



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

**City Council Meeting Agenda
Tuesday, February 12, 2019
6:15 p.m. – Work Session
7:00 p.m. – Regular Council Meeting**

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

6:15 PM – WORK SESSION – COUNCIL CHAMBERS

1. Call to Order
2. Proposed City Code Amendments – Code Compliance
3. Adjournment

7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.*
4. ADVICE/ INFORMATION ITEMS
 - a. Reports from Councilors on Committee & Board Assignments
 - b. Department Head Reports
 - c. Cash and Investment Report - November
5. CONSENT AGENDA
 - a. Consider the Minutes of the November 13th, 2018, November 27th, 2018, and December 11th, 2018 Work Sessions and Regular Meetings.
 - b. Consider OLCC request for a Winery 1st location license from J Craw located at 1722 N Highway 99W Ste. #3.
 - c. Consider OLCC request for a limited on-premises license from Roth's IGA Foodliner Incorporated located at 1595 SW Baker Street.
6. CONSIDER NOISE VARIANCE REQUEST FROM MS. PAULSEN FOR JUNE 15TH, 2019.
7. PRESENTATION OF MAYOR'S PILLAR OF THE COMMUNITY AWARDS TO ERIN STEPHENSON AND KELLIE MENKE

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made a least 48 hours before the meeting to the City Recorder (503) 435-5702 or melissa.grace@mcminvilleoregon.gov.

8. JOINT MEETING MCMINNVILLE URBAN RENEWAL AGENCY MEETING & MCMINNVILLE CITY COUNCIL

- a. Call to Order
- b. Presentation: Audit Report for Fiscal Year 2017-2018 presented by Merina & Company
- c. Adjournment of Joint Meeting

9. RECOGNITION OF ENGINEERING EXCELLENCE AWARD 2019 – NE ALPINE AVENUE RECONSTRUCTION

10. RESOLUTIONS

- a. Consider **Resolution No. 2019-11**: A Resolution accepting the McMinnville Urban Renewal Agency Annual Report for Fiscal Year Ending June 30th, 2018.
- b. Consider **Resolution No. 2019-12**: A Resolution amending a Personal Services Contract with ECONorthwest.
- c. Consider **Resolution No. 2019-13**: A Resolution naming the property known as ‘NW Neighborhood Park’ as the Jay Pearson Neighborhood Park.
- d. Consider **Resolution No. 2019-14**: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

11. ORDINANCE

- a. Consider Second Reading of **Ordinance No. 5061**: An Ordinance amending the Comprehensive Plan Map Designation from Residential to Commercial on existing properties and lots of record, rezoning said property from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/ Residential), and amending an existing Planned Development Overlay District to remove said property from the Planned Development

12. ADJOURNMENT



City of McMinnville
Planning Department
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McMinnville, OR 97128
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STAFF REPORT

DATE: February 12, 2019
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: **Work Session – Proposed McMinnville City Code Amendments, Nuisances**

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This will be a work session to review a proposed draft of amendments to the McMinnville City Code, Title 8, Nuisances.

Background:

With the advent of the Fiscal Year 2018/19 City of McMinnville Budget, the Code Enforcement Division transferred to the Planning Department. This decision was made for several reasons:

- Planning did not have staff capacity to provide code enforcement for planning and building issues.
- The two positions in the division whose primary roles were code compliance relative to public nuisances were both vacant and the timing seemed appropriate to transfer the division from a public safety to community development program.
- In order to streamline timelines and resources, the City was interested in pursuing a code enforcement system that was administrative and not based in the Municipal Court system.

Two new Code Compliance Officers were hired in August and September, Claudia Martinez and Nic Miles.

In the past six months, both Code Compliance Officers have been attending training, creating state-wide and national resource networks and taking notes on the job about how the program could be improved for efficiencies, both internally and externally.

The result is a recommended code amendment for the McMinnville City Code relative to public nuisances and their abatement.

Discussion:

The attached proposed code is a mixture of old and new and replaces the following sections of the existing code, Sections 8.04 (Barns and Stables, 8.08 (Rat Control), 8.12 (Weed Control), 8.16 (Nuisances), 8.28 (Discarded Vehicles), in order to simplify and update the City of McMinnville’s public nuisance code and abatement process, reordering everything into one chapter, Section 8.02 (Nuisances).

The proposed code amendments also structure an administrative notice, abatement and collection program that should the City time and resources in processing code enforcement cases.

The goal of the Code Compliance Division is voluntary compliance, but if needed, the proposed code amendments provide the opportunity to administratively abate the public nuisances as necessary and then collect the full costs for that administrative abatement from the property owner. If the property owner does not pay for the abatement costs within thirty days of invoicing, a lien will be placed on the property.

The proposed code amendments also provide for administrative citations to be issued for Class A, Class B and Class Violations. Currently the proposed fees for these violations are:

Class A = \$500

Class B = \$250

Class C = \$100

The work session will walk the City Council through the different sections of the proposed amendments and allow the City Council to provide direction for staff to bring an ordinance adopting the proposed amendments in the near future.

Please note, that the code amendments still need to be reviewed by legal counsel and language may change accordingly.

MCMINNVILLE CITY CODE – PROPOSED AMENDMENTS – The following proposed code is intended to replace Sections 8.04 (Barns and Stables, 8.08 (Rat Control), 8.12 (Weed Control), 8.16 (Nuisances), 8.28 (Discarded Vehicles) of the existing McMinnville City Code, in order to simplify and update the City of McMinnville’s public nuisance code and abatement process.

Title 8 - HEALTH AND SAFETY

Chapter 8.02

NUISANCES

Sections:

- 8.020.000 Purpose
- 8.020.010 Declaration of Nuisance.
- 8.020.015 Definitions
- 8.020.020 General Nuisance
- 8.020.021 Nuisances Affecting the Public Health
- 8.020.022 Animal Nuisances
- 8.020.030 Nuisance Identification
- 8.020.040 Nuisance Abatement Procedure – Notice Issuance
- 8.020.050 Abatement
- 8.020.051 Abatement Cost, Notice and Collection
- 8.020.060 Nuisance Appeals Hearings
- 8.020.070 Continuing Violation
- 8.020.080 Enforcement – Citation Authority
- 8.020.081 Remedies Not Exclusive
- 8.020.090 Summary Abatement of Immediate Dangers

8.020.000 Purpose. No person in charge of property may permit, or no person may cause to exist, anything, substance or act that is detrimental to the public health, safety or welfare. It is hereby found and declared that:

- A. Because of repeated disruptive behavior on them, properties within the City of McMinnville can create unreasonable disruptions to the neighborhoods where the properties are located.
- B. Because of certain conditions upon them, properties may become chronic nuisances to surrounding property owners and degrade neighborhoods.

- C. Existing state criminal statutes and City ordinances are inadequate to address, control or remedy the denigration that results from the chronic unlawful nuisances occurring at the properties.

8.020.010 Declaration of Nuisance.

1. The acts, conditions, or objects specifically enumerated and defined in Section 8.020.020 through Section 8.020.022 and in Sections [REDACTED] are declared public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 8.020.050 through Section 8.020.090. Abatement procedures in 8.020.050 through Section 8.020.090 are nonexclusive remedies for identified nuisances and general nuisances.
2. In addition to the nuisances specifically enumerated within this Title, every other thing, substance, or act which is determined by the Council to be injurious or detrimental to the public health, safety, or welfare of the City is declared a nuisance and may be abated as provided in this chapter.

8.020.015 Definitions. As used in this chapter:

1. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as the compliance officer in their judgment determines is necessary in the interest of the general health, safety, and welfare of the community.
2. "Collection container" means a bin that is provided by a waste collection company that is served at regularly by being placed curbside on the street in front of the residence.
3. "Compliance officer" means any city staff person designated by the City Manager to administer the provisions of this title.
4. "Noxious weeds" include but are not limited to those varieties listed in 2018 Oregon Department of Agriculture Noxious Weed Policy and Classification System.
5. "Person" means a natural person, firm, partnership, association or corporation.
6. "Person in charge of property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

7. "Person responsible" means the person responsible for abating a nuisance including:
 - A. The owner;
 - B. The person in charge of property, as defined in this section;
 - C. The person who caused a nuisance to come into or continue in existence, said nuisance being defined in this chapter or another ordinance of the city.
8. "Premise" means any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved.
9. "Public place" means a building, way, place or accommodation, publicly or privately owned, open and available to the general public.

8.020.020 General Nuisances. The following shall be deemed Nuisances within the City of McMinnville, and whenever a compliance officer determines that any of such conditions exist upon any premises, they may require or provide for the abatement thereof pursuant to this title and collect full costs of the abatement or make the costs of abatement a lien upon the property:

1. Accumulations of debris, garbage, junk, or animal excrement. No person in charge of property may permit or cause to exist accumulations of debris, garbage, junk, or animal excrement that are not removed within a reasonable time, except as follows:
 - A. Yard cuttings, other than grass clippings, may be accumulated to be burned during the first available open burning season. The accumulations shall meet the size and location requirements of the fire code.
 - B. Yard cuttings and other organic material may be accumulated for composting, but only if it is not visible from a street or sidewalk, is maintained in a manner that does not attract vermin, and does not produce an offensive odor.
 - C. Garbage may be accumulated in order to be hauled by a licensed solid waste hauler or to be taken by the person to a landfill, if the garbage is secured within a covered or sealed container that is kept clean and in good repair, and is removed within a reasonable time.
 - D. Animal excrement from livestock may be accumulated for farm or agricultural purposes as long as it does not produce odors on adjacent properties and become a danger to health or safety.
 - E. Debris or junk may be stored in a back yard if it is screened from adjoining properties, streets and public right of ways by a sight-obscuring fence.

2. Junk.

- A. No person shall keep junk outdoors on a street, lot, or premises or in a building that is not wholly or entirely enclosed except for doors used for ingress or egress.
- B. The term "junk," as used in this section, includes all non-operative motor vehicles, motor vehicle parts, abandoned automobiles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.
- C. This section does not apply to junk kept in a licensed junkyard or automobile wrecking house.

3. Vegetation. To reduce the problems associated with uncontrolled vegetation growth including fire hazards, rodents, insects, and its effect on the appearance of the community, no person in charge of property that abuts a public street, road, alley or sidewalk may permit or cause to exist vegetation that:

- A. Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:
 - 1. Vegetation which encroaches upon, or overhangs lower than 8 feet over a public sidewalk or other pedestrian way, or encroaches upon, or overhangs lower than 10 feet over a public or private street.
 - 2. Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings placed in the public way.
- B. Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;
- C. Has roots that have entered a sewer or waterline, main or system, and that stops, restricts or retards the flow of sewage or water, or damages the pipes or connectors. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
- D. Has roots that have cracked or displaced a sidewalk, curb or street. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.

- E. Is a weed or grass more than 10 inches high at any time during the year (which is classified by the city for all purposes to constitute an imminent fire danger to surrounding properties) except for provided the vegetation does not obstruct, block, or impede any visual sight lines or signs required to ensure safe and efficient vehicular and pedestrian movement upon City streets, or create a safety hazard as determined by the Fire Department, the provisions shall not apply to vegetation located upon or within:
1. Agricultural grasses that are not a fire hazard and are actively used for grazing livestock;
 2. Crops that are being commercially grown;
 3. Areas identified by the McMinnville Zoning Ordinance as open space or natural resource areas;
 4. Portions of lots used for flower or vegetation gardens, or shrubbery;
 5. Naturally wooded or native forest remnant area;
 6. Wetlands;
 7. Lands within a designated 100-year floodplain;
 8. Conservation easements;
 9. Public parks or private or municipal golf courses;
 10. Drainage ponds or ditches designed to meet City stormwater conveyance requirements.
- F. In those areas between the property line and the back edge of curb or the edge of an improved roadway or right-of-way, is a weed, grass or dead plant more than 10 inches high.
- G. Property, debris, weed and grass, or any other accumulation or activity that the City Manager or designee deems a fire hazard or potential fire hazard to other properties.
- H. An exemption from the requirements of this code may be made by the City Manager upon determining that the vegetation would not create a public hazard, or otherwise be detrimental to the public safety, health or welfare. In making this determination, the City Manager may seek input from the Fire Chief, Fire Marshal, or other appropriate staff. The City Manager may also place appropriate conditions upon such approval.

4. Noxious Weeds.
 - A. No person shall allow the growth of invasive noxious vegetation on the property they own within the McMinnville city limits.
 - B. The City Manager or designee shall prepare and may revise a list of plants that are considered noxious vegetation under subsection (A) of this section. The City Manager may incorporate all or part of any existing list developed by any state or county entity as all or part of the list.
5. Containers. No person in charge of property may permit or cause to exist on private or public property, accessible containers accessible to children with a capacity of more than one cubic foot and a door or lid that locks or fastens when closed and that cannot be easily opened from the inside, unless said containers are securely locked shut.
6. Wells, Cisterns, etc. No person in charge of property may permit or cause to exist a well, cistern, cesspool, pit, quarry, excavation, or other hole of a depth of three feet or more with a top width of 12 inches or more, unless:
 - A. It is fenced or securely covered; or
 - B. The excavation is part of an authorized construction project and during the course of construction reasonable safeguards are maintained to prevent injury.
7. Sidewalks/Sidewalk Maintenance.
 - A. The owner, occupant and/or person in charge of property shall maintain the sidewalk adjacent to their property in good repair and safe condition. The owner, occupant and/or person in charge of property shall not permit or cause to exist on a public sidewalk adjoining the property of the owner, person in charge of the property, any defective or dangerous condition that impedes the public use of the sidewalk and that the City Manager or designee deems it a hazard or potential hazard to pedestrians or the public including but not limited to the following:
 1. Any accumulations of snow and/or ice on sidewalks on commercial property.
 2. Sand or cinders (except when temporarily used to cover ice), rocks, leaves, or other debris.
 3. Cracks, holes, unevenness that impairs pedestrian traffic per the Americans with Disability Act (ADA) standards.

4. Drainage across the sidewalk from a drain, pipe or other source.
 5. Property, debris, or any other accumulation or activity.
 - B. Except as permitted by the City Public Works Department, no person in charge of property or no driver of a vehicle may permit or cause to exist on a public sidewalk or public or private street adjacent to the property, any dumping or storage of dirt, sand, rocks, gravel, bark dust, or other similar material.
 - C. The city shall not be liable to any person for loss or injury to a person or property suffered or sustained by reason of any accident on sidewalks caused by ice, snow, cumbrances, obstructions, cracks, chipping, weeds, settling, holes covered by dirt or other similar conditions. Abutting property owners shall maintain sidewalks free from such conditions and are liable for any and all injuries to personal property arising as a result of their failure to so main the sidewalks.
8. Attractive Nuisances. No owner or person in charge of property shall permit thereon:
- A. Unguarded machinery, equipment or other devices attractive, dangerous and accessible to children.
 - B. Lumber, logs or piling placed or stored in a manner as to be attractive, dangerous and accessible to children. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.
 - C. Vacant or unoccupied buildings or structures that are open, unlocked, or otherwise accessible.
9. Fences.
- A. *Height.*
 1. No owner, tenant or person in charge of property shall construct or maintain a fence located in a required front yard that exceeds three (3) feet measured from grade. Fences great than three (3) feet in height must conform to the front yard setback requirements of that property's zone per Title 17 of this code, or must be set back to the front building line of the existing building (whichever is less).
 2. On a corner lot, no owner, tenant or person in charge of property shall construct a fence located in a required exterior side yard that exceeds three (3) feet measured from grade; except when

adequate vision clearance exists, the Planning Director or designee may permit a fence up to six (6) feet in height.

3. A fence placed along an interior side or rear property line shall not exceed the height of seven (7) feet. The construction of a fence greater than six (6) feet in height requires a building permit.
4. In the case of a sloping property, the height of a fence shall be measured from the uphill side, but in no case shall the height exceed 10 (ten) feet when measured from the downhill side of the fence.
5. Fence height restrictions do not apply to public utility fences or to chain link fences enclosing schools and public playgrounds.

B. *Electric Fences.* No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

C. *Barbed Wire.* No owner or person in charge property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence along a walk or public way.

D. *Stability.* No owner or person in charge of property shall have a fence that is structurally unstable.

10. Trees.

A. *Conflicts with Sidewalks.* No owner or person in charge of property that abuts a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic. Except for street trees within the designated areas shown on the Street Tree – City Responsibility Map and for trees located in medians on public areas, the owner or person in charge of property that abuts a street or public sidewalk shall keep all trees and bushes on the premises, including the adjoining public rights-of-way, pruned so as not to interfere with street or sidewalk traffic and meeting the terms and provisions of Redmond City Code. Prior to major pruning any trees located on the public rights-of-way, the property owner shall obtain the necessary permit.

B. *Dead or Decaying Trees.* No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.

C. *Diseased Trees.* No owner or person in charge of property shall allow a diseased or insect infested tree to go untreated if it is a hazard to persons,

trees or property located on public areas. Disease shall include any tree disease or insect that compromises the tree's health or longevity and is capable of being transmitted to other trees.

11. Surface Waters, Drainage.

- A. The owner or person in charge of a building or structure shall not permit ice or snow to fall from the building or structure onto street or public sidewalk.
- B. The owner or person in charge of property shall install and maintain in a proper state of repair, adequate drainpipes or a drainage system, so that overflow water accumulating on the roof or about the building is not carried across or on the sidewalk.

12. Scattering Rubbish.

- A. No person shall deposit, permit, or allow, on public or private property, bush, trash, debris, refuse or any substance that would create a stench or fire danger, detract from the cleanliness safety of the property or would be likely to injure a pet, animal, or vehicle traveling on a public way.
- B. Rubbish, trash, debris, or refuse in sealed containers or in plastic bags placed for collection by the soil waste collector or recyclable material collector is not within the terms of this chapter unless left on private property for more than one week.

13. Burning and Accumulation of Materials Constituting a Fire Hazard.

- A. No person shall kindle, maintain, or allow to be maintained, an outdoor fire, bonfire, rubbish fire, burn barrel fire, or garbage fire, nor shall any person kindle, maintain or allow to be maintained a fire for the purpose of burning grass, hay, straw, tree parts or trimmings, nor shall any person kindle, maintain, or allow to be maintained a fire for land clearing operations or for commercial burning, nor shall any person kindle, maintain, or allow to be maintained any other type of open burning with the following exceptions:
 - 1. Between October 15 and November 15 and between May 1 and May 31, burning of yard debris is allowed on any day which is a Department of Environmental Quality approved burn day. These time periods may be extended by the Fire Chief, at his or her sole discretion.

2. Outdoor recreation fires shall be allowed in accordance with the provisions of the Uniform Fire Code.
 3. Fires set and maintained for firefighting training or training fire protection personnel.
 4. Fire requested by law enforcement personnel for the destruction of evidence when the evidence is no longer needed for law enforcement purposes.
 5. In cases of fire hazard that cannot, in the judgment of the Fire Chief or designee, be removed or disposed of in any other practical manner, a fire may be allowed by written permit only. This permit is to be issued by the Fire Chief or designee.
 6. The Fire Chief or designee is authorized to issue special permits for ceremonial fires.
 7. The Fire Chief or designee is authorized to require that burning be immediately discontinued if it is determined that smoke emissions are offensive to occupants or surrounding property, if the burning is determined to be hazardous, or if the burning is determined to be detrimental to the public health.
- B. No person shall accumulate or suffer or allow to accumulate material which, in the judgment of the Fire Chief or designee, constitutes a fire hazard.
14. Unnecessary Noise.
- A. **General.** No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.
 - B. **Measuring Noise.** Noise levels will be measured 25 ft. from the source if in the right of way, and 25 ft. from the property line if the source is on private property:

Zone	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
Residential	55 dBA	50 dBA
Commercial	60 dBA	55 dBA
Light industrial	70 dBA	65 dBA
Industrial	80 dBA	75 dBA

C. **Noises Prohibited.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be construed to be exclusive:

1. *Animals and Birds.* The keeping of any bird or animal which by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity;
2. *Dog Barking.* The barking of a dog that continues for more than ten minutes during any one-hour period when such backing is audible off the premises of the dog's owner or keeper;
3. *Animal Bells.* The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity;
4. *Vehicle Noises.* The use of any vehicle or engine, either stationary or moving, so operated as to create any loud or unnecessary grating, grinding, rattling or other noise, including the discharge in the open air of the exhaust of any steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
5. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger;
6. *Nonemergency Signaling Devices.* Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt from the

operation of this provision;

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of seven a.m. and eight p.m., except upon special permit granted by the City Manager;
8. *Noise Sensitive Areas: Adjacency to Schools, Churches and Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirm which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients;
9. *Loudspeakers, Amplifiers, Public Address Systems and Similar Devices.* The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Manager, permits may be granted to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment;
10. *Blowers, and Similar Devices.* In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, power tools or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids; provided, that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
11. *Commercial Establishments Adjacent to Residential Property.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m., which is plainly audible at from the property line of any residential property.

15. Discarded Vehicles.

- A. Discarded vehicles include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends. For the purpose of this section, "discarded" means any vehicle that is in one or more of the

following conditions:

1. Inoperative on private property for 30 days?
 2. Wrecked
 3. Dismantled
 4. Partially dismantled
 5. Abandoned
 6. Junked
 7. Expired vehicle registration sticker
- B. No person shall store or permit the storing of a discarded vehicle on any private property for more than two (2) weeks unless it is enclosed within a building or in a rear yard and behind a site obscuring fence from adjacent properties or streets or, unless it is in connection with a business dealing in junked vehicles lawfully conducted within the City.
16. Parking and Storage of Vehicles in Front Yards and Side Yards. No person shall park or store vehicles, RVs, boats or trailers in front yards or side yards of corner lots. Parking in side or front yards is permitted if the parking expansion area consists of non-erodible surfaces such as asphalt, concrete or pavers or four inches of gravel with permanent borders. The parking expansion area may not take up more than 40% of the yard and vehicles must not be parked less than 20 feet from the property line.
17. Alleys.
- A. No owner or person in charge of property that abuts an alley shall allow the accumulation from the property line to the centerline of the alley of material including, but not limited to, debris, vehicles, waste products or firewood in such a manner so as to impede travel through the alley.
 - B. In those areas between the property line and the center line of the alley, no owner or person in charge of property that abuts an alley shall allow a weed, grass or dead plant more than 10 inches high.
18. Dust and Debris - Construction. No debris of any kind, including dirt, dust, sand, or other wind-borne material, shall for any reason progress beyond the perimeter of any property that is being developed for construction or where construction is in progress. It is the responsibility of the owner, the person in charge of a property, and contractor working on a property to insure that no debris progress beyond the perimeter of any property that is being developed for construction or where construction is in progress.

19. Notices and Advertisements.

- A. No person shall place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any real or personal property, whether public or private, without first securing permission from the owner, occupant or proper public authority. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising.
- B. No person shall distribute, circulate or pass to or among persons on a public place or premises open to the public within the City, or place in or on any automobile or other vehicle on or along any public place in the City, any advertising paper, handbill, circular, poster or other form of commercial advertising.
- C. Nothing in this section shall prohibit the distribution or delivery of any newspaper that is capable of being entered as second class matter under the provisions of the United States Postal Regulations, and nothing in this section shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Service.
- D. Nothing in this section shall be deemed to prohibit the delivery of any such matter on the porch or stoop of any occupied residence, provided such matter is enclosed within an addressed envelope.

20. Radio and Television Interference.

- A. No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.
- B. This section does not apply to devices licensed, approved, and operated under the rules and regulations of Federal Communications Commission.

21. Trash, Recycling and Yard Debris Containers.

- A. No person shall obstruct sidewalks or bike lanes with collection containers.
- B. No person shall allow collection containers to remain curbside for more than 24 hours before and after scheduled collection time.

8.020.021 Nuisances Affecting Public Health. No person shall cause or permit on property owned or controlled by him/her a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this Title:

1. Privies. Open vaults or privies constructed and maintained with the city, except those constructed or maintained in connection with construction projects in accordance with State Health Division regulations;
2. Accumulation of Refuse. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the city;
3. Stagnant Water. Stagnant water that affords a breeding place for mosquitoes and other insect pests;|
4. Water Pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;
5. Food. Decayed or unwholesome food offered for human consumption;
6. Odor. Premises that are in such a state or condition as cause an offensive odor or that are in an unsanitary condition;
7. Surface Drainage. Drainage of liquid wastes from private premises;
8. Cesspools and Septic Tanks. Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor.

8.020.022 Animal Nuisances.

1. Bees.
 - A. Beehives or bee colonies shall not be maintained or kept on the ground closer than thirty feet from a public right-of-way, alley, public property, private building or place open to the public other than that of the beehive or bee colony keeper.
 - B. Bees may be kept on the ground not closer than fifteen feet from neighboring property provided there exists a six-foot or higher fence, hedge, or structure at the property line immediately adjacent to the hive or colony to force the bees to raise their flight path over the neighboring property.

- C. A hive or colony may be maintained not closer than fifteen feet from the above-enumerated places on a deck, attic, roof or balcony at least eight feet above ground.
 - D. Not more than three bee colonies shall be kept on a city lot of nine thousand square feet or less. Three additional hives may be kept on each additional nine thousand square feet of property that constitutes a part of one lot.
 - E. Unused bee equipment shall not be left out in the open where accessible to bees.
 - F. Bees shall not be kept on a property where a person who resides within three hundred feet from the hive or colony has a medically certified allergy to the sting of bees.
 - 1. An individual who is allergic to bee stings shall file with the city police a medical certificate attesting to his allergy and shall provide information concerning the location of the beehive or colony and its distance from his property.
 - 2. The city shall attempt to resolve the matter before commencing any legal action authorized under this chapter, however, failure to so attempt shall not be a defense to a violation filed under this section.
 - G. Beehives or colonies being transported through or within the city shall not be left on a vehicle which is parked or left unattended during daylight hours on a city street, public parking lot, or private property left open to the general use of the public. Beehives or colonies on a vehicle which is parked on private property shall be more than thirty feet from a public right-of-way, alley, public property, private building, or place open to the public other than that of the beehive or bee colony keeper.
2. Keeping of Animals in a Residential Zone. It is not permissible to keep exotic, dangerous or wild animals as domestic pets. This includes any mammal, fowl, fish or any other species not commonly considered as pets or commonly raised for food or agricultural purposes which would be a possible threat to the life or health of humans as determined by the Yamhill County Animal Control Officer and the Planning Director or designee.
- A. *Animals Allowed.* No property owner, tenant or person in charge of a property shall be allowed to keep any animals at their residence except for the following permitted animals:
 - 1. Domestic dogs;
 - 2. Domestic cats;
 - 3. Gerbils, hamsters, rats or similar rodents kept in cages;

4. Non carnivorous fish kept in tanks and ponds;
5. Non venomous reptiles;
6. Domestic rabbits, consistent with the requirements of Section (B)(3) of this section of the code. (Rabbits kept for commercial purposes or for food production are prohibited.);
7. Vietnamese pot bellied pigs (one per residence);
8. Domestic fowl or birds for non-commercial purposes excluding roosters and peacocks, consistent with the requirements of Section (B)(3) of this section of the code;
9. Livestock, consistent with the requirements of Section (B)(2) of this section of the code.

B. *Limitations.* If zoning allows, no property owner, tenant or person in charge of property shall be allowed to exceed the following conditions:

1. A dog kennel or dog facility exists when four (4) or more dogs of licensable age (six months or older) are kept for commercial reasons such as breeding, buying, selling or boarding. Such facilities are prohibited in a residential zone.
2. In addition to the minimum lot area per family requirement for the zone, a minimum area of one-half acre of land (exclusive of buildings) shall be provided for accommodation of the animals listed in Subsections (a) and (b) below. The following animals are permitted in residential zones and shall not exceed the following density requirements:
 - a. One horse or one cow over six months of age for each additional half acre (21,780 square feet) over the minimum lot size.
 - b. Two sheep or two goats (or similar size livestock) over six months of age per each additional half acre over the minimum lot size.
3. A minimum of 5,000 square feet of lot area is required to maintain up to two (2) fowl (excluding roosters and peacocks) or two (2) rabbits, or combination thereof. Each rabbit or fowl in excess of this number shall require an additional 1,000 square feet of lot area.
4. No enclosure or pen for animals shall be placed in front of the residence nor shall it be closer than 70 feet to a front property line, 15 feet to a side property line or 10 feet to a rear property line.
5. No person shall permit any animals owned or controlled by them to run at large in the city.

C. *Cremating or Slaughtering of Animals.* The cremation or slaughtering of animals is not permissible in residential zones.

3. Rat Control.

A. *Definitions.* For the purposes of this section of the title, the following definitions shall apply:

1. "Building" means any structure or dwelling, whether public or private, which is devoted to or designed for occupancy, or for the transaction of business, for the rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, roominghouses, motels, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all other houses, outhouses, sheds, barns and other structures on premises used for business or dwelling purposes, whether the same are occupied or not.
2. "Health officer" means the County Health Officer or any duly authorized representative.
3. "Occupant" means the individual, partnership or corporation using or occupying any building or part thereof, whether owner or lessee. In the case of a vacant building, the term "occupant" means the owner or the person who as agent of the owner undertakes to care for the same for the owner.
4. "Owner" means the actual owner or owners of a building within the city, whether individuals, partnerships or corporations and the agent thereof, and also the lessee or lessees thereof when, under the terms of a lease, the lessee is responsible for maintenance and repairs.
5. "Rat eradication" means the elimination or extermination of rats within buildings of any kind by any of all measures, such as poisoning, fumigation, trapping or clubbing.
6. "Rat harborage" means any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a building of any kind.
7. "Ratproofing" means and applies to a form of construction to prevent the ingress of rats into buildings from the exterior or from one building to another. It consists essentially of the closing of all actual or potential openings in the exterior walls, ground or first floors, basements, roofs and foundations that may be reached by rats from the ground by climbing or by burrowing, with material or

equipment impervious to rat-gnawing.

- B. *Eradication—Required.* It is ordained and required that buildings or structures in the city shall be freed of rats, and maintained in a rat-free condition to the satisfaction of the City Manager or designee.
- C. *Eradication--Notice--Compliance Required Immediately.* Whenever the City Manager or designee notifies the occupant or occupants of a building in writing that there is evidence of rat infestation of the building, said occupant or occupants shall immediately (within five days) institute rat eradication measures, and shall continuously maintain such measures in a satisfactory manner until the premises is declared by the City Manager or designee to be free of rat infestation.
- D. *Ratproofing—Time Limit for Compliance.* Whenever the City Manager or designee notifies the owner of any building in writing that there is evidence of the need of ratproofing of the building, said owner shall take immediate measures for ratproofing the building, in no event to be less than fifteen days and no greater than thirty (30) days unless the owner of the building receives a written extension.
- E. *Ratproofing—Maintenance Required.* The owner, agent or occupant in charge of all rat-free and/or ratproofed buildings or structures shall maintain them in a rat-free and/or ratproof condition and repair all breaks or leaks that may occur in the ratproofing without a specific order of the City Manager or designee.
- F. *Ratproofing—Removal Prohibited.* It is unlawful for the owner, occupant, contractor, public utility company, plumber or any other person to remove the ratproofing from any building or structure for any new openings that are not closed or sealed against the entrance of rats.
- G. *Cement Floors Required.* Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the City Manager or designee deems it necessary to eliminate such harborage, they may require the owner or occupant in charge of any such building or structure to install suitable cement floors in basements, or to require such owner or occupant to correct such rat harborage as may be necessary in order to facilitate the eradication of rats.
- H. *Feed Storage.* All food and feed within the city for feeding chickens, cows, pigs, horses and other animals shall be stored in rat-free and ratproof containers, compartments or rooms unless stored in a ratproof building.
- I. *Garbage Accumulation and Dumping Prohibited – Rat Harborage.* It is unlawful for any person to place, leave, dump or permit to accumulate any

garbage or trash in any building, structure or premises so that the same affords food or harborage for rats, or to dump or place on any premises, land or waterway any dead animals or waste vegetable or animal matter of any kind.

J. *Rubbish or Junk Accumulation Prohibited—Rat Harborage.* It is unlawful for any person to accumulate or permit the accumulation on any open lot, or other premises, of any lumber, boxes, barrels, bricks, stones, scrap metal, motor vehicle bodies or parts, or similar materials, rubbish or any articles of junk which provide rat harborage.

K. *Inspection authority.* The City Manager or designee. is empowered to make such inspections of the interior and exterior of any building or structure as in their opinion may be necessary to determine full compliance with this section of the code. The City Manager or designee. may make periodic inspections at intervals of not more than forty-five days of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in the ratproofing. When any evidence is found indicating the presence of rats or openings through which rats may enter such buildings again, the City Manager or designee. shall serve the owner or occupants with written notice to abate the conditions found.

4. Removal of Carcasses. No person shall permit an animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose the carcass.

8.020.030 Nuisance Identification: Upon the receipt of a complaint or the proactive observance of the Compliance Officer or designee, the Compliance Officer shall establish whether or not a public nuisance exists by:

1. Gathering and documenting evidence, which could be statements by witnesses, industry experts, photos, etc.; and/or
2. Sending a letter to the property owner, tenant or person in charge of the property stating that a potential public nuisance exists on the property and asking them to provide evidence that the alleged condition does not exist. .

8.020.040 Nuisance Abatement Procedure – Notice Issuance.

1. If the City Manager or designee is satisfied that a public nuisance exists, the Compliance Officer or designee shall cause a Notice of Abatement to be posted on the premises, or at the site of the nuisance, directing the person or persons in charge of the property to abate the nuisance.

2. At the time of posting, the Compliance Officer or designee shall cause a copy of the Notice of Abatement to be forwarded by registered or certified mail, postage prepaid, to the person or persons in charge of the property and the owner of the property, if different than the person in charge of property, (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Yamhill County.
3. If the property is unimproved, the Compliance Officer or designee shall cause a Notice of Abatement to be sent by registered or certified mail, postage prepaid, to the person or persons in charge of the property and the owner of the property, if different than the person in charge of property (or registered agent), at the last known address of such person(s) as shown on the tax rolls of Yamhill County.
4. If the registered/certified Notice of Abatement is returned as undeliverable or is unclaimed by the property owner, nothing shall preclude the city from exercising its option to abate the nuisance as specified herein in Section 8.020.050(2) and (3).
5. The Notice of Abatement shall contain:
 - A. A description of the real property, by street address or otherwise, on which the nuisance exists.
 - B. A direction to abate the nuisance within 10 days from the date of notice.
 - C. A description of the nuisance.
 - D. A statement that unless the nuisance is removed, the City may abate the nuisance and the full cost of abatement including administrative charges will be charged to the person responsible and shall become a lien on the property if not paid in full within thirty days of invoicing.
 - E. A statement that failure to abate a nuisance may warrant imposition of a fine upon the person responsible for the nuisance.
 - F. A statement that the person responsible may protest the order to abate by giving written notice to the City Manager within 10 days from the date of the notice, together with a written statement as to why a nuisance should not be declared.
6. If the person in charge of the property is not the owner, an additional Notice of Abatement shall be sent to the owner at the time of posting of the Notice of Abatement stating that the cost of abatement not paid by the person responsible shall be assessed to and become a lien on the property. The notice to the owner shall be sent to his or her address as last shown on the Yamhill County tax rolls.

7. On completion of the posting and mailing, the persons posting and mailing the Notice shall execute and place on file with the Planning Director certificates stating the date and place of the mailing and posting.
8. The City shall use all reasonable means to provide notice to the person responsible given the procedure outlined about however failure to provide actual notice to the person responsible shall not void the procedure to abate the nuisance.

8.020.050 Abatement.

1. Abatement by the Owner or Person in Charge of Property.
 - A. Within 10 days after posting and mailing the notice, as provided in this code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.
 - B. A person in charge of the property, disputing the declaration of nuisance shall file within ten (10) days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the McMinnville Hearings Officer by filing a written statement within ten (10) days of the City Manager's final determination specifying the basis for the appeal.
 - E. The McMinnville Hearings Officer shall either affirm, overturn or modify the City Manager's decision. The decision of the McMinnville Hearings Officer shall be the final action of the City.
2. Abatement by the City – Without Warrant. If the violation for which a Notice of Abatement has been issued is not corrected within the specified timeframe (within ten (10) days of the posting and/or mailing of the Notice of Abatement, or within ten (10) days of the City Manager's final determination of a dispute, or within ten (10) days of the decision of the McMinnville Hearings Officer), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.

The following public nuisances are determined to be a public health and safety hazard, and can be abated by the city without a warrant. This list is not exclusive:

- A. Any structural element that has been significantly compromised as determined by the City Building Official or designee, and not governed by any other section of this code.
 - B. Any fire hazard as determined by the Fire Marshall or designee, and not governed by any other section of this code.
 - C. All public health nuisances identified in Section 8.020.021 of this Title.
 - D. Tall weed growth as identified in Section 8.020.020(3)(E) of this Title.
 - E. Accumulation of junk and debris that could lead to rat harborage or insect infestation.
3. Abatement by the City – Nuisance Abatement Warrant Authorized. The McMinnville Municipal Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the McMinnville City Code to make searches and seizures reasonably necessary to enforce any provision of the McMinnville City Code pertaining to nuisances.
- A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 - 1. The applicant's status in applying for the warrant;
 - 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 - 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 - 4. A statement of the violation to be removed or abated; and
 - 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the

property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.

- C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.
- D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.
- E. Execution of Abatement Warrants.
 - 1. *Occupied Property.* In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.
 - 2. *Unoccupied Property.* In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
 - 3. *Return.* An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.

4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
- F. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.

8.020.051 Abatement Cost, Notice and Collection.

1. Joint Responsibility. The property owner and all persons in charge of the property shall be jointly and severally liable for all costs associated with the abatement of a nuisance, including administrative costs, warrant costs, and attorney fees.
2. Abatement Costs Notice. The City Manager or designee shall keep an accurate record of the full cost recovery expense incurred by the City for abatements. After the violations have been determined by the City to be corrected, the City Manager or designee shall mail to the owner and persons in charge of the property an Abatement Costs Notice which includes:
 - A. The total costs of abatement due and payable within thirty (30) days of the notice;
 - B. Notification that the costs of abatement could become a lien against the property within thirty (30) days from the date of the notice if not paid; and
 - C. Notification that if the owner objects to the Abatement Cost Notice, a written notice of objection may be filed with the city recorder within twenty days from the date of the notice of unpaid costs, requesting a hearing in front of the McMinnville City Council.
3. Collection and Abatement Costs.
 - A. The costs listed in the Abatement Costs Notice shall be delinquent if not paid within thirty (30) days from later of the date of the notice or within ten (10) days from the date on which the McMinnville City Council makes a final decision on a protest.
 - B. If the costs of the abatement are not paid within thirty days from the date of the notice, or within ten days of a council determination made under

subsection B of this section, assessment of the costs shall be made by council resolution and be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the real property from which the nuisance was removed or abated.

- C. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent per year. Interest shall accrue from the date of the entry of the lien into the lien docket.
- D. An error in the name of the person in charge of the property shall not void the assessment, nor will a failure to receive notice of the proposed assessment render the assessment void. The assessment shall remain a valid lien against the property.

8.020.060 Nuisance Appeals Hearings. Every hearing pursuant to Section 8.020.050(1)(D) will determine whether this municipal code was violated and a public nuisance exists, and shall be held before the McMinnville Hearings Officer.

- 1. Subject to the requirements of this code section, the McMinnville Hearings Officer may adopt additional procedures for the conduct of any hearings before them.
- 2. Evidence, including rebuttal evidence, may be presented at the hearing. The evidence shall be limited to evidence that is relevant to the alleged violation and any defense.
- 3. The parties shall have the right to cross-examine witnesses who testify.
- 4. Following the hearing, the McMinnville Hearings Officer shall issue a decision within five business days whether the violation as alleged in the complaint has been established.
 - A. The decision shall include a brief statement of the findings of fact;
 - B. If the decision finds that a violation occurred, the decision shall also include:
 - 1. The amount of any fine assessed and an order that the violator pay the fine and any witness costs.
 - 2. If the violation has not been abated, the amount and starting date of daily penalty that will accrue until the violation is corrected and an order that the violator pay the assessed fine.

3. If the violation has been abated, the amount of the abatement costs including administrative costs, warrant costs, and attorney fees, and an order that the violator pay the assessed costs.
 4. An order that the violator pay all costs associated with the collection of the fines and any other assessed costs, including administrative costs and attorney fees.
- C. If the decision finds that a violation has not occurred, the decision shall also include:
1. An order that any incurred fees be refunded.
 2. An order that all costs of the abatement will be dismissed or refunded.
- D. All fines collected shall be paid into the Code Compliance Fund.

8.020.070 Continuing Violation. Each day that a nuisance continues to exist constitutes a separate violation and a separate penalty may be assessed for each day the violation continues.

8.020.080 Enforcement – Citation Authority: The City Manager or designee may enforce the provisions of this chapter by the issuance of citations per the following:

1. Violations of any of the following sections of this Title constitute a Class “A” Violation subject to a Class “A” Administrative Infraction
 - A. Section 8.020.020(13) – Burning and Accumulation of Materials Constituting a Fire Hazard
 - B. Section 8.020.021 - Nuisances Affecting Public Health
 - C. Section 8.020.022(3) - Rat Control
 - D.
2. Violations of any of the following sections of this Title constitute a Class “B” Violation subject to a Class “B” Administrative Infraction:
 - A. Section 8.020.020(1) – Accumulation of Debris, Junk or Animal Excrement
 - B. Section 8.020.020(2) – Junk
 - C. Section 8.020.020(3) – Vegetation
 - D. Section 8.020.020(4) – Noxious Weeds
 - E. Section 8.020.020(5) – Containers
 - F. Section 8.020.020(6) – Wells, Cisterns, Etc.
 - G. Section 8.020.020(7) – Sidewalks / Sidewalk Maintenance
 - H. Section 8.020.020(9) – Fences
 - I. Section 8.020.020(10) – Trees
 - J. Section 8.020.020(11) – Surface Waters, Drainage

- K. Section 8.020.020(12) – Scattering Rubbish
 - L. Section 8.020.020(14) – Unnecessary Noise
 - M. Section 8.020.020(15) – Discarded Vehicles
 - N. Section 8.020.020(17) – Alleys
 - O. Section 8.020.020(18) – Dust and Debris – Construction
 - P. Section 8.020.022(1) - Bees
3. Violations of any of the following sections of this Title constitute a Class “C” Violation subject to a Class “C” Administrative Infraction.
- A. Section 8.020.020(8) – Attractive Nuisances
 - B. Section 8.020.020(16) – Parking and Storage of Vehicles in Front Yards and Side Yards
 - C. Section 8.020.020(19) – Notices and Advertisements
 - D. Section 8.020.020(20) – Radio and Television Interference
 - E. Section 8.020.020(21) – Trash, Recycling and Yard Debris Containers
 - F. Section 8.020.022(2) – Keeping Animals in Residential Zones

8.020.081 Remedies Not Exclusive. The abatement of a nuisance is not a penalty for violating the nuisance provisions of this chapter, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of the City Manager's determination that a nuisance exists will relieve the person responsible from the imposition of any fine under these code provisions. The imposition of a civil or administrative fine does not relieve a person of the duty to abate the nuisance.

8.020.090 Summary Abatement of Immediate Dangers. Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, any compliance officer or their authorized representative shall have the authority to summarily and without notice abate the same. The expenses of such abatement shall be collected in full or become a lien on the property.

CITY OF MCMINNVILLE - CASH AND INVESTMENT BY FUND
November 2018

FUND #	FUND NAME	GENERAL OPERATING		TOTAL
		CASH IN BANK	INVESTMENT	
01	General	\$638,310.20	\$11,210,601.81	\$11,848,912.01
05	Special Assessment	903.97	147,618.82	148,522.79
07	Transient Lodging Tax	387.90	3,000.00	3,387.90
10	Telecommunications	833.93	1,030.00	1,863.93
15	Emergency Communications	102.66	109,094.81	109,197.47
20	Street (State Tax)	346.04	1,975,985.75	1,976,331.79
25	Airport Maintenance	695.44	128,749.03	129,444.47
45	Transportation	121.80	8,287,656.07	8,287,777.87
50	Park Development	503.25	1,567,147.07	1,567,650.32
58	Urban Renewal	255.60	281,376.35	281,631.95
59	Urban Renewal Debt Service	924.64	376,733.43	377,658.07
60	Debt Service	645.73	3,250,256.76	3,250,902.49
70	Building	292.32	1,277,500.00	1,277,792.32
75	Sewer	71.40	1,377,507.00	1,377,578.40
77	Sewer Capital	793.83	27,393,103.65	27,393,897.48
79	Ambulance	616.88	(524,164.72)	(523,547.84)
80	Information Systems & Services	162.69	216,713.61	216,876.30
85	Insurance Reserve	279.35	1,840,290.54	1,840,569.89
CITY TOTALS		646,247.63	58,920,199.98	59,566,447.61

MATURITY DATE	INSTITUTION	TYPE OF INVESTMENT	INTEREST RATE	CASH VALUE
N/A	Key Bank of Oregon	Checking & Repurchase Sweep Account	0.20%	\$ 645,657.63
N/A	Key Bank of Oregon	Money Market Savings Account	0.02%	13,509,504.08
N/A	State of Oregon	Local Government Investment Pool (LGIP)	2.50%	36,730,150.98
N/A	State of Oregon	Park Improvement Bonds (LGIP)	2.50%	650,592.34
N/A	State of Oregon	Transportation Bond (LGIP)	2.50%	7,091,197.49
N/A	State of Oregon	Urban Renewal Loan Proceeds (LGIP)	2.50%	280,635.20
N/A	MassMutual Financial Group	Group Annuity	3.00%	658,719.89
				<u>\$ 59,566,457.61</u>

this year. He stated that through volunteering they are able to provide strength and value to the community.

Mr. Peters stated that Recology is a company that values local support and they are committed to participating in the Car Camping Program. He emphasized the commitment to provide garbage service for the Car Camping Program and explained that each designated site will have garbage service, free of charge. Mr. Peters explained that Recology provides community support and education and shared that they support over 135 organizations. He noted that they are working with Zero Waste on Styrofoam Recycling, valuable items recovery in transfer-community yard sale, and inbound assessments of Construction and Demolition (C & D). They are also looking into increasing the frequency of glass service. He commended the City Council on their leadership on the visionary plastic bag ban.

Mr. Peters stated that Recology is focusing on recycling education as there is confusion around what can and cannot be recycled. He shared that they will have a website launched by January called whatbin.com to help with recycling education. He provided examples of what should and shouldn't go into the comingle cart. He noted that compost is something they would like to promote. He displayed items that should not go into the compost.

Mr. Peters provided a simple overview of McMinnville's recycling program. He then provided the National Sword timeline from 2017 – present:

- 2017: China announces restrictions on imports of 24 types of recyclables.
- January 2018: Complete ban on mixed paper and scrap plastics.
- March 2018: Aggressive enforcement by Chinese customs officials.
- May 2018: Recyclables with <.5% contamination rejected at ports.
- August 2018: China began imposing 25% tariff on OCC, recovered paper, scrap plastics and various recovered metals.

Mr. Peters explained that recycling requires an end market. He stated that recyclable exports from U.S. to China have all but ceased, alternative markets in Southeast Asia are oversupplied, it is more expensive to ship to these markets than to China, and it is a long-term expense until new capacity comes online.

The industry response includes pursuing new markets, customer outreach focusing on education, enhanced processing and capital investments such as using optical sorters and robotics. Mr. Peters stated that there are still no clear solutions. The alternative markets are flooded and the prices are low, it is extremely difficult to meet China's 0.5% contamination standard,

investments in capital and personnel are not cost-effective, and anti-contamination measures don't address China's complete ban on mixed paper and #3-7 plastics.

