

CITY OF McMinnville
CITY COUNCIL WORK SESSION
Held via Zoom Video Conference and at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Wednesday, July 22, 2020 at 5:30 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Claudia Cisneros

Councilors:	<u>Present</u>	<u>Excused Absence</u>
	Adam Garvin	
	Zack Geary	
	Kellie Menke, Council President	
	Wendy Stassens	
	Sal Peralta	
	Remy Drabkin	

Also present were City Manager Jeff Towery, City Attorney Spencer Parsons, City Recorder Claudia Cisneros, Parks and Recreation Director Susan Muir, Finance Director Jennifer Cuellar, Planning Director Heather Richards, Senior Planner Chuck Darnell, Senior Planner Tom Schauer, Associate Planner Jamie Fleckenstein, Police Chief Matt Scales, Human Resources Manager Kylie Bayer-Fertterer, Library Director Jenny Berg, Information System Director Scott Burke, Fire Chief Rich Leipfert, Project Manager DJ Heffernan, and member of the News Media –and Jerry Eichten, McMinnville Community Media.

1. CALL TO ORDER: Mayor Hill called the meeting to order at 5:33 p.m.
2. DISCUSSION – Diversity, Equity and Inclusion (DEI) Measures

City Manager Towery said staff had put together a Diversity, Equity, and Inclusion Plan. In this plan it stated that the City of McMinnville was committed to identify and eliminate structural racism and bias in service delivery and access to public process and to strive for equity in all it did. The overview was based primarily on the Council’s policy direction adopted through Resolution 2017-03 that declared McMinnville an inclusive city. They also reviewed information in the MacTown 2032 that was directly related to diversity, equity, and inclusion. They might have the opportunity to partner with Linfield University and the International City/County Management Association to assist with identifying opportunities and best practices and benchmarks for not only McMinnville but other small and medium sized communities. Some of the initiatives would include diversity, equity, and inclusion training for the Council and employees, community listening sessions to hear from people of color, formation of a Diversity, Equity, and Inclusion Council, conduct a review of the City’s Charter, Municipal Code, and other rules and regulations to identify barriers to equity and develop a plan to remove those barriers, proactively establish policies that improved DEI efforts, assess the organizational culture to make sure it was welcoming, accessible, and inclusive, examine the City’s various fee structures and make recommendations to improve

racial outcomes, expand support of businesses through focused outreach and engagement of people of color owned and operated small businesses, develop and implement a DEI focus on the City's goal to encourage a variety of leadership and development opportunities, develop an equity and inclusion communications strategy to maintain communication in the organization and community, ensure initiatives were databased so they could evaluate effectiveness, and proactively engage in legislative efforts to eliminate any structural racism and bias. They were asking the Council if they were comfortable with the initiatives listed in the draft plan, were there initiatives missing that should be added, and were there any particular items that should be prioritized above others in the plan.

Councilor Drabkin discussed the language in the plan stating the City would offer DEI training to staff and elected officials and she thought it was important to require that training.

Mayor Hill thought it should be reviewed on an annual or every other year basis so there was accountability to do the training.

Council President Menke thought it should be every other year to coincide with Council election years.

There was consensus to make this required training for both staff and Council.

Mayor Hill asked if the training would be done in house or by a consultant. City Manager Towery said staff did not currently have that capacity and expertise. Someone else providing the training who had lived the experience was important and staff was limited in that experience.

Human Resources Manager Bayer-Fertterer was researching organizations who could help with this type of training including training to elected officials. She would be bringing back a recommendation once she heard back from all of the organizations.

Councilor Peralta asked how they handled citizen or employee complaints. Human Resources Manager Bayer-Fertterer explained the current complaint processes and how she was not aware of any conduct related cases within the workforce.

Mayor Hill asked if they had looked into the National League of Cities website for resources and model resolution. He thought there ought to be scorecards and outcomes. Human Resources Manager Bayer-Fertterer said they would compare the plan to these resources as well as other organizations.

Councilor Geary asked if there was a scorecard system or other way that the information would come back to Council.

Mayor Hill said the scorecard was what they were working towards in the Level 10 meetings which went back to implementing the Strategic Plan. The scorecard would help with accountability.

