 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                  |                 | 230 NE 2ND      | MCMINNVILLE | OR    | 97128 |
| 5       | R4421 00100  | 855 NE MARSH LN      | MCMINNVILLE CITY OF                  |                 | 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 WATER & LIGHT            | SAMUEL JUSTICE  | PO BOX 638      | MCMINNVILLE | OR    | 97128 |
| 8       | R4421 00400  | 1625 SE BROOKS LN    | MCMINNVILLE WATER & LIGHT            |                 | PO BOX 638      | MCMINNVILLE | OR    | 97128 |
| J       | R4422 02200  |                      | MCMINNVILLE WATER & LIGHT            |                 | PO BOX 638      | MCMINNVILLE | OR    | 97128 |

Date Sent 7/31/2020  
Sent By SA  
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