Mr. Peters identified program alternatives such as keep unmarketable materials out of red bin and stockpile material until market recovers. He stated that local options are to continue to recycle, albeit at a higher cost, or asked for a concurrence from Department of Environmental Quality to landfill at a lesser cost.

Mr. Peters stated that they are asking for a proposed rate increase of 10.47% effective January 1, 2019. 5.7 % of the increase is to cover the costs of the impacts as previously discussed and the balance is related to the CPI increase. He noted that they have not submitted a CPI increase to the City in three years. He clarified that the decision to pull out of the Riverbend Landfill has not impacted the rates or resulted in further expenses. He added that there are no retro costs included in the increase and Recology will continue to do everything they can to keep their program viable and effective. There would be no future potential rate submissions until July 2020 and they will continue diversion efforts, maximize recycling, and keep recyclables out of the landfill. He stated that they do not take rate increases lightly and they have eliminated a couple of salaried positions.

Councilor Drabkin asked about the last rate increase. Walter Budzik of Recology, explained that in January 2018 there was a 10 % increase. In October 2016, there was a 5.5 % increase and in July 2017 there was a 5 % increase. He noted that the increases were related to the addition of glass and yard debris. In 2014 and 2015 there were not increase.

Councilor Peralta clarified that the increase proposal is for one year. Mr. Peters responded that they will not propose another increase until 2020.

Councilor Garvin asked where this would put McMinnville to comparable cities. Mr. Peters responded that it is difficult to do a rate to rate comparison because Recology offers a tremendous amount of service level options. Discussion ensued regarding current rates and what the increased rates would be. He stated that through adjusting service levels, customers can offset the increase. He noted that this is an option not offered in many cities.

Councilor Stassens asked for more data to review. City Manager Towery stated that more data will be provided for a decision to be made at the November 27th City Council meeting.

Mr. Peters noted that they provide livable wages and that is important. He stated that they view the relationship with the community as a partnership.

3.

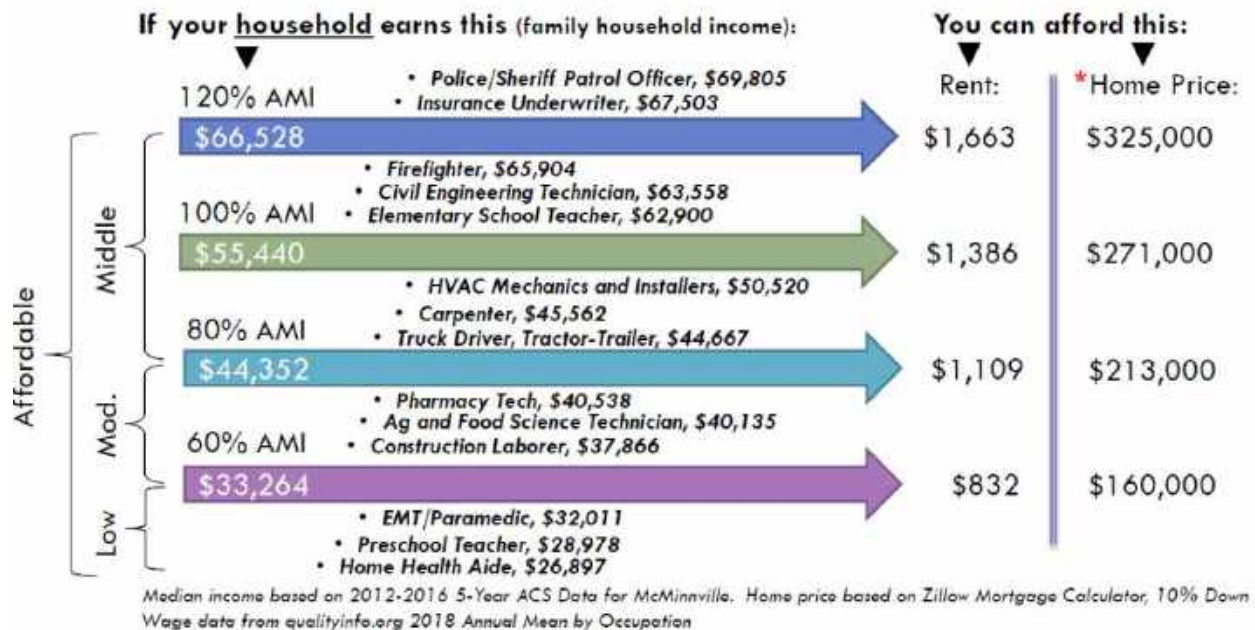
MCMINNVILLE AFFORDABLE HOUSING TASK FORCE UPDATE.

Planning Director Richards presented the McMinnville Annual AHTF update. She provided some statistics for McMinnville residents:

- Homeowners: 1/3 (33%) of home owners with mortgages are in unaffordable conditions. This equates to 1386 households. There are 4,481 total households in the City.
- Renters 1/2 (54%) of renters are in unaffordable housing. There are 2,662 rental units in the City.

In McMinnville the Median Household Income is \$55,440. The median listed home price is \$377,450 and the median price of home sold is \$317,000. The average rent for an apartment is \$1,113 and for a two bedroom apartment rates is \$1,048.

Ms. Richards displayed and discussed the charts below.



Ms. Richards stated that the average home sale price in Yamhill County was \$344,914 in 2017, which was up 8.8% from 2016.

Ms. Richards shared that there are many people living in cost burdened situations relative to their housing. She added that there is a housing supply issue as well. She stated that there is a deficit of housing over the last ten years. She noted that housing affordability is a problem throughout the State.

Ms. Richards then provided the point-in-time count of those who self-identified as homeless. There were 1,386 individual in 2018. She stated that Yamhill County is the 10th most populated county in Oregon and has the 2nd highest number of persons who are homeless and fleeing domestic violence and the 5th highest in number of persons who are homeless with serious mental illness. She shared that 59 individuals precariously housed were Domestic Violence victims, 411 were 18 years or younger and 25 were 55 or older. In terms of those unsheltered, 51 were domestic violence, 64%. She explained that Yamhill County is achieving more shelter for people year after year but there are also more people in unsheltered situations.

Data: Point In Time Count, Homeless in Yamhill County

Point-In-Time Count	Total Homeless Population	Year over Year Change	Sheltered	Year over Year Change	Precariously Housed (Doubled-Up / Couch-Surfing)	Year over Year Change	Unsheltered	Year over Year Change
2018	1,386	+ 30%	240	+18%	729	+27%	417	+54%
2017	1,066	- 12%	203	+22%	573		270	
2016	1,197	n/a	167	n/a				

Ms. Richards then shared that the Affordable Housing Task Force (AHTF) has nine members appointment by Council and that they meet monthly. Five new members were recently appointed. She stated that the charge is to review and recommend to the City Council, policies and or amendments to current zoning ordinances, Building Division review processes, System Development charge fees, street standards and other governmental policies that encourage increased access to and construction of housing for citizens earning 80 % or less of McMinnville’s median income. This year the AHTF added workforce housing to the charge.

Ms. Richards stated that the action plan is a three year plan which includes immediate and short term actions (due May 1, 2017), mid-term actions (due May 1, 2018) and long-term actions (due May 1, 2019).

Short-term actions that had been completed included:

- Memorialize Systems Development Charge discounts for affordable housing projects; and
- Offer an expedited permit process to builders including affordable housing.

There were two short-term actions underway:

- Review recently adopted inclusionary zoning law, and if warranted, draft an inclusionary zoning ordinance and present to the Council for consideration; and

- Research “Cottage Codes” from other jurisdictions and, if warranted, prepare ordinance language for adoptions by the Council and for inclusion in McMinnville’s zoning ordinance.

Mid-term actions that are underway included:

1. Evaluate the impact of a density bonus for developers including affordable housing units.
2. Survey the city for property opportunities (City-owned, County-owned and Non-Profit owned). Research and evaluate creative programs to leverage these properties for affordable housing.
3. Review emergency shelter zoning ordinance provisions for tiny homes or temporary shelter for residents suffering from homelessness.

The long-term actions to be completed by May 1, 2019 included:

1. Review the City’s inventory of surplus lands to assess for possible rezoning to multi-family housing.
2. Reach out to local service groups to involve them in neighborhood stabilization programs.
3. Conduct or partner with an outside organization to complete a needs assessment in regard to housing for the city of McMinnville.
4. Evaluate the possibility and sources for a local match fund for nonprofit builders.

Ms. Richards then explained that SB 1533 allows for inclusionary zoning. She noted that the City can require multi-family structures contain at least 20 units to include up to 20% of the units affordable to households at 80% or higher of an area median income. She stated that the AHTF discussed this and felt there was a need for it. Ms. Richards explained that SB 1533 also allows a City the authority to impose up to 1% tax, based on permit valuation, on new construction and additions to square footage for affordable housing. She displayed a chart with valuation and revenue examples based if a construction excise tax was imposed. She noted that this type of resource was typical for a community the size of McMinnville.

Ms. Richards stated that the AHTF looked at property opportunities including City, County and non-profit organizations. She discussed church properties and explained that they looked at State Law and how it fits within the City Code. She stated that they are tough discussions and no projects have yielded from the conversations with the churches.

Ms. Richards then shared an example of an Emergency Shelter Ordinance. She stated that a Floating Zone Ordinance is being drafted as a proposal. A Floating Zone allows for one or two pilot projects for emergency housing to serve housing/ homeless needs. The Zone would have criteria for development and standards to mitigate impact to neighboring properties.

Ms. Richards discussed the Buildable Lands Inventory and Housing Needs Analysis that are currently underway. She stated that this will provide an idea of current buildable lands inventory in the Urban Growth Boundary and housing needs for the next five, ten, twenty, and fifty years. She noted that they will be looking at tools available in the future such as an Urban Growth Boundary Amendment or an Urban Reserve Area.

Ms. Richards reviewed the current development incentives for qualifying affordable housing projects.

She stated that a lot of time was spent trying to respond to HB 4079. The State was interested in McMinnville being successful. When the Soils Map was created it was determined that the City did not have any qualifying parcels.

Ms. Richards discussed Code Improvements and how to incentivize more housing in the Community. The Planning Commission would be reviewing code improvements to allow to upper story residential.

She stated that the AHTF determined that the Homeless discussion is a large discussion and more partners are needed at the table. She stated that the AHTF has a Housing for Homeless Subcommittee. This subcommittee was formed in February 2019 and there has been an effort to have broad-based community representation. She stated that they have been identifying subsets of populations experiencing homelessness and dedicating action plans towards achieving incremental success. The subcommittee has focused on the following populations: Homeless Veterans, Vehicular Homeless, Senior Women and Youth. Successes included:

- The Yamhill County Housing Authority successfully received more housing vouchers for Veterans.
- The City of McMinnville recently adopted an Ordinance to enable a Car Camping Program modeled after the successful program in Eugene.
- A church partnered with the high school engineering program to design a tiny home for senior women to build a small cluster of cottages on church-owned property. (Still in the development phase)
- The County is hoping to partner with a non-profit to bring a teen advocacy center to McMinnville.
- Intangible successes include partnerships, networking, awareness, efforts towards solutions.

Ms. Richards shared the Homeless Subcommittee was chosen by The Collaborative to work on Strategic Doing funded by the Ford Foundation. The Strategic Doing was to develop action plans.

Ms. Richards stated that the next steps include:

- Developing an Action Plan for the AHTF for the next 5-10 years.
- Conducting the Strategic Doing and developing an Action Plan for the Housing for Homelessness Subcommittee for the next couple of years.
- Partner with the State on City Center Housing Strategy.
- There are 310 new apartment units in permitting.

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:05 p.m.

Melissa Bisset, City Recorder

- Provide an advisory role to Planning Commission and the City Council.
- Decision-making and hearings body for land use decisions related to Historic Preservation.
- Manage the City's Historic Resources Inventory.
- Review alterations to historic resources.
- Conduct surveys and studies.
- Raise public awareness of historic resources.

He noted that there are five members: Joan Drabkin, Chair, John Mead, Mary Beth Branch, Mark Cooley, and Heather Sharfeddin. He stated that they bring a variety of ideas and expertise.

Mr. Darnell displayed the 2017-2019 Work Plan and noted that they received a certified local government grant from the State of \$12,000 and it was used to complete a lot of the work done over the last year.

Mr. Darnell reviewed the Committee's accomplishments from the past year:

- Re-established the Historic Preservation Award Program.
- Oversaw completion of an Intensive level Survey (ILD) in residential area north of downtown.
- Oversaw completion of the Historic Preservation Plan. The key components of the Plan included: Historic Context of McMinnville, Goals, Policies, and Proposals, Implementation Plan for future Historic Preservation Activities including awareness/public engagement, areas to survey/ study further, and potential historic district areas.

Mr. Darnell shared that the Committee reviewed quite a bit of activity in the downtown area. He stated that they reviewed the Taylor Dale Building and that they were able to keep a lot of the façade as it is today. He noted that they replaced the wooden windows and it was a big investment in the building. The 620 NE 3rd Street improvement project and Primisys Building were also reviewed by the Committee. He shared they were able to find a historic photo of the building from the 1940s and the architect was able to bring it back to a closer design to how it was previously designed.

Mr. Darnell reviewed the planned work of the Committee for 2019:

- Finalize the Historic Preservation Plan and recommend for approval to the Planning Commission and the City Council. It will come before the City Council as a Comprehensive Plan Amendment.
- Adopt the 2019 Work Plan and use the implementation plan from the Historic Preservation Plan to guide activities.

- They will celebrate National Preservation Month in May 2019.
- Continue the Historic Preservation Award Program
- Use Intensive Level Survey (ILS) to explore Potential Historic District.

Discussion ensued regarding Historic Home Tours.

5. LANDSCAPE REVIEW COMMITTEE ANNUAL REPORT

Associate Planner Jamie Fleckenstein presented. He stated that the Landscape Review Committee (LRC) reviews and approves Landscape Plans for new construction and redevelopment projects, Street Tree Plans, and Street Tree Removal Requests. They also review specific species and plant placement and they consider long-term aesthetics of the site.

Mr. Fleckenstein shared that the current members of the LRC are: Rob Stephenson, Chair, Sharon Gunter, Vice Chair, Rose Marie Caughran, Josh Kearns, and Tim McDaniel. They meet once a month and in 2018 they reviewed 25 land use applications including: 17 Landscape Plans, 3 Street Tree Plans, and 5 Street Tree Removal Requests. The Committee also began updating the Comprehensive Street Tree List.

Mr. Fleckenstein provided some examples of Landscape Plans they reviewed over the last year. He stated that in 2019 the Landscape Review Committee will continue to review Landscape Plan Applications, update the Street Tree List and develop a “Right Tree Right Plan” informational pamphlet. They will arrange for a Downtown Tree Inventory and provide input on management of the downtown trees. They are also looking at selecting a neutral 3rd party consulting arborist. Ms. Richards added that they have been receiving a lot of requests to remove downtown trees. She stated that removal of downtown trees has been a decision made administratively by City Staff and it requires an arborist’s report to make the decision. She felt it would be beneficial for an outside arborist to assess the downtown trees and see if it is a safety issue in terms of a compromised tree or if there are other ways to address the resulting conflict with the sidewalk in a manner to address the sidewalk without losing the tree as the trees are such a valuable asset to the downtown. She added that they want to make thoughtful decisions regarding the trees and noted that the tree canopy is a distinctive feature of the downtown area. Ms. Richards stated that they have been in discussion with a potential arborist and noted that there is not a certified arborist on staff. Discussion ensued regarding the Street Tree Replacement Plan.

Mayor Hill commented on the passion of the group. He stated that they are committed to Tree USA Standards and that they look for solutions and not removal of trees.

Councilor Garvin commented on the important work and expressed his appreciation for the work the Committee does.

6. 1ST QUARTER 2018-2019 BUDGET UPDATE/ LEAGUE OF OREGON CITIES REPORT

Finance Director Baragary noted that the financial statements auditors are currently in town. She stated that the General Fund reserve being carried forward from 2017-2018 to 2018-2019 is \$6.8 million or approximately 30 % of annual expenditures. She noted that the City’s assessed property value for 2018-2019 is approximately \$2.742 billion, including the urban renewal increment compared to \$2.608 billion for 2017-2018.

She shared that Marijuana Tax reports have been difficult to estimate. The current estimate is that local taxes for 2018-2019 will be approximately \$125,000 or \$25,000 more than budgeted and state-shared taxes will be \$100,000 or \$20,000 more than budgeted.

The PERS Employer Contribution rates for 2019-2021 are slightly better than the rates included in the forecast, which should result in an estimated \$75,000 annual reduction in PERS costs.

Ms. Baragary then reviewed the League of Oregon Cities (LOC) Report on revenue streams common to Oregon cities. It identified commonalities and trends. It was a pilot project and the intent of the report was to paint broad trends of city revenues rather than serving as a comprehensive analysis of municipal finances in Oregon. She then reviewed the Revenue Source chart from the LOC Report.

Revenue Source	Avg rate	McMinnville	Notes
Cable franchise fee	5.54%	5.00%	Limited to 7.0%
Telecom franchise fee	5.40%	7.00%	Limited to 7.0%
General business license	\$50.00	N/A	Flat rate is most common
Local marijuana tax	3.00%	3.00%	Limited to 3.0%
Restaurant tax	5.00%	N/A	Ashland's rate; only city reporting this tax
Transient lodging tax	7.60%	10.00%	Varies significantly; 3% to 12%
Retail sales tax	N/A	N/A	No city reported a retail sales tax

The LOC concluded that the two most obvious possibilities to the LOC based on their report are to increase the city lodging tax and increase the city’s franchise fee rate from five % to seven %. Ms. Baragary noted that

the report also provided revenue options such as a general sales tax, city income tax, gross receipts tax, luxury tax, vaping and e-cigarette tax, sponsorships, and red light camera fines. Ms. Baragary then discussed municipal services fees.

Ms. Baragary stated that the City will need to develop a comprehensive, financial plan. She explained that it is important to develop a strategy where existing revenues are identified and new revenue sources will be essential to funding future General Fund operations and achieving goals included in the Strategic Plan. She stated that there is no single revenue source that will solve all of the problems.

Councilor Stassens asked about the findings in the report regarding expenses in public safety, culture, and parks and recreation. It was considerably higher than other cities but it also showed that McMinnville was considerably less in general government expenses. Ms. Baragary explained that a lot of the data came from other cities' comprehensive annual financial reports and some of the comparisons may not be apples to apples.

Council President Menke noted the different types of revenue streams including Wastewater, Water and Electric.

Councilor Drabkin commented on the red-light photos as a revenue stream. She stated that it is illegal to cite for revenue. She then asked about the rules around the Transient Lodging Tax. Ms. Baragary explained that the 70 % goes to tourism and tourism related activities. She stated that the remaining 30 % goes into the General Fund and it is discretionary. Councilor Drabkin commented on the gas tax noting that it would be something she would be interested exploring and that it is something that unilaterally affects residents and tourists and there is environmental sustainability to it. Ms. Baragary noted that gas tax revenues would need to be applied to street maintenance.

Councilor Peralta felt that the per capita numbers the report provided were very helpful. He asked about the cable franchising fee and how it can be used. Ms. Baragary commented that it is discretionary money in the General Fund. Councilor Peralta stated that he was not enthusiastic about the red light cameras.

Councilor Garvin stated that it was nice to have the comparables but would like to see a deeper dive into the report.

Mayor Hill added that it was an opportunity to provide outreach in a position to represent numerous cities in our state.

7.

CONSENT AGENDA

- a. Consider approval of the minutes from the August 28, 2018 Work Session and Regular Meeting, September 19, 2018 Work Session, September 25, 2018 City Council Work Session and Regular Meeting, October 9, 2018 Work Session and Regular Meeting and October 17, 2018 Special Called Meeting.
- b. Consider Resolution No. **2018-56**: A Resolution granting an easement to McMinnville Water & Light for the purpose of installing an electric distribution system to service Verizon tower lease space.
- c. Consider OLCC Limited On-Premises liquor license request from Taqueria Tulancingo located at 903 NE 3rd Street.

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

8.

PUBLIC HEARING: Supplemental Budget Hearing (related to Airport Maintenance Fund).

Finance Director Baragary explained that the Resolution amends the Airport Maintenance Fund Budget. She stated that the Resolution transfers \$180,000 from the contingency appropriation with \$110,000 going toward materials and services. She noted that there were some unanticipated repairs including: the HVAC system in the for the Oregon State Police Building, costs to clean and repair fuel tanks, and costs to trim trees for runway clearance. In addition, \$70,000 would go toward Capital Outlay due to unanticipated engineering costs will be incurred due to the delay of completion of the runway. This supplemental budget increases materials and services appropriations from \$364,433 to \$474,433. Capital outlay appropriations are increased from \$67,400 to \$137,400. Because the supplemental budget transfers \$180,000 from contingency, which exceeds 15 % of total appropriations in the Airport Maintenance Fund, a public hearing is required by the Council prior to adopting the supplemental budget. Appropriate notice of the Public Hearing was published in the *News Register*.

Councilor Garvin asked if the tanks were being refurbished. Engineering Services Manager Rich Spofford explained that they are gathering bids to look at repairs to the low-lead tank. Discussion ensued regarding maintenance for the tanks.

Mayor Hill asked for public comments. A guest asked about whether or not a tank truck would suffice for low lead. Mr. Spofford responded that it has been brought up several times and the issue is that the fuel supplier

will not pump truck to truck due to insurance issues. He noted that they are exploring all options but none of the options are easy or quick.

There were no further public comments.

Councilor Drabkin asked about the quantity of low lead sold. Community Development Director Bisset explained that there is very small amount of revenue from fuel sales. He stated that there have been discussions on what is the right fuel flowage fee amount. Discussion ensued regarding the early failure of the low lead tank. Mr. Bisset shared that there will likely be a need for an additional Jet A fuel tank at some point in the future. Discussion ensued regarding the different types of fuels and the type of fuel required by different airplanes. Mr. Spofford stated that pilots know that there is an issue with the supply of low lead fuel at the airport.

9. RESOLUTIONS

- 9.a. Resolution No. **2018-57**: A Resolution adopting a supplemental budget for fiscal year 2018-19 and making a budgetary transfer of appropriation authority (Airport Maintenance Fund).

Finance Director Baragary stated that the Resolution allows for the City to make the change to the Airport Maintenance Budget and for Mr. Spofford to move forward with the work described during the Public Hearing.

Councilor Stassens MOVED to adopt Resolution No. 2018-57; adopting a supplemental budget for fiscal year 2018-19 and making a budgetary transfer of appropriation authority (Airport Maintenance Fund); SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 9.b. Resolution No. **2018-58**: A Resolution awarding the contract for the design of the NE High School Basin Sanitary Sewer Project.

Community Development Director Bisset reminded Council that in early 2017 the Council adopted Resolution No. 2017-12 approving a qualified list of four consultants for sewer design work in the Wastewater Capital Improvement Plan. He stated that they first project is the 12th Street Sanitary Sewer Project. The second project is the NE High School Sanitary Sewer Rehabilitation Project and includes rehabilitation of 16,000 lineal feet of aging sanitary sewer pipelines. Based on the qualified lists of consultants AKS Engineering and Forestry was chosen to complete the design work for the second project to be constructed. The design estimate for the scope of work is \$368,465.00.

Discussion ensued regarding the different methods and costs of pipe repair. It was noted that the most cost effective method will be used based on the condition of the pipes.

Councilor Ruden MOVED to adopt Resolution No. 2018-58; awarding the contract for the design of the NE High School Basin Sanitary Sewer Project; SECONDED by Council President Menke. Motion PASSED unanimously.

- 9.c. Resolution No. 2018-59: A Resolution awarding a bid for the Water Reclamation Facility (WRF) Tertiary Treatment and Disinfection Project, Project No. 2017-2.

Community Development Director stated that they have been working on the Project for a while and that an exemption to public contracting was approved by Council to specify manufacturer's equipment for the project that best fit the existing UV System at the plant and filters. Mr. Bisset stated that 10 bids were received for the construction of the WRF Tertiary Treatment and Disinfection Project. The basis of award doesn't include the additive alternatives because it is believe that the two additives (coating both the existing steel tertiary clarifier mechanisms and coating and repairing the interior of existing ATAD #3) could be taken out and repackaged as work in a separate contract for award at a later date. Mr. Bisset stated that Staff recommends awarding the contract to Stettler Supply Company in the amount of \$1,909,500.00

Councilor Ruden MOVED to adopt Resolution No. 2018-59; awarding a bid for the Water Reclamation Facility Tertiary Treatment and Disinfection Project, Project No. 2017-2; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 9.d. Resolution No. 2018-60: A Resolution accepting the Critical Oregon Airport Relief Program Grant Offer and authorizing the City Manager to execute an agreement with the Oregon Department of Aviation (DOA) for the Airport Improvement Project.

Community Development Director Bisset reminded Council that in August 2018, the Council accepted a Federal Aviation Administration (FAA) Grant Offer for \$253,084.00 to fund the improvement project at the airport. He stated that the City is responsible for a 10 % match. He explained that Mr. Spofford worked with the Oregon Department of Aviation (ODA) to obtain a Grant that will pay 7.5 % of the City's 10 % match. As a result of the ODA Critical Oregon Airport Relief Program Grant the City will pay \$7,050 to fund the first phase of the project.

Councilor Drabkin MOVED to adopt Resolution No. 2018-60; accepting the Critical Oregon Airport Relief Program Grant Offer and authorizing the City Manager to execute an agreement with the Oregon Department of

Aviation (DOA) for the Airport Improvement Project; SECONDED by Councilor Garvin. Motion PASSED unanimously.

10. ADVISE/ INFORMATION ITEMS

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

Councilor Ruden shared that the Airport Commission met and discussed the maintenance of the fuel tanks and cutting of trees. It was a productive meeting but there is frustration regarding getting the tanks fixed.

Councilor Drabkin stated that there was a commitment for the first three-vehicle site and they are working with Champion Team to make all of the right connections happen.

Councilor Stassens shared that there was a good Urban Renewal Meeting (MURAC). There was a group from the Engineering and Aerospace Sciences Academy (EASA) that attended. They proposed a program where they will build an apparatus that could track parking coming in and out of the parking garage. She stated that everyone was interested in hearing more about the partnership. She noted that the equipment would stay with the City. She stated that the equipment would be inexpensive compared to what it would normally be and it would be a win-win. Councilor Stassens also shared that they heard a pre-application from The Bindery.

Councilor Garvin shared that YCOM held its first meeting in several months. He noted that the new computer-aided design (CAD) system will go live on December 12, 2018. He added that there was a module specific to McMinnville that needed to be added and the City will have an annual maintenance fee related to it. Councilor Garvin stated that the calls for service dues would be generated 1/1 – 12/11/18 instead of a full calendar year because of the system change so they won't be able to be compared apples to apples. He also shared that 63 % of callers were willing to perform CPR which was much higher than the state and national average. He added that the City of Dundee has entered into discussion to formally become a partner in July 2019.

Councilor Peralta shared that the Mid-Willamette Council of Governments had a meeting in mid-October. He stated that there were some new grant fund opportunities that he shared with the Planning Director. Councilor Peralta then shared that from 2016-2017 Marion, Polk and Linn County all had increases in poverty data and Yamhill County showed a reduction overall. Unemployment was down and the biggest growth (from August, 2018 data) was in education, health services, and construction.

Council President Menke shared that Visit McMinnville had a fascinating meeting and looked at marketing campaigns. They discussed the Winter Marketing Strategy.

Mayor Hill stated that MURAC is providing design assistance of any company in the Urban Renewal Area. He stated that the Urban Renewal District is alive and well and well ahead of growth estimates and revenue. Mayor Hill added that there was a Yamhill County Emergency Preparedness Fair with classes and vendors.

10.b.

Department Head Reports

Fire Chief Leipfert stated that McMinnville did really well in the Cardiac Arrest Registry to Enhance Survival (CARES) report. He also noted that the Volunteer Firefighters are the ones that conduct CPR training for the most part. He stated the City will be sponsoring PulsePoint through the new CAD system. Chief Leipfert added that EMS Chief Dale Mount would be retiring and his position will be advertised internally and externally.

Planning Director Richards stated that a couple of long-range planning processes were underway. The Great Neighborhood Principles project will be asking what makes a great neighborhood in McMinnville. There will be community dialogue that will help inform the Development Code moving forward. The Three Mile Lane Project also launched. It will be a two-year project. A Project Advisory Committee will be formed. There is a grant from ODOT of \$215,000 dedicated to the Three Mile Lane Project. Ms. Richards also shared that a Buildable Lands Inventory and Housing Needs Analysis were being conducted.

City Manager Towery shared that the Committee for Public Art has secured a piece of art to be placed in the roundabout at Hill Road and Wallace.

11.

ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:01 p.m.

Melissa Bisset, City Recorder

funded by the general fund. Ms. Richards shared that when she first arrived she was asked to do an assessment of the Planning program and after the assessment she shared that there had been quite a bit of deferred long range planning that had not been done and some of it was critical efforts that the Community needed to see happen such as Buildable Lands Inventory and a Housing Needs Analysis. She stated that she was asked to look at a user fee study.

The City of McMinnville does not have an indirect cost allocation plan meaning that there are departments not collecting fees related to administering the programs but there are costs associated with their work that goes into delivering the programs. Ms. Richards explained that it is important to know what these costs are and build it into a cost recovery model. She stated that Dan Edds, Consultant from Capital Accounting Partners (CAP) LLC, was also asked to perform an Indirect Cost Allocation Plan study for the City.

She explained that there are indirect costs associated with long range planning. Ms. Richards shared that currently 15 % of funds needed to run the current planning program are being collected and 85 % of the program is being underwritten by the General Fund. The building program is collecting 87 %. It was noted the building fee schedule was not compliant with State law.

Ms. Richards stated that the first planning fees were established in 1983. They were amended in 1995 and in 2002. A fee study was conducted in 2000. At that time there was discussion about a 55 % cost recovery for the planning program and it was not memorialized in policy or practice. She shared that the recommendation includes a plan for a six month reserve and discussed the importance of having a reserve built in.

She explained that they have been working on the project since April. In August a meeting was held with representative developers. She explained that the developers were concerned about the amount of the increases and what that meant. She stated that McMinnville has a history of providing a high level of customer service. She stated that there was a suggestion to come up with fees that are equitable.

She stated that they looked at similar cities (Grants Pass, Albany, Redmond).

Proposed fee schedules would be brought before Council on December 11th and there will be a public hearing the same evening.

Mr. Edds noted that the Planning Director and her team are smart, dedicated people and he enjoyed working with them.

There were two pieces to the project:

1. Prepare a “full cost” indirect cost allocation plan to accurately calculate

City overhead and build into Development user Fees.

2. Calculate the full cost of Building and Current Planning fees:
 - Conduct a comparison fee study; and
 - Provide recommendations on cost recovery practices and policies.

Mr. Edds explained that a “Full Cost”, Indirect Cost Allocation Plan is designed by the Federal government; and provides a consistent methodology to assign overhead costs based on a measurable benefit for services provided.

He explained the various methods for allocation of a function such as Human Resources.

Finance Director Baragary commented that the model is complex and that this is the first time indirect costs have been estimated in this manner. She stated that Mr. Edds was detailed and meticulous.

Discussion ensued regarding the indirect costs associated with the City Council.

Mr. Edds explained the quality assurance methods which included:

1. Budgeted expenses entering the cost models must equal total expenses accounted for in the costing model. The acceptable margin of error was 0 %.
2. Projected revenue from fees must closely match actual revenue from fees. The acceptable margin of error was + or – 5 to 10 %.
3. Available staff time must be fully accounted for in the costing models. The acceptable margin of error was 0 %.
4. Total revenues from fees and contributions from the general fund or other sources must match total expenses. The acceptable margin of error was 0.

Dan then provided the results on the current Planning and Building fees:

Department or Division	Annual Revenue Impacts			Reserve
	Revenue at Full Cost of Services	Projection of Revenues at Current Fees	Annual Surplus (subsidy)	6 Months Reserve, 5 yr build up
Planning	\$ 280,186	\$ 41,560	(\$238,626)	\$28,011
Building	\$ 823,431	\$ 719,575	(\$103,856)	\$82,343
Totals	\$ 1,103,617	\$ 761,135	(\$342,482)	\$110,354

Mr. Edds noted that Cost recovery for the current Planning Program is 15% and for the Building Program is 87%.

Mr. Edds explained that he was not surprised by the results. He recommended that rates should be updated at least every other year. He noted that the following items drive cost recovery:

- Productive hourly rates do not keep up with inflation.
- Changes in regulations, trend is for more regulation (higher cost over time).
- Fees are not regularly updated.
- Building fees based on construction value has an automatic escalator.
- City overhead rates are frequently not assigned to fees.

Mr. Edds then provided challenges with comparisons including:

- Comparing current cost with a price.
- City overhead may or may not be included.
- Fee descriptions and definitions don't always match.
- One city will take an "à la carte" approach to their fees while another may bundle services.
- Comparing different models of cost recovery – flat fees vs deposit based (time & materials).
- Many communities do not routinely update fees with a robust cost analysis.
- Service levels can vary dramatically.
- Building valuation fees have multiple methods off calculating value
 - Given construction value
 - International Code Council (ICC) valuation table, or
 - A combination of both.

The following cities were used in the comparison: Newberg, Woodburn, Tigard, Sherwood, Wilsonville, Albany, Redmond, Grants Pass and Tualatin.

Mr. Edds then provided charts reflecting comparison results and encouraged Council to look at the trend.

The recommendations included the following:

- Set policies or targets for fee generating revenues consistent with community values but also that will maximize cost recovery. This will strengthen ability to maintain current technology; strengthens the General Fund; and strengthens the ability to maintain a high level of customer service.
- Adjust fees annually and perform an update every 3-5 years.
- Consider buildings reserves for development services:
 - Maintains City intellectual capital in the event of an economic downturn;
 - Protects the General fund during an economic downturn; and
 - Source of funding for technology maintenance and improvements.

The importance of having reserves was discussed.

Councilor Ruden stated that there is some liability on the City's part in conducting inspections. He asked how risk to the city on the services is factored in. Mr. Edds responded that it is hard to quantify a value of risk. It was noted that insurance costs are included in the analysis.

Planning Director Richards stated that there are not any fees that go above full cost recovery.

Discussion ensued regarding the reserve. Mr. Edds responded that the proposed policy is a six-month reserve and it is appropriate and traditional.

Mayor Hill shared that in 2002 the City conducted a development services user fee study and at that time the City elected to operate at 100 % full cost recovery for the Building Program and strive for 55 % recovery for the Planning Program. The Mayor reminded Council that the Study found that the Building Program was operating at 87 % cost recovering and the Planning Program was at 15 %.

Councilor Ruden stated that it was not proper to have the Building and Planning programs being subsidized by the General Fund. He stated that he agrees with the proposed cost recovery model and stated that the original intention was to increase the cost recovery to 100 % for Building and 55 % for Planning. Councilor Ruden stated that as a member of the building community, they would like to be in harmony and great partners with the City Building and Planning Departments. He noted that if the developers and City are working towards a common goal then the extra costs that the builders have to bear up front go to a good purpose of sustaining a partner. He stated that it is a win-win and overall the General Fund of the City and the citizens benefit.

Councilor Drabkin agreed that the General Fund should not be subsidizing the Planning and Building Departments. She stated that there is not a clear plan for the reserve such as how it would be used and the maximum amount. She commented on the fees relative to the costs of the items. Ms. Richards responded that in the Building Fee Schedule, appliances were missing before and there will be discussion with builders related to the new fees. She stated that the full cost recovery is the amount of time to perform the inspection of the item. It was noted that the Building Fee Schedule includes many State regulations.

Councilor Peralta asked if there is a plan on what to do with the additional money generated as a result of the increased fees. Ms. Richards responded that she is used to current planning being funded by user fees and long range planning being funded through the General Fund. She stated that this is not how McMinnville has operated. She stated that the Planning Department has been working on getting grants in order to provide for some long range planning opportunities and consultant services. She stated that her hope is that if the decision is for current planning goes into a full cost recovery state

that the savings can then fund the long range planning and the General Fund would not be impacted any more than it is in terms of Planning activities.

Councilor Garvin felt that was the recommended percentages were a good starting point.

Ms. Richards recommendation was an initial 55 % cost recovery with a recommendation that the fee schedule be increased by 10 % plus CPI over the next 5 years to get to full cost recovery.

Ms. Richards stated that she will provide public notice for the public hearing.

3.

ADJOURNMENT: Mayor Hill adjourned the Work Session Meeting of the City Council at 7:07 p.m.

Melissa Bisset, City Recorder

MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, November 27, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors: Present
Remy Drabkin
Adam Garvin
Sal Peralta
Alan Ruden
Wendy Stassens

Excused Absence
Kellie Menke, Council President

Also present were Battalion Chief Damon Schulze, Building Official Stuart Ramsing, City Attorney David Koch, City Manager Jeff Towery, Finance Director Marcia Baragary, Fire Chief Rich Leipfert, Planning Director Heather Richards, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Manager Susan Muir, Program Manager Janet Adams, and members of the News Media – Dave Adams, KLYC Radio, Jerry Eichten of McMinnville Community Media, and Tom Henderson of the *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:12 p.m. and welcomed all in attendance.
2. PLEDGE
Mayor Hill led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Ramsey McPhillips, 13000 SW McPhillips Road, stated that since the City left the Riverbend landfill there was concern about what the rates for garbage would be. He noted that since the time Recology has switch landfills and the costs have been stable. He stated that there were costs related to building the transfer station. He shared that Metro has signed a final contract for 2020 that no longer includes Riverbend. Mr. McPhillips stated that he spoke with staff from Metro and they noted that the cost of taking the garbage up the Gorge is less than what they were spending sending it to Riverbend. He stated that the argument that Riverbend Landfill is something that the State needs because of costs has been undermined by a contract twice. He stated that the actual cost of has not gone up in McMinnville. He stated that

Newberg has one of the lowest garbage rates in the State. He stated that with Metro moving away from Riverbend 1.2 million people have lowered their garbage rates. He stated that he is very proud of that and he wanted the City to feel good about their decision.

4. PRESENTATION: Emergency Response – Hurricane Michael

Fire Battalion Chief Damon Schulze stated that in October he responded as part of an Incident Management Team to Hurricane Michael in Florida. He thanked the City and Chief Leipfert for the opportunity to go and stated that the training was invaluable as his role as Emergency Management Coordinator. He stated that two Oregon Incident Management Teams were deployed to Florida. He noted that the size and spread of Bay County was similar to Yamhill County. He displayed a picture of the Emergency Operations Center (EOC). He noted that their EOC is set up year-round and it has been operating for 18 years. He displayed an example of the Incident Organization Chart. Mr. Schulze displayed a map of the damaged area explaining the importance of those providing GIS services. He then provided a timeline of events and pointed out that it took four days to get all major roadways and it took ten days for the boil water advisory to be lifted. He stated that you could use that timeline to think about what things would look like if when the Cascadia event happens. Mr. Schulze shared that the Oregon Incident Management Teams are well organized. He emphasized a need for training, GIS and IS. He stated that the City needs to be ready to support its employees: prepared at home and at work, ready for employee emergencies, family, and funerals as well as services need to be made available to employees in the same way as the public. He explained that based on his experience he feels that response to the Cascadia event not be as easy or fast as what happened in Florida. He noted that there will not have a warning to prepare for an earthquake and we are not as prepared as Florida. He stated that Portland and Salem will get priority on resources. Mr. Schulze explained that two weeks worth of supplies will not be enough.

Mayor Hill commented on how fortunate the City is to have Mr. Schulze as the City's Emergency Manager. Mayor Hill stated that families need to be prepared for two weeks. He commented on how McMinnville Water and Light are prepared.

5. CONSENT AGENDA

- a. Consider approval of the minutes from the September 11, 2018 City Council Work Session and Regular Meeting.

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

6. RESOLUTION

- 6.a. Resolution No. **2018-61**: A Resolution approving an out-of-calendar rate adjustment for Recology Inc., of 5% for solid waste services, and requiring completion of a rate review study.

City Manager Towery stated that at the last City Council Work Session there was a presentation from Recology about the full range of activities of the organization including the change in the recycling market worldwide and the financial impact that has had on Recology. Mr. Towery stated that Recology has requested a 10.47 % rate increase to accommodate the impact of change in the recycling industry as well as additional operating costs that have accrued. He stated that the Resolution acknowledges the increased impact of the recycling market and identifies the opportunity in the Franchise Agreement with Recology to do a rate review study. Staff's proposal was to have a 5 % increase effective January 1, 2019 and conduct a rate review through an agreement with the City's independent auditor. Based on the findings, if necessary, rate changes would be effective July 1, 2019.

Councilor Garvin stated that a good portion of the rate increase is related to recycling going from a profit to a negative value and that unfolded over the past year and asked that if the recycling market were to rebound what would be done with the money. Walter Budzik of Recology stated that there is no indication that would occur but if it did the increase in revenue would work back into the operating ratio.

Finance Director Baragary explained that the auditors have a lot of experience with these types of rate reviews. She stated that they would review operating ratio, visit Recology for half a day, and look at how overhead is allocated out to the various cities and operations. She stated that the City could ask them to compare Recology's rates to industry standards.

Councilor Garvin asked about the residential rates. He stated that it hard to get a direct comparison because of all of the other residential service factors that are provided specifically in McMinnville. He asked how rates compare for commercial or industrial users to other cities. Dave Larmouth, of Recology stated that it depends on what area you are looking at and what services are offered. He stated that Recology's rates are already higher than some and lower than others and the rate adjustment wouldn't flip the tables.

Councilor Drabkin asked about curbside glass pick up. Discussion ensued regarding the history of glass pick up in McMinnville. Councilor Drabkin asked about the stabilization of rates. Ms. Budzik confirmed that it is a stable loss. She asked about what other options are available for recycling without additional increases in rates. Mr. Budzik clarified that the rate increases are for current service levels.

Discussion ensued regarding the various options for recycling programs. It was noted that as long as there is a mixed recycling program in McMinnville, it will look very similar to how it currently looks.

Discussion ensued regarding domestic program possibilities. It could take two to three years before domestic programs could replace the export markets.

Councilor Drabkin asked if there are any other financial tools other than rate increase. Mr. Budzik responded that Recology has endeavored to do as much as they can to keep costs as low as they can.

Councilor Peralta asked that if Council approved a rate increase of 5 % rather than the 10.47 %, would there be an effect the service. Mr. Budzik stated that service would not be reduced.

Mr. Budzik thanked Council for the consideration of the out of cycle rate increase. He thanked City Staff for the 5 % rate increase recommendation and respectfully requested the 10.47 % increase.

Annelly Germaine, Zero Waste Volunteer, stated that styrofoam is pretty evil stuff. She stated that is used in food service and in packing materials. It is 95% air and the rest is #6 plastic. Benzene is used to make Styrofoam and noted that benzene is a known carcinogenic. Stryofoam is a suspected carcinogen. She stated that it styrofoam is an environmental disaster, it makes up to 30 % of any given landfill worldwide and it does incalculable damage to marine life. Ms. Germaine stated that stryofoam is not biodegradable and that it can last nearly forever unless suitable solvents are used to break it down. She stated that many cities and counties have banned stryofoam for food production and food use. It has been banned for food use in Ashland, Eugene, Medford and Portland. Ms. Germaine stated that McMinnville has a piecemeal approach to sustainability. She shared that Zero Waste Volunteers have gathered signatures and there are over 400 signatures that have been gathered and they are asking the City to address the problem.

Mark Davis, 652 SW Washington Street, stated that he has a high level of frustration and that he likes what Recology is trying to do in the community. He likes that they are a recycling company and that they are employee owned. He stated that he is frustrated because the last two times Recology has come before Council for rate increases he asked if there could be more details provided. Mr. Davis said that a citizen cannot look at the information Recology provided and be able to tell what is going on. He stated that in the past, the company had provided enough information for one to tell if the rates were appropriate. Mr. Davis added that he is happy there will be rate study and suggested that everything the Finance Director suggested could be in the study should be in the report. He stated that he would like to see the details so that the citizens can make intelligent comments. He stated that there should be more background information before granting rate increases.

Ramsey McPhillips, stated that styrofoam is multiplying. He shared that it is brought into the community through big box stores in large quantities. He

stated that there is often a compactor in the stores and they compact it with other items because it is more economical for the store. Mr. McPhillips stated that he would like there to be an outlet for Styrofoam. He stated that Recology tried to have styrofoam recycling and it was a highly toxic option that Recology briefly used. Zero Waste is in favor of the rate increases but they feel that this is an opportunity to add in something that may create some jobs and may standardize or reduce the garbage rate. He noted that 30 % of styrofoam is going to the landfill. Education can help reduce the garbage and there is a local company that has a process to handle the styrofoam.

John Desmarteau, of Agilyx is proud that Zero Waste is educating the public. He stated that Agilyx can take all types of polystyrene. He explained the process for reducing the polystyrene into an oil. He stated that they are reducing the number of plastics going into the landfill. He noted that the product they are creating has 50 to 70 % lower greenhouse gas generation than using virgin products and making a product in the United States to make new products. They are trying to figure out how to get product to them and their facility in Tigard is processing ten tons a day.

Jerry Hunter, local business owner and Zero Waste Board Member, stated that styrofoam and polystyrenes are a significant problem in the waste stream and a significant concern of the citizens of McMinnville. He noted that Mr. Peters had reported that this is already a focal point of Recology. Mr. Hunter stated that Mr. Peters spoke of a growing partnership with McMinnville Zero Waste and Recology has been open to Zero Waste's efforts. Mr. Hunter stated that Recology is a recycling company. He stated that recycling should be treated as an industry and that it is the right thing to do for social and environmental reasons but noted that it should be done in an economically viable way or it can't and won't be done. He stated that he supports the rate increase that Recology is seeking. Mr. Hunter stated that program alternatives are not terribly appealing and that the local options look like continuing to recycle at a higher rate or ask for concurrence from the DEQ and place it in the landfill. He stated that Zero Waste applauds Recology's commitment to recycling and increased levels of service and he is personally happy to increase the frequency of glass collection. Mr. Hunter added that the City has shown leadership in these areas before and noted the positive impact of the Bag-it-Better Ordinance. He stated that Zero Waste hopes that they City will support Recology in their rate increase so that they may have a sustainable model that includes recycling. He asked that the Council consider directing Recology to access the implementation of a polystyrene recycling program to include a collection point at the transfer station and transfer those materials.

Beth Frischmuth, Zero Waste volunteer, stated that she is concerned because she sees what she throws into the garbage with regards to styrofoam. She stated that as a concerned citizen she would like to see something done. She would like McMinnville citizens to be able to deposit styrofoam and other plastics. She stated that anyone who is concerned about the environment is more than happy to make an effort to drop off these items in order to keep

them out of the landfill. She stated that knowing what is happening to the Oceans and sea life is appalling. She stated that it is important for everyone to do their part to keep styrofoam and plastics out of the landfill and to be given an opportunity to recycle them.

Councilor Drabkin stated that there are two great partners represented in the room, the voices of Zero Waste and Recology, both who have helped move the City forward as being a leader when it comes to recycling. She stated that she has seen a lot of positive work between the two organizations. She stated that last time a rate increase was presented there were two different options. Option A was a needed rate increase to keep services as what they were. Option B was a higher rate increase with the expansion of services that included glass recycling and compost bins. She stated that Mr. Fred Stemmler was with Recology at that time and he was somewhat surprised with Option B. She noted that generally the rate increase at that time was well accepted by the community. She stated that she sees the need for styrofoam and believes it is a positive conversation and she hopes the conversation continues with all partners; however, in terms of this request for a rate increase, she doesn't see the rate increase and expansion of service in the same manner. Councilor Drabkin stated that she would like Recology to be able to continue to provide the kind of service and felt that in order to support Recology to maintain their current services, that there is not a choice not to increase rates. She also noted that as Mr. Davis stated, Council has said that they would take a deeper look into the financials and make the reports more available and that hasn't been done. She stated that she is happy to have Recology as a partner.