Councilor Stassens asked what work had already been done on the initiatives that were started through the Strategic Plan. City Manager Towery said the focus had been on law enforcement and Police Chief Scales had provided Council a robust list of initiatives and efforts that were underway. There was an equity lens being used by the Parks and Recreation Advisory Committee that they were calling MacPac, and they were still compiling the work of other departments and changing City Code.

Council President Menke noted all the work that had been done for the homeless as well.

Councilor Drabkin said the Council had received complaints about diversity, equity, and inclusion. She asked about the community listening sessions. She was concerned about asking people to share their instances of racism and bias and if the sessions would be conducted in a safe way.

City Manager Towery said they had not discussed the details yet. This was a time to get feedback from Council on the work staff should pursue. He did not think they would be able to make progress on social justice without hearing people's stories. It would need to be done in a safe and respectful way. The advice he had received was thoughtful and respectful listening as one of the first steps.

Council President Menke suggested an anonymous tip line could be provided.

Human Resources Manager Bayer-Fertterer thought they could include a variety of engagement opportunities that addressed different comfort levels.

Councilor Stassens thought the next steps could be making specific actionable steps to produce the outcomes they were looking for.

City Manager Towery agreed that there needed to be more refinement of the plan. Currently it was a broad approach around social justice and equity and a lot more work needed to be done to scope out the work.

Councilor Stassens asked if the projects were going to be done concurrently or did it need to be prioritized.

Council President Menke thought they would need to be prioritized. She thought the partnership with Linfield and ICMA should be a priority.

Councilor Stassens thought the things that they could start to change that would become organizational habits should be a priority, such as looking at the Code and Charter and making sure how they did business was correct. She asked if some of the items would require hiring consultants to complete.

City Manager Towery thought they would want to utilize outside resources for some of this work.

Mayor Hill noted training was a priority as well as listening to the community, forming the DEI Council, and reviewing the Code and Charter. He thought they should start with these because they would have the greatest impact on future work. There should be a timeframe of when these would be initiated and quarterly reporting back to the Council.

Councilor Geary said this would be an ongoing process and he suggested creating a DEI department that would continue the work and results of this process on in perpetuity and was a place where conversations could continue. He thought the information should be on the front page of the City's website as well.

Councilor Garvin agreed it should be on the front page of the website. He would also like to have a way citizens could submit a complaint on the website and it would go to Council and staff. He was in support of having listening sessions so they could better identify issues. He wanted to make sure

they were gathering community data, not national or state data, and right-sizing it and making sure the policies were driven by citizens.

Mayor Hill agreed they could not subscribe to a program that was not tailored for what the City needed.

Councilor Garvin thought once the data was gathered, they should create a DEI Council and staff and Council could have the DEI training. Then they could dive into creating policies, procedures, and making changes to the Code and Charter.

Councilor Peralta agreed with that process.

Councilor Geary asked about the process for creating the DEI Council. Human Resources Manager Bayer-Fertterer was still working on the process and would bring recommendations back to Council. She saw it as an ongoing committee.

Councilor Geary asked about changes to the City's housing policies. Councilor Drabkin said that was one of the initiatives of the Affordable Housing Task Force to address inclusionary housing policies. There was not equitable access to housing in the City and they were trying to come up with a plan to address it.

Councilor Geary appreciated the inclusion of the School District as a partner. He would like to establish a good working relationship with that group. He wanted to make sure the budget process was included in this work.

Council President Menke thought the training was important initially and the sooner it was done the better. She was in support of the City Manager's recommended top four actions and agreed some thought needed to be given on how to handle the public forums and complaints.

Councilor Stassens also liked the top four suggested by the City Manager and thought they should have measurables as they moved along in the process.

Councilor Geary asked who would be conducting a review on the Charter. City Manager Towery said that was still to be determined, but ICMA or one of its partners would most likely do the review.

Councilor Geary asked how they would be getting public input on this document.

Mayor Hill suggested holding a public hearing.

City Manager Towery said general public input as well as some targeted engagement with community partners would be important before Council formalized any action.

Councilor Drabkin was not sure a public hearing was necessary and it might be controversial. She thought they should begin implementation as soon as possible.

City Manager Towery thought the document included work they were already doing and would not necessarily ask for public input on whether or not they would do training. However staff could create public engagement around the significant policy statement being made by the Council while still working on the discreet components that had been identified as priorities.