Councilor Ruden stated that Mr. Davis should be listened to and that the City should get more detail from Recology. He stated that the City should fight the styrofoam in a major way. He stated that he would like to see more detail about the collection of styrofoam and collection of it.

Councilor Garvin stated that he is in favor of finding something to do with styrofoam. He also agreed into a deeper look into Recology's accounting. He stated that if he were to approve, then he would be in favor of staff's 5 % increase with a rate review. He felt there should be a cost analysis of what it would be to add styrofoam.

Councilor Peralta agreed with Councilor Ruden about getting more details from Recology and including the styrofoam as part of the package.

Councilor Stassens stated that she appreciated the testimony. She stated that the really good data from citizens is appreciated. She stated that she likes how staff suggested to split the increase and felt that there should be more details and would like to have additional information about the styrofoam. She stated that when there is technology that is locally able to handle the material that the responsible thing to do is evaluate the option.

City Manager Towery stated that Staff's recommendation was based on the changes in the recycling market drove roughly half of Recology's requested rate increase. He stated that he is persuaded not only by Recology's presentation of information but by a significant amount of reporting and analysis on recycling worldwide and that it is not a short term fix. He noted that it is probably the new normal for a number of years. Mr. Towery stated that the 5 % would primarily address the unanticipated costs of recycling but would not accommodate an expanded recycling program. He stated that the rest of the rate increase is described as cost of living/ cost of operations. The opportunity to perform a rate review will give clarity on the numbers. Mr. Towery presented options for action.

Discussion ensued on wanting to table the item to receive more information about adding a styrofoam recycling program but also not wanting to create an additional hardship to Recology by delaying the increase.

City Attorney Koch provided the various options to Council for taking action or not taking action on the proposed Resolution.

City Manager Towery explained that the proposal that Recology was that with a full increase they would not bring back another proposal until 2020. It was noted that Staff's suggestion is to conduct the rate analysis in the Spring.

Discussion ensued regarding what other cities are doing with regarding dealing with the increased costs of recycling.

Councilor Stassens stated that allowing them to have sustainable on market knows but giving them the directive that when the next rates and rate review comes up that they would look at including a styrofoam recycling program.

Councilor Stassens made a motion to approve Resolution No. 2018-61. The motion was not seconded.

Councilor Garvin stated that he would like Recology to be able to recover the costs of the changes in the recycling market but he would also like to have the data of what a styrofoam recycling program would cost, and he would consider the cost of the program being included in the rate adjustment. He stated that he would like to hold off on any CPI adjustments until after a rate review.

Discussion ensued regarding the various options.

Councilor Ruden stated that he would like to take more time to make a decision.

City Attorney Koch clarified that Staff understands that the Council is strongly considering a styrofoam recycling program and that there is some interest in considering the 5 % out of cycle rate adjustment based on the increased costs of the current recycling program in the future. He noted that

the rate review is still something that Council would like to see prior to any additional rate increases related to operations.

Mayor Hill stated that he would encourage the low cost approach for a styrofoam recycling program.

7. **ADVICE/ INFORMATION ITEMS**

a. Reports from Councilors on Committee and Board Assignments.

Councilor Ruden shared that there have been a couple interviews for the Airport Commission positions.

Councilor Drabkin stated that the next Affordable Housing Task Force will be the follow day.

Councilor Garvin shared that the next YCOM meeting is coming up and there will be more information in January.

Mayor Hill stated that the Bypass Committee met. He noted that U.S. Representative Peter DeFazio will become the Chairman of Transportation Committee in the House of Representatives. Mayor Hill stated that moving quicker than slower in getting “shovel ready” is important for the next Phase of the Bypass.

b. Department Head Reports

Human Resources Manager Kylie Bayer-Fertterer shared that there has been supervisory training and recruiting efforts. She has been building buy-in for an applicant tracking system and working on achieving the requirements of the equal pay act.

City Manager Towery reminded Council that the Holiday Party is coming up on December 14th.

8. **ADJOURNMENT:** Mayor Hill adjourned the Regular City Council Meeting at 8:51 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF WORK SESSION
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 11, 2018 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors: Present Excused Absence
Remy Drabkin (arrived late)
Adam Garvin
Kellie Menke, Council President
Sal Peralta
Alan Ruden
Wendy Stassens

Also present were City Attorney David Koch, City Manager Jeff Towery, Fire Chief Rich Leipfert, Finance Director Marcia Baragary, Human Resources Manager Kylie Bayer-Fertterer, Information Systems Director Scott Burke, Planning Director Heather Richards, Police Chief Matt Scales, and members of the News Media – Dave Adams, KLYC Radio, Jerry Eichten, McMinnville Community Media, and Tom Henderson, *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 6:05 p.m. and welcomed all in attendance.
2. CITY MANAGER EVALUATION

Sean O'Day from Mid Willamette Valley Council of Governments presented. The evaluation method that was used was a two part evaluation. Part one consisted of an evaluation of the City Manager by the City Council by an electronic survey. Part two was a self-evaluation by the City Manager using the same electronic survey. The results of the surveys were put into a report that showed the average of the Council's responses and where the City Manager placed himself. In summary the Council had a positive view of the City Manager in all the categories. The City Manager's self-evaluation attributed success to the extra staff that had been hired in the last year, management teambuilding, and implementation of the Strategic Plan. From a financial perspective he noted that the accomplishments had been achieved due to additional revenues and conservative expenditures. In the long term to achieve ongoing stability and to advance the Council's strategic objectives there would need to be proactive discussions in the future budget adoption process.

City Manager Towery appreciated the time and energy that the Council put into the relationship with him and City staff. He was encouraged that the collective assessment was close in line with the City Manager's self-evaluation. That indicated to him that they were on the same page.

Mr. O'Day concurred that there was alignment in their thinking for the direction of the City. It was noted that the evaluation process was anonymous. Council President Menke expressed her thanks for all City Manager Towery had done.

Councilor Stassens stated that the work sessions had been working well in helping further inform Council. She appreciated how City Manager Towery tried to meet their needs by taking feedback and coming back with new ideas. Mayor Hill asked if there was anything that City Manager Towery could do differently to bring up the score for disseminating information and responding to requests in a timely manner.

Councilor Stassens stated that sometimes there were citizens that brought up concerns, but Council did not hear about the resolution. It would be helpful for Council to get a follow up.

Councilor Garvin was very happy with the job of the City Manager and thought the City was fortunate to have him. He asked that if there were going to be meetings about issues that he should give Council a heads up.

Councilor Peralta stated that the City seemed well run and that the management staff were given the opportunity to do their jobs with good oversight.

Councilor Stassens had heard that Department Heads had a collaborative relationship.

Councilor Ruden stated that City Manager Towery had shown excellent leadership and enthusiasm. He thought things were going good and appreciated what he had done.

Mr. O'Day stated McMinnville was well represented in the region as City Manager Towery was seen by his peers as one of the top managers and a leader in his profession.

Mayor Hill commented on the unified approach of staff. The hires had been tremendous and they had great staff. There was a respectful relationship between the Council and City Manager and he looked forward to many years of continuing down this path.

City Manager Towery appreciated everything about McMinnville.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 6:24 p.m.

Melissa Bisset, City Recorder

CITY OF McMinnville
MINUTES OF REGULAR MEETING
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday, December 11, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors: Present Excused Absence
Remy Drabkin
Adam Garvin
Kellie Menke, Council President
Sal Peralta
Alan Ruden
Wendy Stassens

Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Engineering Services Manager Rich Spofford, Human Resources Manager Kylie Bayer-Fertterer, Parks and Recreation Director Susan Muir, Planning Director Heather Richards, Police Captain Tim Symons, and members of the News Media – Dave Adams, KLYC Radio, Jerry Eichten, McMinnville Community Media, and Tom Henderson, *News Register*.

AGENDA ITEM

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

2. PLEDGE OF ALLEGIANCE

Councilor Ruden led the pledge of allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Jody Christensen, McMinnville Economic Development Partnership, thanked the Council for the opportunity to serve the City. The next Executive Director would get a treasure. She always felt supported in her position and it had been her honor and a highlight of her career to serve the City. The role she would be serving on behalf of the Governor would be to cover Yamhill, Polk, and Marion Counties. She would help translate some of the policies coming out of the Governor's office into the community and take the message back to the Governor about how it related to rural Oregon. She would also be working on special projects to streamline, open up access to agencies, and making sure they were responsive to the needs of the community. She was excited and was not leaving the community.

The Board of Directors met and were working on the next steps in the search process. They understood the City's voice in the process.

Steve Iverson, McMinnville resident, supported a styrofoam recycling program in the City. It would reinforce the image of McMinnville as a happening place and a good place to visit or live. It would set them apart as a place that cared about quality of life and sustainability. He urged the Council to approve the proposed Option No. 2, a 5.5% rate increase effective January 1 that included styrofoam collection at the McMinnville Transfer Station and the balance of the rate request after the rate review. He thanked the Council and Recology for making this happen.

Annelly Germaine, McMinnville resident, thanked Council and Recology for taking an enormous step in the right direction and supporting the people's advocacy for styrofoam recycling. She gave kudos to Recology for their good response and development of a plan to accept styrofoam at the Recycle Barn. She was thankful that small businesses would be allowed to participate in the program. She asked that this matter not be considered a victory because household styrofoam recycling did not completely solve the problem. She also supported the 5.5% rate increase. The upcoming rate study should include a solid plan and public input for additional recycling. They were on the forefront by addressing the matter at the municipal level. They had the opportunity to make history.

Patriciafaye Marshall, McMinnville resident, echoed what had been said. She asked that on Saturday, December 29, there could be the first collection available at the Depot since it would be right after Christmas.

Dan Hilbert, McMinnville resident, said regarding the Shop with a Cop program, he found it inappropriate for officers to engage in a publicity stunt which portrayed Walmart as giving money to youngsters and officers as santas. He thought it was disingenuous and an attempt to fool children. He also did not think the Fire Department should be used to beg motorists to donate toys and money in the parking lot of Walmart.

Kent Taylor, McMinnville resident, thanked Councilor Ruden for his many years of service to the City. He appreciated the time that they had worked together on the Council and how Councilor Ruden was always very respectful of the public.

4. PRESENTATION

4.a. PLANNING COMMISISON ANNUAL UPDATE

Planning Director Richards reviewed the role and responsibilities of the Planning Commission. They were an advisory committee to the City Council and also made legal decisions regarding land use. They were also the Citizen Involvement Committee for the City. There were nine members that represented a cross section of citizens. They served four year terms and could serve three full terms or up to 12 years on the Commission. They were still trying to fill the ex-officio youth

position. They looked at current planning projects as well as long range planning projects. For 2018 there had been a focus on long range planning and data gathering and citizen engagement on future growth in the City. They had also looked at specialty plans, Development Code text amendments, and quirkily infill developments. She discussed the Long Range Planning Needs Assessment, Planning Commission Work Plan for the next five years, quasi-judicial decisions, legislative code amendments, Work Session topics, education of the Commission, and planning for growth as well as long range planning. For the future, the Commission would continue to work on the Five Year Work Plan including an update of the Economic Opportunities Analysis, Three Mile Lane Area Plan, City Center Housing Strategy, Park Zone, and Bike/Ped Plan. There had been changes in Planning staff this last year and she recognized the new staff members. Roger Hall, Planning Commission Chair, thought the Commission was balanced and worked well together. He thanked the Council for the people they appointed to the Commission and for their support. He also thanked the Council for the additional Planning staff.

Zack Geary, Planning Commission Vice Chair, also thanked Council for the additional staff. The Commission was a passionate group that were ready to work on the issues.

Council President Menke enjoyed attending the Commission Work Sessions.

Councilor Stassens had been on the Planning Commission with Chair Hall and thought they were doing a tremendous job.

Councilor Ruden agreed that the members of the Commission were quality.

Councilor Garvin appreciated the amount of work the Commission had taken on and had accomplished.

Mayor Hill thanked the Commission for doing the heavy lifting and for their effort and commitment.

5. CONSENT AGENDA

- a. Consider Resolution No. **2018-65**: A Resolution approving the issuance of the certificate for the canvass of the returns of the votes cast at the General Election conducted on November 6, 2018, electing of three City Councilors

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Ruden. Motion PASSED 6-0.

6. RESOLUTIONS

- 6.a. Consider Resolution No. **2018-66**: A Resolution Declaring an Emergency and awarding a Contract for Repairs for the 100LL Fuel Tank at the McMinnville Municipal Airport, Project No. 2018-7

Engineering Services Manager Rich Spofford stated that there was a declaration of emergency due to circumstances. The 100 Low Lead Fuel Tank had not been operating since the end of July. From July to October they had used a work around, however the work around became inoperable. There was no way they could sell any 100LL fuel at the airport. Pilots had to go to other airports to fill their aircrafts. The emergency declaration allowed them to expedite a contract with Mascot Equipment to refurbish and repair the 100LL tank. That would take 12-14 weeks. If they bought a new tank, it would be a 6-8 month process.

Councilor Ruden was glad that there was a solution to this problem.

Councilor Garvin asked if there was any way the fuel truck could be used in the meantime. Mr. Spofford explained that there was not a current viable solution due to insurance.

Councilor Stassens MOVED to adopt **Resolution No. 2018-66**; declaring an emergency and awarding a contract for repairs for the 100LL Fuel Tank at the McMinnville Municipal Airport, Project No. 2018-7; SECONDED by Councilor Ruden. Motion PASSED 6-0.

- 6.b. Consider Resolution No. **2018-67**: A Resolution approving an out-of-calendar rate adjustment for Recology Inc., of 5.5% for solid waste services, and requiring completion of a rate review study

City Manager Towery said the Council had reviewed an initial proposal from Recology for a 10.47% rate increase. At that time it was staff's recommendation to implement a 5.5% rate increase effective January 1 to accommodate for the change in recycling opportunities and to forestall the balance of the request until a rate review study could be conducted. Council had indicated interest in a styrofoam recycling program and asked Recology to look into the implementation of such a program. Recology responded that they could do a drop off program and requested an additional one half of one percent to implement the program in January 2019.

Carl Peters, Recology, stated they were pleased to provide a styrofoam program for consideration. There were three options for styrofoam, one was not to have a program, one was to approve the program but delay implementation until after the rate review, and one was to approve the program and implement it as soon as possible. They were proposing a drop off program at the Transfer Station that would operate and be available during regular business hours. He explained what they would accept at the Transfer Station. The program would be available to all McMinnville residents and small commercial businesses. He saw the opportunity to work with Zero Waste and look at special collection projects as they came up. He would like to see businesses continue to move away from using styrofoam. He stated that they would like to add programs strategically with small steps first and this addressed a need for residents. He would commit to accepting styrofoam the day after Christmas.

Councilor Drabkin appreciated the efficient and expedited way that they were able to bring back the options the Council asked to see.

Councilor Ruden stated that generally speaking the Council was in support of the increase but the styrofoam was a sticking point. He hoped the rate review could be done in short time.

Councilor Stassens appreciated the partnership and thanked Recology for the work they were doing.

Councilor Garvin stated that the quick turn-around was appreciated.

Mayor Hill added that he was touched by having a solution suggested in the audience and how resources were brought together to make it possible. It was a learning process and it was a partnership to be proud of.

Councilor Ruden MOVED to adopt **Resolution No. 2018-67**: A Resolution approving an out-of-calendar rate adjustment for Recology Inc., of 5.5% for solid waste services, and requiring completion of a rate review study; SECONDED by Councilor Peralta. Motion PASSED 6-0.

- 6.c. Consider Resolution No. **2018-68**: A Resolution making a budgetary transfer of appropriation authority for fiscal year 2018-2019 in the Building Fund

Finance Director Baragary stated this was a budgetary transfer of appropriation authority in the Building Fund for Fiscal Year 2018-2019 due to circumstances that were not anticipated. The transfer would come from Contingency and Capital Outlay and moved to Materials and Services. This was necessary due to costs associated with staff turnover and the transition to the new epermitting software program. The transfer would be \$70,200, of which \$65,000 would come from Contingency and \$5,200 would come from Capital Outlay.

Councilor Ruden asked about the staffing changes. Planning Director Richards stated that the Building Official left his position in April 2018 and she secured a service on a part time basis to serve as the building official. In so doing they took the Plan Review that was normally under the work scope and outsourced it to a vendor. They had maintained this set up for nine months as it was necessary to continue the building program. She expected to have savings in the Personnel Services fund, but thought it would be easier to move Contingency funds. They had been underway in transitioning to a new software system that was free from the State. It allowed epermitting and credit card transactions. They learned that the Building Fee Schedule was out of compliance with the State and they had to hire a consultant to work on an update. That was an unexpected expenditure.

Council President Menke MOVED to adopt **Resolution No. 2018-68**: A Resolution making a budgetary transfer of appropriation authority for fiscal year 2018-2019 in the Building Fund; SECONDED by Councilor Ruden. Motion PASSED 6-0.

- 6.d. Consider Resolution No. **2018-64**: A Resolution appointing and re-appointing members to the various Boards, Committees, and Commissions

Mayor Hill explained interviews took place for the Budget Committee, Landscape Review Committee, Historic Landmarks Committee, and Planning Commission. The recommendations for the Budget Committee would be done at a later time. For the Landscape Review Committee, he recommended reappointment of Josh Kearns for a three year term to expire on December 31, 2021. For the Historic Landmarks Committee, he recommended reappointment of John Mead for a four year term to expire on December 31, 2022. For the Planning Commission, he asked Planning Director Richards to discuss the recommendations.

Planning Director Richards shared that two members were recommended to be reappointed, Gary Langenwalter and Roger Hall. The two new appointments were Amanda Perrin and Christopher Knapp and she gave their backgrounds. Mayor Hill recommended for Ward 3, Gary Langenwalter to be reappointed and Amanda Perrin to be appointed for a four year term to expire on December 31, 2022. For the at large positions, reappointment of Roger Hall for a four year term to expire on December 31, 2022 and appointment of Christopher Knapp for a one year term to expire on December 31, 2019.

Councilor Drabkin thought this interview process had been far improved. She appreciated that there was a smaller group that did the interviews and made recommendations. She would like to see the applications from all of the applicants in the Council packet in the future.

Mayor Hill said the recommendations for the Airport Commission were to reappoint Andy Benedict for a four year term to expire on December 31, 2022 and to appoint Mark Fowle for a four year term to expire on December 31, 2022.

Councilor Drabkin MOVED to adopt **Resolution No. 2018-64**: A Resolution appointing and re-appointing members to the various Boards, Committees, and Commissions; SECONDED by Councilor Peralta. Motion PASSED 6-0.

- 6.e. Public Hearing and Consider Resolution No. **2018-62**: A Resolution adopting a Building Fee Schedule and repealing all previous resolutions adopting building fee schedules

Planning Director Richards said this resolution repealed all previous resolutions that adopted a Building Fee Schedule and adopted a new Building Fee Schedule with the fees effective January 28, 2019. She stated that when the new software was turned on they needed to be compliant with the State in terms of the fee methodology and Building Fee Schedule. The fee schedule had not been updated since 2002 and at that time the City policy was that the Building Fund would operate under 100% cost recovery. They needed to become complaint with State regulations by January 28, 2019. The new fee schedule captured a full cost recovery to deliver the building program. She stated what was different about the schedule was that it added appliance permit fees, second plan check fees, "off-hours" inspection fees, phased permit fees, investigation fees, and some

miscellaneous fees. She explained the fees were determined through direct program delivery costs and indirect cost allocation plan. Regarding the impact to developers, it would be a difference of about 5 to 7 percent. It would allow for e-permitting and credit card transactions which would provide better service to customers. It would also respond to the equity and parity issues that they had heard from the development community. She gave examples of projects that were moving through the process and the differences between the current fee and proposed fee. The significant increases were in the appliance permit fees and she recommended coming in with lesser than full cost recovery for that fee. Staff thought they could still maintain the program at the level they wanted to. She did a comparison to other municipalities and McMinnville was trending where they should be for single family residential development, hovering around the upper edge for commercial/industrial development, and low on room addition development. The new fee schedule assumed 100% cost recovery, retained a plan review fee of 65% of the building permit fee, and added many unit fees per the requirements of the State. Since this was new for the City, staff recommended a reduced level of collection initially. The new fee schedule would build a six month reserve over five years, would maintain a reserve of 6-12 months operating budget, and would adopt the ICC Building Valuation Data Table on April 1 of each year. The public engagement included a development community meeting in August of 2018, a public hearing notice in the *News Register*, email to the development community, and an article in the *News Register*. No public comments had been received so far.

Council President Menke asked if they were adjusting the fees for inflation as they went along. Planning Director Richards said the fee schedule did not have that. They were doing everything they could to keep expenses down and wanted to be responsive to the development community to keep the fee increases as minimal as possible.

Mayor Hill said when they did not have full cost recovery, the tax payer money made up the difference. Planning Director Richards clarified the Building program had not been underwritten by the General Fund. It had been operating in its own dedicated fund as an enterprise fund. The revenue coming in was paying for the expenses. The increase was due to the indirect cost allocation plan and they did not increase the fee schedule last year.

Mayor Hill opened the public hearing.

Gary Warrington, McMinnville resident, was concerned about the trickle down effect of these increases, especially for affordable housing. He discussed his experience of trying to get a simple permit and how it had taken 90 days. It appeared that staff did not have compassion or empathy for getting the permit when it should have been a simple matter. He thought there should be a customer service element added and a stakeholder review and evaluation of the process to see if it was truly as efficient as it could be.

Ray Kulback, McMinnville resident, did not think the department should operate at a loss and the proposed fees seemed reasonable. Staff had also done extensive

work on trying to help bring affordable housing costs to the fees of the City. He suggested looking at other funding sources, such as a slight property tax increase, to help subsidize development fees.

Mark Prine was a builder in McMinnville and the surrounding areas. He had experienced good customer service at the office. He thought the proposed fees would be bad for affordable housing as developers were trying to find a balance to keep housing affordable and encourage growth. The projected increase was 5 to 7%, but some of the fees were greater than a 7% increase. If there was a surplus of funds, would there be a refund or a way to bring the fees back down to be more manageable? The full recovery costs that were used to justify the fees did not take into account the multiple fee structures. The costs were exorbitant.

Gioia Goodrum, McMinnville Chamber of Commerce, voiced concerns the Chamber had about the impact the building fees would have on the community. There was a housing shortage issue and the fees should be decreased to encourage housing development. She also thought the appliance permit fees were concerning as people would have to get a permit to install appliances in their own homes. Before implementing the new fees, she asked that the impact to not only new housing but the impact to residents be taken into consideration.

Mayor Hill closed the public hearing.

Planning Director Richards said regarding affordable housing, the fee schedule memorialized a resolution the City passed a year and a half ago which provided a 50% reduction in both building and planning fees for affordable housing projects. She explained the State had required the appliance permit fees to be included in the methodology. It was based on an hourly rate and if more than one appliance was being installed at the same time, they would assign one fee to that, not charge more than one fee. There was a policy in the resolution that if the amount of money in the reserve fund exceeded 6-12 months by 25% more or 25% less, the fee schedule would be updated. They needed to be able to sustain the program and provide good customer service. They wanted to be a team with the development community. The appliance permit fee would be about \$50 per unit, and if that was not working or seemed exorbitant, they would go back and look at the fee again. The State was trying to standardize the building programs across the state and the City could not customize it.

Councilor Ruden thought the fees were reasonable and the customer service had been improved through the reorganization of the Building Department. As a builder, he thought the overall service was worth the money.

Mayor Hill agreed there had been a rough spot for a while, but they were back up to full staff and with a mindset that customer service was top priority.

Councilor Stassens stated a lot of effort was being put into the Planning and Building Departments to streamline and to be as efficient as possible. Part of the rate increase would go into that. She thought there was a customer service focus and was in support of the fee schedule.

Councilor Garvin asked about the average time it took to get a permit. Planning Director Richards said their performance metric was two to three weeks for a residential project and four to six weeks for a commercial project. They had struggled with that as staff had been transitioned and some of the services were outsourced to another vendor. She thought they were able meet the performance metric now.

Councilor Ruden MOVED to adopt **Resolution No. 2018-62**: A Resolution adopting a Building Fee Schedule and repealing all previous resolutions adopting building fee schedules; SECONDED by Council President Menke. Motion PASSED 6-0.

- 6.f. Public Hearing and Consider Resolution No. **2018-63**: A Resolution adopting a Planning Fee Schedule and repealing all previous resolutions adopting planning fee schedules

Planning Director Richards explained this resolution would repeal all previous resolutions that adopted a Planning Fee Schedule and the new fee schedule would take effect on January 28, 2019. The fee schedule had not been updated since 2002, and at that time the City policy was 55% cost recovery. After conducting a Planning Department assessment, the cost recovery was between 10-15% for current planning which eliminated the opportunity to fund the long range planning program. This led to significant deferred long range planning that was out of compliance with state and federal regulations and led to current development challenges. Essentially the general taxpayer was significantly underwriting the current planning costs of new development in the community. The Long Range Planning Needs Assessment showed a deficit of \$1,700,000 and two full time employees. Staff was directed to conduct a full cost recovery study. The analysis was done in April to November, 2018. In August there was a development community meeting and in November a City Council Work Session was held on this topic. The user fee was determined by direct program delivery costs and the indirect cost allocation plan. This year there would be \$238,626 of General Fund subsidy for the current planning program. She thought \$200,000 to \$250,000 could fund a long range planning program and there was over a decade of deferral. The thought process for the fee proposal was to start with the basis of 55% cost recovery working towards 100% cost recovery. They needed to identify those items that the City wanted to incentivize, those items which were common and impactful to smaller development, those items which were rare and impactful to larger development, and compare their fees to similar communities. A comparison to other municipalities was done which showed McMinnville was trending in the middle. At full cost recovery, the City would trend high for a property line adjustment, low for a conditional use permit, and high for a sign permit/review. For the proposed cost recovery of 55%, the comparisons were more in line or lower with other communities. The City did not have sign permitting today and she recommended that sign permits be added to the Planning program. The fee schedule assumed 55% cost recovery with a 10% increase plus CPI over the next five years. It would be updated on July 1 of each year. It added 16 permits that were currently being provided as a free service. It planned for four

additional land use applications as part of a long term program and built a six month reserve over five years. Public engagement included a development community meeting in August 2018, a public hearing notice in the *News Register*, email to the development community, and an article in the *News Register*.

Comments were received about the appeals fee from Mark Davis, Sid Friedman, and Kathy Jernstedt who were concerned about the increased fee being cost prohibitive for the general public to appeal a land use decision locally. Comments from developers included trying to keep fees to a minimum and thinking about how some fees might be deferred to occupancy. She explained the appeals process in McMinnville and compared the appeals costs of other municipalities to McMinnville's costs. She then reviewed the recommended amendments to the resolution. One was to add language to the resolution title, "at the time this fee schedule becomes effective." Another was to correct the date in the heading to 1/28/19 as well as changing the appeal fee to \$250 for a Planning Director decision and signage permit fees to \$175 per permanent permit and \$75 per temporary permit. Chris Chennowith emailed the Council today about his concerns about government raising fees. In this case raising the fees would protect the general taxpayer from underwriting a specialty user program.

Councilor Drabkin asked about the suggestion to delay fees until occupancy. Planning Director Richards said other cities did that for SDC fees, which were the bigger costs for development. There were risks to the City for allowing that, but it was something they could explore.

City Manager Towery said in his experience developers often did not use that option as it did not fit in their business models.

Councilor Garvin asked about the 55% cost recovery and bringing it up in five years as opposed to a longer time period. Planning Director Richards said the 55% was based on the City's policy adopted in 2002. The consultant said if they strung it out over too long of a period all they would do would be continuing the problem. They would have to still subsidize the planning program and could not do the long range planning. All of the long range planning was being grant funded currently, however that was not sustainable and they were only at the very beginning of that work. There would be a time when the General Fund would be needed for the long range planning.

Mayor Hill said one of the big problems in the City was lack of available land and they needed to be able to expand the Urban Growth Boundary to keep affordable land in the City. Planning Director Richards agreed land costs in McMinnville were an issue, especially for workforce housing. Without doing long range planning they were not able to protect the charm of the community as they grew.

Councilor Peralta asked how many appeals were made on an annual basis. Planning Director Richards said they had very few appeals.

Councilor Peralta thought the appeals fees should be lower so that no one was prohibited from appealing due to resources.

Councilor Drabkin asked if this decision was delayed, how would it affect the process. Planning Director Richards said they would move forward with the existing fee schedule in the new software program, but would also ghost in the new fees so they would be in the system when the decision was made.

Councilor Ruden asked about the cost recovery for appeals. Planning Director Richards said it was up to the City's value system for assigning the fee, whether it would be full cost recovery or less.

There was discussion regarding the costs for LUBA appeals and how that was not included in this fee schedule.

Mayor Hill opened the public hearing.

Mark Davis, McMinnville resident, was in support of the proposal except for the appeal fees. He thought staff provided good service to the development community. He did not think what was being asked was unreasonable. There was a qualitative difference between the service that was being provided to the development community and the access that a citizen had to speak to the City Council about a planning issue. He thought the current appeal fee of \$600 was high, and if it was increased there would be no citizen participation and he did not think that was fair. If they were really interested in hearing from citizens, they had to keep the fee at a reasonable number.

Steve Iverson, McMinnville resident, discussed the appeal fees. He pointed out that the County charged \$250 for appeals. He urged the Council to keep the appeal fees low.

Gioia Goodrum, McMinnville Chamber of Commerce, did not think there had been enough time and opportunity for businesses to review these fees and the impacts they might have to their businesses. She asked for Council to wait to make a decision until the Chamber could discuss this issue with businesses. Once the Chamber had these discussions, she would like to meet with City officials to review the concerns. She also thought the fees should be put on hold so they did not negatively impact the direction the City was headed.

Lucetta Elmer, McMinnville resident, thought this would be a huge hit that might need to be considered in smaller doses. More understanding of the budget was required. The fees would take away from the smaller local builders and would allow large corporations to have an advantage. It would also have an impact on affordable housing and the price of land would continue to rise. Business growth would be impacted as well. There had not been enough time to process the pros and cons of these fees, and she requested the Council give it more time. She liked the example of a 20% increase, then a 10% increase per year. She asked if other options could be explored. She thought they should slow down and allow the citizens to come alongside the Council so they could handle the increase.

Mayor Hill closed the public hearing.

Councilor Garvin saw the need to increase the fees for better cost recovery, however he thought it was a bigger bite than he could get behind tonight. He wanted to encourage small town developers and putting this steep of a fee structure in place in such a short amount of time would limit some of the small developments. He would like to start with 25% cost recovery and then go up 10% per year.

Councilor Ruden said after looking at how much the General Fund was subsidizing the Planning Department, he thought they needed to take the hit now and get something going. He was fine with the 55% although he agreed it would affect the small, local builders. It was a question of whether they wanted to get the General Fund healthy as soon as possible in an equitable way or did they want to take more time.

Councilor Stassens thought the lack of long range planning had a huge impact on the building community. Developers were in a tough position now because they did not have the land inventory and planning. Things could become a lot more expensive if they delayed too long. They were already in a deep hole and she thought it was urgent that they get out of it. She was a proponent of moving quickly on this because time was of the essence.

Mayor Hill agreed making appeals reachable for citizens was important. He would like it to be a more appropriate level. The number one concern of employers in the City was workforce housing. The longer they delayed this the deeper the hole would be for available affordable land. It would be a greater impact on businesses and growth in McMinnville. If they did not have full cost recovery, every citizen paid for these services through the General Fund. Councilor Stassens was in support of reviewing the appeal fees. She acknowledged that there needed to be a conversation with the business community as well.

Councilor Peralta was in favor of adjusting the Planning Commission decision appeal fee to \$1,000 and not delaying the decision.

Council President Menke agreed with reducing the proposed appeal fee to \$1,000 as well as making the decision that night.

Councilor Drabkin was concerned with the fees that would affect the affordable housing component and appeals process. Items like Conditional Uses for ADUs, manufactured home park/RV park permits, resident occupied short term rentals, and home occupation permits were considerable jumps in cost and might affect smaller entities and the work that was being done for affordable housing. Councilor Stassens said they were trying to stop using the General Fund which impacted the whole community for something that did not benefit everyone, such as Conditional Use Permits. She thought the affordable housing was being addressed through other methods. The General Fund should be used for the general public benefit. She agreed the appeal fees affected the whole community and that General Fund dollars could be used to subsidize it to make sure citizens could appeal issues that were important to them.

Councilor Ruden MOVED to adopt **Resolution No. 2018-63**: A Resolution adopting a Planning Fee Schedule and repealing all previous resolutions adopting planning fee schedules with the amendments of the appeal fee of a Planning Director decision to be reduced to \$250, appeal fee of a Planning Commission decision to be reduced to \$1,000, \$175 for a permanent sign permit, and \$75 for a temporary sign permit; SECONDED by Councilor Stassens. Motion PASSED 5-1 with Councilor Garvin opposed.

7. ORDINANCE

7.a. **Consider Ordinance No. 5060**: An Ordinance amending Title 17 (Zoning) of the McMinnville City Code, specific to multiple chapters to update definitions and the and the regulation of small-scale mixed-use and upper-story residential use in the C-3 General Commercial Zone

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

City Attorney David Koch read by title only Ordinance No. 5060.

Senior Planner Tom Schauer explained this was a text amendment to the City's Zoning Ordinance. The criteria included consistency with applicable purpose statements in the Zoning Ordinance and consistency with the Comprehensive Plan. The current Zoning Ordinance did not differentiate whether permitted residential types were stand-alone or part of mixed use, but there could be different considerations. The C-3 zone allowed multi-family whether stand-alone or part of mixed use subject to R-4 zone standards. The C-3 zone did not allow one and two family dwellings, whether stand-alone or part of mixed use. This gap precluded desirable small scale upper-story residential over commercial mixed use. Currently the C-3 zone allowed owner occupied residence in the same building as a business. The upper-story residential amendment would expand C-3 to allow upper story use to include one or two dwelling units without an owner occupancy requirement. C-3 zoning already allowed multi-family whether or not attached to a building with a business. Therefore the owner occupancy requirement for one unit in a building with a business would only apply to a ground floor residential unit. The objectives of the text amendment were to recognize the valid purpose of precluding the subdivision and development of property for stand-alone detached one and two family dwellings in the C-3 zone and to close the gap for mixed use by differentiating and authorizing desirable small scale upper story residential use in the C-3 zone when located above permitted uses in the same building and attached or detached to one another or other buildings. This would allow for one and two upper story residential units on a lot in the C-3 zone which were not permitted now. It would also modify the owner occupancy requirement for ground floor residences. This was a simple, suitable short term solution for this narrow issue now, and a more comprehensive review of residential uses and issues would be done at a future date. The proposal would add definitions to Chapter 17.06, modify the list of permitted uses in Chapter 17.33, and amend the parking provisions in Chapter 17.60. Staff found the proposal to be consistent with the Comprehensive Plan in the economy,

housing and residential development, transportation system, and energy chapters. Staff concluded that the proposal addressed the identified objectives and all applicable criteria were satisfied. Staff recommended adoption of the ordinance.

Councilor Peralta thought this was a great idea.

Councilor Drabkin MOVED to consider the second reading of Ordinance No. 5060: An Ordinance amending Title 17 (Zoning) of the McMinnville City Code, specific to multiple chapters to update definitions and the and the regulation of small-scale mixed-use and upper-story residential use in the C-3 General Commercial Zone; SECONDED by Councilor Peralta. Motion PASSED 6-0.

City Attorney Koch read by title only for a second time Ordinance No. 5060.

Council President Menke MOVED to adopt **Ordinance No. 5060**: An Ordinance amending Title 17 (Zoning) of the McMinnville City Code, specific to multiple chapters to update definitions and the and the regulation of small-scale mixed-use and upper-story residential use in the C-3 General Commercial Zone; SECONDED by Councilor Stassens. Motion PASSED 6-0 by roll call vote.

8. MCMINNVILLE WATER AND LIGHT COMMISSION APPOINTMENT

Mayor Hill said an existing Commissioner had been interviewed who was willing to serve another term. He recommended reappointing Pat Fuchs to the Water and Light Commission.

Council President Menke said Mr. Fuchs brought a strong technology background which was welcome to the Commission.

There was consensus to reappoint Pat Fuchs to the McMinnville Water and Light Commission.

9. ADVICE/INFORMATION ITEMS

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

Councilor Drabkin reported on a strategic doing work session regarding homelessness. There was a lack of clarity within the faith based community about services specific to warming shelters and what they were and were not allowed to provide. She asked Council if they could direct staff to draft an emergency ordinance that clearly stated that churches were allowed to open their doors as emergency shelters during the day for inclement weather. If staff could draft this ordinance, she asked for another meeting in December to pass it.

Planning Director Richards concurred that there continued to be confusion about the intention and allowance of using churches as warming shelters. She thought if there was a way to get the message out that affirmed that it came directly from the Council it would help the situation.

There was discussion regarding the information that had already been given out and how there seemed to be a need for further communication and affirmation.

There was consensus for staff to draft an official letter and Mayor Hill would speak directly with some of the church representatives.

Councilor Stassens reported on the last MURAC meeting where the 3rd Street Streetscape Project was discussed.

Councilor Garvin said YCOM's CAD system would go live tomorrow.

Councilor Peralta was invited to be on the executive board for the Mid Valley COG.

Council President Menke encouraged the Council to review the budget document from last year in preparation for the coming year's budget process.

Mayor Hill announced on Friday there would be a Bypass Committee meeting with Congresswoman Bonamici regarding Phase 2 of the Bypass.

9.b. Department Head Reports

City Manager Towery would be taking the next three Fridays off.

10. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 11:00 p.m.

Melissa Bisset, City Recorder



City Recorder Use	
Final Action: _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: J Crow
 BUSINESS LOCATION ADDRESS: 1722 N Hwy 99W Ste #3
 LIQUOR LICENSE TYPE: Winery 1st Location

Is the business at this location currently licensed by OLCC

Yes No

If yes, what is the name of the existing business:

Hours of operation: N/A

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: Yes No

Criminal Records Check: Yes No

Recommended Action: Approve Disapprove

Chief of Police / Designee

City Manager / Designee



City Recorder Use	
Final Action: _____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Liquor License Recommendation

BUSINESS NAME / INDIVIDUAL: Roth's IGA Foodliner Incorporated
 BUSINESS LOCATION ADDRESS: 1595 SW Baker Street
 LIQUOR LICENSE TYPE: Limited on-premises

Is the business at this location currently licensed by OLCC

Yes No

If yes, what is the name of the existing business:

Hours of operation: Sunday-Saturday 6am-10pm

Entertainment: N/A

Hours of Music: N/A

Seating Count: 49

EXEMPTIONS:

(list any exemptions)

Tritech Records Management System Check: Yes No

Criminal Records Check: Yes No

Recommended Action: Approve Disapprove

Chief of Police / Designee

City Manager / Designee



City of McMinnville
City Manager
230 NE Second Street
McMinnville, OR 97128
(503) 434-7302

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: February 12, 2019
TO: City Council
FROM: Jeff Towery, City Manager
SUBJECT: Noise Variance Request from Ms. Paulsen for June 15th, 2019.

Report in Brief:

This action is the consideration of a waiver from the Noise Ordinance.

Background:

Roeshaun Paulsen is getting married at 915 SW Cozine Lane on Saturday, June 15th. They would like to have amplified music (a DJ) from 3:00 – 11:00 pm.

The McMinnville Municipal Code, Section 8.16.150, specifies that:

- A. No person shall make, assist in making or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.
- B. The following acts are declared (sic) to be loud, disturbing and unnecessary noises in violation of this section...

11. The use or operation of any . . . loudspeakers or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that *upon application to the common council, permits maybe granted* to responsible persons or organizations to broadcast programs of music, news, speeches or general entertainment . . . (emphasis added).

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

Fiscal Impact:

There is no anticipated fiscal impact.

Recommendation:

Should the Council choose vote in favor of a motion allowing this waiver, the City Manager will write a letter to Ms. Paulsen, letting her know that she has the Council's approval.



**CITY OF McMINNVILLE
FINANCE DEPARTMENT
230 NE Second Street
McMinnville, Oregon 97128
www.mcminnvilleoregon.gov**

STAFF REPORT

DATE: February 12, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Presentation of Fiscal Year 2017-2018 Financial Statement Audits

Discussion:

The City and Urban Renewal Agency (URA) 2017-2018 financial statement audits and the City's Single Audit have been completed by our auditors with the public accounting firm, Merina & Company, LLC.

Ms. Tonya Moffitt, partner with Merina & Company, is scheduled to meet with the Audit Committee prior to the joint Council and URA Board meeting on February 12, 2019. Ms. Moffitt will also present the results of the audits at the joint meeting to the full City Council and URA Board.

Due to the size of the City's Comprehensive Annual Financial Report (CAFR), the link to the Report is provided below:

[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/finance/page/223/final_cafr_fy2018 - bookmarked.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/finance/page/223/final_cafr_fy2018_-_bookmarked.pdf)

The URA Financial Report and Single Audit are included in the agenda packet.

Action: No action is required

McMinnville Urban Renewal Agency, Oregon
Annual Financial Report

For the fiscal year ended June 30, 2018

prepared by

Finance Department
City of McMinnville, Oregon

McMinnville Urban Renewal Agency, Oregon
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Table of Contents

Elected Officials	i
Independent Auditor’s Report	1
Management’s Discussion and Analysis	4
Basic Financial Statements:	
Agency-Wide Financial Statements:	
Statement of Net Position	8
Statement of Activities	9
Fund Financial Statements:	
Balance Sheet-Governmental Funds	10
Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds	11
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities	12
Notes to Basic Financial Statements	13
Required Supplementary Information:	
Schedule of Revenues, Expenditures and Changes in Fund Balance:	
Budget and Actual:	
McMinnville Urban Renewal Fund	22
Other Supplementary Information:	
Schedule of Revenues, Expenditures and Changes in Fund Balance:	
Budget and Actual:	
Urban Renewal Debt Service Fund	23
Compliance	
Independent Auditor’s Report On Compliance and on Internal Control Over Financial Reporting on an Audit of Financial Statements Performed in Accordance with <i>Oregon State Regulation</i>	24

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INTRODUCTORY SECTION

McMinnville Urban Renewal Agency

ELECTED OFFICIALS AND PRINCIPAL APPOINTED OFFICERS OF THE AGENCY

JUNE 30, 2018

URBAN RENEWAL AGENCY BOARD

TERM EXPIRES

Scott Hill 1525 Gilson Court McMinnville Oregon 97128	December 31, 2020
Wendy Stassens 166 SW Eckman Street McMinnville Oregon 97128	December 31, 2020
Sal Peralta 925 SE Davis Street McMinnville Oregon 97128	December 31, 2018
Kellie Menke 678 NW Wintergreen McMinnville Oregon 97128	December 31, 2020
Alan Ruden 1688 NW Emerson Drive McMinnville Oregon 97128	December 31, 2018
Adam Garvin 2940 NE Lafayette Avenue McMinnville Oregon 97128	December 31, 2020
Remy Drabkin 1400 NE 17 th Street McMinnville Oregon 97128	December 31, 2018

URBAN RENEWAL AGENCY ADMINISTRATION

Jeffrey R. Towery	City of McMinnville City Manager
David R. Koch	City of McMinnville City Attorney
Marcia T. Baragary, CPA	City of McMinnville Finance Director

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FINANCIAL SECTION

INDEPENDENT AUDITOR'S REPORT

Agency Officials
McMinnville Urban Renewal Agency
McMinnville, Oregon

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the McMinnville Urban Renewal Agency, a component unit of the City of McMinnville, Oregon, as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the McMinnville Urban Renewal Agency's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

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

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the McMinnville Urban Renewal Agency, as of June 30, 2018, and the respective changes in financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the required supplementary information, such as management's discussion and analysis and schedule of revenues, expenditures and changes in fund balance – budget and actual, as listed in the table of contents under required supplementary information, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the management's discussion and analysis in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The schedule of revenues, expenditures and changes in fund balance – budget and actual, as listed in the table of contents under required supplementary information, is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, this information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the McMinnville Urban Renewal Agency's basic financial statements. The elected officials and other supplementary information are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The other supplementary information, as listed in the table of contents, is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States

of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The elected officials has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

Reports on Other Legal and Regulatory Requirements

Other Reporting Required by Oregon Minimum Standards

In accordance with Minimum Standards for Audits of Oregon Municipal Corporations, we have also issued our report dated December 27, 2018, on our consideration of the McMinnville Urban Renewal Agency's compliance with certain provisions of laws and regulations, including the provisions of Oregon Revised Statutes as specified in Oregon Administrative Rules. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and not to provide an opinion on compliance.



For Merina & Company, LLP
West Linn, Oregon
December 27, 2018

McMinnville Urban Renewal Agency Management's Discussion and Analysis

This discussion and analysis presents the highlights of financial activities and financial position for the McMinnville Urban Renewal Agency (the Agency), a component unit of the City of McMinnville, Oregon. The analysis focuses on significant financial issues, major activities and resulting changes in financial position, variances from the budget, and specific issues relating to funds and the economic factors affecting the Agency.

Management's Discussion and Analysis (MD&A) focuses on current year activities and resulting changes and should be read in conjunction with the City of McMinnville's financial statements and the Agency's financial statements, which immediately follow this analysis.

Financial Highlights

The Agency was established in March 2013. The year ended June 30, 2018 was the fourth year that the Agency incurred financial transactions.

- Assets exceeded liabilities by approximately \$356,840 at June, 30, 2018.
- The Agency received property taxes of approximately \$206,100 in the 2018 fiscal year.
- During, the current fiscal year, the Agency completed construction of a street improvement in the Alpine Avenue area which is within the urban renewal district. At 2018 fiscal year end, the Agency's capital assets consisted of approximated \$1,950,000 in street improvements.

Overview of the Financial Statements

Following this MD&A, the report is organized in three sections: basic financial statements including notes to the basic financial statements; required and other supplementary information; and reports by the independent auditor as required by the State of Oregon. The agency-wide statements include the statement of net position and the statement of activities.

The *Statement of Net Position* provides a focus on the net position of the Agency's governmental activities. As Agency activities increase, the Statement will also reflect the Agency's capital assets and long term liabilities.

The *Statement of Activities* provides a focus on program costs and their matching resources. To the extent that program costs are not covered by grants and direct charges, they are paid from general taxes and other sources. This statement demonstrates the extent to which programs are self-supporting or subsidized by general revenues.

The *fund financial statements* for the individual funds follow the agency-wide statements. The Agency presents the Urban Renewal Fund, which serves as the Agency's general operating fund, and the Urban Renewal Debt Service Fund as major funds.

McMinnville Urban Renewal Agency Management's Discussion and Analysis

Agency-wide Statements

The agency-wide statements report information about the Agency as a whole using accounting methods similar to those used by private-sector companies. The statement of net position includes *all* of the Agency's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two agency-wide statements report the Agency's *net position* and how it has changed. Net position—the difference between assets and liabilities—is one way to measure the Agency's *financial health* or *position*.

Statement of Net Position

Net position may serve over time as a useful indicator of a government's financial position. In the case of the Agency, assets exceeded liabilities by \$356,840 at the close of the most recent fiscal year.

The following table is a summary of the City's net position compared to the prior year fiscal year.

Statement of Net Position June 30, 2018 and 2017

	2018	2017
Current and other assets	\$ 594,310	\$ 2,590,674
Capital assets	1,950,857	-
Total assets	2,545,167	2,590,674
Current and long-term liabilities	2,188,327	2,323,710
Other liabilities	-	-
Total liabilities	2,188,327	2,323,710
Net position		
Invested in capital assets	1,950,857	802,418
Restricted for:		
Unrestricted	-	-
Debt service	-	-
Unrestricted	(1,594,017)	(535,454)
Total net position	\$ 356,840	\$ 266,964

The Agency's net position increased by \$89,876 during the current fiscal year. This increase represents the degree to which revenues exceeded expense.

McMinnville Urban Renewal Agency Management's Discussion and Analysis

Statement of Activities

As with the statement of net position, the Agency reports governmental activities on a consolidated basis. A summary version of the statement of activities is illustrated in the following table.

Changes in Net Position For years ended June 30, 2018 and 2017 Governmental Activities

	2018	2017
Revenues		
General revenues		
Tax increment revenues	\$ 206,099	\$ 179,000
Investment income	20,375	18,752
Other	-	150
Total revenues	\$ 226,474	\$ 197,902
 Expenses		
Governmental activities		
General government	\$ 80,570	\$ 78,425
Interest on long-term debt	56,028	1,417
Total expenses	136,598	79,842
Increase in net position	\$ 89,876	\$ 118,060

Governmental activities increased the Agency's net position by approximately \$89,900 and accounts for the entire growth in the net position of the Agency. The Agency's tax increment revenues of \$206,099 are the majority of total revenues of the Agency. The fiscal year ended 2018 was the fourth year the Agency collected taxes.

All of taxes collected are restricted to repayment of urban renewal debt which will finance various projects within the urban renewal district.

Fund Financial Analysis

Fund accounting segregates revenues according to their intended purpose and is used to aid management in demonstrating legal and contractual compliance with revenue source spending requirements. The Agency's fund balance classifications are defined as required by GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

The entire amount of the Debt Service Fund's ending fund balance consists of tax increment revenue and is restricted for debt service. Ending balances for fiscal years 2018 and 2017 were \$290,020 and \$312,054 respectively, for a decrease of \$22,034. The decrease is due to higher interest payments related to debt in 2018, the fourth year of the Agency's existence.

In the fund financial statement, the Urban Renewal Fund ending fund balance for fiscal years 2018 and 2017 were \$278,824 and \$1,375,021 respectively. The decrease of \$1,096,197 is due to the completion of the Alpine Avenue street improvement project and the corresponding capital expenditures related to the project. The purpose of this fund is to account for urban renewal project costs.

McMinnville Urban Renewal Agency Management's Discussion and Analysis

Urban Renewal Fund Budgetary Highlights

There were no supplemental budgets adopted by the McMinnville Urban Renewal Agency Board in the current fiscal year.

Capital Assets

At fiscal year end June 30, 2018, the Agency had \$1,950,857 in capital assets. The entire amount of the capital assets represents the Alpine Avenue street improvement project. At fiscal year end June 30, 2017, the Agency's capital assets consisted of \$802,418 in construction in progress. The project was completed in 2018.

Obligations Outstanding

The Agency and the City of McMinnville entered into an intergovernmental agreement that requires the Agency to repay contract expenses for the creation of the Agency. At fiscal year end June 30, 2018, the remaining balance on the debt was \$10,000. The balance owed to the City will be repaid by fiscal year 2019.

During the 2017 fiscal year, the Agency and City entered into an intergovernmental agreement for the City to loan \$2,192,300 to the Agency for construction of the Alpine Avenue project. The final payment is due on this loan in 2032. The Agency's outstanding debt is described in more detail in the notes to the financial statements, Note III.D.

Economic Factors

The McMinnville Urban Renewal Agency's purpose is to partner with private development to support growth in downtown and the northeast gateway area. Increasing property values within the urban renewal boundaries translates into increasing tax increment revenue. This tax increment is then used to pay debt incurred to fund projects and improvements.

In 2013 when the Agency was created, the frozen assessed value of the district was \$86.3 million. For the fiscal year ended 2018, the assessed value of the district was \$103.0 million, an increase of 19 percent compared to the frozen base. Taxes assessed on the incremental assessed value between the current and frozen assessed values are paid to the Agency, while taxes on the frozen base are paid to the respective taxing jurisdictions.

Requests for Information

This Agency's financial statements are designed to provide citizens, taxpayers, customers, investors, and creditors with a general overview of the Agency's finances and to demonstrate the Agency's accountability of the resources it receives and expends. For additional information, contact the Finance Department, City of McMinnville, 230 NE Second Street, McMinnville, Oregon 97128.

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BASIC FINANCIAL STATEMENTS

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Statement of Net Position
June 30, 2018

	Governmental Activities
Assets	
Current assets:	
Receivables	\$ 13,607
Restricted cash and investments	580,703
Noncurrent assets:	
Capital assets:	
Depreciable capital assets	1,950,857
Total assets	2,545,167
 Liabilities	
Current liabilities:	
Accounts payable	14,765
Short-term note	6,262
Notes payable, due within one year	110,000
Notes payable, due after one year	2,057,300
Total liabilities	2,188,327
 Net Position	
Net investment in capital assets	1,950,857
Unrestricted	(1,594,017)
Total net position	\$ 356,840

The notes to the basic financial statements are an integral part of this statement.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Statement of Activities
For the Year Ended June 30, 2018

Functions/Programs	Expenses	Net Expense and Change in Net Position Governmental Activities
Governmental activities:		
General government	\$ 80,570	\$ (80,570)
Interest on long-term debt	56,028	(56,028)
Total governmental activities	\$ 136,598	(136,598)
General revenues:		
Property taxes		206,099
Investment income		20,375
Total general revenues		226,474
Change in net position		89,876
Net position- beginning,		266,964
Net position - ending		\$ 356,840

The notes to the basic financial statements are an integral part of this statement.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Balance Sheet - Governmental Funds
For the Year Ended June 30, 2018

	Urban Renewal Fund	Debt Service Fund	Total Governmental Funds
Assets			
Cash and investments	\$ 293,589	\$ 287,114	\$ 580,703
Property tax receivable	-	13,607	13,607
Total assets	\$ 293,589	\$ 300,721	\$ 594,310
Liabilities			
Accounts payable	\$ 14,765	\$ -	\$ 14,765
Total liabilities	14,765	-	14,765
Deferred inflows of resources			
Unavailable revenue-property taxes	-	10,701	10,701
Fund balances			
Restricted	278,824	290,020	568,844
Total fund balances	278,824	290,020	568,844
Total liabilities, deferred inflow of resources, and fund balances	\$ 293,589	\$ 300,721	\$ 594,310
Fund balance - modified accrual basis			\$ 568,844
Amounts reported for governmental activities in the statement of net position are different because:			
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds,			1,950,857
Other long-term assets are not available to pay for current-period expenditures and therefore are deferred in the funds:			
Tax increment revenues - earned but unavailable			10,701
Long-term liabilities, including notes payable, are not due and payable in the current period and therefore are not reported in the funds			(2,173,562)
Net position of governmental activities			\$ 356,840

The notes to the basic financial statements are an integral part of this statement.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2018

	Urban Renewal Fund	Urban Renewal Debt Service Fund	Total Governmental Funds
Revenues:			
Property taxes	\$ -	\$ 204,046	\$ 204,046
Miscellaneous	15,860	4,515	20,375
Total revenues	<u>15,860</u>	<u>208,561</u>	<u>224,421</u>
Expenditures:			
Current:			
General government	1,229,009	-	1,229,009
Interagency debt service:			
Principal	-	174,567	174,567
Interest	-	56,028	56,028
Total expenditures	<u>1,229,009</u>	<u>230,595</u>	<u>1,459,604</u>
Excess (deficiency) of revenues over (under) expenditures	(1,213,149)	(22,034)	(1,235,183)
Other financing sources (uses):			
Interagency loan proceeds	<u>116,952</u>	-	<u>116,952</u>
Net change in fund balances	<u>(1,096,197)</u>	<u>(22,034)</u>	<u>(1,118,231)</u>
Fund balance, beginning as reported	1,538,021	149,054	1,687,075
Restatement	<u>(163,000)</u>	<u>163,000</u>	<u>-</u>
Fund balance, beginning restated	<u>1,375,021</u>	<u>312,054</u>	<u>1,687,075</u>
Fund balances - ending	<u>\$ 278,824</u>	<u>\$ 290,020</u>	<u>\$ 568,844</u>

The notes to the basic financial statements are an integral part of this statement.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Reconciliation of the Statement of Revenues, Expenditures and Changes in
Fund Balances of Governmental Funds to the Statement of Activities
For the Year Ended June 30, 2018

Amounts reported for governmental activities in the Statement of Activities are different because:

Net change in fund balances--total governmental funds	\$ (1,118,231)
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlay exceeded depreciation:	1,148,439
Revenues in the statement of activities that provide current financial resources are not reported as revenues in the funds.	
Change in tax increment revenue earned but not available	2,053
Change in long-term obligations reported in the fund statements are not reported in the Statement of Activities	
Proceeds of borrowing	(116,952)
Principal paid on long-term obligations	<u>174,567</u>
Change in net position--governmental activities	<u><u>\$ 89,876</u></u>

The notes to basic financial statements are an integral part of this statement.

**McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)**

**Notes to the Basic Financial Statements
June 30, 2018**

I. The reporting entity and summary of significant accounting policies

The financial statements of the McMinnville Urban Renewal Agency (the Agency) have been prepared in accordance with accounting principles generally accepted in the United States of America (GAAP) and applies the provisions of all applicable Governmental Accounting Standards Board (GASB) Statements.

A. Reporting entity

The Agency is the urban renewal agency of the City of McMinnville, Oregon (the City) and was organized on July 23, 2013 under the provisions of Oregon Revised Statutes, Chapter 457, to undertake urban renewal projects and activities pursuant to the Downtown and Northeast Gateway Redevelopment Plans.

The Agency's governing body is substantively the same as the City's governing body, therefore the Agency is presented as a blended component unit in the City's basic financial statements. All significant activities over which the Agency exercises oversight responsibility have been included in the component unit financial statements. This governing body has the ability to impose its will on the Agency as determined on the basis of budget adoption, taxing authority, and funding. The Agency has no component units.

B. Agency-wide and fund financial statements

The Agency's financial operations are presented at both the agency-wide and fund financial level. All activities of the Agency are categorized as governmental activities.

Agency-wide financial statements display information about the reporting government as a whole. These statements focus on the sustainability of the Agency as an entity and the change in aggregate financial position resulting from the activities of the fiscal period. These aggregated statements consist of the statement of net position and the statement of activities.

The *Statement of Net Position* presents information on all of the Agency's assets and liabilities, with the difference reported as *net position*.

The *Statement of Activities* demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Fund financial statements display information at the individual fund level. Each fund is considered to be a separate accounting entity. Funds are classified and summarized as governmental, proprietary, or fiduciary. All of the Agency's funds are classified as governmental fund types.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

C. Measurement focus, basis of accounting, and financial statement presentation

Measurement focus is a term used to describe which transactions are recorded within the various financial statements. Basis of accounting refers to when transactions are recorded.

The agency-wide financial statements are presented on a full accrual basis of accounting with an *economic resource measurement focus*. An economic resource focus concentrates on the Agency's net position. All transactions and events that affect the total economic resources (net position) during the period are reported. An economic resources measurements focus is inextricably connected with full accrual accounting. Under the full accrual basis of accounting, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of the timing of related cash inflows and outflows.

The fund financial statements are presented on a modified accrual basis of accounting with a *current financial resource* measurement focus. This measurement focus concentrates on the fund's resources available for spending currently or in the near future. Only transactions and events affecting the fund's current financial resources during the period are reported. Similar to the connection between an economic resource measurement focus and full accrual basis of accounting, a current financial resource measurement focus is inseparable from a modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they become measurable and available). *Measurable* means the amount of the transaction can be determined and revenues are considered *available* when they are collected within the current period or expected to be collected soon enough thereafter to be used to pay liabilities of the current period. For this purpose, the Agency considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. The Agency considers tax increment revenues susceptible to this accrual.

Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the agency-wide statements, reconciliation is necessary to explain the adjustments needed to transform the fund based financial statements into the agency-wide presentation. This reconciliation is part of the basic financial statements.

GASB Statement No. 34 sets forth criteria for the determination of major funds. For purposes of presentation, both the McMinnville Urban Renewal Fund and the Debt Service Fund are presented as major funds of the Agency.

Major Governmental Funds:

- *McMinnville Urban Renewal Fund*
This fund accounts for the acquisition and development of capital improvement projects. Other financing sources consist of operating transfers from the debt service fund, bond proceeds, investment earnings, and other miscellaneous revenues. This fund functions as the Agency's "General Fund".
- *Urban Renewal Debt Service Fund*
This fund accounts for the payments of principal and interest on debt incurred. The primary sources of revenue are tax increment revenues and investment income.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

D. Assets, liabilities, deferred outflows/inflows of resources and net position or fund balance

1. Deposits and investments

Cash and investments, including restricted cash and investments, consist of cash on hand, demand deposits, short-term investments with original maturities of three months or less from the date of acquisition, and the State of Oregon Local Government Investment Pool (LGIP) deposits. Investments in the LGIP are stated at share value, which approximates fair value, and is the value at which the shares can be withdrawn.

The LGIP is administered by the Oregon State Treasury. The LGIP is an open-ended no-load diversified portfolio offered to any agency, political subdivision or public corporation of the State who by law is made the custodian of, or has control of, any public funds. The LGIP is commingled with the State's short-term funds. In seeking to best serve local governments of Oregon, the Oregon Legislature established the Oregon Short-Term Fund Board. The purpose of the Board is to advise the Oregon State Treasury in the management and investment of the LGIP.

The City's investment policy, adopted by the City Council, essentially mirrors the requirements of the Oregon Revised Statutes. Currently, the City's investment portfolio consists of investments in the LGIP.

The Agency's investment policy is the same as the City's and essentially mirrors the Oregon Revised Statutes. Currently, the Agency's investment portfolio primarily includes investments in the State of Oregon Local Government Investment Pool.

2. Receivables and payables

Tax increment revenues (property taxes) are levied on and become a lien against the property on July 1 in the year in which they are due. Collection dates are November 15, February 15, and May 15 following the lien date. Discounts are allowed if the amount due is received by November 15 or February 15. Tax increment revenues that are unpaid and outstanding on May 16 are considered delinquent.

In the fund financial statements, tax increment revenues receivable that are collected within 60 days after the end of the fiscal year are considered measurable and available and, therefore are recognized as revenue. Any remaining balance is deferred and recorded as unavailable revenue.

In the agency-wide financial statements, tax increment revenues receivable are recognized as revenue when earned.

3. Restricted assets

Assets whose use is restricted by legal requirements external to the Agency, are segregated on the agency-wide statement of net position. These legal restrictions include use limitations, as well as urban renewal tax increment funds legally restricted by applicable state statutes.

4. Capital Assets

In the government-wide financial statements, capital assets include property, plant, equipment, infrastructure assets (roads, pathways, street lights, etc.). In the governmental fund financial statements, capital assets are charged to expenditures as purchased.

Capital assets are defined by the Agency as assets with an initial cost of \$10,000 or more and an estimated useful life of more than one year. Cost generally includes materials, labor and an allocation of overhead costs.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

The cost of normal repairs and maintenance that do not add to the value of the asset or materially extend assets' lives are not capitalized. Assets are recorded at historical cost or estimated historical cost if historical cost is not available.

Land, land rights, and easements have an indefinite life and therefore are not amortized. Construction in progress that has not been put into use is not depreciated. Exhaustible assets are depreciated using the straight-line method.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Land improvements	20
Buildings and building improvements	20 – 50
Computer equipment	4 – 5
Street infrastructure	20 – 50

5. Long-term obligations

In the agency-wide financial statements, long-term debt is reported as a liability in the statement of net position. Debt premiums and discounts are amortized over the applicable debt term.

In the fund financial statements, debt premiums and discounts are recognized as period costs in the year of issue. The face amount of debt issued is reported as other financing sources, while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

6. Net Position and Fund Balance

In the fund financial statements, the funds report restricted fund balances for amounts that are not available for unlimited use because they are legally segregated for a specific purpose. These legal segregations include use limitations, as well as urban renewal tax increment funds legally restricted by applicable state statutes.

In the government-wide statement of net position, equity is referred to as *net position* and is segregated into the following three components: 1) amount invested in capital assets, 2) legally restricted by outside parties for a specific purpose, and 3) unrestricted.

7. Deferred outflows/inflows of resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Agency does not have an item that qualifies for reporting in this category.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Agency has only one type of item, which arises only under a modified

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

accrual basis of accounting that qualifies for reporting in this category. Accordingly, the item, unavailable revenue, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes. These amounts are deferred and recognized as an inflow of resources in the period that the amounts become available.

E. Use of estimates

The preparation of the financial statements, in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows of resources, liabilities and deferred inflows of resources, the disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual amounts could differ from those estimates.

II. Stewardship, compliance, and accountability

The Agency's budget is adopted on a basis consistent with Oregon Revised Statutes (ORS 294 – Local Budget Law). The process under which the budget is adopted is described in the following paragraphs.

The Budget Officer is responsible for submitting a proposed budget to the Budget Committee, which is comprised of the Agency Board and an equal number of citizens of the District.

The Agency is required to prepare a balanced budget for all funds, subject to the budget requirements of state law. The Agency's budget is prepared for each fund on the modified accrual basis of accounting.

The budget document is required to contain specific detailed information for various revenue and expenditure categories. Information on the past two years' actual receipts and expenditures as well as current-year estimates is also included in the budget document.

The Budget Committee conducts public hearings for the purpose of obtaining citizens' comments, and then approves a budget and submits it to the Board for final adoption. The approved expenditures for each fund may not be increased by more than 10 percent by the Board without returning to the Budget Committee for a second approval. After the Board adopts the budget and certifies the total of *ad valorem* taxes to be levied, no additional tax levy may be made for that budget period.

The Board legally adopts the budget by resolution before July 1. The resolution establishes appropriations for each fund and sets the level by which expenditures cannot legally exceed appropriations. For the Agency's funds, the levels of budgetary control established by resolution are materials and services, debt service, capital outlay, transfers and operating contingency. Appropriations lapse as of the end of the fiscal year for goods not yet received or services not yet incurred.

The Board may change the budget throughout the year by transferring appropriations between levels of control and by adopting supplemental budgets. Unexpected additional resources may be added to the budget through the use of a supplemental budget. Some supplemental budgets require hearings before the public, publications in newspapers and approval by the Board. Original and supplemental budgets may be modified by the use of appropriation transfers between the levels of control. Such transfers require approval by the Board.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

III. Detailed notes on accounts

A. Cash and investments

Oregon Revised Statutes authorize the Agency to invest primarily in general obligations of the U.S. Government and its agencies, certain bonded obligations of Oregon municipalities, bank repurchase agreements, bankers' acceptances, high-grade corporate indebtedness, and the State of Oregon Local Government Investment Pool.

The Agency participates in the State of Oregon Local Government Investment Pool (LGIP), an open-ended, no-load diversified portfolio created under ORS 294.805 to 294.895 that is not registered with the U.S. Securities and Exchange Commission as an investment company and is not rated. The State Treasurer administers the LGIP with the oversight of the Oregon Investment Council and with the advice of the Oregon Short Term Fund Board. These funds must be invested and managed, as a prudent investor would, exercising reasonable care, skill and caution. Investments in the fund are further governed by portfolio guidelines issued by the Oregon Short-Term Funds Board, which establish diversification percentages and specify the types and maturities of investments. The Oregon Audits Division of the Secretary of State's Office audits the LGIP annually.

The agency has no investments subject to custodial risk.

B. Receivables

Receivables for the Agency as of the fiscal year ended June 30, 2018 consists of tax increment revenues and are as follows:

Receivables	
Property taxes	\$ 11,662
Cash with county treasurer	1,945
Total	\$ 13,607

C. Capital assets

Capital assets for the year ended June 30, 2018 consist entirely of construction in progress for street improvements to Alpine Avenue.

Governmental Activities	Beginning Balance	Increases	Decreases	Transfers	Ending Balance
Non-depreciable:					
Construction in progress	\$ 802,418	\$ 1,148,439	\$ -	\$ (1,950,857)	\$ -
Depreciable:					
Infrastructure	-	-	-	1,950,857	1,950,857
Total capital assets	\$ 802,418	\$ 1,148,439	\$ -	\$ -	\$ 1,950,857

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

D. Long-term obligations

The Agency and the City entered into an intergovernmental agreement that requires the Agency to repay the City for all contract expenses related to the completion of the Urban Renewal Feasibility Study and the Urban Renewal Plan and Report. The agreement provides for a five-year repayment schedule. Interest accrues at the rate earned by the Local Government Investment Pool plus one percent. The Agency paid principal of \$5,000 during the year ended June 30, 2018. The remaining balance will be repaid in 2019 as follows:

June 30	Principal	Interest	Total
2019	\$ 10,000	\$ -	\$ 10,000
	\$ 10,000	\$ -	\$ 10,000

The following table shows the current fiscal year changes in the note payable for contract expenses related to the Urban Renewal Feasibility Study, Plan and Report:

	Beginning Balance	Additions	Reductions	Ending Balance	Due within one year
Governmental Activities:					
Note payable - City of McMinnville	\$ 20,000	\$ -	\$ (10,000)	\$ 10,000	\$ 10,000

During the 2017 fiscal year, the Agency and City entered into an intergovernmental agreement for the City to loan \$2,192,300 to the Agency for construction of the Alpine Avenue project. The following table shows the debt service schedule for the long-term debt.

Year Ending June 30,	Principal	Interest
2019	\$ 100,000	\$ 43,499
2020	146,060	41,228
2021	149,060	38,233
2022	152,120	35,177
2023-2027	808,660	127,800
2028-2032	801,400	41,426
Total	\$ 2,157,300	\$ 327,363

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

The following table shows the current fiscal year changes in notes payable, including short-term operating notes payable.

	Beginning			Ending	
	Balance 7/1/2017	Additions	Payments	Balance 6/30/2018	Due Within One Year
All Urban Renewal Debt					
Note Payable - operating	\$ 18,878	\$ 116,951	\$ (129,567)	\$ 6,262	\$ 6,262
Note Payable - long term	20,000	-	(10,000)	10,000	10,000
Loan payable - Alpine Avenue	2,192,300	-	(35,000)	2,157,300	100,000
Payable to City of McMinnville	<u>\$ 2,231,178</u>	<u>\$ 116,951</u>	<u>\$ (174,567)</u>	<u>\$ 2,173,562</u>	<u>\$ 116,262</u>

E. Short-term Notes

At June 30, 2018, the City had paid accounts payable on behalf of the Agency. As a result, the Agency owed the City \$6,262 for the payment made on its behalf.

F. Fund Balances

At fiscal year end 2018, all Urban Renewal fund balances are considered restricted.

IV. Other information

A. Risk management

The Agency is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; natural disasters; and injuries to employees. The Agency is covered for comprehensive liability, property, auto liability and physical damage, employer's liability, and workers' compensation insurance through City County Insurance Services (CIS), a public entity risk pool. The pooling agreement does not permit the pool to make additional assessments to its members in the event of unanticipated losses.

B. Related party transactions

The City provides services for the Agency, including administrative functions, in accordance with an intergovernmental agreement.

C. Subsequent Events

In August 2018, the Urban Renewal Agency Board approved a \$90,000 loan to a local developer for rehabilitation of a vacant historic building in the urban renewal district. The terms of the loan include a ten-year payback period with the first two years as interest only payments and a 20 percent reduction on the remainder of the loan at payoff if repaid within five years. Interest on the loan accrues at 1.45 percent per annum. The loan agreement requires a personal guarantee from one of the members of the developer's limited liability corporation (LLC). The loan documents were executed in November 2018.

In August 2018, the Urban Renewal Agency Board also approved a \$71,000 loan for construction of a new multi-purpose building in the urban renewal district. The terms of the loan include a ten-year payback period with a 20 percent reduction on the remainder of the loan at payoff if repaid in five years. The agreement with the developer will require a personal guarantee from one of the members of the developer's limited liability corporation (LLC). Loan documents have not been executed as of November 2018.

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)

Notes to the Basic Financial Statements (Continued)
June 30, 2018

D. Restatement

In fiscal year 2016-2017 the City entered into a financing agreement with JPMorgan Chase to borrow \$2,192,300 for urban renewal capital projects. The full amount of the proceeds were placed in the Urban Renewal Capital Projects Fund. After the end of the fiscal year it was determined that \$163,000 of the bond proceeds could be used for reimbursement of costs already paid on eligible projects. That money was paid out of the Urban Renewal Debt Service Fund. Therefore, \$163,000 of the money placed in the Urban Renewal Capital Projects Fund should have gone into the Urban Renewal Debt Service Fund.

	Urban Renewal Debt Service Fund	Urban Renewal Capital Projects Fund	Total
Fund balance - beginning, as originally reported	\$ 149,054	\$ 1,538,021	\$ 1,687,075
Effect of restatement	163,000	(163,000)	-
Fund balance - beginning, as restated	\$ 312,054	\$ 1,375,021	\$ 1,687,075

REQUIRED SUPPLEMENTARY INFORMATION

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
McMinnville Urban Renewal Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance -
Budget and Actual
For the Year Ended June 30, 2018

	<u>Budgeted Amounts</u>		<u>Actual Amounts</u>	<u>Variance with Final Budget</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Miscellaneous	\$ 7,900	\$ 7,900	\$ 15,860	\$ 7,960
Total revenues	<u>\$ 7,900</u>	<u>\$ 7,900</u>	<u>\$ 15,860</u>	<u>\$ 7,960</u>
Expenditures				
Materials and services	262,167	262,167	157,617	104,550
Capital outlay	1,132,000	1,132,000	1,071,392	60,608
Contingency	51,631	51,631	-	51,631
Total expenditures	<u>1,445,798</u>	<u>1,445,798</u>	<u>1,229,009</u>	<u>216,789</u>
Excess (deficiency) of revenues over (under) expenditures	(1,437,898)	(1,437,898)	(1,213,149)	224,749
Other Financing Sources (Uses)				
Interagency loan proceeds	212,876	212,876	116,952	(95,924)
Net Change in fund balances	<u>(1,225,022)</u>	<u>(1,225,022)</u>	<u>(1,096,197)</u>	<u>128,825</u>
Fund balance, beginning as reported	1,225,022	1,225,022	1,538,021	312,999
Restatement	<u>-</u>	<u>-</u>	<u>(163,000)</u>	<u>(163,000)</u>
Fund balance, beginning restated	<u>1,225,022</u>	<u>1,225,022</u>	<u>1,375,021</u>	<u>149,999</u>
Fund balance, ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 278,824</u>	<u>\$ 278,824</u>

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OTHER SUPPLEMENTARY INFORMATION

McMinnville Urban Renewal Agency
The Urban Renewal Agency of the City of McMinnville, Oregon
(a component unit of the City)
Urban Renewal Debt Service Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balance -
Budget and Actual
For the Year Ended June 30, 2018

	Budgeted Amounts		Actual Amounts	Variance with Final Budget
	Original	Final		
Revenues				
Property taxes	\$ 176,710	\$ 176,710	\$ 204,046	\$ 27,336
Miscellaneous	2,400	2,400	4,515	2,115
Total revenues	179,110	179,110	208,561	29,451
 Expenditures				
Interagency debt service				
Principal	256,543	256,543	174,567	81,976
Interest	57,362	57,362	56,028	(1,334)
Total expenditures	313,905	313,905	230,595	80,642
 Net Change in fund balances	(134,795)	(134,795)	(22,034)	110,093
Fund balance, beginning as reported	300,732	300,732	149,054	(151,678)
Restatement	-	-	163,000	163,000
Fund balance, beginning restated	300,732	300,732	312,054	11,322
Fund balance, ending	\$ 165,937	\$ 165,937	\$ 290,020	\$ 121,415

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**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE AND ON INTERNAL CONTROL
OVER FINANCIAL REPORTING ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH *OREGON STATE REGULATION***

INDEPENDENT AUDITOR'S REPORT
ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *OREGON STATE REGULATION*

Agency Officials
McMinnville Urban Renewal Agency
McMinnville, Oregon

We have audited the basic financial statements of the McMinnville Urban Renewal Agency, a component unit of the City of McMinnville, Oregon, as of and for the year ended June 30, 2018 and have issued our report thereon dated December 27, 2018. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the provisions of the *Minimum Standards of Audits of Oregon Municipal Corporations*, prescribed by the Secretary of State.

Compliance

As part of obtaining reasonable assurance about whether the McMinnville Urban Renewal Agency's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including the provisions of Oregon Revised Statutes as specified in the Oregon Administrative Rules 162 of the *Minimum Standards for Audits of Oregon Municipal Corporations*, noncompliance with which could have a direct and material effect on the determination of financial statement amounts:

- Deposits of public funds with financial institutions (ORS Chapter 295).
- Indebtedness limitations, restrictions, and repayments.
- Budgets legally required (ORS Chapter 294).
- Insurance and fidelity bonds in force or required by law.
- Programs funded from outside sources.
- Highway revenues used for public highways, roads, and streets. The McMinnville Urban Renewal Agency does not receive highway revenue.
- Authorized investment of surplus funds. (ORS Chapter 294).
- Public contracts and purchasing (ORS Chapters 279A, 279B, and 279C).
- Accountability for collecting or receiving money by elected officials. The McMinnville Urban Renewal Agency does not have any elected officials collecting or receiving money.

However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. In connection with our testing, nothing came to our attention that caused us to believe the McMinnville Urban Renewal Agency was not in substantial compliance with certain provisions of laws, regulations, contracts, and grants, including the provisions of

Oregon Revised Statutes as specified in the Oregon Administrative Rules 162-10-000 through 162-10-330 of the *Minimum Standards for Audits of Oregon Municipal Corporations*.

OAR 162-10-0230 Internal Control

In planning and performing our audit, we considered the McMinnville Urban Renewal Agency's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the McMinnville Urban Renewal Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of the McMinnville Urban Renewal Agency's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Minimum Standards of Audits of Oregon Municipal Corporations*, prescribed by the Secretary of State, in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



For Merina & Company, LLP
West Linn, Oregon
December 27, 2018

**CITY OF MCMINNVILLE, OREGON
SINGLE AUDIT REPORT**

FOR THE YEAR ENDED JUNE 30, 2018



**MERINA
& COMPANY, LLP**

CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

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**City of McMinnville, Oregon
Single Audit Report**

TABLE OF CONTENTS

	Page
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	1
Independent Auditor's Report on Compliance for the Major Program, on Internal Control Over Compliance, and the Schedule of Expenditures of Federal Awards Required By Uniform Guidance	3
Schedule of Expenditures of Federal Awards	6
Notes to the Schedule of Expenditures of Federal Awards	7
Schedule of Findings and Questioned Costs	8

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

The Honorable Mayor and City Council
City of McMinnville, Oregon

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of McMinnville, Oregon as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise City of McMinnville, Oregon's basic financial statements, and have issued our report thereon dated December 27, 2018.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of McMinnville, Oregon's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of McMinnville, Oregon's internal control. Accordingly, we do not express an opinion on the effectiveness of City of McMinnville, Oregon's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of McMinnville, Oregon's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



For Merina & Company, LLP
West Linn, Oregon
December 27, 2018

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR
THE MAJOR PROGRAM, ON INTERNAL CONTROL OVER COMPLIANCE, AND
ON THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS REQUIRED BY
THE UNIFORM GUIDANCE**

Honorable Mayor and City Council
City of McMinnville, Oregon

Report on Compliance for the Major Federal Program

We have audited the City of McMinnville, Oregon's compliance with the types of compliance requirements described in the *Office of Management and Budget (OMB) Compliance Supplement* that could have a direct and material effect on the City of McMinnville, Oregon's major federal program for the year ended June 30, 2018. City of McMinnville, Oregon's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for the City of McMinnville, Oregon's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City of McMinnville, Oregon's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the City of McMinnville, Oregon's compliance.

Opinion on the Major Federal Program

In our opinion, the City of McMinnville, Oregon, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program for the year ended June 30, 2018.

Report on Internal Control over Compliance

Management of the City of McMinnville, Oregon, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of McMinnville, Oregon's internal control over compliance with the types of requirements that could have a direct and material effect on the major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of McMinnville, Oregon's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that a material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of McMinnville, Oregon, as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the City of McMinnville, Oregon's basic financial statements. We issued our report thereon dated December 27, 2018, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Purpose of this Report

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.



Merina & Company, LLP
West Linn, Oregon
December 27, 2018

City of McMinnville, Oregon
Schedule of Expenditures of Federal Awards
Year Ended June 30, 2018

Federal Grantor/Pass-through Grantor/Program Title	Federal CFDA Number	Pass-through Entity's Identifying Number	Passed Through to Subrecipients	Total Federal Expenditures
U.S. Department of Transportation				
Federal Aviation Administration				
Airport Improvement Program 3-41-0036-017-2016	20.106	N/A	N/A	\$ 5,298,558 *
Total U.S. Department of Transportation				<u>5,298,558</u>
U.S. Department of Justice				
Bureau of Justice Assistance				
Bulletproof Vest Partnership Program	16.607	N/A	N/A	2,683
Total U.S. Department of Justice				<u>2,683</u>
Total Expenditures of Federal Awards			<u>\$ -</u>	<u>\$ 5,301,241</u>

* Signifies major program

The accompanying notes are an integral part of this schedule

CITY OF MCMINNVILLE, OREGON
NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
June 30, 2018

1. General

The accompanying schedule of expenditures of federal awards (the Schedule) presents the activity of all federal financial assistance programs of the City of McMinnville, Oregon for the year ended June 30, 2018.

2. Significant Accounting Policies

Reporting Entity: The reporting entity is fully described in Note 1 to the City's basic financial statements.

Basis of Presentation: The information in the Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards (Uniform Guidance). For new awards or modifications of existing awards after December 26, 2014, the expenditures reported in the Schedule follow the cost principles contained in the Uniform Guidance. For existing awards prior to December 26, 2014, the expenditures follow the cost principles contained in OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The costs principles indicate that certain types of expenditures are not allowable or are limited as to reimbursement. Expenditures reported on the Schedule are reported on the modified accrual basis of accounting.

3. Indirect Cost Rate

The City did not elect to use the 10% de minimus indirect cost rate as allowed under the Uniform Guidance.

4. Subrecipients

There were no amounts paid to subrecipients by the City for the year ended June 30, 2018.

CITY OF MCMINNVILLE, OREGON
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
June 30, 2018

Section I – Summary of Auditor’s Results

Financial Statements

Type of auditor’s report issued

Unmodified

Internal control over financial reporting:

Material weakness(es) identified?

Yes No

Significant deficiency(s) identified that are not considered to be material weaknesses?

Yes None reported

Noncompliance material to financial statements noted?

Yes No

Federal Awards

Internal Control over major federal programs:

Material weakness(es) identified?

Yes No

Significant deficiency (s) identified that are Not considered to be material weaknesses?

Yes None reported

Type of auditor’s report issued on compliance for major federal programs:

Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR section 200.516(a)?

Yes No

Identification of Major Federal Programs:

<u>CFDA Number</u>	<u>Name of Federal Program or Cluster</u>
20.106	Airport Improvement Program

Dollar threshold used to distinguish between Type A Type B programs:

\$750,000

Auditee qualified as low-risk auditee?

Yes No

CITY OF MCMINNVILLE, OREGON
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
June 30, 2018

Section II – Financial Statement Findings

None

Section III – Federal Awards Findings and Questioned Costs

None

Section IV – Schedule of Prior Federal Award Findings and Questioned Costs for the Years Ended June 30, 2017

None



ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Oregon

2019 Engineering Excellence Awards



DJC Oregon
Oregon's Building Connections

WHAT IS ENGINEERING EXCELLENCE?

The Engineering Excellence Awards (EEA) competition recognizes engineering firms for projects that demonstrate an exceptional degree of innovation, complexity, achievement and value. The EEA program was created by ACEC to increase the public's perception of what engineers really do.

For more than 50 years engineering firms have entered their most innovative projects and studies in state competitions.

A distinguished panel of judges is convened for a day to evaluate and select the best engineering projects based on criteria such as uniqueness and/or innovative application of new or existing techniques; future value to the engineering profession and enhanced public awareness/enthusiasm for the role of engineering; social, economic and sustainable development considerations; complexity; and successful fulfillment of client/owner needs.

Projects procured through the Qualifications-Based Selection (QBS) process are highlighted in this publication with a red ribbon. QBS procurement ensures a competitive selection process for engineering that promotes innovation and cost-savings. These projects are real, award-winning examples of how the QBS process works to deliver successful and innovative projects that benefit the residents of Oregon.

2019 ENGINEERING EXCELLENCE AWARDS JUDGING PANEL

Chris Monsere, PhD, PE
Professor and Chair
Civil and Environmental Engineering
Portland State University

Mike Bisset, PE
Community Development Director
City of McMinnville

Bill Beyer
Advertising Director
Daily Journal of Commerce

Pete Chaput, PE
Chief
River and Hydrologic Engineering Section
U.S. Army Corps of Engineers
Portland District

Gayle Harley, PE (retired)
ACEC Oregon Past President
2009-10

LEADERSHIP DEVELOPMENT PROGRAMS

Presenters are key industry professionals. The seminars utilize a small group setting to maximize learning, interaction and exchange of ideas.

WHO SHOULD ATTEND

Project managers, designers and engineers who are interested in a leadership track in their career, and may be shifting their focus from projects to organizational and financial goals of the firm.

ALL CLASSES ARE HELD THE FIRST WEDNESDAY OF THE MONTH AT DAVID EVANS AND ASSOCIATES, PORTLAND. (EXCEPT FEBRUARY 6 IS IN SALEM)



SCHEDULE

- 7:30 a.m.- Check-in & breakfast
- 8:00 a.m. - Programs begin (varying lengths from 2 to 4 hours)

Feb 6 - Political Involvement & QBS (Qualifications-Based Selection) (Salem)

Mar 6 - A/E Firm Financial Management

Apr 3 - Profitability and Risk Management in Engineering Practice

May 1 - From Doer to Leader: Lessons Learned

MORE INFO/TO REGISTER: www.acecOregon.org > EVENTS
mwebber@acecOregon.org | (503) 292-2348

Each session is good for accruing continuing professional development credits.

CONTENTS

- Meet the Judges2
- About ACEC Oregon
By Alison Davis4
- Legislative Preview
By Marshall Coba5
- ACEC Oregon Member Firms6-7
- Project of the Year.....8-9
- Best In Category Award..... 10
- Small Project Award..... 11
- Grand Awards 12-13
- Honor Awards..... 14-19

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OREGON

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The 2018 ACEC Oregon Engineering Excellence Awards is a publication of the Daily Journal of Commerce.

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Vancouver Waterfront Park Project*

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PHOTO: LIONEYE AERIALS



About ACEC Oregon



Founded in 1956, the American Council of Engineering Companies of Oregon (ACEC Oregon) represents 122 firms, employing more than 3,700 employees. Our primary goal is to protect the public welfare and advance the professional quality of consulting engineers and land surveyors in private practice.

ACEC Oregon offers:

- **Advocacy** - ACEC Oregon is the only engineering association represented by a lobbyist in Salem.
- **Education** - ACEC Oregon offers educational programs presented by experts on a variety of business and management topics, including legal issues facing consultants, risk management, leadership development, ownership transition and more.
- **Resources and Networking** - Membership offers valuable business resources such as the annual Oregon/Washington Salary & Benefits Survey, access to expertise and best practice information and regular networking opportunities, which lead to improved firm business practices.
- **Client Committees** - Members find great value in the liaison committees

that facilitate communications and problem-solving with agency personnel. Current committees include: Oregon Department of Transportation, U.S. Army Corps of Engineers and SW Washington Public Agency Liaison.

- **National Representation** - In addition, ACEC Oregon is a member organization of ACEC National. The national organization is the voice of the engineering industry in Washington, D.C. ACEC promotes infrastructure investment and other important issues for the engineering industry.
- **Engineering Excellence** - The awards recognize and celebrate the important work ACEC member firms perform. We also acknowledge and celebrate the owners and public officials that provide the vision, support and leadership required to ensure the execution of these projects.

Congratulations to the 2019 award winners! Thank you to the sponsors and to the DJC for your support of this publication and for your support of Engineering Excellence.

Alison Davis
Executive Director
American Council of Engineering Companies of Oregon



Nehalem River [Lommen] Bridge Replacement

Thank you, Tillamook County,
 for investing in Oregon's future! By replacing the second-most hazardous bridge in the state, the County solved flooding and emergency protection concerns and spent taxpayer funding wisely on a robust infrastructure investment.



2019 Legislative Session Preview



On January 22, 2019, the Oregon Legislature will convene for a six-month policy-making marathon dominated by a newly re-elected Democratic Governor Kate Brown and Democratic super

majorities in both the House and Senate. The agenda will include new and additional revenue to help with education, PERS, social issues and assistance, housing and a plethora of other issues that are aspiratory to supporters and potentially a bothersome nuisance to opponents. Within this wide open playing field the Oregon Legislature will attempt to leave its mark on the hearts and minds of all Oregonians and adjourn by June.

Qualifications-Based Selection (QBS) will again be an issue as some local governments will bring legislation to allow price bidding as an element of design procurement. ACEC has worked for several months with proponents of the change and we remain optimistic that a fair and reasonable resolution that maintains the current statutory commitment to QBS will be agreed to. No matter the outcome, ACEC remains ready to implement an educational campaign including seminars and peer-to-peer outreach to ensure that local government procurement staff are aware of the benefits of QBS and comfortable with the QBS process. As always, we welcome public hearings on the QBS issue which help educate many new legislators who are not familiar with this proven procurement methodology.

Another issue of interest will be the Department of Justice legislation to find

a resolution to the recent court case that impacted the professional engineer registration act. This is expected to be a relatively simple fix but one that is needed after an individual held himself out as an engineer on issues related to traffic light timing. The court ruled that he can call himself an engineer as long as he doesn't do it within the context of an employment or contractual agreement.

As always, ACEC Oregon will be actively engaged supporting or opposing a number of issues during the 2019 legislative session. We look forward to active member involvement to help protect and promote the engineering profession in Oregon.

Marshall Coba
ACEC Oregon Lobbyist
CobaCo Government Relations

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HHPR Houf Peterson
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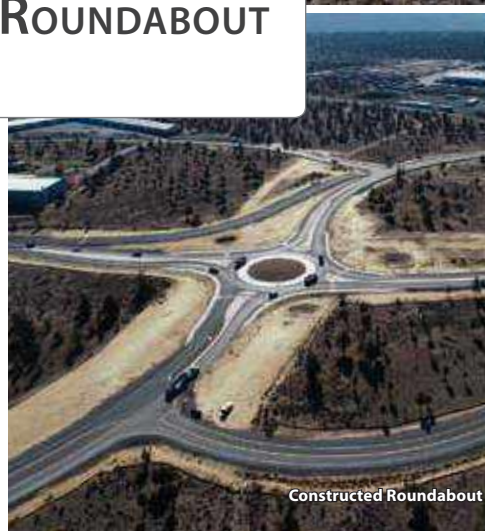
PORTLAND SALEM BEND VANCOUVER



OR126 AT TOM MCCALL ROUNDABOUT PRINEVILLE, OREGON



3D Rendering of Proposed Roundabout



Constructed Roundabout

- CIVIL ENGINEERING
- STRUCTURAL ENGINEERING
- LAND SURVEY
- LANDSCAPE ARCHITECTURE
- PLANNING & DEVELOPMENT
- NATURAL RESOURCES
- WATER RESOURCE DESIGN
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1 Alliance Geomatics LLC
 2G Associates Inc.
 3J Consulting Inc.
 AAI Engineering
 Adapt Engineering
 Advanced Remediation Technologies Inc.
 AECOM
 Akana
 Aligned Engineering LLC
 Anderson Engineering & Surveying Inc.
 Anderson Perry & Associates Inc.
 Aspect Consulting LLC
 BergerABAM Inc.
 Boatwright Engineering Inc.
 Brown and Caldwell
 Burgess & Niple Inc.
 Cascade Forensic Engineering
 Cascadia Associates LLC
 Casso Consulting Inc.
 Central Geotechnical Services LLC
 Century West Engineering Corp.
 Compass Land Surveyors

Cornforth Consultants Inc.
 Crow Engineering Inc.
 Curran-McLeod Inc.
 David Evans and Associates Inc.
 DJ&A P.C.
 DKS Associates
 DOWL
 Emerio Design
 Engineered Monitoring Solutions (EMS)
 Epoch Geospatial and Land Surveying Services LLC
 E-PUR LLC
 ESA
 Exeltech Consulting Inc.
 Focused Engineering LLC
 Forensic & Mechanical Engineering Inc.
 Foundation Engineering Inc.
 Froelich Engineers Inc.
 GeoDesign Inc.
 GeoEngineers Inc.
 GeoPacific Engineering Inc.
 GHD

Golder Associates Inc.
 GRI
 Haner Ross & Sporseen Inc.
 Harper Houf Peterson Righellis Inc.
 Hart Crowser Inc.
 HDR
 Herrera Environmental Consultants
 HK Electrical Engineers
 Hood River Consulting Engineers Inc.
 Hood-McNees Inc.
 Humber Design Group Inc.
 ICHTHYS Engineering PLLC
 Inter-Fluve Inc.
 Jackola Engineering & Architecture PC
 Jacobs
 JAS Engineering Inc.
 J-U-B Engineers Inc.
 Keller Associates Inc.
 Kennedy/Jenks Consultants Inc.
 Kittelson & Associates Inc.
 Kleinschmidt Associates
 KPFF

Kramer Gehlen & Associates Inc.
 Land Mark Surveying Inc.
 Lewis & Van Vleet Inc.
 Locke Engineers Inc.
 McCann Engineering LLC
 McMillen Jacobs Associates
 Mead & Hunt Inc.
 MEGI Engineering Inc.
 Miller Consulting Engineers
 MKE & Associates Inc.
 Mott MacDonald
 Murraysmith
 Nemariam Engineers & Associates
 Nishkian Dean
 Northwest Engineering Service Inc.
 OBEC Consulting Engineers
 Otak Inc
 PACE Engineers Inc.
 Pacific Building Insight
 PAE
 Pali Consulting Inc.
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 Photo courtesy of The Korte Company

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 to all of the award winners **kpff**

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PBS	Terracon
Peterson Structural Engineers Inc.	Tetra Tech Inc.
Professional Service Industries Inc. (PSI)	TY Lin International
Quincy Engineering Inc.	Tye Engineering & Surveying Inc.
R & W Engineering Inc.	VALAR Consulting Engineering
RDH Building Sciences Inc.	VLMK Engineering and Design
Reynolds Engineering LLC	Wallace Group Inc.
RH2 Engineering Inc.	Waypoint Engineering Inc.
Ridge Engineering LLC	WDY Inc.
Rieke Consulting Services LLC	WEST Consultants Inc.
SEFT Consulting Group	Westech Engineering Inc.
Shannon & Wilson Inc.	Western Testing LLC
Singh & Associates Inc.	WHPacific Inc.
Smith Monroe Gray Engineers Inc.	Wolf Water Resources
Standridge Design Inc.	WRK Engineers Inc.
Streamline West Engineering	WSP USA

Affiliate Member Firms

Advanced Drainage Systems Inc. (ADS)
 Aldrich CPAs + Advisors LLP
 Chartwell Financial Advisory Inc.
 Cosgrave Vergeer Kester LLP
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Vancouver Waterfront Park
 Vancouver, Washington

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Wed., June 19, 2019
Langdon Farms Golf Club

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 Scoring method is gross.
 (Singles and twosomes will be grouped.)