Council President Menke said as staff was going through the code, there would be public hearings on the changes. She thought this document could be put on the City's website and they could advertise that they were looking for people to participate.

Councilor Peralta was comfortable moving forward as discussed.

Councilor Garvin agreed they needed to hear from the community to be able to localize their approach before they got into changes to the Code and Charter. He thought the Council training should be done every two years to coordinate with Council terms, but he would be open to training more often as well.

Mayor Hill was also in support of the City Manager's top four. He thought quarterly reporting was critical. Talking about these issues as a Council was important as well as leadership development, partnerships to get ideas, and a localized approach.

Human Resources Manager Bayer-Fertterer would work on scheduling the training and would report back to Council frequently on the progress on these topics. She would be working on fleshing out this draft document and coming up with measurables for the process.

3. DISCUSSION – Urban Growth Boundary (UGB) Remand Response Update

Planning Director Richards said the Council's previous direction was to respond to the LCDC remand to the City for the MGMUP 2003-2023 which was first submitted in 2003 and modified in 2005. The LCDC remand was based on the Court of Appeals remand to LCDC. McMinnville needed to expand its UGB. The need to expand had not been the issue, but how and where the City expanded had been a contested dialogue for 20 years, plagued by opposition, challenges, and appeals. She discussed the history of the UGB and the work that had gone into expansion over the last several years. She explained the potential paths forward and how the Council had directed staff to evaluate responding to the 2012 remand of the 2003 MGMUP. Regarding the court's decision, the petitioners argued that there were three assignments of error and the court ruled there was only one assignment of error. They thought the City erred in its application of ORS 197.298 and that a correct application of the law could compel a different result. ORS 197.298 had to do with the priority of land to be included with the Urban Growth Boundary. The first priority was to be urban reserve land, the second priority was to be land adjacent to the UGB that was an exception area or non-resource land, the third priority was to be land designated as marginal land, and the fourth priority was agricultural and forest lands. The land surrounding McMinnville was exception, non-resource, and agricultural lands and she showed maps of these lands. The assignment of error was that the City did not look at the lands in the priority structure of the regulation in terms of the exception land first and then the farmland based on the soil classifications. They were not disputing the population forecast, housing needs, employment needs, park land needs, and institutional needs. However they were working within a set of rules that were established at the time of the submittal in 2003 and what was in the public record for the land use decision.

Project Manager DJ Heffernan explained the court's direction. They clarified how ORS 197.298 and Goal 14 worked together and the selection sequence to meet the City's 20 year planning horizon growth needs. The specific problems to correct were to include more land north of Fox Ridge Road and consider the cost to extend public facilities after identifying buildable lands. They also needed to analyze the study areas in a consistent manner and apply the findings to the City's decisions in the correct manner.

Councilor Drabkin asked about the infrastructure needed for the land north of Fox Ridge Road. Planning Director Richards said they would be doing an infrastructure feasibility analysis for all the land they were looking at.

Mr. Heffernan gave an overview of the work program. The technical tasks were revising study area maps and identifying buildable land, applying ORS 197.298 and Goal 14 location factors for the City's identified need, preparing a recommended UGB map, and preparing plan documents and findings. The procedural tasks were the website, public information/outreach, county coordination, work sessions, formal legislative hearings, and adoption and submission to LCDC. These were all scheduled to be done before the end of this calendar year. The public facility serviceability analysis was in process with a late summer completion. The land development cost study was also in process with completion in early August.

Mayor Hill asked what kinds of public facilities would be analyzed. Mr. Heffernan said it would be water, wastewater, and transportation.

Mr. Heffernan said the first step was to determine the land needed. The court accepted the housing and employment forecast and related land needs analysis as adopted in 2005. Residential land need outside the UGB was derived from the forecast housing needs and the capacity of land inside the UGB. The forecast of needed new dwelling units and land need by type for McMinnville was 6,014 new dwelling units. The 2003 net land need outside the UGB minus the 110 acres of commercial land need was about 1,140 acres total. The 2006 corrected record showed the new land need was 1,125 acres. Residential land need included increasing the percentage of multi-family or single-family attached housing, 314 acres of park land, and 96 acres for public schools. The adjustments under review were corrections for minor accounting errors related to UGB and zoning adjustments and capacity assumptions for the exception areas added in 2004. An adjustment could change the land need tables.