Golf registration includes warm-up range balls, use of practice facility prior to play, box lunch and BBQ dinner.

Be a hole sponsor!

SCHEDULE
 12:00 NOON - Check-in begins
 1:30 P.M. - Shotgun start
 6:30 P.M. - Social and BBQ dinner



MORE INFO/INQUIRIES
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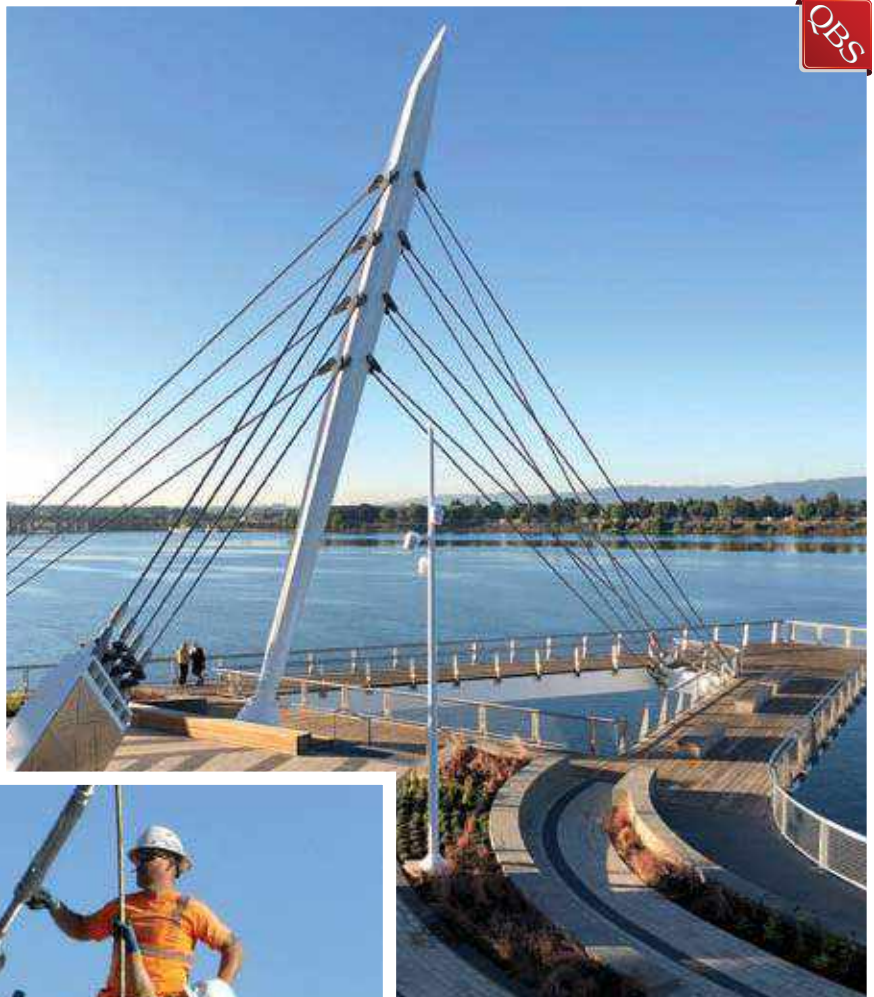
Project of the Year

VANCOUVER WATERFRONT PARK

Submitting Firms: BergerABAM (prime consultant, project manager, landscape architect, structural engineer); GRI (geotechnical engineering); Martin/Martin Consulting Engineers (structural engineering/pier superstructure); PBS Engineering and Environmental (civil engineering)

Client/Owner: City of Vancouver

Other Consultants/Key Participants: Athay & Associates (electrical engineering); FMS (lighting design); Larry Kirkland (public artwork, pier design); Mott McDonald (hydraulics, shoreline design); ProDims (cost estimating services); PWL Partnership (park design)



Making a connection

Project transforms Vancouver Waterfront Park into gateway

A 75-year-old problem was solved in 2018 thanks to work on the Vancouver Waterfront Park.

For three-quarters of a century, downtown Vancouver was separated from the Columbia

River by industrial development, a railroad and Interstate 5. But today, thanks to the work of project manager BergerABAM and structural engineering firm Martin/Martin

Consulting Engineers, residents and visitors can walk directly from the city center to a new and vibrant riverfront.

The new Vancouver Waterfront Park officially opened to the public on Sept. 29, 2018. The park is the main public amenity that is part of the ambitious Vancouver Waterfront master plan, which was crafted to reconnect the city of Vancouver to the Columbia River. The new 7.3-acre park creates public access to the river for the first time in almost a century.

Built on a former industrial paper mill site, the \$24.2 million project features plazas, an extended Vancouver Renaissance Trail, viewpoints, a water feature, playground and an urban beach. The project also features the Grant Street Pier, a concrete, cable-stayed structure projecting almost 100 feet over the Columbia River that serves as the park's focal point.

As part of the city of Vancouver's \$1 billion waterfront revitalization program, the new park anchors the plan for multifamily and commercial growth in the Vancouver downtown area.



Artist Larry Kirkland, inspired by the river sailboats of Vancouver's heritage, designed the Grant Street Pier that serves as the centerpiece of the park. The iconic pier design is a combination of architecture and engineering, while providing a safe and accessible waterfront experience at the Columbia River shoreline.

The project team faced many challenges on the complex brownfield site because of its industrial legacy and because a half mile of the shoreline runs along a swift and high-wave energy section of the Columbia River. These site conditions required extensive shoreline

restoration, creative engineering solutions, and a robust environmental planning and permitting process.

But BergerABAM — the prime consultant, project manager, landscape architect and structural engineer of record for the Vancouver Waterfront Park and Grant Street Pier project — was able to overcome those obstacles thanks to PWL Partnership's park design, Athay & Associates' electrical engineering, Mott MacDonald's hydraulics and shoreline design, FMS' lighting design and ProDims' cost estimating services.

BergerABAM's work on the project also included master planning, public outreach, natural resource assessment, landscape architecture, structural design of the pier substructure and site structures, and environmental and land-use permitting. Martin/Martin Consulting Engineers provided structural engineering for the pier superstructure, while GRI provided geotechnical engineering for the project. PBS Engineering and Environmental provided the civil engineering.

A strong relationship between the project team, city of Vancouver, community and regulatory agencies was required to complete the project over the course of six years. Despite the complexity and unique nature of the work, the park was completed on time and under budget — with client and public satisfaction.

Best in Category: Transportation

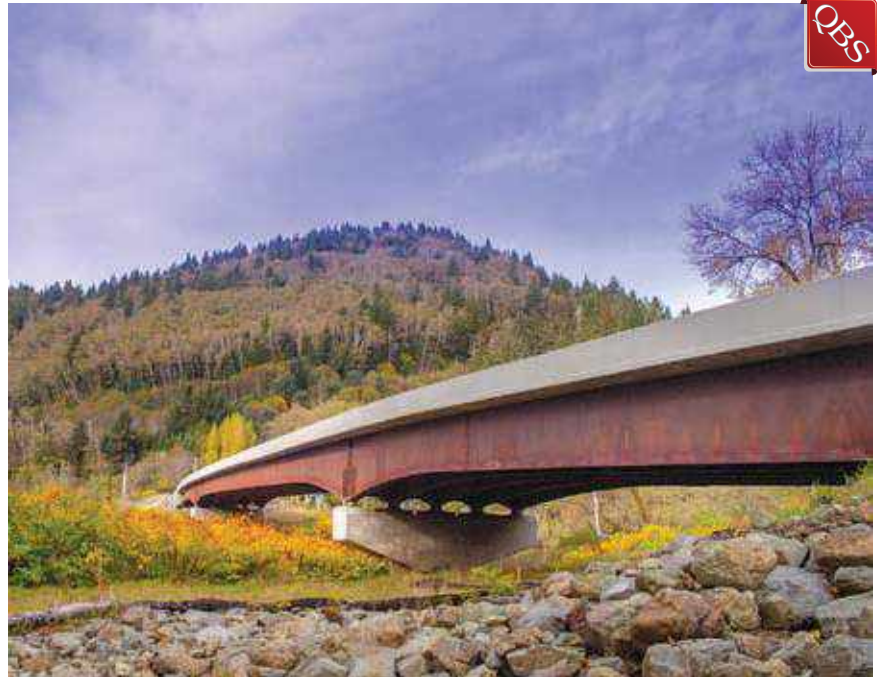
NEHALEM RIVER (LOMMEN) BRIDGE REPLACEMENT

Submitting Firm: Otak Inc.

Client/Owner: Tillamook County Public Works

Other Consultants/Key Participants:

Ankrom Moisan Architects (bridge architecture); Archaeological Investigations Northwest (cultural/archaeological services); Bayside Surveying (surveying services); David Evans and Associates (bathymetry, environmental permitting, traffic engineering, QA/QC lead); Shannon & Wilson (geotechnical engineering); Universal Field Services (right-of-way services)



Detour ahead Innovative bridge project overcomes obstacles to keep traffic moving

On its surface, a bridge project for a route detour may not seem like an earth-moving project. But when you combine the facts that the detour route is critical to the livelihood of Tillamook County and that the bridge was structurally deficient and susceptible to earthquakes, it's easy to understand why this crucial project needed to come to fruition.

State Highway 101 in Tillamook County frequently receives storm damage and is often closed due to slide repair. When that happens, traffic is detoured to the county's Lommen Bridge, which spans the Nehalem River. There

was only one problem: The structurally deficient bridge was vulnerable to seismic activities and the route is identified as a tsunami critical route.

In one of the latest examples of the need for a new Lommen Bridge, the Nehalem River rose 12 feet over a six-hour period. Not only was the existing bridge exhibiting cracking and leaning, but it was also vulnerable to an earthquake or tsunami. The bridge often experienced heavy flooding, with storms blocking the road at both ends of the bridge. Large masses of debris piled up on the interior bents and caused lateral pressure on the bridge. Several floods caused large scour holes around the interior bents, founded on spread footings in the channel.

In short, the bridge was a mess.

That's one of the many reasons why Tillamook County selected Otak Inc. as the preferred consultant for a new bridge design. Completed on Feb. 28, 2018, the new \$9.86 million span is a shining example of how engineering and construction can overcome challenges to provide a critically needed project

to aid the community.

But it wasn't always easy.

Otak and its key partners — David Evans and Associates (bathymetry, environmental permitting, traffic engineering, QA/QC lead), Bayside Surveying (surveying), Shannon & Wilson (geotechnical engineering), Archaeological Investigations Northwest (cultural and archaeological services), Ankrom Moisan Architects (bridge architecture) and Universal Field Services (right-of-way services) — overcame many challenges and provided solutions that removed in-water piers to avoid debris impacts, reduced uplift concerns and used lead-rubber seismic isolation bearings.

The result is a unique three-span structure with a 300-foot center span and 125-foot end spans. To compensate for the uplift at the ends, Otak incorporated a massive end diaphragm.

Seismic liquefaction was solved with stout 9-foot-diameter drilled shafts extending 100 feet deep and socketed into the bedrock. The stout substructure, however, complicated the seismic performance, as it didn't allow for energy dissipation through yielding. The solution was to use the latest seismic resilience technology: lead-rubber seismic isolation bearings between the superstructure and the substructure. Lommen Bridge is one of two bridges in Oregon to use the new technology.

Otak also resolved hydraulic and flooding issues with distinct re-grading around the bridge, a result of 2-D hydraulic modeling.

In the end, the bridge was built under budget while maintaining traffic during construction.

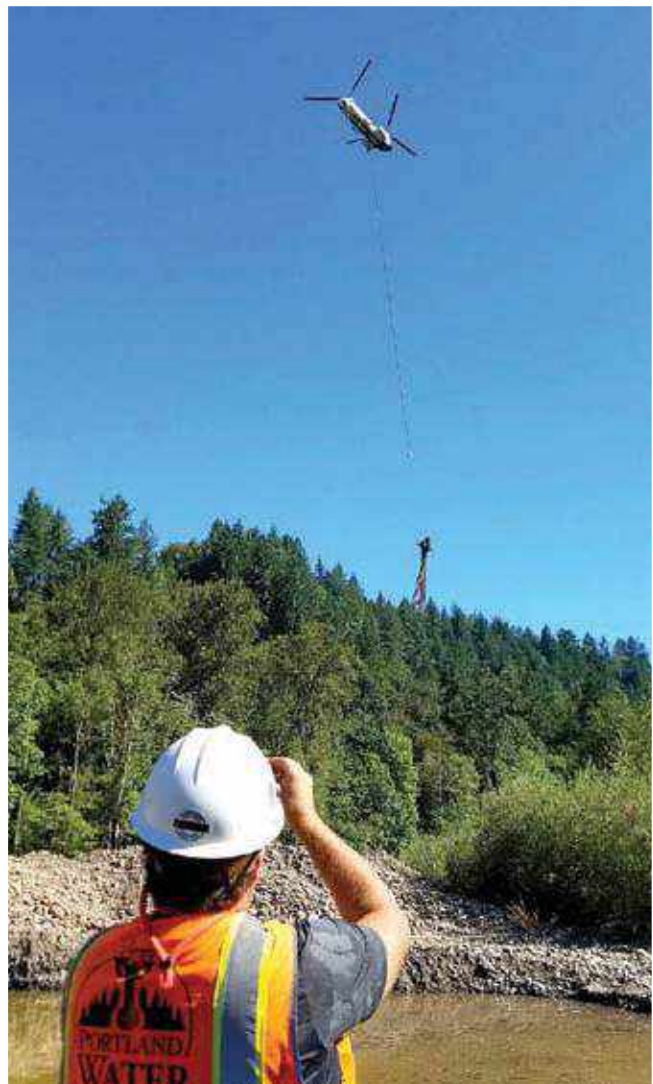
Small Project Award

SANDY RIVER LOG JAMS

Submitting Firms: Wolf Water Resources (lead consultant); Natural Systems Design (modeling, engineered log jams design); Biohabitat (contractor)

Client/Owner: City of Portland Water Bureau

Other Consultants/Key Participants: Brian Bair LLC (fish biologist); Ron Bush Surveying and Engineering (surveying); Geotechnics (geotechnical engineering); Rivero Design (drafting assistance)



Despite challenges, Sandy River project doesn't run into jams

When Wolf Water Resources took on the Sandy River Engineered Log Jams project at Oxbow Regional Park in 2017, it knew the work wouldn't be easy.

What Wolf Water didn't know, however, was exactly how trying the restoration project in Gresham would become.

The Log Jams project turned out to be much more than a restoration project. Instead, the \$1.86 million project that was completed in September 2018, applies "green" science by working with the natural forces of the wild Sandy River to create habitat that will last. The project minimizes impacts to a floodplain forest, engages channel flows and works with the natural river dynamics to preserve connectivity while accommodating change.

The Wolf Water team — along with the City of Portland Water Bureau and Natural Systems Design — created a design that found a balance among needs of threatened fish species, desires of recreation enthusiasts and requirements for the municipal water supply for the people of Portland.

This project at the onset — due to the project locations, channel conditions and flow — was complex. Additional unexpected circumstances, like a nearby wildfire during construction and lack of on-site rock for ballast, added to the complexity of managing the budget and schedule. With adaptive and creative techniques, the W2r team was able to minimize costs and delays.

Grand Award

THE DALLES WASTEWATER TREATMENT PLANT PROGRESSIVE DESIGN-BUILD PHASE 2 UPGRADES

Submitting Firm: Kennedy/Jenks Consultants

Location: The Dalles, Oregon

Client/Owner: City of The Dalles

Other Consultants/Key Participants: Jacobs (contract plant operator); Mortenson Construction (contractor); Portland Engineering and Controls (instrumentation/controls)

In 2015, the city of The Dalles began a comprehensive upgrade of its wastewater treatment plant (Phase 2 Upgrades) to improve deficiencies, boost capacity and ensure reliability.



Officials also wanted to improve visual aesthetics of the plant, which is located adjacent to the downtown business district.

The city selected the Progressive Design-Build delivery method for the project, with Kennedy/Jenks Consultants and Mortenson Construction selected as the design-build team. It is the first municipal PDB project for a major wastewater treatment plant project upgrade in Oregon.

Kennedy/Jenks, working with Mortenson and the city, provided an updated facility plan and preliminary design, primary filter pilot testing and completed applications for energy incentives and funding from the Clean Water State Revolving Fund. It also completed final design, assisted with permitting and handled engineering services during construction, plant startup and commissioning services.

Phase 2 work included: design of a new headworks, complete with grit removal, bypass channel, odor control ventilation, redundant bar screens and screenings washer compactors;

retrofitting of the existing influent pump station with three new 100-horsepower, non-clog pumps, new 24-inch diameter force main and diesel backup generator; and converting the former headworks channel and grit basin to a primary filtration facility. Other project elements included designing a new primary digester with associated mixing and heating systems and adding a digester gas conditioning system and 65-kilowatt microturbine to generate renewable energy.

As a result of the project, plant capacity increased from a peak flow rating of 7.7 million gallons per day to 13.2 mgd (the projected capacity for the year 2037). The treatment facilities and equipment were designed to treat peak wastewater flow rates while supporting sustainability by lowering blower operating costs and generating clean energy. The project also gave the city a way to enhance and continue its environmentally-responsible biosolids land application program and laid the groundwork for a community-based hauled waste program.

"Since 2006, Kennedy/Jenks has provided highly effective engineering, design, construction support, and start-up services, delivering successfully completed projects to the city. This project was no exception," wrote Dave Anderson, public works director, in a letter recommending the project for an ACEC award.

Grand Award

WEST VANCOUVER FREIGHT ACCESS

Submitting firm: HDR

Client/Owner: Port of Vancouver USA

Other Participants/Key Contributors: BergerABAM (structural system design, lead trench designer); GRI (geotechnical engineering); Innovative Solutions in Signaling (rail signal design); MacKay Sposito (surveying, construction inspection); R&W Engineering (electrical system design); Shannon & Wilson (geotechnical engineering); Smith Monroe Gray Engineers (material handling design); Wilson Ihrig (vibration monitoring)

Some projects are worth the wait. Work on the West Vancouver Freight Access program started in 2005 with plans to transform



the 1,643-acre Port of Vancouver USA into a world-class rail hub. What resulted was a project that relieved rail congestion and allowed the port to accommodate larger freight volumes by removing a chokepoint from the regional rail system.

Situated along the Columbia River, the 1,643-acre Port of Vancouver USA is now a major transportation hub. With 50 tenants from a broad range of industries, the facility loads or unloads 5 million tons of cargo and generates \$2.9 billion in regional economic activity.

The HDR-led team — along with partners BergerABAM (structural system design/lead trench designer); R&W Engineering (electrical system design); Innovative Solutions in Signaling (rail signal design); Smith Monroe Gray Engineers (material handling design); Shannon & Wilson and

GRI (geotechnical engineering); MacKay Sposito (surveying and construction inspection); and Wilson Ihrig (vibration monitoring) — wrapped up the largest project in port history in June 2018.

By increasing the port's internal tracks from 16 to 50 miles, it operates more efficiently and has reduced mainline congestion by up to 40 percent. The complete reconfiguration, along with a first-of-its-kind watertight rail trench, also boosted railcar capacity from 50,000 to 400,000 annually. Further, the project allowed the city to redevelop its waterfront by constructing roads under the BNSF mainline that split downtown from the waterway.

Completed ahead of schedule and \$23 million under budget, the \$252 million West Vancouver Freight Access program now establishes the Port of Vancouver USA as an industry leader.

Grand Award

NE ALPINE AVENUE RECONSTRUCTION

Submitting Firm: HDR

Client/Owner: City of McMinnville

Other Participants/Key

Contributors: Hart Crowser (geotechnical analysis); OBEC Consulting Engineers (construction inspection/management); SERA Architecture (architect)

Six years ago, the city of McMinnville — Yamhill County's largest town — adopted the Northeast Gateway Plan. It was a vision to turn a 75-acre plot of land into the state's largest shared-use roadway and redevelopment project.

Today — thanks to HDR, Hart Crowser, OBEC Consulting Engineers and SERA Architects — Alpine Avenue features five blocks of



redevelopment. Viewed as a destination, the re-envisioned Alpine Avenue is a place where residents can live, work and play and reflects the historic and current land uses while creating a modern, pedestrian-friendly environment.

Planned as an infill and redevelopment project, the complex design addressed transportation needs and guides future development by creating a working neighborhood within walking distance of downtown McMinnville.

As the central spine and primary pedestrian route through the new district, Alpine Avenue is

now a unique street that complements the craft workshop atmosphere of the nearby businesses. The design team divided the corridor into two districts, a "festival" and a "craft" area, each with flexible, curb-less roadways, shared spaces, landscaping, ADA accessibility, various street surfaces, unique architectural elements and sustainable storm water facilities.

Completed on time and on budget, the \$3.5 million project is a transformative project not only for the city, but also the community.

Grand Award

BEAVER CREEK FISH PASSAGE

Submitting Firm: Anderson Perry & Associates

Client/Owner: City of La Grande

Other Participants/Key

Consultants: Steve Lindley Contracting (general contractor); Oldcastle Precast (precast producer)



The Beaver Creek Fish Passage project in La Grande was a project 20 years in the making.

The city of La Grande hired Anderson Perry & Associates to design improvements to restore fish passage over the 30-foot-high dam. Because of the remote location, fish passage needed to be maintenance-free and operational in a high mountain, deep snow, unattended environment. Also, the steep and confined ravine where the creek lies limited the area in which to construct a fishway.

Working with the city and numerous fish and wildlife agencies, AP designed a solution to

allow unobstructed fish passage upstream and downstream of the dam.

Due to the remote location, the design team devised a unique approach to having the major components of the fish ladder, 59 precast concrete vortex weirs, which were constructed off site.

Similar to LEGOs, the weirs were placed along the dam spillway for about 400 feet. Each weir weighed 27,000 pounds and had to be placed precisely horizontally and vertically. The weirs allow fish to ascend the nearly 10 percent steep grade from the natural channel below the dam to the

reservoir above, and on to high mountain waters.

The result of the project, which drew high praise from retired La Grande Public Works Director Norm Paullus, includes a significant increase of habitat for migratory fish and the potential resulting increase in fish reproduction. And for the first time in more than 100 years, migratory fish are able to access native, pristine streams above the La Grande Reservoir in northeast Oregon with the construction of a new \$1.6 million fish passageway on Beaver Creek.

HONOR AWARDS

DEARBORN AVENUE BRIDGE REPLACEMENT & STREET IMPROVEMENTS

Submitting Firm: AKS Engineering & Forestry LLC

Location: Keizer, Oregon

Client/Owner: City of Keizer

Other Consultants/Key Participants: Foundation Engineering (geotechnical engineering); K&E Excavating (contractor); MCE Engineers (structural engineering); WSP Parsons Brinckerhoff (hydraulic engineering)

Noteworthy: What is unique about this project is that the real story is hidden out of sight.



KNIGHT CANCER RESEARCH BUILDING

Submitting Firm: catena consulting engineers

Location: Portland, Oregon

Client/Owner: Oregon Health & Science University

Other Consultants/Key Participants: Andersen Construction; GeoDesign; KPFF Consulting Engineers; McCarthy Building Co.; PAE Engineers; SRG Partnership

Noteworthy: This project demonstrates that companies can collaborate to find solutions to every difficult challenge.

STEWART PARKWAY IMPROVEMENTS

Submitting Firm: Century West Engineering

Location: Roseburg, Oregon

Client/Owner: City of Roseburg

Other Consultants/Key Participants: DKS Associates (traffic engineer); Galli Group (geotechnical engineer/south phase); GRI – Geotechnical Resources Inc. (geotechnical engineer/north phase); Knife River (general contractor); i.e. engineering (surveyor); OBEC Consulting Engineers (structural engineer); Terra Science (environmental permitting); West Consultants (hydraulic services)

Noteworthy: This project created a safer roadway that is more accessible by a wide variety of users in all weather conditions.



MIRROR LAKE TRAILHEAD RELOCATION

Submitting Firm: David Evans and Associates

Location: Government Camp, Oregon

Client/Owner: Federal Highway Administration in collaboration with the Oregon Department of Transportation and United States Forest Service

Other Consultants/Key Participants: Archaeological Investigations Northwest (cultural resource services); GRI – Geotechnical Resources Inc. (geotechnical studies, pavement design); MacKay Sposito (construction manager); SWP Contracting & Paving (construction contractor)

Noteworthy: This project enhances the quality of life and demonstrates stewardship of the built and natural environment. These improvements provide safe access to the Mirror Lake Trail and improved safety for all users of US 26.

PORTLAND STATE UNIVERSITY SCHOOL OF BUSINESS

Submitting Firm: GRI (Geotechnical Resources Inc.)

Location: Portland, Oregon

Client/Owner: Portland State University

Other Participants/Key Consultants: Behnish Architekten (design architect); catena consulting engineers (structural engineer); KPFF Consulting Engineers (civil engineer); Mayer/Reed (landscape architect); PAE Consulting Engineers (MEP engineer); RWDI (LEED); Skanska USA (general contractor); SRG Partnership Inc. (architect-of-record)

Noteworthy: Advanced geotechnical in-situ testing techniques and innovative engineering saved the client hundreds of thousands of dollars and months of schedule.



OR126 AT TOM MCCALL ROUNDABOUT

Submitting Firm: Harper Houf Peterson Righellis

Location: Prineville, Oregon

Client/Owner: Oregon Department of Transportation, Region 4

Other Participants/Key Consultants: City of Prineville (local agency/funding partner); Crook County (local agency/funding partner); Alex Hodge Construction (general contractor); Kittelson and Associates (traffic engineer)

Noteworthy: The OR 126 at Tom McCall Roundabout is an example of the state, county and city working together with businesses and community stakeholders to safely and efficiently further the economic viability of the region.

INFINITY LOOP

Submitting Firm: HDR

Location: Portland, Oregon

Client/Owner: N/A

Other Participants/Key Consultants: N/A

Noteworthy: A first in the world, the Infinity Loop solves the decades-old question of how to process multiple unit trains at a high-throughput facility while not impacting mainline traffic and quadrupling the land use density at the facility.



KERRY ISLAND ESTUARY RESTORATION

Submitting Firm: Inter-Fluve

Location: Clatskanie, Oregon

Client/Owner: Columbia Land Trust

Other Participants/Key Consultants: Henderson Environmental Design-Build Professionals

Noteworthy: In the fall of 2016, Kerry Island was reconnected to tidal hydrology for the first time in nearly 80 years, opening 99 acres of salmon and steelhead habitat and setting the site on a trajectory of healthy marsh function.

HONOR AWARDS

FRANKLIN BLVD. REDEVELOPMENT PROJECT

Submitting Firm: Jacobs Engineering Group

Location: Springfield, Oregon

Client/Owner: City of Springfield

Other Participants/Key Consultants: Cameron McCarthy (landscape architecture); Cogito Partners (public involvement); Epic Land Solutions (right-of-way acquisitions); NW Geotech (geotechnical engineering); OBEC Consulting Engineers (survey); Roundabouts & Traffic Engineering (roundabout design consulting)

Noteworthy: This redevelopment project transformed Franklin Boulevard from an outdated state highway into a modern urban multi-way boulevard that safely serves the needs of pedestrians, cyclists and drivers, and supports public transportation options, including buses. The project will also have a catalytic effect on land redevelopment in the Glenwood Riverfront District that includes properties along the boulevard.



BEND SOUTHEAST INTERCEPTOR SEWER

Submitting Firms: Jacobs Engineering Group, DOWL

Location: Bend, Oregon

Client/Owner: City of Bend

Other Participants/Key Consultants: DOWL (third-party construction manager)

Noteworthy: The Southeast Interceptor Sewer team accomplished all of the city's goals for the SEI project, providing a robust, corrosion-resistant collection system and taking multiple sewer systems offline. These accomplishments are an example of team unity, collaboration and communication overcoming challenges and adjusting to many changes during the 11-year span of the project.

TRANSPORTATION SYSTEM PLAN GUIDELINES 2018

Submitting Firm: Kittelson & Associates

Location: Statewide

Client/Owner: Oregon Department of Transportation

Other Participants/Key Consultants: Angelo Planning Group (consulting partner/author of 2008 TSP Guidelines)

Noteworthy: ODOT's new Transportation System Guidelines represent one of the first digital online tools for transportation system planning in the United States. In the dynamic, ever-changing field of transportation planning, the new guidelines website is an easily accessible and updatable resource to keep practitioners and policymakers not only compliant, but on the leading edge.



USPS PROCESSING & DISTRIBUTION CENTER

Submitting Firm: KPFF

Location: Portland, Oregon

Client/Owner: The Korte Co. (client), U.S. Postal Service (owner)

Other Participants/Key Consultants: ECI Electrical Construction (electrical design); GeoDesign (geotechnical and environmental); CE Jarrell Mechanical Contractors (mechanical and plumbing); The Korte Co. (contractor); Parsons Corp. (owner representative); Patriot Fire Protection (fire protection design); TKC Architect PC (division of The Korte Co., architect); Tapani (earthwork contractor)

Noteworthy: The KPFF team overcame weather challenges and site complications to deliver the USPS building ahead of schedule.

KINSMAN ROAD EXTENSION

Submitting Firm: OBEC Consulting Engineers

Location: Wilsonville, Oregon

Client/Owner: City of Wilsonville

Other Participants/Key Consultants: AINW (historical/cultural/archaeological); DKS Associates (traffic engineering); Harper Houf Peterson Righellis (stormwater and landscaping design); Jacobs Engineering Group (waterline engineering); JLA (public involvement); Michael Minor and Associates (noise); Pacific Habitat Services (environmental permitting); Shannon & Wilson (geotechnical engineering)

Noteworthy: This important new connection includes a multi-use path and bike lanes that provide direct public access to regional transit services and a new north-south route through the city to relieve congestion on surrounding roadways. Notable complications include the city partnering with the Willamette Water Supply Program to include the installation of a segment of a major 66-inch drinking water pipeline within the project limits during construction, resulting in a cost savings to both projects with fewer impacts to the public.



QBS



QBS

TILLAMOOK COUNTY STORM RECOVERY

Submitting Firm: OBEC Consulting Engineers

Location: Tillamook County, Oregon

Client/Owner: Tillamook County Public Works

Other Participants/Key Consultants: Advanced Excavating (prime contractor); FEMA (funding partner); Hart Crowser (geotechnical engineering); HRA (cultural resources), Oregon Office of Emergency Management (funding partner); Oregon State Bridge (prime contractor); Universal Field Services (right-of-way acquisition services)

Noteworthy: When a catastrophic storm caused \$8 million in damages at more than 30 sites across Tillamook County, OBEC responded within hours to restore access to residents and businesses who were impacted. Last year was the culmination of repairs to the worst-hit areas of the 2015 storm, as the county completed construction for three of the storm-damaged sites, including installation of the new bridge on Sollie Smith Road, a new culvert at Harbor View Drive, and the replacement of four culverts in the community of Twin Rocks. This effort is a testimony to community spirit and public-private partners in a time of need.

Are you interested in nominating someone for one of the DJC awards events?

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Visit DJCOregon.com/Events/ to nominate, purchase tickets or sponsor a DJC event.

HONOR AWARDS

PRINEVILLE AIRPORT INDUSTRIAL PARK UTILITY EXTENSIONS

Submitting Firm: Parametrix

Location: Prineville, Oregon

Client/Owner: City of Prineville

Other Participants/Key Consultants: Taylor NW (contractor)

Noteworthy: The city of Prineville used a relatively new form of project delivery, progressive design-build, to work with the right team that could extend utilities through extreme site conditions quickly, allowing continued progress on new data centers that are contributing significantly to the city's economy.



LUUWIT VIEW PARK

Submitting Firm: Peterson Structural Engineers

Location: Portland, Oregon

Client/Owner: City of Portland, Parks & Recreation

Other Consultants/Key Participants: 2.ink Studio Landscape Architecture (landscape architect and land use planner – prime); 3J Consulting (civil engineer); R&W Engineering (MEP engineer); Skylab Architecture (architect); Stacy and Witbeck (contractor)

Noteworthy: This innovative team came together to deliver a high-quality, recreational park to a previously underserved community as part of the Portland Parks 2020 Vision program. With a beautiful design and cutting-edge engineering, Luuwit View Park allows for a better quality of life for the community by providing a place for children to play and where families can be active together.

SHAKEALERT PILOT PROGRAM IMPLEMENTATION

Submitting Firm: RH2 Engineering

Location: Grants Pass, Oregon

Client/Owner: City of Grants Pass

Other Consultants/Key Participants: RH2 hired a software development firm to work with its staff to optimize the programming of RH2's ASC device. RH2 is also working with a manufacturer to produce the hardware for the ASC device.

Noteworthy: The ShakeAlert Pilot Program allows agencies on the West Coast to obtain live, early warning information, and determine automatic actions that can protect their tanks, pumps and other facilities, which can lessen the negative economic and social impacts of a Cascadia Subduction Zone earthquake.



FERNHILL WESTERN WETLANDS

Submitting Firm: Shannon & Wilson

Location: Forest Grove, Oregon

Client/Owner: Kennedy/Jenks Consultants (client), Clean Water Services (owner)

Other Consultants/Key Participants: Kennedy/Jenks Consultants

Noteworthy: The subsurface conditions that make this site an excellent location for wetlands also created geotechnical challenges for the design and construction of the project that needed Shannon & Wilson's ingenuity, judgment and experience to solve.

CORNELIUS PASS-TV HIGHWAY INTERSECTION PROJECT

Submitting Firm: WSP

Location: Hillsboro, Oregon

Client/Owner: Newland Communities

Other Consultants/Key Participants: Epic Land Solutions (right-of-way acquisitions); MacKay Sposito (surveying, utility coordination); Wisser Rail Engineering (rail plans)

Noteworthy: The Cornelius Pass/TV Highway Intersection Project is a unique public works project undertaken by a private developer. It not only improves mobility and safety along two of the area's busiest roadways, but will also serve as the primary transportation corridor connecting the highly anticipated South Hillsboro community, which is expected to provide homes for 20,000 people when completed, with the employment centers and amenities of Hillsboro and Washington County.



PORTLAND METRO AREA VALUE PRICING FEASIBILITY ANALYSIS

Submitting Firm: WSP

Location: Portland, Oregon

Client/Owner: Oregon Department of Transportation

Other Consultants/Key Participants: DKS Associates (regional traffic modeling interpretation); ECONorthwest (toll optimization modeling); EnviroIssues (public outreach); Myron Swisher (federal process); Oregon Metro (regional modeling); Southwest Washington Regional Transportation Council (modeling support)

Noteworthy: The groundbreaking Portland Metro Area Value Pricing Feasibility Analysis is the first of its kind in the United States, and involved a transparent, innovative approach for the successful implementation of congestion pricing in the region. No other state in the country has implemented congestion pricing on existing infrastructure without reconstruction or highway expansion.



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- Reservoir Design and Rehab
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ACEC Oregon

American Council of Engineering Companies of Oregon
is pleased to announce the results of this year's competition



Engineering Excellence Awards 2019

An annual design competition which recognizes engineering firms for projects that demonstrate an exceptional degree of innovation, complexity, achievement and value.

PROJECT of the YEAR

BergerABAM, PBS, Martin/Martin Consulting Engineers and GRI
Vancouver Waterfront Park for City of Vancouver

BEST in CATEGORY - TRANSPORTATION

Otak, Inc. Nehalem River (Lommen) Bridge Replacement for Tillamook County Public Works

GRAND AWARDS

Anderson Perry & Associates, Inc. Beaver Creek Fish Passage for City of La Grande

HDR NE Alpine Avenue Reconstruction for City of McMinnville

HDR West Vancouver Freight Access for Port of Vancouver, USA

Kennedy/Jenks Consultants The Dalles Wastewater Treatment Plant Progressive Design-Build Phase 2 Upgrades for City of The Dalles

SMALL PROJECT AWARD

Wolf Water Resources Sandy River Log Jams for Portland Water Bureau

Honor Awards

AKS Engineering & Forestry, LLC Dearborn Avenue Bridge Replacement & Street Improvements for City of Keizer

catena consulting engineers Knight Cancer Research Building for Oregon Health & Science University

Century West Engineering Stewart Parkway Improvements for City of Roseburg

David Evans and Associates, Inc. Mirror Lake Trailhead Relocation for Federal Highway Administration

GRI, SRG and catena consulting engineers PSU School of Business for Portland State University

Harper Houf Peterson Righellis, Inc. OR126 at Tom McCall Roundabout for Oregon Department of Transportation, Region 4

HDR Infinity Loop (*patent pending*)

Inter-Fluve Kerry Island Estuary Restoration for Columbia Land Trust

Jacobs and DOWL Bend Southeast Interceptor Sewer for City of Bend

Jacobs Franklin Boulevard Redevelopment Project for City of Springfield

Kittelson & Associates, Inc. Transportation System Plan Guidelines 2018 for Oregon Department of Transportation

KPFF United States Postal Service Processing & Distribution Center for The Korte Company (client) and U.S. Postal Service (owner)

OBEC Consulting Engineers Kinsman Road Extension for City of Wilsonville and Storm Recovery for Tillamook County

Parametrix Prineville Airport Industrial Park Utility Extensions for City of Prineville

Peterson Structural Engineers Luuwit View Park for City of Portland, Parks and Recreation

RH2 Engineering, Inc. ShakeAlert Pilot Program Implementation for City of Grants Pass

Shannon & Wilson, Inc. Fernhill Western Wetlands for Kennedy/Jenks Consultants (client) and Clean Water Services (owner)

WSP Cornelius Pass/TV Highway Intersection Project for Newland Communities and

Portland Metro Area Value Pricing Feasibility Analysis for Oregon Department of Transportation

Congratulations to the entrants! And thank you to our member engineering firms:

1 Alliance Geomatics, LLC
2G Associates, Inc.
3J Consulting Inc.
AAI Engineering
Adapt Engineering
Advanced Remediation Technologies
AECOM
Akana
Aligned Engineering LLC
Anderson Engineering & Surveying
Anderson Perry & Associates, Inc.
Aspect Consulting LLC
BergerABAM Inc.
Boatwright Engineering Inc
Brown and Caldwell
Burgess & Niple, Inc.
Cascade Forensic Engineering
Cascadia Associates LLC
Casso Consulting, Inc.
Central Geotechnical Services
Century West Engineering Corp.
Compass Land Surveyors
Cornforth Consultants Inc.
Crow Engineering Inc.
Curran-McLeod Inc.

David Evans and Associates Inc.
DJ&A, P.C.
DKS Associates
DOWL
Emerio Design
Engineered Monitoring Solutions
Epoch Geospatial and Land
Surveying Services, LLC
E-PUR, LLC
ESA
Exeltech Consulting Inc.
Focused Engineering, LLC
Forensic & Mechanical Engineering
Foundation Engineering Inc.
Froelich Engineers, Inc.
GeoDesign Inc.
GeoEngineers Inc.
GeoPacific Engineering, Inc.
GHD
Golder Associates Inc.
GRI
Haner Ross & Sporseen, Inc.
Harper Houf Peterson Righellis Inc.
Hart Crowder, Inc.
HDR

Herrera Environmental Consultants
HK Electrical Engineers
Hood River Consulting Engineers
Hood-McNees Inc.
Humber Design Group, Inc.
ICHTHYS Engineering PLLC
Inter-Fluve, Inc.
Jackola Engineering & Architecture
Jacobs
JAS Engineering, Inc.
J-U-B Engineers Inc.
Keller Associates, Inc.
Kennedy/Jenks Consultants Inc.
Kittelson & Associates Inc.
Kleinschmidt Associates
KPFF
Kramer Gehlen & Associates Inc.
Land Mark Surveying, Inc.
Lewis & Van Vleet Inc.
Locke Engineers, Inc.
McCann Engineering LLC
McMillen Jacobs Associates
Mead & Hunt, Inc.
MEGI Engineering Inc.
Miller Consulting Engineers

MKE & Associates Inc
Mott MacDonald
Murraysmith
Nemariam Engineers & Associates
Nishkian Dean
Northwest Engineering Service Inc.
OBEC Consulting Engineers
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Pali Consulting, Inc.
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Professional Service Industries Inc.
Quincy Engineering Inc.
R & W Engineering Inc.
RDH Building Sciences Inc.
Reynolds Engineering LLC
RH2 Engineering, Inc.
Ridge Engineering LLC
Rieke Consulting Services, LLC

SEFT Consulting Group
Shannon & Wilson, Inc.
Singh & Associates, Inc.
Smith Monroe Gray Engineers Inc.
Standridge Design, Inc.
Streamline West Engineering
Summit Building Engineering
Tennison Engineering Corp
Terracon
Tetra Tech, Inc.
TY Lin International
Tye Engineering & Surveying, Inc.
VALAR Consulting Engineering
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STAFF REPORT

DATE: February 12, 2019
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Resolution No. 2019- 11: Accepting the McMinnville Urban Renewal Agency Annual Report

Council Goal

Plan and Construct Capital Projects: Support implementation of the Urban Renewal Plan.

Report in Brief:

This is the consideration of Resolution No. 2019-11, accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30, 2018, per Oregon Revised Statute 457.460.

Background:

Oregon Revised Statute 457.060 requires that the McMinnville Urban Renewal Agency prepare an Annual Financial Report reporting resources, expenditures, activities and impact to taxing districts for the previous fiscal year and file it with the governing municipality each year, and notice provided in the newspaper of the annual financial report being available for review.

Fiscal Impact:

There is no anticipated fiscal impact associated with this action.

Alternative Courses of Action:

1. **APPROVE** Resolution No. 2109-11, accepting the McMinnville Urban Renewal Agency Annual Financial Report.
2. **REQUEST** more information.
3. **DO NOT APPROVE** Resolution No. 2019-11.

Recommendation/Suggested Motion:

Staff recommends approving Resolution No. 2019-11.

“I MOVE TO APPROVE RESOLUTION NO. 2019-11, ACCEPTING THE MCMINNVILLE URBAN RENEWAL AGENCY ANNUAL FINANCIAL REPORT FISCAL YEAR ENDED JUNE 30, 2018.”

ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30TH, 2018



McMinnville Urban Renewal Agency

2017 – 2018

This report fulfills the requirements, prescribed in ORS.457.460, for the filing of an annual report detailing the financial activity of an urban renewal area established in Oregon.

Annual Financial Report for Fiscal Year Ended June 30th, 2018

MCMINNVILLE URBAN RENEWAL AGENCY

MCMINNVILLE URBAN RENEWAL AREA HISTORY

The City of McMinnville created an Urban Renewal Area (URA) in its downtown core and NE Gateway area in 2013. The purpose of this plan was to assist in implementing the goals of the McMinnville Comprehensive Plan, the Third Street Streetscape Plan, and other planning documents, to help stimulate the economy, create a unique identity and sense of place, and to support local downtown businesses and the development of the NE Gateway area. Urban renewal provides a method to fund projects and tools to help achieve these recommendations and goals.

Goals

To effectively support the McMinnville Comprehensive Plan and other planning documents, the City of McMinnville formulated a series of Goals and Objectives to guide activities funded by, or related to the URA. The Goals and Objectives are listed in the Plan, and the goals are reiterated here:

Goal 1. Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the urban renewal implementation process.

Goal 2. Encourage the economic growth of the Area as the commercial, cultural, civic, and craft industry center for McMinnville.

Goal 3. Enhance the physical appearance of the district, create a pedestrian environment that encourages the development and redevelopment of active uses such as shopping and entertainment, and support commercial, civic, and craft industrial business activity.

DOWNTOWN COMMERCIAL CORE

The downtown commercial core should be a regional destination as well as the commercial center for the citizens of McMinnville. Its identity should enhance and preserve the qualities of the downtown, including its historic heritage, that make it an economically healthy, attractive, and unique environment for people to live, work, shop, and socialize.

NORTHEAST GATEWAY

The Northeast Gateway area should be a unique destination that reflects the authenticity of historic and current uses within the area – a place where things are crafted, experienced, and enjoyed, and a place for people to live, work, and play.

Goal 4. Encourage development of a transportation network that provides for safe and efficient multi-modal transportation for vehicles, pedestrians, and bicyclists, and encourages the redevelopment and development of parcels within the Area.

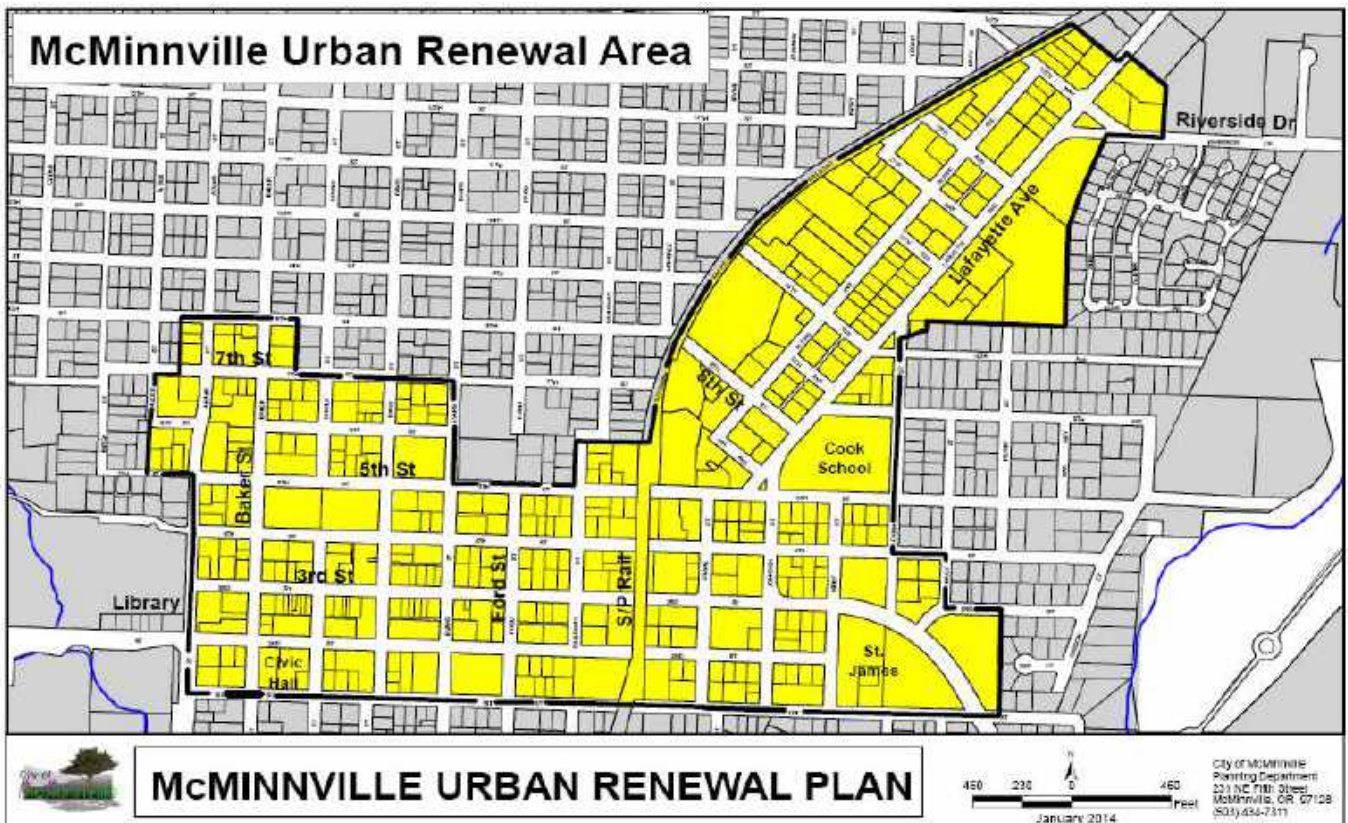
Goal 5. Provide necessary public and private facilities and utilities at levels commensurate with urban development. Public utilities should be extended in a phased manner, and planned and provided in advance of, or concurrent with, development.

Goal 6. Promote development of affordable, quality housing in the Area. Promote a residential development pattern that is compact and energy efficient, provides for an urban level of public and private services, and allows unique and innovative development techniques to be employed in residential designs.

Goal 7. Enhance sites and structures of historical, cultural, and/or architectural significance.

Goal 8. Pursue development and redevelopment opportunities that will add economic, civic, educational, craft industry, and cultural opportunities for the citizens of McMinnville, economically strengthen the Area, and attract visitors to the Area.

A full copy of the McMinnville Urban Renewal Plan and Report can be found on the City of McMinnville website at www.ci.mcminnville.or.us



FINANCIAL REPORTING

Money Received

ORS 457.460 (a)

	Urban Renewal Fund	Debt Service Fund	Total
Resources			
Property Taxes - Current	--	\$204,046	\$204,046
Bond/loan proceeds	\$116,952	--	\$116,952
Interest income	\$15,860	\$4,515	\$20,375
Miscellaneous	--	--	--
Total resources	\$132,812	\$208,561	\$341,373

Money Expended

ORS 457.460 (b)

	Urban Renewal Fund	Debt Service Fund	Total
Expenditures			
Alpine Avenue Improvements	\$1,125,150	--	\$1,125,150
Parking Study	\$34,023	--	\$34,023
Façade Improvement Grant	\$29,377	--	\$29,377
District Identity Improvements	\$8,000		\$8,000
Administration	\$32,457	--	\$32,457
Debt Service	--	\$220,595	\$220,595
Reimbursement of UR Planning	--	\$10,000	\$10,000
Total Expenditures	\$1,229,008	\$230,595	\$1,459,602

Long-term obligations

The Agency and the City entered into an intergovernmental agreement for the City to loan \$2,192,300 to the Agency for construction of the Alpine Avenue project. The Agency and City also have an intergovernmental agreement for the Agency to reimburse the City for Urban Renewal planning expenditures and accounts payable. The balance is being repaid over fifteen years as follows:

Fiscal year ending June 30	Principal	Interest	Total
2019	\$110,000	\$43,499	\$153,499
2020	\$146,060	\$41,228	\$187,288
2021	\$149,060	\$38,233	\$187,293
2022	\$152,120	\$35,177	\$187,297
2023 – 2027	\$808,600	\$127,800	\$936,460
2028 – 2032	\$801,400	\$41,426	\$842,826
Total	\$2,167,300	\$327,363	\$2,494,663

FISCAL YEAR 2018-2019**Estimated Revenues***ORS 457.460 (c)*

The estimated revenues for fiscal year 2018-2019 are \$529,431

Proposed Budget for Current Fiscal Year 2018-2019*ORS 457.460 (d)*

	Urban Renewal Fund	Debt Service Fund	Total
Resources			
Beginning Fund Balance	\$238,320	\$259,425	\$497,745
Property Taxes - Current	--	\$216,200	\$216,200
Property Taxes – Prior	--	\$5,500	\$5,500
Bond/loan proceeds	\$304,231	--	\$304,231
Interest income	--	\$3,500	\$3,500
Miscellaneous	--	--	--
Total resources	\$542,551	\$484,625	\$1,027,176
Expenditures			
3rd Street Improvements	\$30,000	--	\$30,000
Development Assistance Program	\$120,000	--	\$120,000
Public Offstreet Parking	\$62,000	--	\$62,000
District Identity Improvements	\$35,000	--	\$35,000
Reimbursement of UR Planning	--	\$10,000	\$10,000
Administration	\$57,231	--	\$57,231
Debt service	--	\$447,430	\$447,730
Contingency	\$238,320	--	\$238,320
Total Expenditures	\$542,551	\$457,730	\$1,000,281
Ending Fund Balance	--	\$26,895	\$26,895

Impact on Taxing Districts

ORS 457.460 (e)

Taxing District	Revenue Foregone Permanent Rate
Yamhill County	\$42,772
Yamhill County Extension Service	\$522
Yamhill County Soil & Water	\$522
McMinnville School District 40	\$69,091
Willamette Regional ESD	\$4,693
City of McMinnville	\$83,458
Chemeketa Library	\$1,304
Chemeketa Community College Before Bonds	\$10,429
TOTAL	\$212,791

Impacts on school districts

When considering the impact on taxes imposed by overlapping taxing districts, it should be noted that school districts are affected differently than other types of taxing districts. Property taxes were once the primary funding source for K-12 schools, and tax rates varied by district. Today, the State “equalizes” school funding, using a formula that takes into account property tax revenue generated at the school district level and revenue from the State’s coffers generated by the statewide income tax, Oregon Lottery, and intergovernmental revenues. Allocation of State revenues to local school districts comes in the form of “general purpose grants.” The primary driver of the State allocation is the number of students in each district. This means that local property taxes generated by a school district have no direct impact on school funding in that district. Thus, any impacts that an URA might have on local school district property tax revenues would have no direct impact on school funding in that district. (Source: *Best Practices for Urban Renewal Agencies in Oregon*)

RESOLUTION NO. 2019 - 11

A Resolution of the City of McMinnville accepting the Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2018, per Oregon Revised Statute 457.460.

RECITALS:

The City of McMinnville created an Urban Renewal Area in its downtown core and NE Gateway Area in 2013; and

The Purpose of this plan was to assist in implementing the goals of the McMinnville Comprehensive Plan, the Third Street Streetscape Plan, and other planning documents, to help stimulate the economy, create a unique identify and sense of place, and to support local downtown businesses and development of the downtown and the NE Gateway area; and

Per Oregon Revised Statute 457.460, the McMinnville Urban Renewal Agency must prepare and file an annual financial report with the governing body of the municipality no later than January 31 of each year.

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

1. That the attached (Exhibit A) Annual Financial Report for the McMinnville Urban Renewal Agency for Fiscal Year Ended June 30th, 2018 is hereby accepted and filed with the City of McMinnville.
2. This Resolution will take effect immediately upon passage.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of February, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of February, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: February 12, 2019
TO: Mayor and City Councilors
FROM: Heather Richards, Planning Director
SUBJECT: Resolution No. 2019-12 – Contract Amendment No. 1 to ECONorthwest Contract

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This is the consideration of Resolution No. 2019-12, a resolution authorizing the City Manager to sign Contract Amendment No. 1 to an ECONorthwest contract for professional planning services for an Urbanization Study and an update to the City of McMinnville Economic Opportunities Analysis. The contract amendment is for \$59,710.00 plus reimbursable expenses.

Background:

ECONorthwest has been contracted to work with the City of McMinnville on a Buildable Lands Inventory, Housing Needs Analysis and Housing Strategy. That contract is for \$70,000.00. The intent of this contract is to identify how much buildable acreage the City of McMinnville currently has in its city limits and urban growth boundary to accommodate population growth for the next five, ten, twenty and fifty years.

However, the Housing Needs Analysis will only provide a partial answer to the question of “how much land does McMinnville need to accommodate five, ten, twenty and fifty years of forecasted population growth?” This question is complicated by the fact that residential uses can locate in some employment zones and employment uses can locate in residential zones.

To truly answer the question of how much land does McMinnville need to accommodate growth over the next five, ten, twenty, and fifty years, the City also needs to evaluate its employment lands and public facility lands.

Discussion:

The City last updated its Economic Opportunities Analysis in November 2013. The 2013 EOA found that the city had a 36-acre deficit of commercial land and a 236-acre surplus of industrial land. This contract amendment will update the data for the Economic Opportunities Analysis utilizing similar data that is being used for the Housing Needs Analysis as well as identify public facility needs, such as schools, parks and other public facilities.

Total costs for the urbanization study and updated economic opportunities analysis is \$59,710 plus reimbursable expenses not to exceed \$62,000. It is anticipated that the work will be completed by the end of September, 2019.

Fiscal Impact:

\$59,710.00 plus reimbursable expenses not to exceed \$62,000. These funds are currently budgeted in the Planning Fund, Professional Services.

Alternative Courses of Action:

1. **APPROVE** Resolution No. 2109-12.
2. **REQUEST** more information.
3. **DO NOT APPROVE** Resolution No. 2019-12.

Recommendation/Suggested Motion:

Staff recommends approving Resolution No. 2019-12.

“I MOVE TO APPROVE RESOLUTION NO. 2019-12, AUTHORIZING THE CITY MANAGER TO SIGN CONTRACT AMENDMENT NO. 1 WITH ECONORTHWEST FOR AN URBANIZATION STUDY AND ECONOMIC OPPORTUNITIES ANALYSIS UPDATE.

RESOLUTION NO. 2019-12

A Resolution awarding Contract Amendment No. 1 to the personal services contract between the City of McMinnville and ECONorthwest for an Urbanization Study and an update to the City of McMinnville Economic Opportunity Analysis.

RECITALS:

The City of McMinnville is currently engaged in a Buildable Lands Inventory, Housing Needs Analysis and Housing Strategy to determine land needs and housing needs for the next five, ten, twenty and fifty years.

To fully ascertain overall land needs though, the City of McMinnville also needs to analyze other land needs such as employment lands as well as public facilities, schools and parks. This contract amendment will update the 2013 Economic Opportunities Analysis and conduct an Urbanization Study to determine overall land needs for the next five, ten, twenty and fifty years.

This contract amendment is for \$59,710.00 plus reimbursable expenses with ECONorthwest to conduct that work by November, 2019.

Funds for the contract amendment are currently budgeted in the Planning Fund in the Professional Services account.

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

1. That entry into Contract Amendment No. 1 with ECONorthwest for an Urbanization Study and Economic Opportunity Analysis, in the amount of \$59,710.00 plus reimbursable expenses, is hereby approved.
2. The City Manager is hereby authorized and directed to execute Contract Amendment #1 with ECONorthwest.
3. That this resolution shall take effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of February, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of February, 2019.

MAYOR

Approved as to form:

CITY ATTORNEY

CONTRACT AMENDMENT NO. 1
to the
PERSONAL SERVICES CONTRACT
with
ECONorthwest.

This Contract Amendment No. 1 amends the personal services contract, dated June 11, 2018, between the City of McMinnville (City) and ECONorthwest. (Contractor) for professional planning services.

The parties mutually covenant and agree as follows:

1. STATEMENT OF WORK

The Contractor will provide professional planning services for an Urbanization Study and updated Economic Opportunities Analysis as outlined in the attached proposal dated January 29, 2019. The cost for these services is estimated to be \$59,710.00.

2. EFFECTIVE DATE

This Contract Amendment No. 1 is effective on the date at which it is fully executed.

3. COMPENSATION

The City agrees to pay the Contractor for actual hours worked and allowable expenses incurred by the Contractor and its agents for accomplishing the work required by this Contract Amendment No. 1, with a total sum not to exceed \$62,000.00.

4. TERMINATION

The termination for the work outlined in Contract Amendment No. 1 will be no later than November 1, 2019.

5. OTHER CONDITIONS / REQUIREMENTS

The terms and conditions of the original Personal Services Contract remain in full force and effect.

Date: _____

For the City:
Approved:

By: _____

Title: _____

For the Contractor:
Approved:

By: _____

Title: _____

Date: _____

DATE: January 29, 2019
TO: Heather Richards and Tom Schauer
FROM: Bob Parker and Beth Goodman
SUBJECT: PROPOSED SCOPE OF WORK: MCMINNVILLE ECONOMIC OPPORTUNITIES ANALYSIS AND URBANIZATION REPORT

ECONorthwest is working with the City of McMinnville on a Housing Needs Analysis (HNA). The previous HNA was completed in 2001 and adopted in 2003. In 2007-2008, the City submitted a UGB amendment to DLCD for inclusion of 1,188 gross acres resulting in a total inclusion request of 890 buildable acres (of which 537 buildable acres were designated to meet identified housing needs) in addition to adoption of a number of land use efficiency measures. Considerable change has occurred in McMinnville and in housing markets since that time. The HNA has three parts: (1) a residential buildable lands inventory; (2) a housing needs analysis; and (3) a housing strategy.

The City last updated its Economic Opportunities Analysis in November 2013. The 2013 EOA found that the city had a 36-acre deficit of commercial land and a 236-acre surplus of industrial land.

The City will be required to identify measures that it will take to ensure a 20-year supply of residential land before it can adopt the housing study. Given the conclusions of the 2001 HNA and the 2013 EOA, it is reasonable to assume that the land deficits for residential and commercial uses have only grown. Understanding the full spectrum of land needs requires evaluation of all three categories of need: residential, employment, and other (public and semi-public).

The HNA that ECO is currently working on will only provide a partial answer to the question of “how much land does McMinnville need to accommodate 20 years of forecast growth?” This question is complicated by the fact that residential uses can locate in some employment zones, and employment uses (including home occupations) can locate in residential zones. The only way to develop an accurate estimate of land need is to look at all three categories together.

This scope of work describes how ECONorthwest will (1) update the EOA, and (2) look at all land needs together (what we commonly refer to as an urbanization report).

Approach

Broadly, this project includes three elements:

- **Commercial and Industrial Land Inventory.** The 2013 EOA included a land inventory; that inventory will need to be updated to accurately reflect land supply in 2019. For the sake of consistency, we propose to use the same data sets for the employment BLI as used for the residential BLI. We also proposed to use similar methods and assumptions (with appropriate modifications to reflect rules around employment land).

-
- **Updated Economic Opportunities Assessment.** We propose to update many, but not all, elements of the EOA. Sections that will require updating include: economic trends (chapters II and III) and economic development potential (chapter IV); employment forecast and land need (chapter V). What we do not propose to update is the assessment of target industries and the economic development policies/strategies (the economic development objectives (chapter VI). If necessary or appropriate we will update Chapter VI to incorporate information from the recently updated McMinnville Economic Development Strategy.
 - **Comparison of Land Supply and Need.** This will combine data from the HNA and EOA with new estimates of other land needs to develop a comprehensive land needs assessment.

We see this effort as largely a set of technical updates that will use methods and assumptions that are consistent with previous work (noting that some assumptions will need to be updated). If the city desires to engage a committee in this work, we can work with staff to frame out the process steps. Our proposed budget includes four meetings in McMinnville.

Work Plan

The following work plan is intended to address the tasks described above. We are flexible in refining the details to best suit the city's desired outcomes.

Task 0: Project Kickoff

The project kickoff will provide an opportunity to discuss the project, clarify the project objectives, and begin discussion of key technical issues with city staff. The subjects that will be discussed at the project kickoff are: clarification of study objectives, state and local policies related to developing the EOA and land needs estimates, and necessary clarifications of the project scope and schedule. ECONorthwest will prepare a preliminary outline of the final products in advance of this meeting.

Task 1: Commercial and Industrial Buildable Lands Inventory

We propose the Buildable Lands Inventory (BLI) for the EOA be based on the same data about tax lots, assessor's data, and constraints data as the HNA. While some assumptions and analytical approaches are different for the HNA and EOA, it is easier (both technically and for stakeholders' understanding of the data) to have one integrated BLI. For example, an important consideration in the project will be issues related to mixed-use development, which involves both the HNA and EOA. Having one integrated BLI makes it easier to produce comprehensive data about capacity for mixed-use development.

This task will result in a comprehensive inventory of commercial, industrial, and residential buildable lands within the urban growth boundary (note: the residential BLI is part of the housing study). The BLI will be developed using the methods described in the approach section. ECONorthwest staff will coordinate with City staff to obtain additional GIS and other data from other sources as needed.

The result of this task will be an inventory of suitable buildable commercial, industrial, and residential buildable lands within the UGB. The inventory will include a description of the characteristics of key suitable vacant employment sites within the city. The BLI will result in tabular summaries and maps of vacant and partially vacant land, with development constraints.

Task 2: Update Economic Opportunity Analysis

The purpose of this task is to update the analysis of employment growth potential and demand for the economic opportunities analysis (EOA) that comply with the requirements of Goal 9 and OAR 660-009. Generally, ECONorthwest will use the advanced methods described in the Goal 9 guidebook (*Industrial and Other Employment Lands Analysis Guidebook*, DLCD).

The analysis will address relationships among demographics, employment growth, market trends, and development. Population growth, demographic shifts, and employment growth by sector will drive demand for future development. Forecasting employment land demand will require completing the following tasks:

Review of National, State, and Local Trends. The demand analysis will include an update of national, regional, and local trends affecting economic development in the city. The overview of national and state trends will focus on major long-run trends, while the overview of local trends will provide more detail on conditions in the city and the surrounding region over the past 10–20 years. This review will also consider forecasts for future conditions in the region.

Assessment of Community Economic Development Potential. The demand analysis will update the estimate the types and amounts of industrial and commercial development likely to occur in the city. This estimate will be based on the planning area’s economic advantages and disadvantages in attracting new or expanded development. We will rely on information in the 2013 EOA for our evaluation of economic advantages and disadvantages.

Forecast of employment growth in the city. Based on the review of trends and the factors that may affect the city’s economic opportunities, ECONorthwest will develop an updated forecast of employment growth in the city. We recommend considering using one of the “safe harbor” methodologies described in OAR 660-024-0040(9). We will work with City staff to determine the best approach to develop the 20-year employment forecast. The forecast will also include 5, 10, and 46-year periods. ECO will link the 5-year forecast to the required analysis of short-term employment land supply.

Identification of Required Site Types. The demand analysis will rely on analysis from the 2013 EOA for the characteristics of employment sites that will be needed to accommodate the expected employment growth based on the forecast of employment growth and on the types of employers (target industries) that the city aspires to attract (as identified in the economic development vision).

This analysis will result in an estimate of the amount and type of land needed to accommodate the forecast for employment growth and to implement the City’s economic development vision. ECONorthwest will estimate the capacity of employment lands based on rules-of-thumb about employment densities in the city by plan designation. The estimate of land need will combine

the forecast of employment growth in the city, which reflects expected employment growth based on past trends, with the aspirational goals for economic development identified in the City's 2017 economic development strategy. ECONorthwest will test whether the city's land base can accommodate expected growth based on the employment forecast.

The results of the EOA will be a determination of whether the city has enough commercial and industrial land to accommodate expected growth. ECONorthwest will "ground-truth" the analysis with city staff, focusing on issues such as the City's vision for economic development, identification of target industries for growth in the city, sites needed to accommodate growth of target industries, and opportunities for employment land redevelopment.

If desired, ECONorthwest will present the results of this analysis to the project advisory committee and incorporate their feedback into the economic opportunities analysis.

Task 3: Estimate Land Sufficiency (Residential, Employment, Public and Semi-Public)

This task involves a comparison of sites in the inventory and needed land for residential, employment, and public and semi-public uses. ECONorthwest will identify residential land needs by plan designation from in the housing needs analysis. As part of the EOA and economic development strategy, ECO will identify site needs by broad category of site types by plan designation (as described in Task 3).

The task also requires identification of land needed for public and semi-public uses, including land needed for public facilities, schools, churches, fraternal organizations, hospitals, nonprofits, and other public and semi-public uses. ECO will determine public and semi-public land needs based on an analysis of existing uses and expected future needs. ECO will work with City staff to coordinate with the school district to understand their 20-year land needs. We will develop net to gross factors for employment designations using methods similar to those in the HNA.

ECO will develop narrative and summary tables that present the results of the analysis.

Task 4: EOA Advisory Committee

Developing an economic opportunities analysis requires engagement with stakeholders who are knowledgeable about the conditions in and community objectives of McMinnville. We recommend a committee meeting process, such as the following, which will both inform the Committee about the analysis and provide opportunities for the Committee to give input on the analysis. Based on our experience working on other projects, we recommend that the discussions with the Committee focus on policy analysis and development.

We propose four committee meetings in McMinnville with the committee as outlined below.

- **Meeting 1: Commercial and Industrial Buildable Lands Inventory (Supply)** – Presentation and discussion of industrial and other employment land supply, constraints and opportunities. BLI will be discussed in the context of the residential BLI.

-
- **Meeting 2: Trends and Site Types (Demand)** – Presentation and discussion of regional market opportunities, McMinnville’s market position, assets and land use needs.
 - **Meeting 3: Where Demand, Supply and Innovation Meet: Assessment of Community Economic Development Potential** - Discussion of strategic opportunities related to Demand and Supply analysis and reconciliation.
 - **Meeting 5: Draft Economic Opportunities Analysis** – Review and comment on draft EOA.

Task 5: Final Products

The City has options for the final products of this effort. If the work programs were fully integrated, we would propose the city develop an “Urbanization Report” similar to studies we have done for other cities such as Corvallis. Given that the HNA is partially funded through a DLCD grant and the schedule for the HNA, we propose to develop two products: (1) an updated EOA, and (2) a memorandum summarizing all land needs in McMinnville for the 5, 10, 20, and 46-year period.

The proposed project deliverables are:

- Hearings-ready Economic Opportunities Analysis
- Land Sufficiency Memorandum
- GIS maps and layers for the buildable lands inventory
- Four meetings with a project advisory committee
- Graphical summary report that includes data and findings from the HNA, ECO, and other land need analysis. Replaces summary report proposed for HNA project (e.g., ECO will not develop an HNA only summary report; this product will be that report plus the EOA and other land needs)

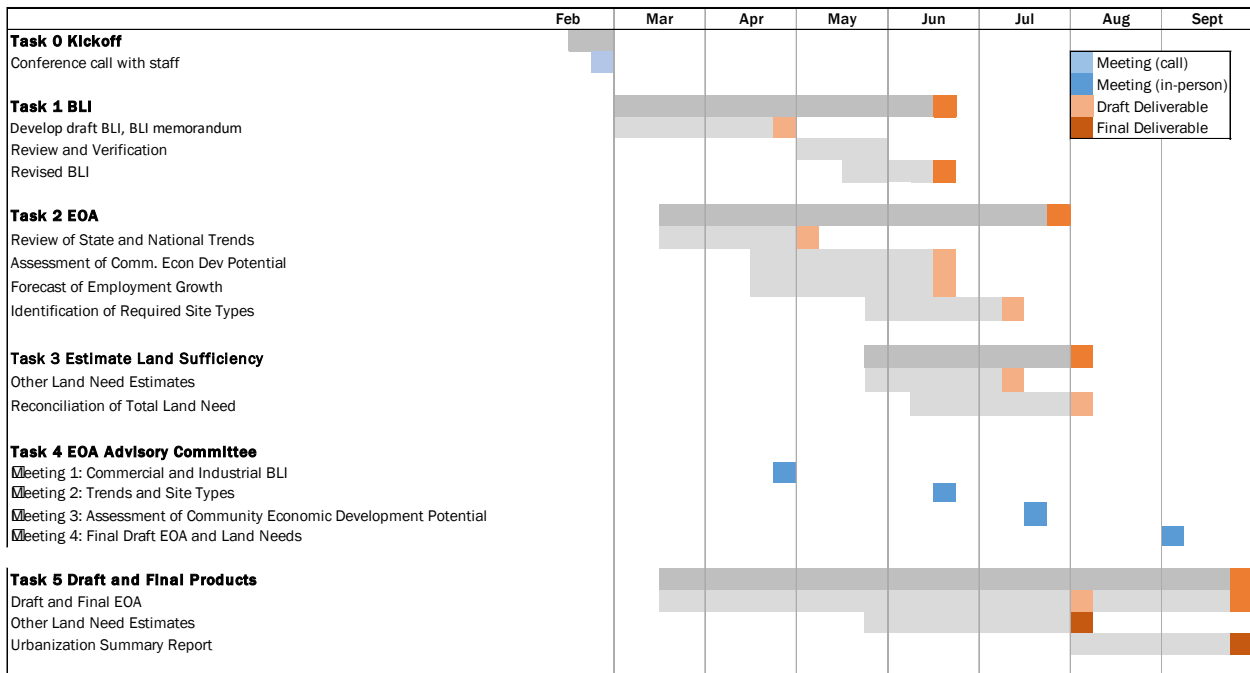
Budget and Schedule

ECONorthwest proposes to complete the project for \$59,710, inclusive of the products described in the Work Plan. The budget assumes for meetings with an advisory committee in McMinnville. Table 1 shows the proposed project budget.

Table 1. Proposed Project Budget

Labor	\$/Hour	HOURS by TASK						TOTAL		
		Kickoff	EOA	EOA	Other	Final	Hours	\$	Bdgt	
		Task 0	Task 1	Needs	Land	Meetings				Products
ECONorthwest										
Project Director (Parker)	200.00	4.00	20	10	4	32	10	80.00	16,000	27%
Project Manager (Goodman)	155.00	2.00		24	16		30	72.00	11,160	19%
Associate (Raimann)	120.00		90		8			98.00	11,760	20%
Associate (DiNatale)	115.00			60	30	16	30	136.00	15,640	26%
Research Assistant	95.00			30	20			50.00	4,750	8%
Sub-Total		6	110	124	78	48	70	436.00	59,310	99%
Total Labor		1,110	14,800	15,470	9,590	8,240	10,100		59,310	99%
Direct Expense						400			400	1%
Total by Task		1,110	14,800	15,470	9,590	8,640	10,100		\$ 59,710	100%
% of Total Budget		2%	25%	26%	16%	14%	17%		98%	

We can initiate work on the project whenever the City is ready. We expect to negotiate the project schedule to meet the City’s needs. Our experience, however, suggests that completing a project such as this will take 6 to 9 months from initiation to final documents. Figure 1 shows the proposed project schedule.





City of McMinnville
Parks and Recreation Department
600 NE Evans
McMinnville, OR 97128
(503) 434-7310

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: January 16, 2019
TO: Jeff Towery, City Manager
FROM: Susan Muir, Parks and Rec Director
SUBJECT: Naming of the NW Neighborhood Park

Report in Brief:

This action is the consideration of a resolution to name the NW Neighborhood Park.

Background:

The NW Neighborhood Park has been in development for many years. Now that the construction contract and purchasing agreement have been executed, the next item for consideration is naming the new park.

The City of McMinnville does not have policy guidance on naming. Several past facilities have been named after city leaders, including Joe Dancer Park, Galen McBee Airport Park, the Kent Taylor Civic Hall, Wortman Park, etc. Discovery Meadows, on the other hand, was named through a community contest.

There has been some community dialogue about the naming of the NW Neighborhood Park. Most consistently, there has been support for and a request to name the park after Jay Pearson, the former Parks and Recreation Director who retired after a 30+ year career committed to Parks and Recreation in McMinnville. That is the proposal that is before you today.

Not only was Jay Pearson a local leader and advocate, he was recognized for his leadership and commitment to the profession statewide. Jay Pearson helped build the foundation of the parks system we have today in McMinnville. He managed the 1999 Parks Master Plan and was instrumental in implementing the 2000 bond and moving our city forward with acquisition, constructing and improving many parks in McMinnville. In addition, he was passionate, and still is, about this particular park. Even after retirement, Jay Pearson has remained a helpful asset to help move this park to construction.

Discussion:

The Council has many options for naming this park. In addition, the 2018 McMinnville Strategic Plan has an action item for a future policy discussion about a naming policy to help guide future discussions.

Attachments:

1. Resolution

Fiscal Impact:

There are no fiscal impacts identified with the naming of the park.

Recommendation:

Staff recommends the City Council adopt the attached resolution naming the NW Neighborhood Park the Jay Pearson Neighborhood Park.

RESOLUTION NO. 2019-13

A Resolution naming the property known as 'NW Neighborhood Park' as the Jay Pearson Neighborhood Park.

RECITALS:

WHEREAS, Jay Pearson provided public service to the City of McMinnville for over three decades with the McMinnville Parks and Recreation Department.

WHEREAS, Jay Pearson's leadership and hard work lead to the creation of the 1999 Parks Master Plan and accompanying \$9 million bond measure that successfully paved the way for many successful park projects in McMinnville.

WHEREAS, Jay Pearson is personally committed to the importance of neighborhood parks, places for people and families to gather and play, and the inclusion and barrier free design elements included in the design of this park.

WHEREAS, Jay Pearson planned, coordinated, fundraised, wrote grants and gained support for this park in McMinnville, which will be an amazing place for everyone to play in McMinnville.

WHEREAS, this park will be the final new park constructed with the \$9 million bond money that Jay was instrumental in securing.

WHEREAS, in 2017 Jay Pearson retired from the City of McMinnville as the Parks and Recreation Director, and has remained involved and committed to ensuring this park continue through to completion, assisting in whatever way asked of him.

WHEREAS, the McMinnville City Council wishes to provide a lasting tribute to honor Jay Pearson for his years of dedicated public service.

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

1. That the new park to be constructed at Yohn Ranch Drive, currently described as NW Neighborhood Park, be officially named Jay Pearson Neighborhood Park is hereby approved.
2. That this Resolution shall take effect and be in full force and effect from and after February 12, 2019.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of February, 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of February, 2019.

MAYOR

Approved as to Form:

CITY ATTORNEY



CITY OF McMINNVILLE
FINANCE DEPARTMENT
230 NE Second Street
McMinnville, Oregon 97128
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: February 12, 2019
TO: Jeff Towery, City Manager
FROM: Marcia Baragary, Finance Director
SUBJECT: Resolution No. 2019-14, a Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

Discussion:

Resolution No. 2019-14 proposes a supplemental budget for the General Fund, Administration Department due to the unanticipated receipt of donations for public artwork that will be installed in the new roundabouts at Hill Road.

The McMinnville Committee for Public Art successfully raised sufficient donations for the purchase and installation of two sculptures. One sculpture is titled "Nepal II" and the second sculpture is titled "t'alapas tamanowes" ("Coyote"). In addition to donations from individuals, the Oregon Community Foundation, and McMinnville Area Community Foundation, the City is contributing \$10,000 for each sculpture from the 2018 transportation bond proceeds. Total donations and the contribution from the City will be sufficient to pay for purchase and installation of the sculptures in the Hill Road roundabouts.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). When a supplemental budget adjusts fund expenditures by ten percent or less, the supplemental budget may be adopted at a regularly scheduled meeting of the governing body.

This resolution adopts a supplemental budget and makes supplemental appropriations, as required by Local Budget Law, to allow for the expenditure of unanticipated donations received in the amount of approximately \$42,000. Donation revenue and capital outlay appropriations in the General Fund, Administration Department, Community Services section are increased by \$42,000.

Attachments:

Resolution No. 2019-14, a Resolution adopting a supplemental budget for fiscal year 2018-19 and making supplemental appropriations

Action: A motion is needed to adopt Resolution No. 2019-14.

RESOLUTION NO. 2019-14

A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations

RECITAL:

This resolution proposes a supplemental budget for the General Fund, Administration Department due to the unanticipated receipt of donations for public artwork that will be installed in the new roundabouts at Hill Road.

The McMinnville Committee for Public Art successfully raised sufficient donations for the purchase and installation of two sculptures. One sculpture is titled "Nepal II" and the second sculpture is titled "t'alapas tamanowes" ("Coyote"). In addition to donations from individuals, the Oregon Community Foundation, and McMinnville Area Community Foundation, the City is contributing \$10,000 for each sculpture from the 2018 transportation bond proceeds. Total donations and the contribution from the City will be sufficient to pay for purchase and installation of the sculptures in the Hill Road roundabouts.

Oregon Local Budget Law allows a local government to prepare a supplemental budget when an occurrence or condition that was not known at the time the budget was prepared requires a change in financial planning (ORS 294.471). When a supplemental budget adjusts fund expenditures by ten percent or less, the supplemental budget may be adopted at a regularly scheduled meeting of the governing body.

This resolution adopts a supplemental budget and makes supplemental appropriations, as required by Local Budget Law, to allow for the expenditure of unanticipated donations received in the amount of approximately \$42,000. Donation revenue and capital outlay appropriations in the General Fund, Administration Department, Community Services section are increased by \$42,000.

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

- 1. Adopt the following Supplemental Budget:** The Common Council of the City of McMinnville adopts the following Supplemental Budget for 2018-2019 in the General Fund, Administration Department, Community Services section.
- 2. Make Supplemental Appropriations:** The additional appropriations for fiscal year 2018-2019 are hereby appropriated as follows:

General Fund, Administration Department, Community Services section resources and requirements are increased due to the unanticipated receipt of donations for public artwork in fiscal year 2018-2019.

<u>GENERAL FUND:</u>	<u>Amended Budget</u>	<u>Budget Adjustment</u>	<u>Amended Budget</u>
Resources:			
Beginning fund balance	\$ 5,392,990		\$ 5,392,990
Property taxes	12,846,861		12,846,861
Licenses and permits	2,998,600		2,998,600
Intergovernmental	2,202,060		2,202,060
Charges for services	1,462,458		1,462,458
Fines and forfeitures	564,300		564,300
Miscellaneous	812,879	42,000	854,879
Transfers in from other funds	<u>2,458,457</u>		<u>2,458,547</u>
Total Resources	<u>\$ 28,738,695</u>	<u>\$ 42,000</u>	<u>\$ 28,780,695</u>
 Requirements:			
Administration	\$ 1,463,991	42,000	\$ 1,505,991
Finance	805,929		805,929
Engineering	1,091,207		1,091,207
Planning	1,502,007		1,502,007
Police	8,506,466		8,506,466
Municipal Court	539,655		539,655
Fire	3,538,396		3,538,396
Parks and Recreation	2,949,569		2,949,569
Park Maintenance	1,328,774		1,328,774
Library	1,678,331		1,678,331
Non-Departmental (Not Allocated to Department or Program)			
Debt Service	487,996		487,996
Transfers Out to Other Funds	2,182,508		2,182,508
Operating Contingencies	900,000		900,000
Ending Fund Balance	<u>1,763,866</u>		<u>1,763,866</u>
Total Requirements	<u>\$ 28,738,695</u>	<u>\$ 42,000</u>	<u>\$ 28,780,695</u>

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

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 12th day of February 2019 by the following votes:

Ayes: _____

Nays: _____

Approved this 12th day of February 2019.

MAYOR

Approved as to form:

CITY ATTORNEY



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

www.mcminnvilleoregon.gov

STAFF REPORT

DATE: February 12, 2019
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: **Ordinance No. 5061 - CPA 2-18 (Comprehensive Plan Map Amendment), ZC 4-18 (Zone Change), and PDA 1-18 (Planned Development Amendment) at 600 SE Baker Street**

Council Goal:

Promote Sustainable Growth and Development

Report in Brief:

This action is the consideration of Ordinance No. 5061, an ordinance approving a Comprehensive Plan Map Amendment, Zone Change, and Planned Development requests on an existing property. This is the second reading of the Ordinance. The City Council voted to approve the first reading of the Ordinance on January 22, 2019.

The property in question is currently designated as Residential on the Comprehensive Plan Map and zoned R-4 PD (Multiple Family Residential Planned Development). A portion of the property in question is designated as Flood Plain on the Comprehensive Plan Map and also zoned F-P (Flood Plain). The requests are to amend the Comprehensive Plan Map designation to Commercial, to rezone the property to O-R (Office/Residential) to allow for development of both office and residential uses, and to amend the existing Planned Development Overlay District to remove the subject site from the existing Planned Development. Those amendments would apply only to the areas of the subject site that are outside of the floodplain, and the current Flood Plain Comprehensive Plan Map designation and F-P (Flood Plain) zone would remain on the subject site as they exist today. The remainder of the subject site, outside of the Flood Plain designation and zone, would be changed to a Commercial designation and the O-R (Office/Residential) zone.

The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.

This land use request was considered in a public hearing by the McMinnville Planning Commission on December 20, 2018. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Comprehensive Plan map amendment, zone change, and Planned Development amendment requests subject to conditions of approval outlined in Ordinance No. 5061.

Background:

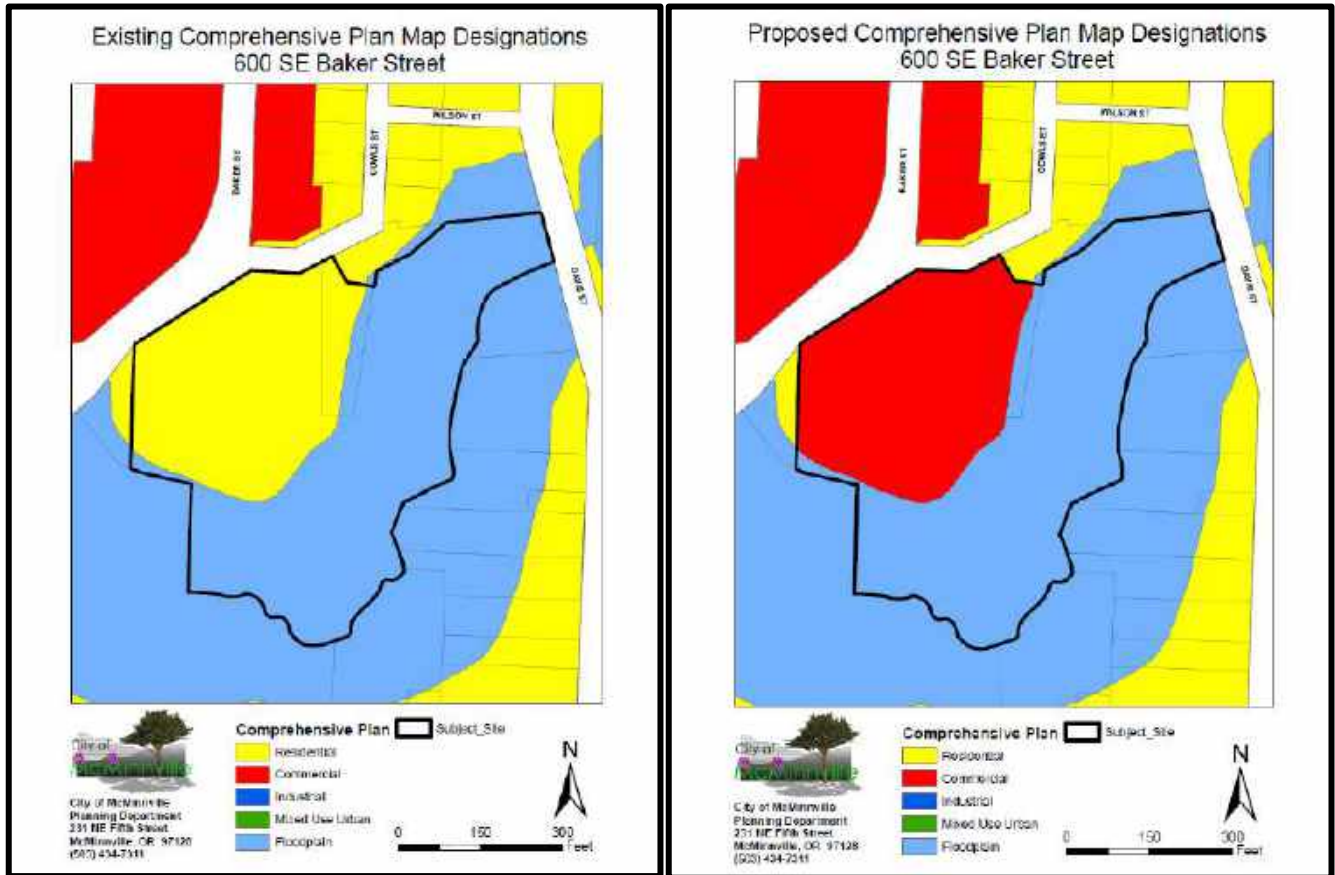
Attachments:

Ordinance No. 5061 including:

Exhibit A – CPA 2-18 Decision Document

Exhibit B – ZC 4-18 Decision Document

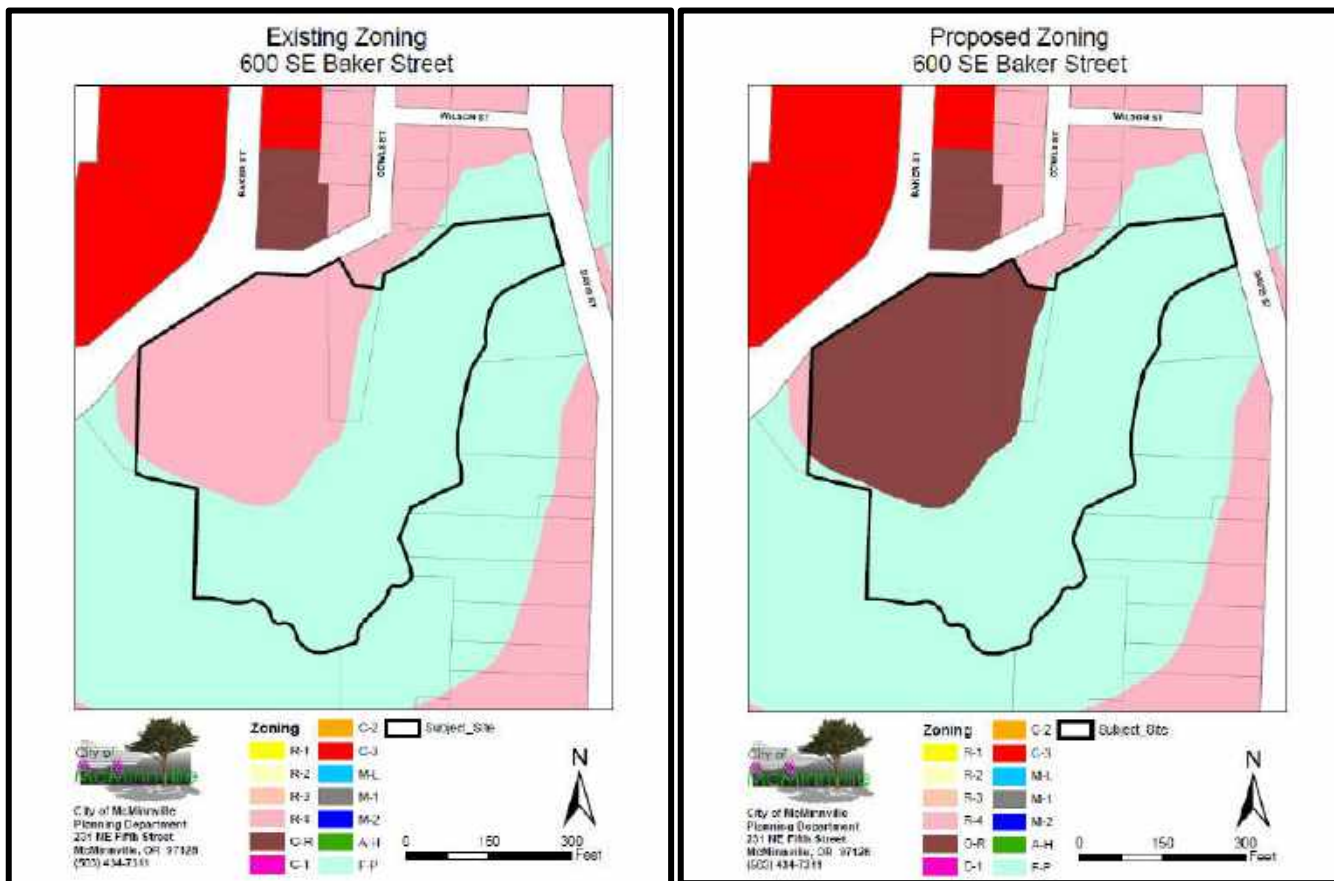
Exhibit C – PDA 1-18 Decision Document



Attachments:

Ordinance No. 5061 including:

- Exhibit A – CPA 2-18 Decision Document
- Exhibit B – ZC 4-18 Decision Document
- Exhibit C – PDA 1-18 Decision Document



There are three concurrent requests being made by the applicant. The first is a Comprehensive Plan Map amendment to amend the designation of a portion of the subject site from Residential to Commercial. The second is to change the zoning of the property from R-4 PD (Multiple-Family Residential Planned Development) to O-R (Office/Residential). The third, should the first two requests be approved, is a Planned Development Amendment to adjust the boundary of the Linfield College Master Plan area and Planned Development Overlay District to remove the subject site from that master plan and planned development area.

Discussion:

The Planning Commission held a public hearing at their regular meeting on December 20, 2018. No written testimony was provided prior to the public hearing. One resident provided oral testimony during the December 20, 2018 public hearing. The testimony provided was oppositional, and focused on the fact that the proposed comprehensive plan map amendment and zone change would result in a loss of R-4 (Multiple Family) zoned land within the city, when that type of land has been identified in previous and current draft studies as a needed land type.

The public hearing was closed on December 20, 2018, following which the Planning Commission deliberated. The Planning Commission discussed the oppositional testimony provided during the public hearing, and referenced the fact that the proposed zone change would still allow for residential uses, which is further supported by the applicant’s stated intent to develop up to 24 units of multiple family residential uses on the property for clients that utilize MV Advancements services or senior citizens. This intended use is stated to be further strengthened through the current owner’s intent to include a

Attachments:

Ordinance No. 5061 including:

- Exhibit A – CPA 2-18 Decision Document*
- Exhibit B – ZC 4-18 Decision Document*
- Exhibit C – PDA 1-18 Decision Document*

restrictive covenant on the property to limit the residential uses to those described by the applicant. The Planning Commission also decided to add the condition of approval related to the provision of usable open space on the subject site, should it be developed with multiple family residential uses, per Comprehensive Plan Policy 71.13. The Planning Commission also decided to include an additional condition of approval to require that two large, mature, and distinctive trees on the property be preserved during the development of the site, per Comprehensive Plan Policy 80.00. The Planning Commission then voted, on a 7-1 vote, to recommend that the Council consider and approve the Comprehensive Plan map amendment, zone change, and Planned Development amendment requests, subject to conditions of approval outlined in detail in Ordinance No. 5061.

The City Council completed a first reading of Ordinance No. 5061 at their January 22, 2019 business meeting. A motion to move the ordinance to a second reading was not passed unanimously. Therefore, the second reading is proposed to take place during this current City Council meeting on February 12, 2019. There was no motion to schedule a public hearing during the January 22, 2019 City Council meeting, so this item is coming before the City Council again as a second reading of Ordinance No. 5061 with an opportunity for final action.

If the City Council did decide that it was necessary to re-open the record and schedule another public hearing for additional evidence or testimony to be provided, that public hearing would need to be scheduled out to the March 12, 2019 City Council meeting to allow time for staff to complete the public hearing notification requirements described in Section 17.72.120 of the MMC. The date of March 12, 2019, would be 117 calendar days from the date that the application was deemed complete, which would fall within the 120 day timeframe required by ORS 227.178 for the City to take final action on the applications, but final action would need to take place at that March 12, 2019 meeting.

Because the record was not re-opened, no additional evidence has been provided by the applicant and no additional testimony can be provided or entered into the record. The information provided to the City Council in the January 22, 2019 packet of meeting materials has therefore not been changed, and is still relevant. The details and staff's analysis of the proposed land use applications can be found in the previous Staff Report provided in the City Council's January 22, 2019 packet of meeting materials, beginning on page 57, here:

https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/city_council/meeting/packets/9491/packet-compressed.pdf

Ordinance No. 5061 is still attached to this staff report, and has been updated briefly to reflect the process that occurred at the January 22, 2019 City Council meeting. All other components and language in Ordinance No. 5061 remain the same as the version previously presented to the City Council and considered during the first reading of the ordinance.

Fiscal Impact:

None

Attachments:

Ordinance No. 5061 including:

Exhibit A – CPA 2-18 Decision Document

Exhibit B – ZC 4-18 Decision Document

Exhibit C – PDA 1-18 Decision Document

Alternative Courses of Action:

1. **ADOPT** Ordinance No. 5061, approving CPA 2-18, ZC 4-18, and PDA 1-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting. As discussed above, the date of a public hearing would need to be March 12, 2019.
3. **DO NOT ADOPT** Ordinance No. 5061, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5061.

Recommendation/Suggested Motion:

Staff recommends that the Council adopt Ordinance No. 5061 which would approve CPA 2-18, ZC 4-18, and PDA 1-18, subject to conditions of approval as recommended by the Planning Commission.

“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5061.”

CD:sjs

Attachments:

Ordinance No. 5061 including:

Exhibit A – CPA 2-18 Decision Document

Exhibit B – ZC 4-18 Decision Document

Exhibit C – PDA 1-18 Decision Document

ORDINANCE NO. 5061

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM RESIDENTIAL TO COMMERCIAL ON EXISTING PROPERTIES AND LOTS OF RECORD, REZONING SAID PROPERTY FROM R-4 PD (MULTIPLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT) TO O-R (OFFICE/RESIDENTIAL), AND AMENDING AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT TO REMOVE SAID PROPERTY FROM THE PLANNED DEVELOPMENT.

RECITALS:

The Planning Department received applications (CPA 2-18 / ZC 4-18 / PDA 1-18) from MV Advancements, on behalf of property owner Linfield College, requesting approval of a Comprehensive Plan Map amendment, Zone Change and Planned Development on portions existing properties and lots of record. The applicant requested that the properties be amended from a Residential Comprehensive Plan Map designation to a Commercial designation. Concurrent with that request, the applicant requested approval of a zone change on the properties, rezoning the parcel from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/Residential), and also a Planned Development Amendment to remove the subject properties from an existing Planned Development Overlay District; and

The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on December 20, 2018 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on December 11, 2018, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearings, testimony was received, the application materials and a staff report were presented, and applicant and public testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan amendment and zone change review criteria listed in Section 17.74.020 and the planned development amendment review criteria listing in Section 17.74.070 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibits A, B, and C; and

The Planning Commission recommended approval of said comprehensive plan amendment, zone change, and planned development amendment to the Council;

The City Council completed a first reading of the proposed ordinance at their January 22, 2019 regular meeting. A motion to move the ordinance to a second reading was not passed unanimously, so the ordinance was returned to the City Council for a second reading at the February 12, 2019 City Council meeting;

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibits A, B, and C; and
2. That the comprehensive plan map designation for the property is hereby amended from Residential to Commercial; and
3. That the property is hereby rezoned from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/Residential), subject to the following conditions:
 - 1) That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 2-18) being approved by the McMinnville City Council.
 - 2) That if the site is developed as multiple-family residential, an additional area equivalent to 7 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be a contiguous area, shall be located outside of the front yard setback area, and may be counted towards the minimum percent of the total area of the site required to be landscaped by Section 17.57.070(A) of the McMinnville City Code. The 7 percent usable open space area shall be calculated based on the area of the site outside of the floodplain zone.
 - 3) That the large coniferous tree on the western portion of the site, identified as an "existing large cedar tree" on the concept plan provided in the application materials, as well as the large oak tree immediately southwest of the large coniferous tree described above, are preserved during the development of the site.
4. That the property is hereby removed from its existing Planned Development Overlay District, subject to the following conditions:
 - 1) That Ordinance 4739 is amended to remove the subject site and properties from the Linfield College Master Plan area and Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4739 remain in effect.

Passed by the Council this 12th day of February, 2019, by the following votes:

Ayes: _____

Nays: _____

MAYOR

Attest:

Approved as to form:

CITY RECORDER

CITY ATTORNEY



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM A RESIDENTIAL DESIGNATION TO A COMMERCIAL DESIGNATION AT 600 SE BAKER STREET

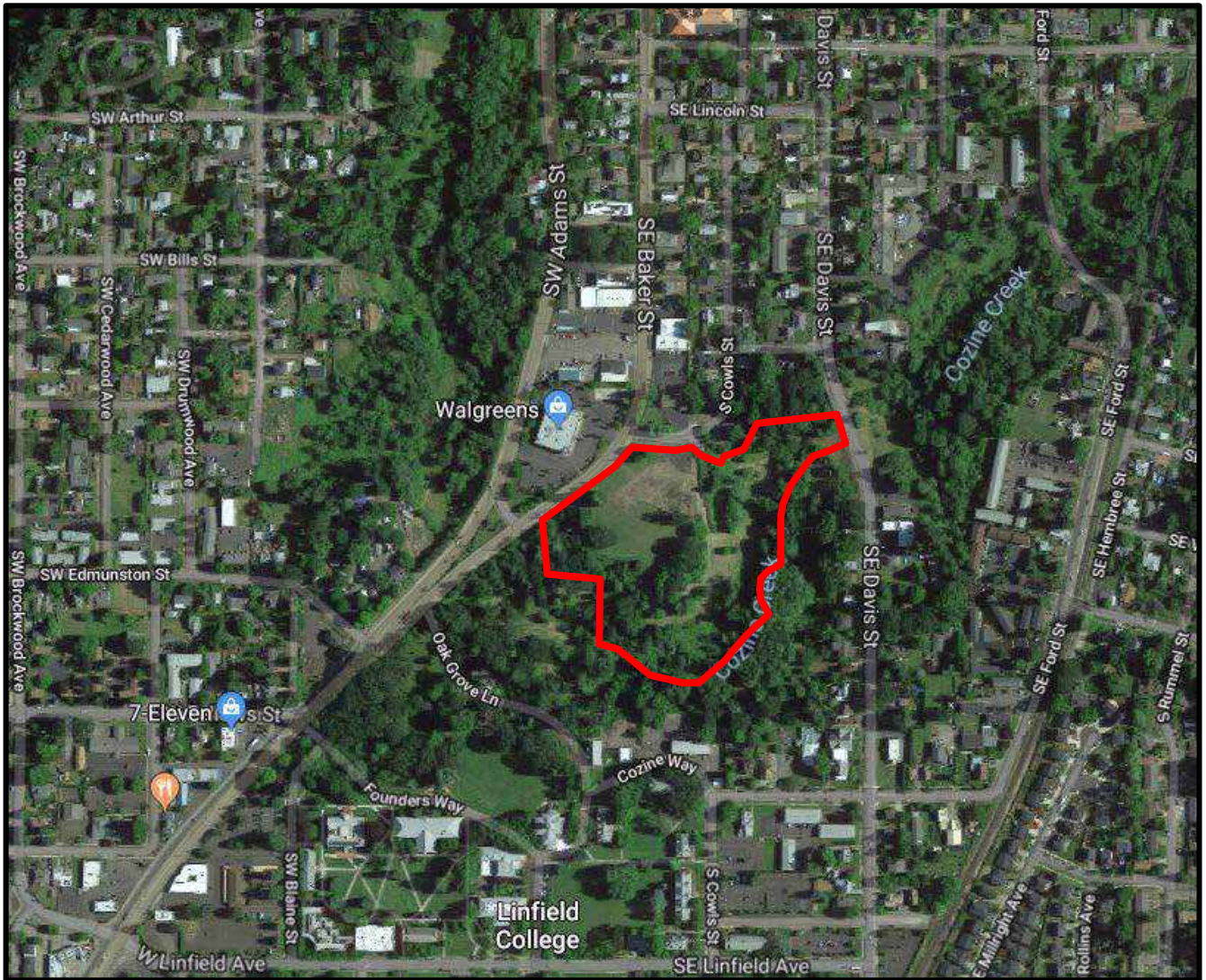
- DOCKET:** CPA 2-18 (Comprehensive Plan Map Amendment)
- REQUEST:** Approval to amend the Comprehensive Plan Map designation of a property from Residential to Commercial to allow for the development of office and residential uses on the subject site.
- LOCATION:** The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M., respectively.
- ZONING:** The subject site's current zoning is R-4 PD (Multiple Family Residential Planned Development)
- APPLICANT:** MV Advancements, on behalf of property owner Linfield College
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** November 15, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** December 20, 2018. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** January 22, 2019 and February 12, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- PROCEDURE:** A request to amend the Comprehensive Plan Map requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.
- CRITERIA:** The applicable criteria are specified in Section 17.74.020 of the McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.180 of the McMinnville City Code.

APPLICATION SUMMARY:

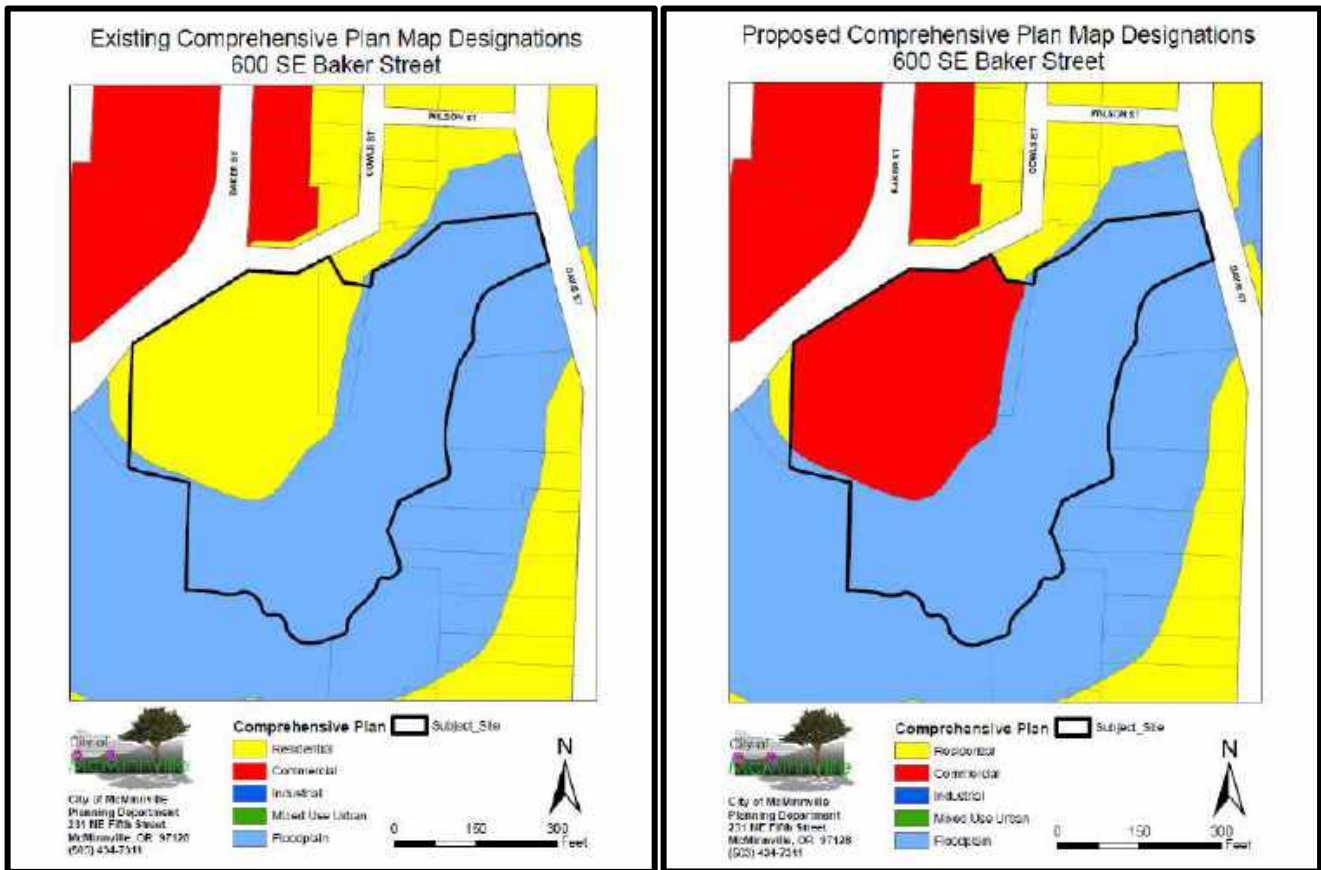
The subject site is currently vacant, other than some older pavement and gravel areas from the site's previous use. The site was the former location of the Columbus Elementary School, which existed upon the site until 1994. The Columbus Elementary School was demolished in 1994 following structural damage that occurred to the building during an earthquake in the spring of 1993. Linfield College has since acquired the property from the McMinnville School District, and has retained ownership of the property since that time. The applicant, MV Advancements, is under contract to purchase the property from Linfield College.

The site is bounded on the north by Cows Street, on the west by Baker Street (Highway 99W), and on the south and east mainly by the Cozine Creek. The property to the north and across Cows Street is zoned O-R (Office/Residential) and the existing uses are salon and office businesses. The property to the west and across Baker Street is zoned C-3 (General Commercial) and the existing use is retail (Walgreens). The property to the east is zoned R-4 (Multiple Family Residential) and is the existing use is a small, four-unit multiple family building. Property further to the northeast along Cows Street is also zoned R-4 (Multiple Family Residential), and consists of various residential uses (multiple family, duplex, and single family dwellings). The property to the south and across Cozine Creek is zoned R-4 PD (Multiple Family Planned Development), and is the north end of the Linfield College campus.

The subject site is identified below (boundary shown below is approximate):



Reference maps showing the existing and proposed Comprehensive Plan Map designations of the subject site and the surrounding properties are provided below:



The applicant has submitted a conceptual development plan for the site, which they have specifically requested to not be binding on the site in any way, to depict the potential office and multiple-family residential uses they anticipate to construct on the site. The concept plan shows the development of an approximately 10,000 square foot office building, and identifies areas to the south of the office building as “future development” areas where up to 24 multiple family dwelling units could be constructed.

The concept plan, ***which again is not proposed to be binding on the site and is not subject to site or design review as part of the proposed Comprehensive Plan Map amendment,*** is identified below:

- McMinnville Engineering Department

The application demonstrates that the transportation and sanitary sewer infrastructure is adequate to support the proposal. At the time of building permits, the appropriate infrastructure improvements will be required.

Thus, no comments or suggested conditions of approval.

- Oregon Department of Transportation

Attached are ODOTs comments on the subject TIA*. Specific questions on these comments should be directed to Keith Blair. Based on this review, we have no comments or objection to the proposed comprehensive plan amendment and zone change. Please include ODOT in any future notifications on this project including findings and conditions of approval.

*Note – Full ODOT comments referenced above are listed as an attachment and are on file with the Planning Department.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. As of the date of the Planning Commission public hearing on December 20, 2018, no public testimony had been received by the Planning Department.

FINDINGS OF FACT

- A. MV Advancements, on behalf of property owner Linfield College, requested an amendment to the Comprehensive Plan Map designation of a property from Residential to Commercial to allow for the development of office and residential uses on the subject site. The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.
- B. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.
- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. 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. No comments in opposition were provided to the Planning Department.
- E. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.

F. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville’s Comprehensive Plan:

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

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Finding: Goal II 1 and Policies 2.00 and 9.00 are satisfied. The applicant has stated that they have no plans to develop the portion of the property that is located in the Cozine Creek floodplain. Based on wetland, flood plain and topographic maps, it is estimated that approximately 50% of the site is usable (124,575 SF / 2.86 acres). The areas of the subject site that are currently designated on the Comprehensive Plan Map as Flood Plain would keep that designation, and only the portions of the subject site outside of the Flood Plan designation would be subject to the proposed Comprehensive Plan Map Amendment. The applicant has further stated that they are aware that Linfield College, in conjunction with the Greater Yamhill Watershed Council, has plans to restore the Cozine Creek property between the Linfield campus and this property to its original, native plant species. The applicant has stated that it is their intent to fully cooperate with this restoration.

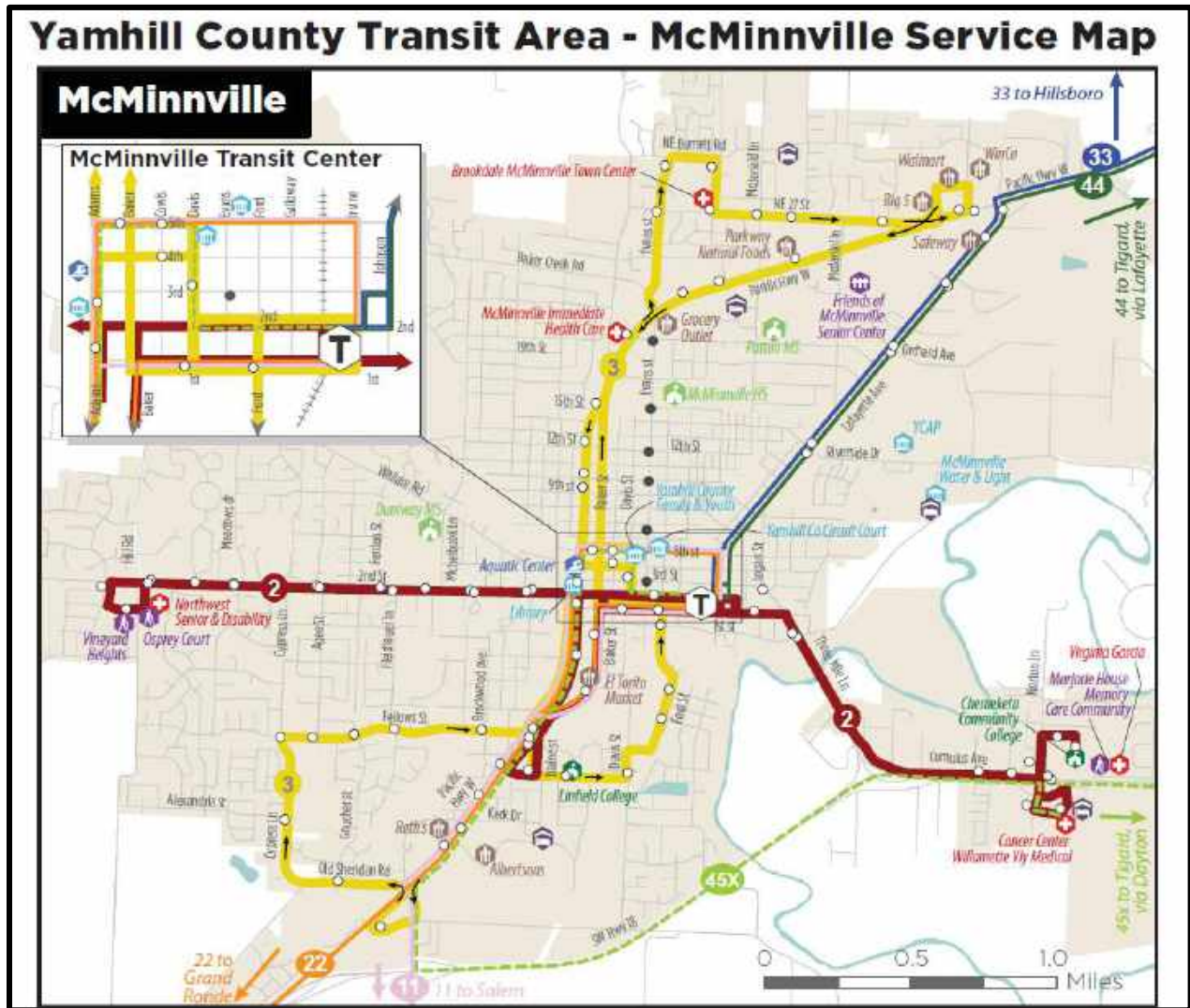
GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Policy 13.00 The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

Policy 14.00 The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.

Finding: Goal III 1 and Policies 13.00 and 14.00 are satisfied. The applicant, MV Advancements, is an organization that provides social services to individuals who experience disabilities. The proposed Comprehensive Plan Map Amendment from Residential to Commercial will allow the applicant to locate office uses on the subject site, thereby providing their services in a location that is properly located to service the community. They have selected the subject site due to its location, being in close proximity to other community services that their clients would need to access. The proximity to downtown McMinnville and the other social service providers in that area allows for the MV Advancements site to

still easily provide its services to the community. The site is located on a public transit route, an important locational factor for this social service use as many of their clients rely on public transit for transportation services. Both local routes (Route 2 and Route 3) serve the subject site, with northbound Route 2 passing immediately adjacent to the site, and southbound Route 3 passing close to the site on Adams Street just west of the subject site before Adams Street connects back with SE Baker Street heading southwest. Both of those routes run at regular 10-minute intervals throughout the day on all weekdays, providing connections throughout the city and also to the transit center where connections can be made with other routes.



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 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)

Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)

Finding: Goal IV 1, Goal IV 2, and Policies 21.01 and 21.03 are satisfied.

The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

Acres by Plan Designation				
	Commercial	Industrial	Total	Comments
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/ per job method
Totals	166.8	153.2	319.9	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	(35.8)	235.9	200.1	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.
 Source: E. D. Hovee & Company, LLC.

The proposed Comprehensive Plan map amendment would address the commercial land deficit identified in the Economic Opportunities Analysis, as approximately 2.86 acres of additional commercial land would be provided for commercial use.

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

Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto oriented strip development.

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.

Finding: Goal IV 3 and Policies 24.00 and 25.00 are satisfied. The development pattern in the area surrounding the subject site includes both residential and commercial land uses. The properties to the

west and north along Baker Street are currently designated as Commercial on the Comprehensive Plan Map. The subject site, similar to those other commercially designated properties, is located immediately adjacent to Baker Street/Highway 99W, a higher volume roadway that is generally more compatible with commercial uses than residential uses. While land adjacent to the subject site to the east and further northeast along Cows Street is designated as Residential on the Comprehensive Plan, the change of the subject site to Commercial is not inconsistent with the treatment of other areas along the Highway 99W corridor, both to the south and north of the subject site. In both directions along the Highway 99W corridor, the properties fronting and immediately adjacent to Highway 99W are designated as Commercial, with the lands on the other side of those properties being designated as Residential, showing a transition from Commercial to Residential as properties are located further from the major roadway.

Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.

Finding: Policy 30.00 is satisfied. The applicant has proposed an access location for the commercial development that is not located on the adjacent arterial roadway, but that is in close proximity to the major arterial. The applicant has provided a traffic analysis that estimated that only 5% of the trips generated from the site will use the adjacent local residential street of Cows Street. The other 95% of trips will use Baker Street (see Appendix F, Figure 5). Applying that 5% to the numbers of Table 1 of the TIA, the full impact of a 49,835 square foot office building, which is the reasonable worst case in the proposed zone, Cows would see an increase of 4 weekday AM peak hour trips and 3 weekday PM peak hour trips. Based upon the trip difference between the existing zone (R-4) and the proposed zone, Cows would see an increase in 4 weekday daily trips, 2 weekday AM peak hour trips and 1 PM peak hour trip.

The traffic impact analysis concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to allow the development of office and residential uses on the subject site. The Engineering Department and the Oregon Department of Transportation reviewed the traffic impact analysis, and neither had any concerns with the analysis or the findings.

Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.

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

Policy 33.00 Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling.

Finding: Policies 31.00, 32.00, and 33.00 are satisfied. At the time of building permits, all required pedestrian connections, landscaping, and other requirements of the eventual underlying zoning district will apply.

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.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

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

2. Major, Minor arterials.

a. Access should be controlled, especially on heavy traffic-generating developments.

b. Designs should minimize impacts on existing neighborhoods.

c. Sufficient street rights-of-way should be obtained prior to development of adjacent lands.

d. On-street parking should be limited wherever necessary.

e. Landscaping should be required along public rights-of-way.

Finding: Goal VI 1 and Policies 117.00, 119.00, 120.00 and 122.00 are satisfied by this proposal.

The subject site is currently adjacent to the SE Baker Street public right-of-way and street. SE Baker Street/Highway 99W is identified in the Transportation System Plan as a major arterial street. The applicant provided a traffic impact analysis that analyzed the proposed access to the site off of the major arterial but still in close proximity to allow for trips generated from the site to enter the arterial at an existing major intersection. The traffic impact analysis also analyzed the change in trips and the impacts of a reasonable worst case development that could be allowed under an eventual zoning designation, and found that there were no significant impacts to the functionality of the surrounding street network. Any right-of-way improvements required for the subject site will be required at the time of development.

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 right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied. Off-street parking will be required based on the type of development proposed and allowed under the eventual zoning of the subject site.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00 and 132.15 are satisfied. If it is determined that the existing public sidewalks are not sufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval, which will enhance pedestrian connections between the site and the surrounding area.

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.

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 with the framework outlined below:

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

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.

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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.

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 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 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.

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.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the proposal.

Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOUMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Finding: Goal VII 3 and Policy 163.00 are satisfied. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: **Policies 173.00 and 177.00 are satisfied.** McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

Finding: **Goal X1 and Policy 188.00 are satisfied.** 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.

McMinnville's City Code:

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

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

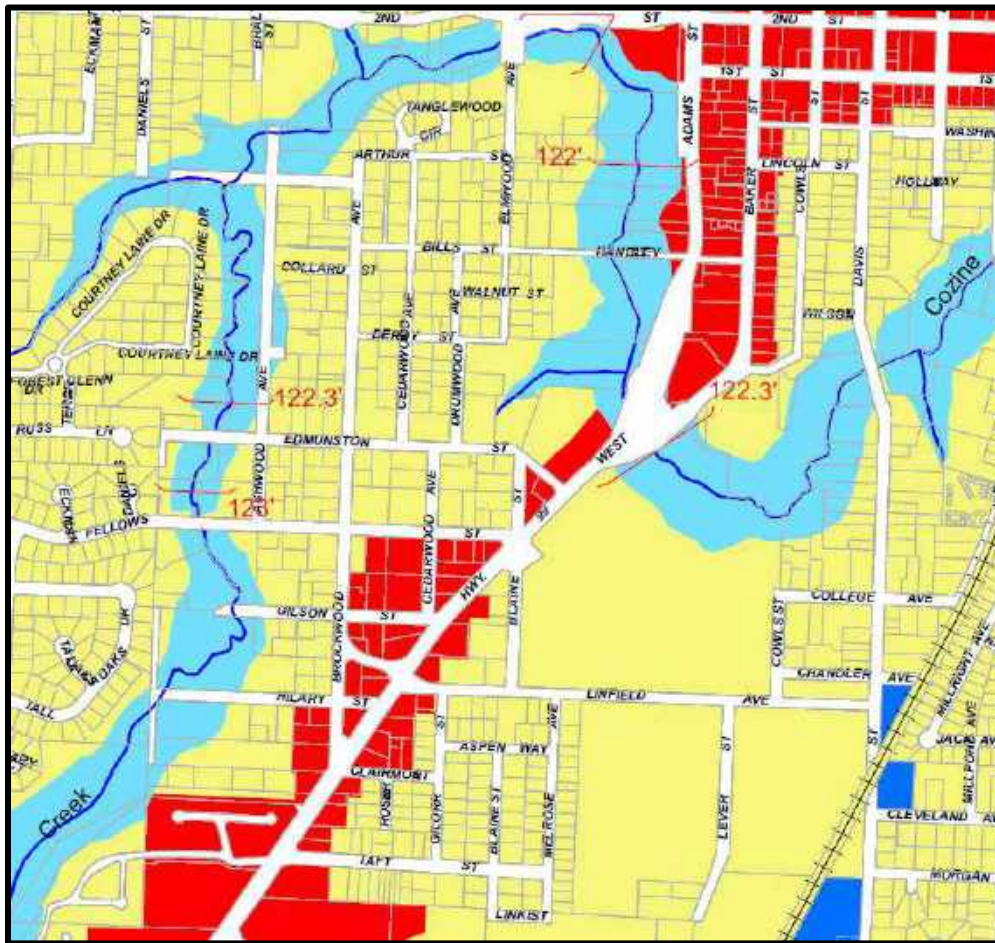
When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statutes), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Finding: **Section 17.74.020 is satisfied by this proposal.**

The proposed Comprehensive Plan Map amendment is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

The development pattern in the area surrounding the subject site includes both residential and commercial land uses. The properties to the west and north along Baker Street are currently designated as Commercial on the Comprehensive Plan Map. The subject site, similar to those other commercially designated properties, is located immediately adjacent to Baker Street/Highway 99W, a higher volume roadway that is generally more compatible with commercial uses than residential uses. While land adjacent to the subject site to the east and further northeast along Cows Street is designated as Residential on the Comprehensive Plan, the change of the subject site to Commercial is not inconsistent with the treatment of other areas along the Highway 99W corridor, both to the south and north of the subject site. In both directions along the Highway 99W corridor, the properties fronting and immediately adjacent to Highway 99W are designated as Commercial, with the lands on the other side of those properties being designated as Residential, showing a transition from Commercial to Residential as properties are located further from the major roadway. That pattern of land use designation can be seen below:



Given the surrounding land uses and development pattern, the proposed amendment of the Comprehensive Plan Map designation from Residential to Commercial is orderly and timely. The commercial land use will complement the other commercial lands surrounding the subject site, and are not inconsistent with

Utility and Service Provision: This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered

no concerns with providing adequate services to this site to support development at the subject site. At the time of development of the site, all necessary utilities and improvements will be required to be completed along with the building permit activities.

Street System: The applicant has provided a traffic impact analysis that concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to allow the development of office and residential uses on the subject site.

The traffic impact analysis included an analysis of the impacts of development of the site on three intersections near the subject site, at Baker Street and SE Handley Street, Baker Street and Cowsls Street, and Baker Street and the Adams Street U-turn. The analysis also considered the worst case trip generation within the existing Comprehensive Plan Map designation and zone, compared to the reasonable worst case trip generation within the proposed Comprehensive Plan Map designation and zone. The existing zoning of R-4 PD (Multiple Family Residential Planned Development) includes a Planned Development that actually does not specify any particular use on the subject site, only showing it as vacant and noting that future use of the property needed to be determined by Linfield College. Therefore, the applicants assumed the worst case trip generation in the existing zone to be a maximum build out of the number of apartment units that would be allowed in the underlying R-4 zone (83 units based on the lot size). The worst case trip generation was assumed based on the type of development that would be allowed in the zoning district being proposed, should the Comprehensive Plan Map amendment be approved.

The Engineering Department and the Oregon Department of Transportation reviewed the traffic impact analysis, and neither had any concerns with the analysis or the findings. There were some changes in the number of trips and the operation of the intersections included in the traffic impact analysis, which will be reviewed and analyzed during the findings for the eventual zone change proposed for the subject site, as the specific findings of the traffic impact analysis are more directly related to the allowable development of the underlying zone.

CD:sjs

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

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM R-4 PD (MULTIPLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT) TO O-R (OFFICE/RESIDENTIAL) AT 600 SE BAKER STREET

- DOCKET:** ZC 4-18 (Zone Change)
- REQUEST:** Approval to change the zoning classification of a property from R-4 PD (Multiple-Family Residential Planned Development) to O-R (Office/Residential) to allow for the development of office residential uses on the subject site.
- LOCATION:** The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M., respectively.
- ZONING:** The subject site's current zoning is R-4 PD (Multiple Family Residential Planned Development)
- APPLICANT:** MV Advancements, on behalf of property owner Linfield College
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** November 15, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** December 20, 2018. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** January 22, 2019 and February 12, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- PROCEDURE:** A request to change the zoning of a property requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.
- CRITERIA:** The applicable criteria are specified in Section 17.74.020 of the McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.180 of the McMinnville City Code.

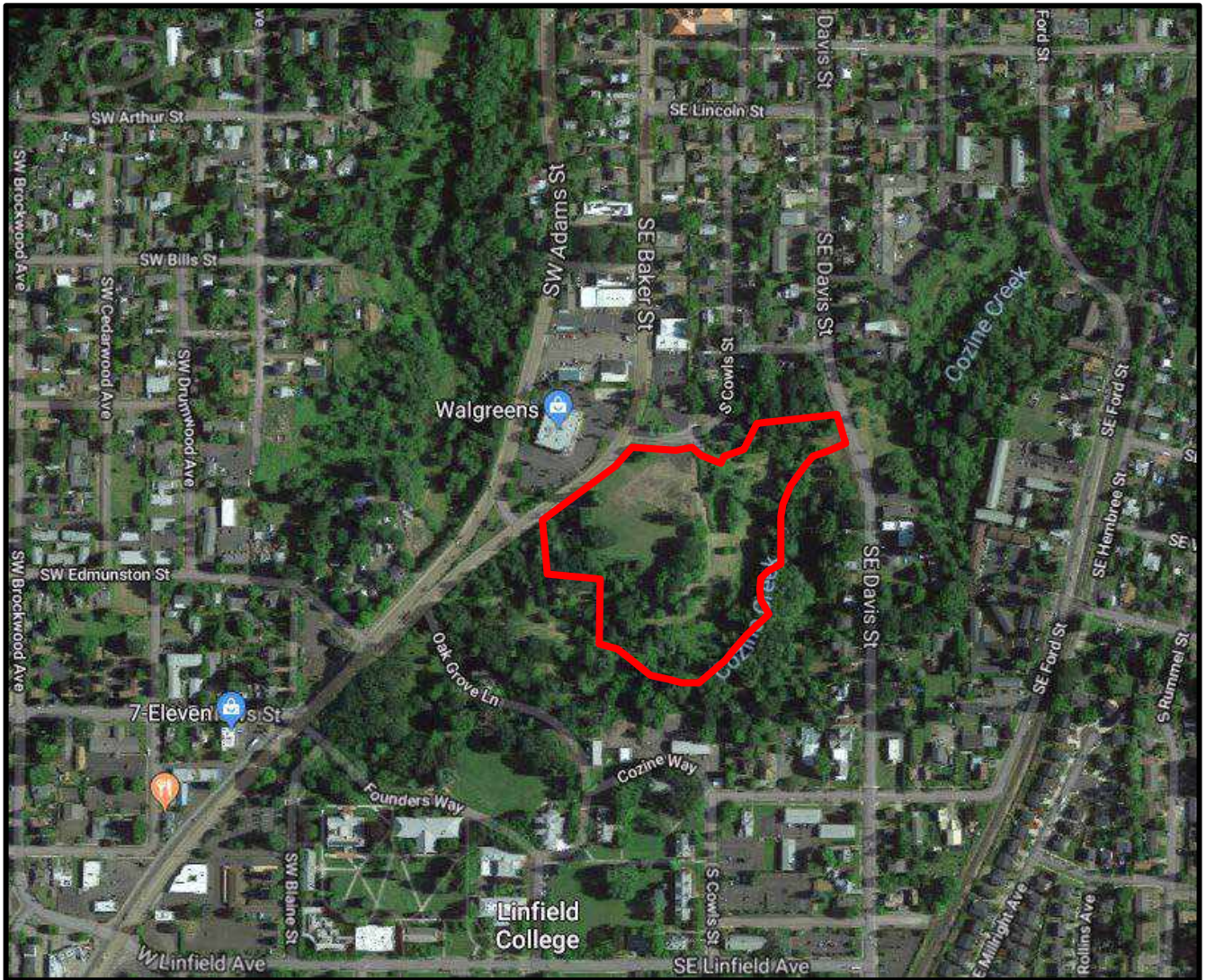
APPLICATION SUMMARY:

The application is a request to change the zoning classification of the property at 600 SE Baker Street from R-4 PD (Multiple-Family Residential Planned Development) to O-R (Office/Residential) to allow for the development of office and residential uses on the subject site.

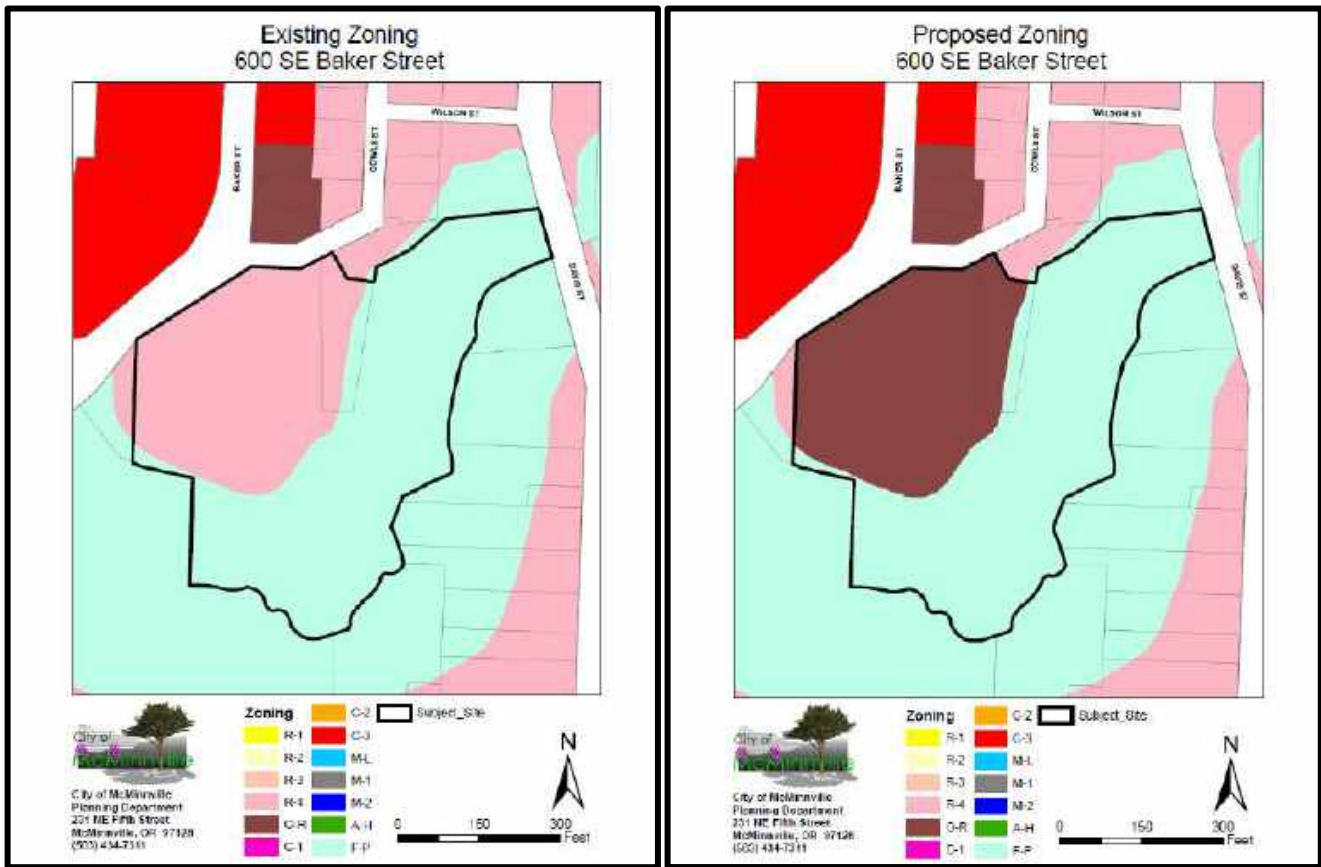
The subject site is currently vacant, other than some older pavement and gravel areas from the site's previous use. The site was the former location of the Columbus Elementary School, which existed upon the site until 1994. The Columbus Elementary School was demolished in 1994 following structural damage that occurred to the building during an earthquake in the spring of 1993. Linfield College has since acquired the property from the McMinnville School District, and has retained ownership of the property since that time. The applicant, MV Advancements, is under contract to purchase the property from Linfield College.

The site is bounded on the north by Cows Street, on the west by Baker Street (Highway 99W), and on the south and east mainly by the Cozine Creek. The property to the north and across Cows Street is zoned O-R (Office/Residential) and the existing uses are salon and office businesses. The property to the west and across Baker Street is zoned C-3 (General Commercial) and the existing use is retail (Walgreens). The property to the east is zoned R-4 (Multiple Family Residential) and is the existing use is a small, four-unit multiple family building. Property further to the northeast along Cows Street is also zoned R-4 (Multiple Family Residential), and consists of various residential uses (multiple family, duplex, and single family dwellings). The property to the south and across Cozine Creek is zoned R-4 PD (Multiple Family Planned Development), and is the north end of the Linfield College campus.

The subject site is identified below (boundary shown below is approximate):

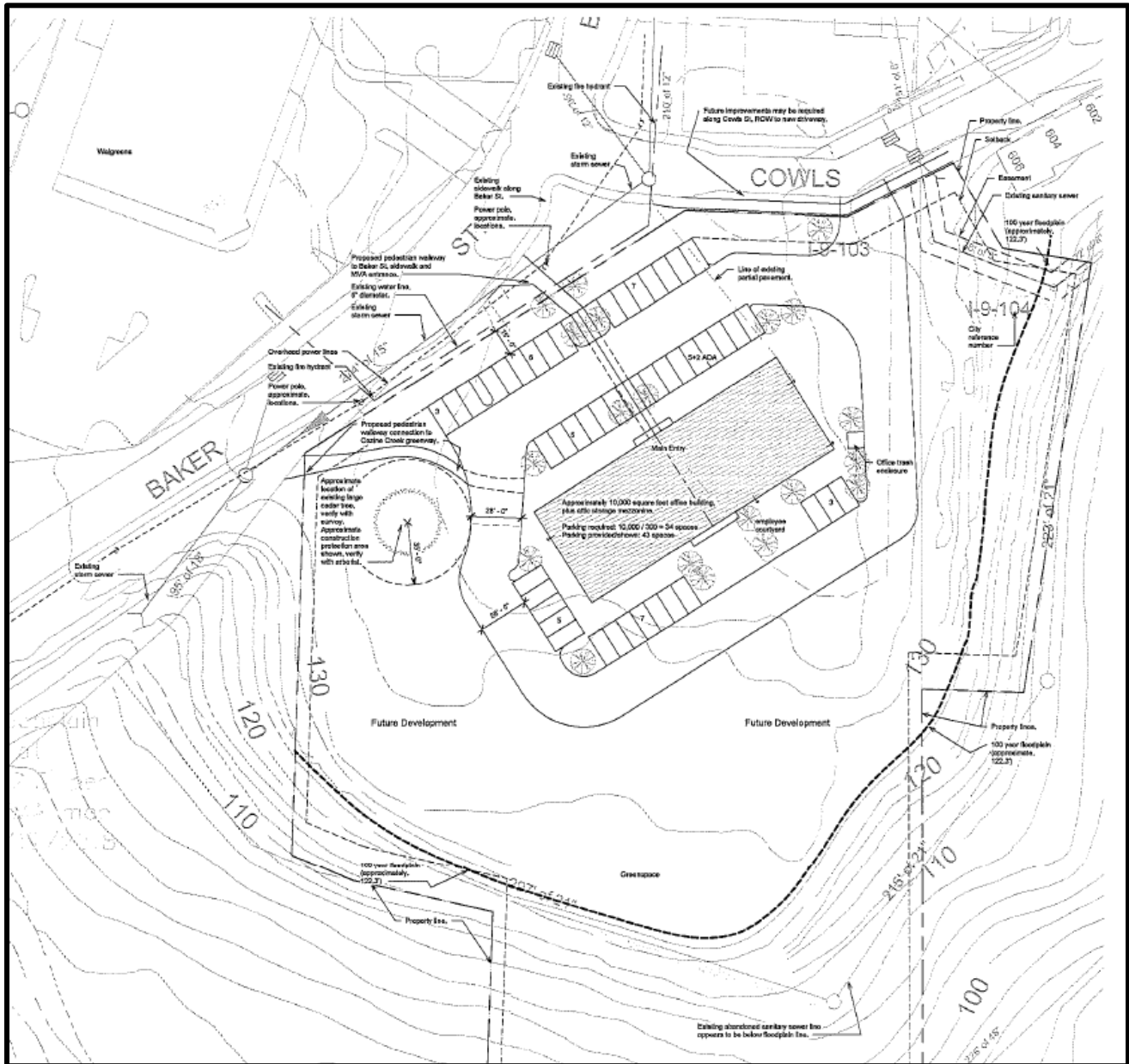


Reference maps showing the existing and proposed zoning designations of the subject site and the surrounding properties are provided below:



The applicant has submitted a conceptual development plan for the site, which they have specifically requested to not be binding on the site in any way, to depict the potential office and multiple-family residential uses they anticipate to construct on the site. The concept plan shows the development of an approximately 10,000 square foot office building, and identifies areas to the south of the office building as “future development” areas where up to 24 multiple family dwelling units could be constructed.

The concept plan, ***which again is not proposed to be binding on the site and is not subject to site or design review as part of the proposed zone change***, is identified below:



CONDITIONS:

1. That if the site is developed as multiple-family residential, an additional area equivalent to 7 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be a contiguous area, shall be located outside of the front yard setback area, and may be counted towards the minimum percent of the total area of the site required to be landscaped by Section 17.57.070(A) of the McMinnville City Code. The 7 percent usable open space area shall be calculated based on the area of the site outside of the floodplain zone.
2. That the large coniferous tree on the western portion of the site, identified as an "existing large cedar tree" on the concept plan provided in the application materials, as well as the large oak tree immediately southwest of the large coniferous tree described above, are preserved during the development of the site.

ATTACHMENTS:

1. CPA 2-18 Application and Attachments (on file with the Planning Department)
2. Oregon Department of Transportation Review Documents and Comments (on file with the Planning Department)

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 had been received:

- McMinnville Engineering Department

The application demonstrates that the transportation and sanitary sewer infrastructure is adequate to support the proposal. At the time of building permits, the appropriate infrastructure improvements will be required.

Thus, no comments or suggested conditions of approval.

- Oregon Department of Transportation

Attached are ODOTs comments on the subject TIA*. Specific questions on these comments should be directed to Keith Blair. Based on this review, we have no comments or objection to the proposed comprehensive plan amendment and zone change. Please include ODOT in any future notifications on this project including findings and conditions of approval.

*Note – Full ODOT comments referenced above are listed as an attachment and are on file with the Planning Department.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. As of the date of the Planning Commission public hearing on December 20, 2018, no public testimony had been received by the Planning Department.

FINDINGS OF FACT

- A. MV Advancements, on behalf of property owner Linfield College, requested a zone change on a property from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/Residential) to allow for the development of office and residential uses on the subject site. The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.
- B. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map.

- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. 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. No comments in opposition were provided to the Planning Department.
- E. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
- F. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville’s Comprehensive Plan:

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

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Finding: Goal II 1 and Policies 2.00 and 9.00 are satisfied. The applicant has stated that they have no plans to develop the portion of the property that is located in the Cozine Creek floodplain. Based on wetland, flood plain and topographic maps, it is estimated that approximately 50% of the site is usable (124,575 SF / 2.86 acres). The areas of the subject site that are currently designated on the Zoning Map as F-P (Flood Plain) would keep that zoning district, and only the portions of the subject site outside of the Flood Plan zone would be subject to the proposed Zone Change. The applicant has further stated that they are aware that Linfield College, in conjunction with the Greater Yamhill Watershed Council, has plans to restore the Cozine Creek property between the Linfield campus and this property to its original, native plant species. The applicant has stated that it is their intent to fully cooperate with this restoration.

GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Policy 13.00 The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and

the community as a whole, and the functions, land needs, and service area of the proposed facility.

Policy 14.00 The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.

Finding: Goal III 1 and Policies 13.00 and 14.00 are satisfied. The applicant, MV Advancements, is an organization that provides social services to individuals who experience disabilities. The proposed Zone Change will allow the applicant to locate office uses on the subject site, thereby providing their services in a location that is properly located to service the community. They have selected the subject site due to its location, being in close proximity to other community services that their clients would need to access. The proximity to downtown McMinnville and the other social service providers in that area allows for the MV Advancements site to still easily provide its services to the community. The site is located on a public transit route, an important locational factor for this social service use as many of their clients rely on public transit for transportation services. Both local routes (Route 2 and Route 3) serve the subject site, with northbound Route 2 passing immediately adjacent to the site, and southbound Route 3 passing close to the site on Adams Street just west of the subject site before Adams Street connects back with SE Baker Street heading southwest. Both of those routes run at regular 10-minute intervals throughout the day on all weekdays, providing connections throughout the city and also to the transit center where connections can be made with other routes.

The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was acknowledged in 2013, identified a deficit of commercial land within the McMinnville Urban Growth Boundary. The deficit was identified at an amount of 35.8 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

Figure 26. Comparison of Land Demand to Supply (2013-33)

	Acres by Plan Designation		Total	Comments
	Commercial	Industrial		
Vacant Land Demand				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/ per job method
Totals	166.8	153.2	319.9	Employment land demand
Available Land Supply				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
Surplus/(Deficit)	(35.8)	235.9	200.1	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10th of an acre.
 Source: E. D. Hovee & Company, LLC.

The proposed Comprehensive Plan map amendment would address the commercial land deficit identified in the Economic Opportunities Analysis, as approximately 2.86 acres of additional commercial land would be provided for commercial use. However, the proposal would result in the loss of 2.86 acres of land currently designated as Residential on the Comprehensive Plan Map. In the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, a need for additional land for housing and residential uses was identified. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B.

Therefore, both commercial and residential lands were identified as needed land types in the Economic Opportunities Analysis and Residential Buildable Lands Inventory. The need for residential land was much higher than the need for additional commercial land (over 1,000 acres of residential land compared to 35.8 acres of commercial land). However, the applicant has argued that their proposed zone change will still address the residential land need, as they are proposing to change the zoning to the O-R (Office/Residential) zone that allows for both commercial and residential uses. The applicant has expressed an intent to construct up to 24 residential uses on the subject site in the future.

In regards to the existing status of the subject site, the applicant has argued that the residentially zoned land was not actually available for development of residential uses. The applicant has stated that this land, because it was owned by Linfield College, was not considered as buildable in the last Residential Buildable Lands Inventory. In the Linfield College Master Plan (as approved and adopted under a Planned Development Overlay District by Ordinance 4739), the subject site was shown as vacant land with no specific future land use identified. There were statements in the Master Plan that Linfield College still needed to determine what the future use of the subject site would be. The applicant has provided a letter of support from Linfield College, who currently owns the subject site, providing evidence of their support for the applicant's intended use of the site and the ability to construct up to 24 residential units in conjunction with MV Advancements services or for senior housing. The letter of support states that the sale of the property will include a restrictive covenant to limit the number of residential dwelling units to 24 units, and also states that Linfield College had never considered the sale of the property to allow for the development of the maximum number of dwelling units that the underlying zoning might allow. This supports the applicants arguments that the current site was actually not available for the development of

residential uses, and that it will now be available for up to 24 dwelling units, along with the commercial office space.

The proposed zone change to O-R results in the establishment of a commercial zone on the property. However, it is a zone that allows for mixed use and both commercial and residential uses. The ability to have a mix of uses on the subject site will allow for unique and innovative development techniques in the establishment of both office and residential units on the subject site. The applicant has also provided evidence (in the form of a letter of support) that restrictive covenants will be placed on the site to limit the residential uses of the site to those types that would be in conjunction with MV Advancements services (which are provided to individuals with disabilities) or for senior housing. The provision of this type of housing will provide a variety of housing types and potentially lower-cost housing, and also ensures cooperation with a private group (MV Advancements) to provide better housing opportunities and improve housing conditions for low and moderate income families

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

Policy 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Policy 69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: Goal V 2 and Policies 68.00 and 69.00 are satisfied by this proposal. The zone change will allow for residential, as well as commercial, development in an area of the city that is already developed and has urban level services available to serve the site. As noted in the finding for Goal V 1 and Policies 58.00 and 59.00 above, the proposed zone change is justified, given that the zone change will provide for commercial land identified as a needed land type in the Economic Opportunities Analysis, but as a mixed use zone, will also provide an opportunity for the development of residential uses, which are also identified as needed land type in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan. This mixed use zone allows for the utilization of the City's only innovative mixed use zone to integrate the functions of both housing and commercial uses on the subject site.

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

- 1. Areas which are not committed to low or medium density development;*
- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
- 3. Areas which have direct access from a major collector or arterial street;*
- 4. Areas which are not subject to development limitations;*
- 5. Areas where the existing facilities have the capacity for additional development;*
- 6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
- 7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*

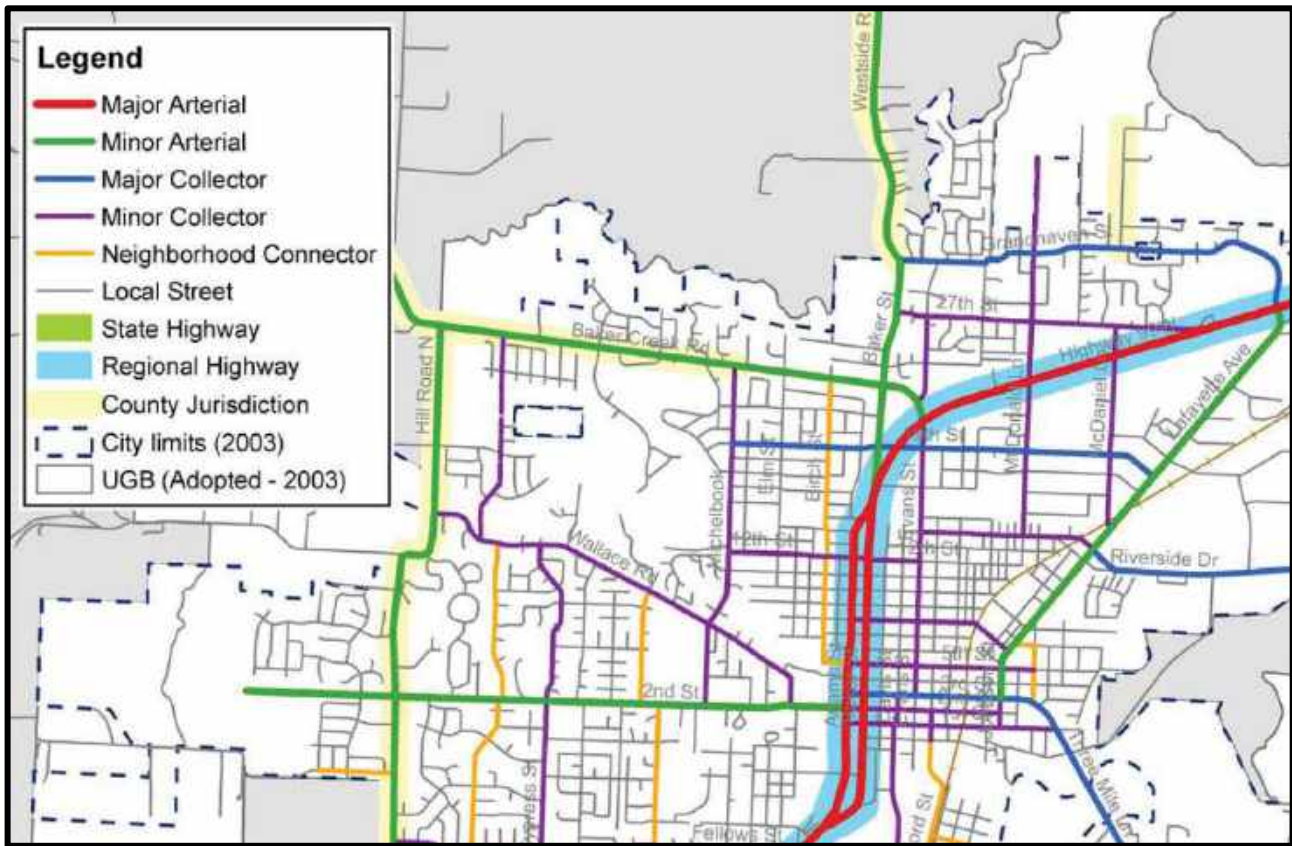
8. *Areas adjacent to either private or public permanent open space.*

Finding: Policy 71.13 is satisfied by this proposal, and a condition of approval is included to ensure that the policy is satisfied.

As stated above, the zone change request satisfies multiple Comprehensive Plan goals and policies by providing for additional commercially zoned land, which is identified as a needed land type, while still providing opportunities for multiple family residential housing. While the proposed zone change results in a commercial zoning designation (in the Office/Residential zone), the policies related to the siting of higher density residential development apply to the zone change request, as that type of use is permitted in the O-R (Office/Residential) zone.

The subject site is not committed to low or medium density development, as the current underlying zoning is technically R-4 (Multiple Family Residential), but is overlaid by a Planned Development Overlay District that does not specify any future land use type. The subject site is bounded on the west by an arterial street (SE Baker Street/Highway 99W), and to the south and southeast by topography and the Cozine Creek, providing buffering and privacy between the subject site and adjacent properties. The only property immediately adjacent to the subject site, located immediately east along Cowls Street, is zoned R-4 (Multiple Family Residential) so therefore is not low density residential. While the Comprehensive Plan policies do not require locational factors to buffer from other adjacent high density residential areas, the proposed O-R (Office/Residential) zone includes some yard requirements that will provide setbacks and spacing between buildings and property lines, as well as a limitation on building height to no more than 35 feet, which is the maximum building height in lower density residential zones. These standards will provide some buffering from adjacent residential areas, even though they are also high density zones.

The site does have frontage on an arterial street. As shown in the Transportation System Plan street functional classification system map below, SE Baker Street/Highway 99W is classified as a major arterial street. However, the applicant is proposing to only provide access to the site from Cowls Street, given the traffic and safety concerns with having a new access directly onto SE Baker Street in this location near the connection of Adams and Baker Streets, and with its proximity to the existing intersection at Baker Street and Cowls Street. The applicant submitted a traffic impact analysis showing that the site's access onto Cowls Street can be accommodated without any significant impacts on the surrounding street network. More detail on the traffic impact analysis is provided in the findings for the zone change review criteria below. Comprehensive Plan Policy 91.00 does provide some additional flexibility in the type of street that a multiple-family residential development should be accessed from. Specifically, Policy 91.00 states that "Multiple-family housing developments shall be required to access off of arterials or collectors or streets determined by the City to have sufficient carrying capacities to accommodate the proposed development." Given the findings of the traffic impact analysis, it can be found that the site has appropriate access for higher density development that would be allowed in the O-R (Office/Residential) zone.

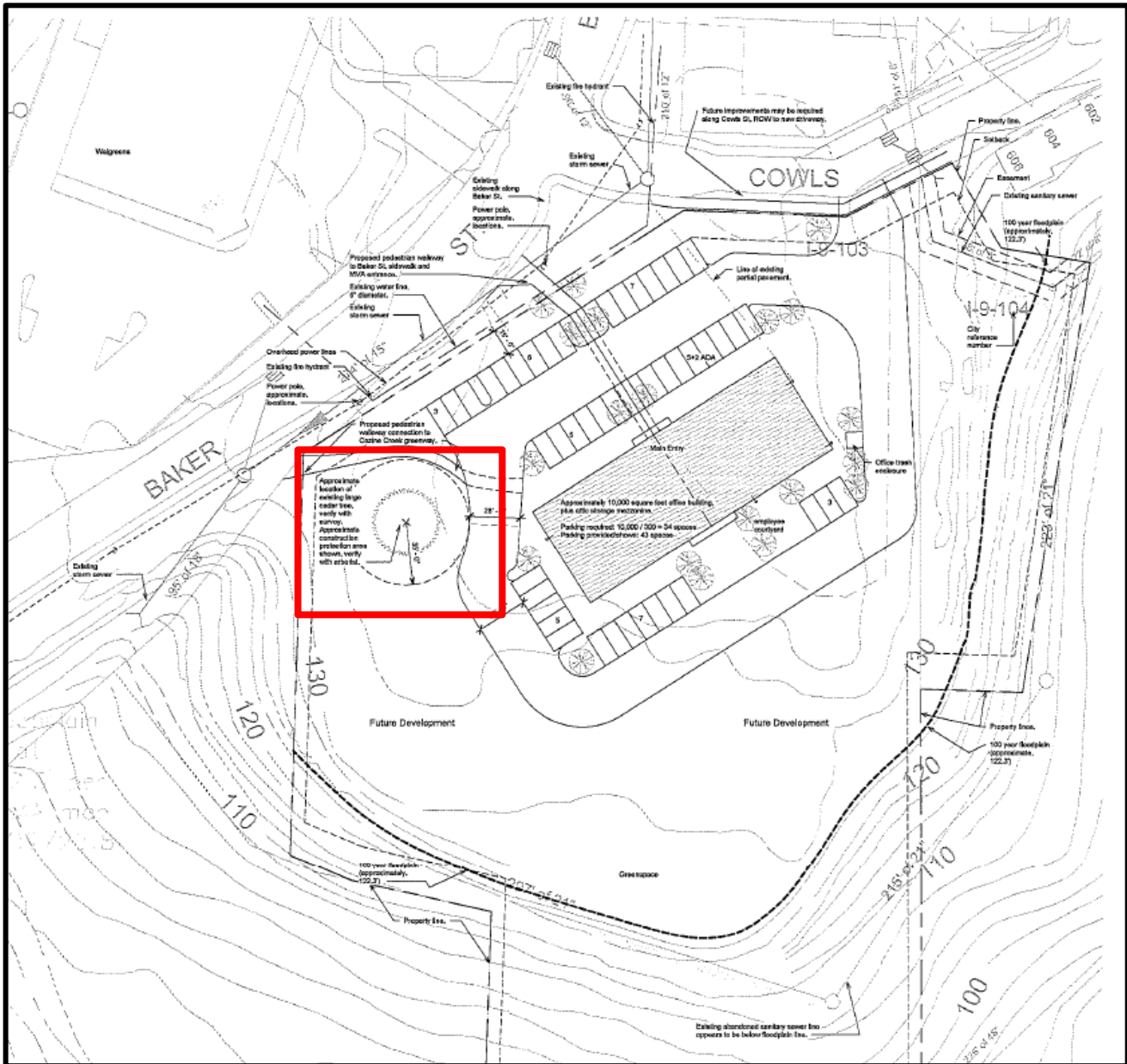


There are not any major development limitations with the subject site, and the Engineering Department has not identified any issues with providing services and infrastructure to the subject site to support higher density residential development.

As discussed in more detail above, existing transit service is located in close proximity to the site. Routes 2 and 3 along Adams and Baker Streets are well within one-half mile of the subject site. The subject site is also located well within one-quarter mile of commercially zoned property, with commercially zoned property immediately across Baker Street from the subject site and other O-R zoned property located north of the subject site across Cows Street. These commercially zoned properties currently provide retail uses and other commercial services (professional office, medical, salon, etc.) in close proximity to the subject site.

In regards to private or public open space, there is some private open space on the subject site in the areas that are designated as floodplain. These areas are protected in the McMinnville City Code, as development in the floodplain areas is very limited. In addition, the applicant is proposing to maintain this area as natural open space, with statements in the application that they will be partnering with Linfield College and the Greater Yamhill Watershed Council in their efforts to restore the Cozine Creek property between the subject site and the Linfield College campus by re-establishing native plant species. However, the floodplain area was not found to meet the required private open space requirement due to its inaccessibility and that it would be flooded or unusable at certain times. Because there are no other public open spaces adjacent to the site, a condition of approval is included to require that, if the site is eventually developed with multiple family residential uses, an area equivalent to 7 percent of the gross area of the site be reserved for usable open space for residents of the multiple family development site.

A map showing the locations of amenities surrounding the subject site is provided below:



The large coniferous tree identified on the concept plan, as well as a large existing oak tree directly to the south of the coniferous tree, can be seen in the image below:



In order to ensure that these large, mature, and distinctive trees are retained during the site development, a condition of approval is included to require that these two trees be preserved on the site.

Policy 84.00 Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.

Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.

Finding: **Policy 84.00 and Policy 86.00 are satisfied by this proposal.** The subject site is not specifically intended to provide subsidized housing, and the site is within the fringes of Linfield College. Therefore, neither of these policies are applicable.

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

Finding: Policy 89.00 is satisfied by this proposal. Landscaping will be required for any future proposed multiple-family housing development at the time of development.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Finding: Policies 90.00, 91.00, 92.00, 92.01 and 92.02 are satisfied by this proposal.

As discussed in more detail above, the subject site is located well within one-quarter mile of areas zoned for commercial uses, is located immediately adjacent to existing public transit routes, and is accessed off of a roadway with sufficient traffic carrying capacities to accommodate the development of the site in the proposed zone. The applicant has submitted a traffic impact analysis that shows that the zone change on the subject site would not have any significant or adverse impacts on the surrounding street system. Given the findings of the traffic impact analysis, it can be found that the site has appropriate access for higher density development. More detail on the traffic impact analysis is provided in the findings for the zone change review criteria below. Findings for the additional locational requirements are also provided in the findings for Policy 71.13 above. The subject site is not located near any of the undesirable places listed in Policy 92.01.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal. Adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either

presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Any necessary or required street improvements shall be required at the time of development of the subject 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.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

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

3. Major, Minor arterials.

- a. Access should be controlled, especially on heavy traffic-generating developments.*
- b. Designs should minimize impacts on existing neighborhoods.*
- c. Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
- d. On-street parking should be limited wherever necessary.*
- e. Landscaping should be required along public rights-of-way.*

Finding: Goal VI 1 and Policies 117.00, 119.00, 120.00 and 122.00 are satisfied by this proposal.

The subject site is currently adjacent to the SE Baker Street public right-of-way and street. SE Baker Street/Highway 99W is identified in the Transportation System Plan as a major arterial street. The applicant provided a traffic impact analysis that analyzed the proposed access to the site off of the major arterial but still in close proximity to allow for trips generated from the site to enter the arterial at an existing major intersection. The traffic impact analysis also analyzed the change in trips and the impacts of a reasonable worst case development that could be allowed under an eventual zoning designation, and found that there were no significant impacts to the functionality of the surrounding street network. More detail on the traffic impact analysis is provided in the findings for the zone change review criteria below. Any right-of-way improvements required for the subject site will be required at the time of development.

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 right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied. Off-street parking will be required based on the type of development proposed and allowed under the eventual zoning of the subject site.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00 and 132.15 are satisfied. If it is determined that the existing public sidewalks are not sufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval, which will enhance pedestrian connections between the site and the surrounding area.

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.

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 with the framework outlined below:

- 5. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
- 6. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 7. 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*
- 8. Extensions will implement applicable goals and policies of the comprehensive plan.*

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.

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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.

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:

- 5. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 6. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 7. 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;*

8. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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.

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:

6. *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.*
7. *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.*
8. *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.*
9. *Federal, state, and local water and waste water quality standards can be adhered to.*
10. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the proposal.

Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOUMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Finding: Goal VII 3 and Policy 163.00 are satisfied. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Policies 173.00 and 177.00 are satisfied. McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

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

Finding: Policy 178.00 is satisfied. The applicant is proposing to amend the current zoning designations of this site to O-R (Office/Residential) to allow for both office and multiple family housing uses on the subject site, thereby achieving a more compact form of urban development and energy conservation in an area of the city that is already fully developed and provided with urban services.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNIVILLE.

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

Finding: Goal X1 and Policy 188.00 are satisfied. 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.

McMinnville's City Code:

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

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- D. The proposed amendment is consistent with the goals and policies of the comprehensive plan;

- E. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- F. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statutes), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Finding: Section 17.74.020 is satisfied by this proposal.

The proposed Zone Change is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

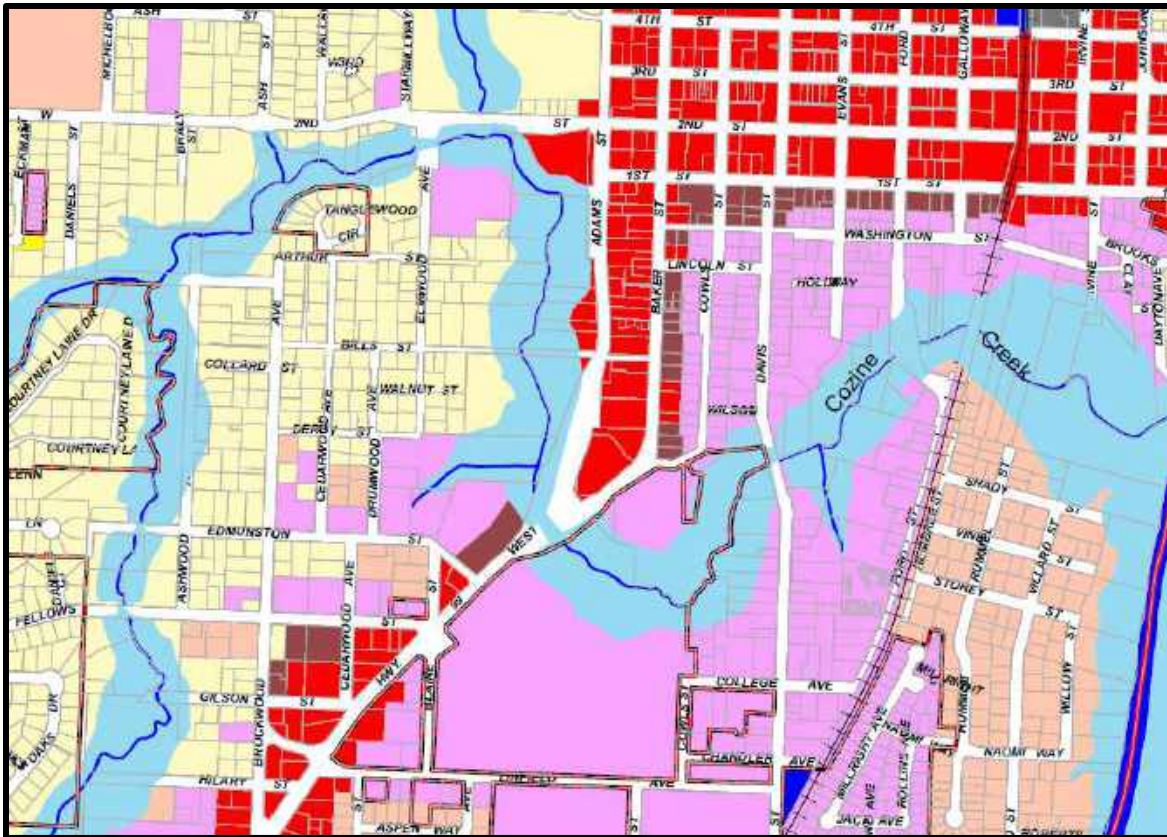
The development pattern in the area surrounding the subject site includes both residential and commercial land uses and zones. The properties to the west and north between Adams Street and Baker Street are currently zoned C-3 (General Commercial). Properties immediately to the north of the subject site, but also fronting Baker Street are currently zoned O-R (Office/Residential), the same zone the applicant is proposing for the subject site. The subject site, similar to those other commercially zoned properties, is located immediately adjacent to Baker Street/Highway 99W, a higher volume roadway that is generally more compatible with commercial uses than residential uses. While land adjacent to the subject site to the east and further northeast along Cows Street is zoned R-4 (Multiple Family Residential), the change of the subject site to the O-R (Office/Residential) zone is not inconsistent with the treatment of other areas along this portion of the Highway 99W corridor.

Also, the proposed O-R (Office/Residential) zone at this location meets multiple other goals or intended uses for the O-R zone. Specifically, the purpose statement for the O-R (Office/Residential) zone in Section 17.24.010 of the McMinnville City Code states:

The purpose and intent of this zone is at least two-fold. One, it may be used to provide a transition and buffer area between commercially zoned and residentially zoned areas; and two, it is intended to provide an incentive for the preservation of old and historical structures. It may also serve as a buffer zone along major arterials between the roadway and the interior residential areas. Therefore, the requirements set forth herein should be interpreted in relationship to the protection of abutting residential areas. Implementation and interpretation should take into consideration those factors conducive to a healthy place to live, and improvements should be in scale and relationship to surrounding property uses.

The proposed zone change would be consistent with the purpose of the O-R (Office/Residential) zone, as the subject site is located between commercially zoned property across Baker Street to the west and residentially zoned property along Cows Street to the east. The change to the O-R zone would provide a transition between commercial and residential zones, and also would serve as a buffer zone along the major arterial roadway, that being Baker Street/Highway 99W, and the interior residential areas further east and northeast along Cows Street. The O-R (Office/Residential) zone also includes some yard requirements that will provide setbacks and spacing between buildings and property lines, as well as a limitation on building height to no more than 35 feet, which is the maximum building height in lower density residential zones. These standards would not apply if the request was to change to another commercial zone such as C-3 (General Commercial, and will provide some buffering from the adjacent residential areas.

The zoning map in the area surrounding the subject site can be seen below, showing other properties in the vicinity that are currently zoned O-R (Office/Residential) that provide for a transition between commercial and residential zones.



Given the surrounding land uses and development pattern, the proposed zone change is orderly and timely. The change to the O-R (Office/Residential) zone will complement the other commercially zoned lands surrounding the subject site, and will ensure a transition from commercial to residential use.

Utility and Service Provision: This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support development at the subject site. At the time of development of the site, all necessary utilities and improvements will be required to be completed along with the building permit activities.

Street System: The applicant has provided a traffic impact analysis that concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to O-R (Office/Residential) to allow the development of office and residential uses on the subject site.

The traffic impact analysis included an analysis of the impacts of development of the site on three intersections near the subject site, at Baker Street and SE Handley Street, Baker Street and Cows Street, and Baker Street and the Adams Street U-turn. In determining site generated traffic and trip distribution, it was determined that a majority of the traffic to and from the site would come to and from Highway 99W, with 45% of the trips to and from Adams Street and 50% of the trips to and from Baker Street. Only 5% of the trips were determined to travel to and from Cows Street, so no intersections on Cows Street were included in the traffic impact analysis.

The analysis also considered the Oregon Transportation Planning Rule (TPR) to ensure that the proposed development would not have any significant effect on any existing or planned transportation facility. To analyze the potential effects of the proposed development, the worst case trip generation within the existing Comprehensive Plan Map designation and zone was compared to the reasonable worst case trip generation within the proposed Comprehensive Plan Map designation and zone. The existing zoning of R-4 PD (Multiple Family Residential Planned Development) includes a Planned Development Overlay District that actually does not specify any particular use on the subject site, only showing it as vacant and noting that future use of the property needed to be determined by Linfield College. Therefore, the applicants assumed the worst case trip generation in the existing zone to be a maximum build out of the number of apartment units that would be allowed in the underlying R-4 zone (83 units based on the lot size). The worst case trip generation for the proposed O-R (Office/Residential) zone was assumed based on the type of development that would be allowed in that zone. Specifically, it was assumed that worst case trip generation in the proposed zone would result from the buildout of only office uses on the site. An assumption was made that 40% of the buildable portion of the subject site (that area being outside of the floodplain) would be developed with a building, allowing for the rest of the area to be used for landscaping, parking, setbacks, and other associated improvements. This resulted in an assumed 49,835 square foot office building.

The traffic impact analysis determined that the proposed zone change could result in a net increase in trips from what could be developed in the existing, underlying R-4 zone. Again, this is based on the buildout of a 49,835 square foot office building. The net change in trips under the existing and proposed zoning is provided below:

Table 1. Trip Generation of Existing Zoning vs. Proposed Zoning

Existing Zoning Description & ITE Code	Units	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
			Total	In	Out	Total	In	Out
Multifamily Housing (Mid-Rise) (ITE #221)	83	451	29	7	22	37	23	14
Proposed Zoning Description & ITE Code	KSF	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
Total			In	Out	Total	In	Out	
General Office (ITE #710)	49,835	540	73	63	10	59	9	50
Net Increase in Trips		+89	+44	+56	-12	+22	-14	+36

Source: ITE Trip Generation Manual, 10th Edition
 Fitted curve equations used
 KSF = 1000 square feet

After identifying trip generation, those trips were then entered into a traffic model to determine impacts and functionality of the surrounding street network. The traffic analysis showed that all of the intersections included in the analysis would continue to function under the mobility standard for Oregon Department of Transportation highways, which is an intersection V/C ratio of 0.90. The intersection V/C ratios were all well under that 0.90 level, and therefore found acceptable by Oregon Department of Transportation and the City of McMinnville. The overall intersection V/C, which is a calculation of volume to capacity, increase only slightly between the 2023 background traffic and 2023 traffic including the development of the subject site. Those slight increases occurred at Baker/Handley and Baker/Cowls in the PM peak hour, and at Baker/Adams U-Turn during the AM peak hour. However, it should be noted that intersection V/C actually improved in a few situations, including at Baker/Cowls in the AM peak hour and at Baker/Adams U-Turn in the PM peak hour.

Table 2. SE Baker Street (Highway 99W)/SE Handley Street

Traffic Scenario	2010 HCM Methodology	
	Weekday AM Peak Hour	Weekday PM Peak Hour
	Intersection V/C	Intersection V/C
2018 Existing Traffic	0.03	0.05
2023 Background Traffic	0.03	0.09
2023 Total Traffic	0.03	0.11

Note: 2010 Highway Capacity Manual methodology used in analysis.

Table 3. SE Baker Street (Highway 99W)/SE Cowls Street

Traffic Scenario	2010 HCM Methodology	
	Weekday AM Peak Hour	Weekday PM Peak Hour
	Intersection V/C	Intersection V/C
2018 Existing Traffic	0.06	0.16
2023 Background Traffic	0.16	0.38
2023 Total Traffic	0.10	0.40

Note: 2010 Highway Capacity Manual methodology used in analysis.

Table 4. SE Baker Street (Highway 99W)/Adams U-turn

Traffic Scenario	2010 HCM Methodology	
	Weekday AM Peak Hour	Weekday PM Peak Hour
	Intersection V/C	Intersection V/C
2018 Existing Traffic	0.06	0.06
2023 Background Traffic	0.08	0.14
2023 Total Traffic	0.13	0.09

Note: 2010 Highway Capacity Manual methodology used in analysis.

More detailed analysis of the operations of each movement at each intersection were provided in Appendix G of the Traffic Impact Analysis (Synchro Intersection Capacity Analysis Report Outputs). A summary of the worst movements at each intersection are provided below. Again, only minor changes occurred in the delay times and level of service (LOS) of specific lanes or movements between the 2023 background traffic and 2023 traffic including the development of the subject site.

2018 AM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.055	13.4	B
Baker & Handley	EB Lane 1	.025	13.2	B
Baker & Cowls	WB Lane 1	.058	17.4	C

2018 PM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.064	14.8	B
Baker & Handley	EB Lane 1	.046	15.8	C
Baker & Cowls	EB Lane 1	.164	20.9	C

2023 No Build AM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.075	12.7	B
Baker & Handley	EB Lane 1	.027	13	B
Baker & Cowls	WB Lane 1	.155	16.2	C

2023 No Build PM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.144	17.7	C
Baker & Handley	EB Lane 1	.093	21	C
Baker & Cowls	EB Lane 1	.188	42.3	E

2023 Build AM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.134	13.4	B
Baker & Handley	EB Lane 1	.026	12.7	B
Baker & Cowls	WB Lane 1	.103	17.9	C

2023 Build PM Peak				
	Worst Mvmt	V/C	Delay (s/veh)	LOS
Baker & Adams U-Turn	EB Lane 1	.09	16.9	C
Baker & Handley	EB Lane 1	.108	23.9	C
Baker & Cowls	EB Lane 1	.396	44.7	E

Based on those figures, the traffic impact analysis concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to O-R (Office/Residential), even with the assumed maximum buildout of the subject site. The proposed development was also found to meet the Transportation Planning Rule (TPR), as the proposal did not change any functional classification of street, and did not result in any levels of traffic delay or other degradation of street functionality below the acceptable standards of the agency with jurisdiction, which in this case is the Oregon Department of Transportation. The Engineering Department and the Oregon Department of Transportation reviewed the traffic impact analysis, and neither had any concerns with the analysis or the findings.

CD:sjs

EXHIBIT C



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO REMOVE PROPERTIES FROM AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT AT 600 SE BAKER STREET

DOCKET: PDA 1-18 (Planned Development Amendment)

REQUEST: Approval to amend the existing Planned Development Overlay District and Linfield College Master Plan boundary to remove properties from the Overlay District and Master Plan boundary. The original Planned Development Overlay District was adopted in 2000 by Ordinance 4739.

LOCATION: The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M., respectively.

ZONING: The subject site's current zoning is R-4 PD (Multiple Family Residential Planned Development)

APPLICANT: MV Advancements, on behalf of property owner Linfield College

STAFF: Chuck Darnell, Senior Planner

DATE DEEMED COMPLETE: November 15, 2018

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: December 20, 2018. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: January 22, 2019 and February 12, 2019. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE: A request to amend an existing Planned Development requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.

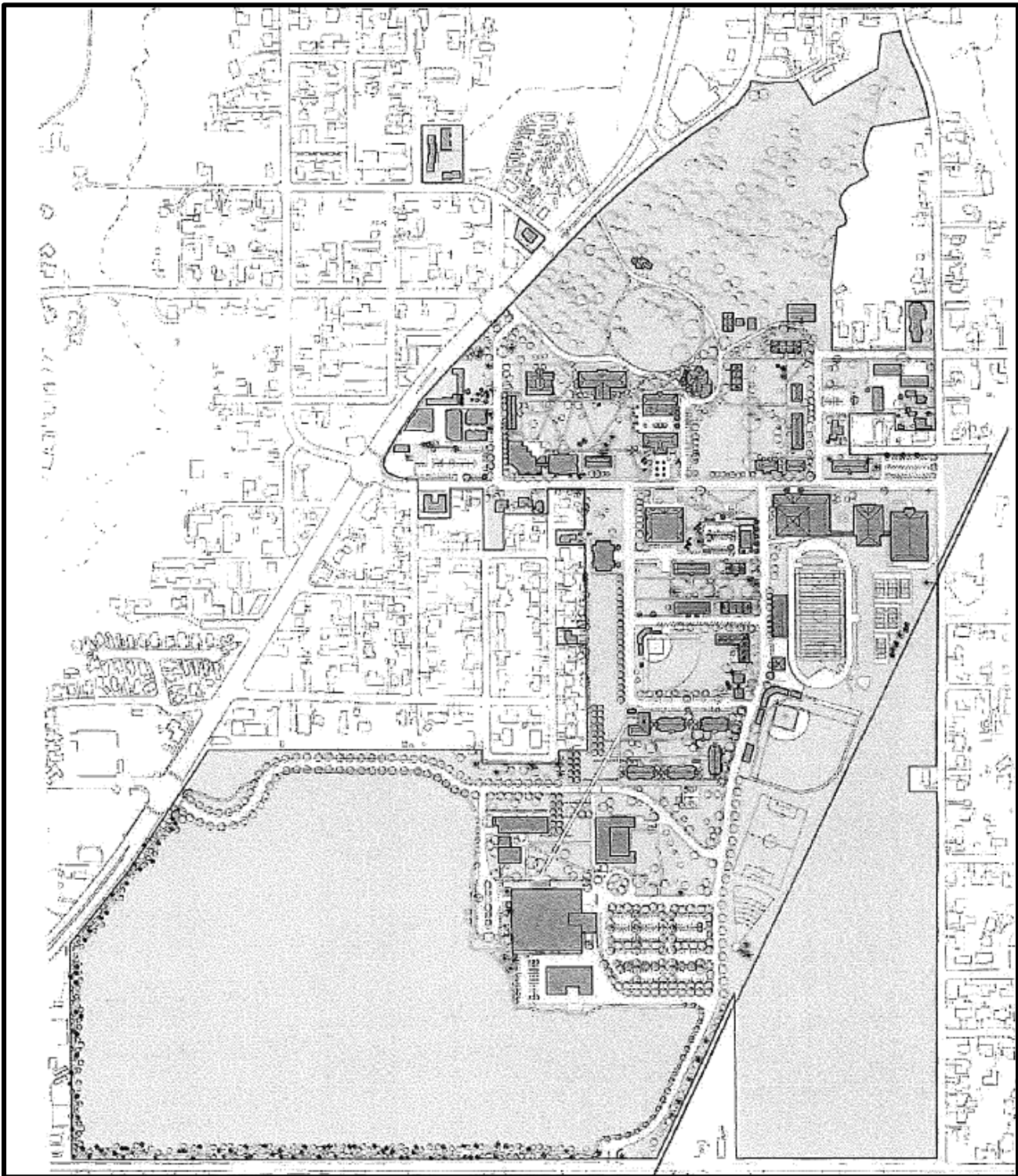
CRITERIA: The applicable criteria are specified in Section 17.74.070 of the McMinnville City Code.

APPLICATION SUMMARY:

Preceding the proposed Planned Development Amendment were two related requests on the same properties and subject site. Those requests were to amend the Comprehensive Plan Map designation on a portion of the site from Residential to Commercial, and to rezone a portion of the site from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/Residential) to allow for development of an office use and future multiple-family residential uses on the subject site.

The Planned Development Amendment is necessary due to the type of zone change that was requested. The existing properties are included in the Linfield College Master Plan and Planned Development Overlay District, which were approved and adopted in 2000 by Ordinance 4739. The requested zone change would result in the properties being rezoned to O-R (Office/Residential), and no Planned Development is being requested. The properties would also no longer be owned by Linfield College, and would have no direct relationship to the operations of the campus, other than being located immediately to the north of the campus grounds. Therefore, the specific request is for a Planned Development Amendment to remove the subject site from the Linfield College Master Plan area and Planned Development Overlay District, effectively adjusting the boundary of the Planned Development Overlay District.

The Linfield College Master Plan included all properties owned by the college, and identified current and future uses for most areas of the campus. The overall master plan map adopted with the Linfield College Master Plan by Ordinance 4739 is provided below:



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 had been received:

- McMinnville Engineering Department

The application demonstrates that the transportation and sanitary sewer infrastructure is adequate to support the proposal. At the time of building permits, the appropriate infrastructure improvements will be required.

Thus, no comments or suggested conditions of approval.

- Oregon Department of Transportation

Attached are ODOT's comments on the subject TIA*. Specific questions on these comments should be directed to Keith Blair. Based on this review, we have no comments or objection to the proposed comprehensive plan amendment and zone change. Please include ODOT in any future notifications on this project including findings and conditions of approval.

*Note – Full ODOT comments referenced above are listed as an attachment and are on file with the Planning Department.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. As of the date of the Planning Commission public hearing on December 20, 2018, no public testimony had been received by the Planning Department.

FINDINGS OF FACT

- A. MV Advancements, on behalf of property owner Linfield College, requested a Planned Development Amendment to remove properties from an existing Planned Development Overlay District. The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.
- B. The site was designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site was zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map. Prior to the proposed Planned Development Amendment, the Comprehensive Plan Map designation was amended to Commercial, and the site was rezoned to O-R (Office/Residential), creating the need for the proposed Planned Development Amendment.
- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. 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. No comments in opposition were provided to the Planning Department.

- E. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
- F. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville’s Comprehensive Plan:

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

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policy 2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.

Policy 9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

Finding: Goal II 1 and Policies 2.00 and 9.00 are satisfied. The applicant has stated that they have no plans to develop the portion of the property that is located in the Cozine Creek floodplain. Based on wetland, flood plain and topographic maps, it is estimated that approximately 50% of the site is usable (124,575 SF / 2.86 acres). The areas of the subject site that are currently designated on the Comprehensive Plan Map as Flood Plain would keep that designation, and only the portions of the subject site outside of the Flood Plan designation would be subject to the proposed Comprehensive Plan Map Amendment. The applicant has further stated that they are aware that Linfield College, in conjunction with the Greater Yamhill Watershed Council, has plans to restore the Cozine Creek property between the Linfield campus and this property to its original, native plant species. The applicant has stated that it is their intent to fully cooperate with this restoration.

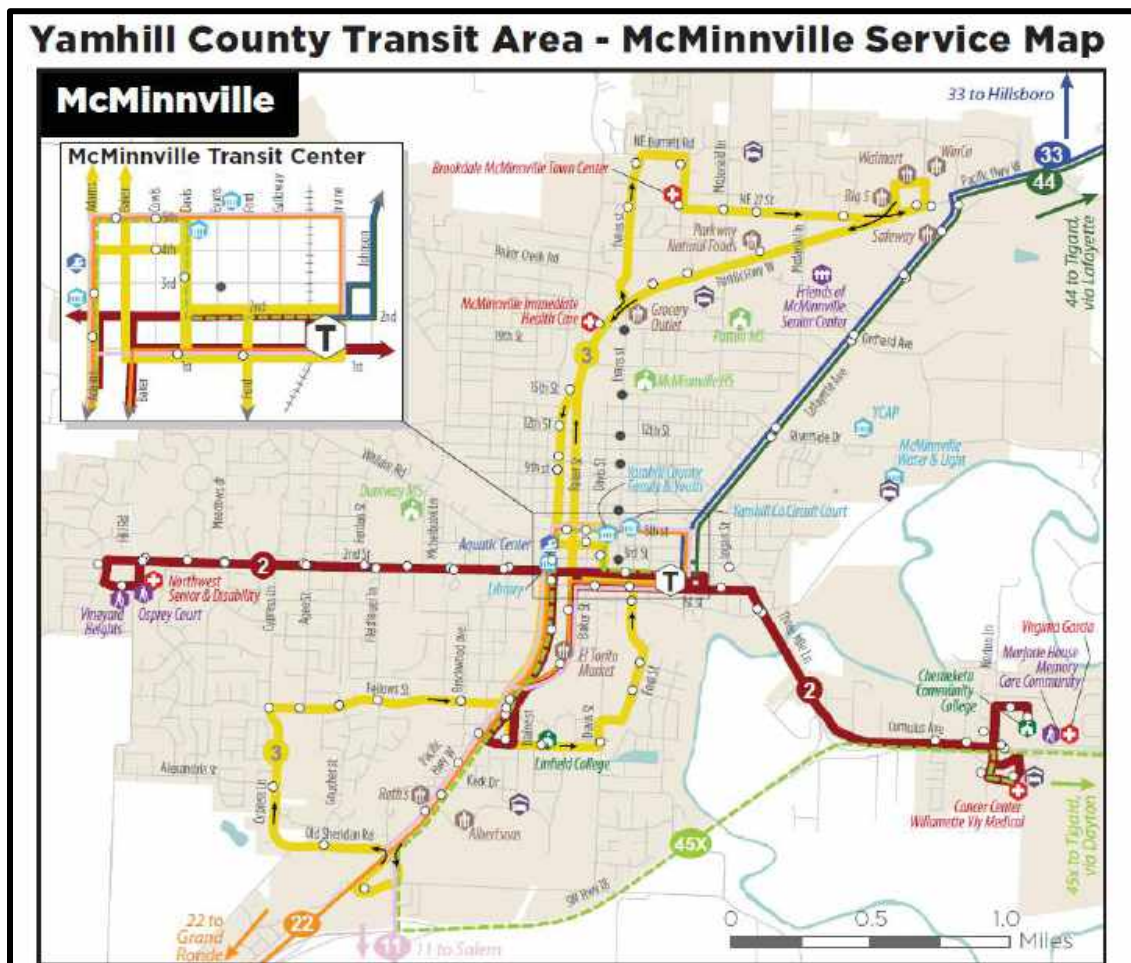
GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Policy 13.00 The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

Policy 14.00 The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close

proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.

Finding: Goal III 1 and Policies 13.00 and 14.00 are satisfied. The applicant, MV Advancements, is an organization that provides social services to individuals who experience disabilities. The proposed Comprehensive Plan Map Amendment from Residential to Commercial will allow the applicant to locate office uses on the subject site, thereby providing their services in a location that is properly located to service the community. They have selected the subject site due to its location, being in close proximity to other community services that their clients would need to access. The proximity to downtown McMinnville and the other social service providers in that area allows for the MV Advancements site to still easily provide its services to the community. The site is located on a public transit route, an important locational factor for this social service use as many of their clients rely on public transit for transportation services. Both local routes (Route 2 and Route 3) serve the subject site, with northbound Route 2 passing immediately adjacent to the site, and southbound Route 3 passing close to the site on Adams Street just west of the subject site before Adams Street connects back with SE Baker Street heading southwest. Both of those routes run at regular 10-minute intervals throughout the day on all weekdays, providing connections throughout the city and also to the transit center where connections can be made with other routes.



Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*
- Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*
- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*
- Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*
- Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

Finding: Policies 72.00, 73.00, 74.00, 75.00, 76.00, 77.00, and 78.00 are satisfied by this proposal.

The proposed Planned Development Amendment results in the removal of the subject site from the Planned Development Overlay District and Linfield College Master Plan area. The removal of the property is necessary due to the approval of a Comprehensive Plan Map amendment and Zone Change on the subject sites that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The Planned Development Amendment, as it is solely the removal of the subject site from a much larger Overlay District, does not result in any change to the remainder of the Planned Development Overlay District. Specifically, a condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4739 in the approval of the original Planned Development Overlay District would remain in effect.

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.

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 with the framework outlined below:

- 9. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
- 10. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 11. 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*
- 12. Extensions will implement applicable goals and policies of the comprehensive plan.*

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.

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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.

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:

- 9. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 10. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 11. 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;*
- 12. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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.

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:

- 11. 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.*
- 12. 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.*
- 13. 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.*
- 14. Federal, state, and local water and waste water quality standards can be adhered to.*
- 15. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the proposal.

Based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOUMENT OF ALL CITIZENS OF THE COMMUNITY.

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Finding: Goal VII 3 and Policy 163.00 are satisfied. Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Policies 173.00 and 177.00 are satisfied. McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

Finding: Goal X1 and Policy 188.00 are satisfied. 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.

McMinnville's City Code:

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

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

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

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

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Finding: Section 17.74.070 is satisfied by this proposal.

The request is to remove the subject site and properties from the Planned Development Overlay District, so no other changes would be made to the existing Planned Development or changes to any of the regulations or conditions of approval contained within the Planned Development. Specifically, a condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4739 in the approval of the original Planned Development Overlay District would remain in effect.

The subject site is currently included within the Planned Development Overlay District, but there are no specific future land uses identified in the Linfield College Master Plan for the subject site. More specifically, on Page 19 of the Master Plan, the Cozine Creek and surrounding areas (including the subject site north of the creek and southeast of Baker Street) are identified as a "Cozine Creek programmatic zone". However, on Page 18, the Master Plan identifies the northern boundary of the campus as the Cozine Creek. The Master Plan Goals, on Page 21, continue with a statement that "The College should decide whether to keep outlying parcels including the Columbus School Site...". Campus open spaces are discussed in more detail on Page 36, but the "Open Spaces" map shows a

"Cozine Creek Park" that is more focused on the creek corridor and does not include the property in question to the north. Given that the Master Plan Goals consider the possibility of the property in question being released by the college, the fact that the application was submitted for removal of the properties from the Planned Development Overlay District is evidence that Linfield College has considered whether to keep control of the parcel, and decided not to and allow it to be sold and developed. This is further evidenced by the letter of support provided by the applicant from Linfield College, showing that the college is in support of the applicant's intended use of the properties.

Based on these descriptions of the subject site in the Linfield Master Plan, there are special objectives of the proposed development (that being the Comprehensive Plan Map amendment and zone change because a final site and development plan has not been submitted) that warrant the amendment of the Planned Development Overlay District to remove the subject site and properties. The resulting development, again being the Comprehensive Plan Map amendment and zone change, would not be inconsistent with the Comprehensive Plan goals, policies, and objectives, as described in the findings of fact in the Decision Documents for those land use requests. The applicant has provided a traffic impact analysis, which was also described in the findings of fact in the Decision Documents for the two prior land use requests, to show that future construction will not significantly impact the street network in the surrounding area. Also, the future build out of the site will be required to provide all required infrastructure, utilities, and drainage to support the buildings that are proposed at that time.

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