Planning Director Richards said in the assignment of error, one of the things that was challenged was the neighborhood activity centers which were not a land need as defined by state law. These neighborhood activity centers were a main component of the original MGMUP as the centers would provide a range of land uses within walking distance of neighborhoods and surrounding the centers would be support areas which would include the highest density housing within the neighborhood with housing densities progressively decreasing outward. She showed maps of the original locations of the centers and plans for development in the centers. She explained the amendments and revised maps that were done in 2006 based on the petitioners' challenge and the Court of Appeals findings. The Court of Appeals stated the City did not quantify the amount of needed mixed-use category of land (the neighborhood activity center lands for compact, pedestrian-friendly neighborhood centers), the City used qualities of an activity center to exclude lands from inclusion in the UGB without identifying activity centers as a land need, and the findings for exclusion of land areas was inconsistent and not specific enough to be identified land needs. Staff's proposed approach was to include the activity centers as a policy approach similar to the 2006 amendments. However, there would be the following changes to the 2006 approach: no specific locations would be identified as the approximate areas would be identified on a framework plan, the policy would describe the characteristics of an activity center such as required size, locational factors, and land uses, and the City would create area plans based on the framework plan after the UGB amendment and use area plans for master planning prior to annexation. The framework plan would be a conceptual guide for

future lands in the UGB holding zone. It would provide general guidance to community form and design and would promote the Great Neighborhood Principles with commercial centers that were bike and pedestrian friendly with public spaces. The area plans would ensure the public facilities were cohesive and adequate, there was adequate school capacity, and a mix of housing units. After that there would be master planning efforts.

Planning Director Richards said after the first step of identifying buildable land in the study area, the second step was to determine the adequacy of candidate lands under ORS 197.298. She showed maps of the study areas in the Court of Appeals record. The City had conducted an analysis of the farm and forest lands (resource lands) that surrounded the McMinnville Urban Growth Boundary to determine their ability to reasonably accommodate the identified unmet land need. The City looked first at all the resource lands within one mile of the current UGB that met the following criteria: resource lands that were surrounded by the existing UGB and Yamhill River, Baker Creek, or Panther Creek, resource land surrounded on three sides by the existing UGB, non-resource lands, and/or other significant natural or man-made edge, and resource land needed to allow an extension of public facilities to serve land within the existing UGB. The Court of Appeals did not require the City to evaluate any particular alternative site proposed by the petitioners since the petitioners did not object to the City or LCDC that the inventory criteria were unlawful or had been misapplied to the petitioners' suggested alternative resource land areas. Thus LCDC did not err in failing to require the City to study those areas for inclusion. She then showed maps of the court's direction regarding the study areas and revised study areas reflecting the court's direction. The City decided to contain urban expansion within the natural and physical boundaries to the extent possible which meant: staying west and north of the South Yamhill River, staying south and west of the North Yamhill River, staying south of Baker Creek Road, and not crossing south of Hwy 18, west of the Yamhill River. She then showed maps of the physical barriers that were used, the resulting study areas after applying the barrier filters, and further revisions. The next steps were to identify what was not buildable including flood plains, steep slopes, landslide hazards, physical barriers such as Baker Creek, N Yamhill River, airport, etc., natural resource conservation areas, land that could not be served by public facilities, and hazard areas. The City was underway with a hazards study to evaluate constraints and hazards in the study areas. She explained Goal 7 pertaining to areas subject to natural hazards. Natural hazards for purposes of this goal were: floods, landslides, earthquakes, wildfire, etc. The state just released a new Hazard Mitigation Plan with a chapter on Yamhill County that identified the county as high risk for landslides and earthquakes. The Yamhill County Natural Hazards Mitigation Plan was in a draft update in circulation right now. The McMinnville Natural Hazards Mitigation Plan was an addendum to the Yamhill County Plan in circulation and the hazards study looked at both the UGB expansion and urban reserve areas. The purpose of the study was to inventory mappable natural hazards, consider management options for hazard areas, and suggest policy/mapping amendments to the Comprehensive Plan. The mappable hazards included geological hazards such as landslides, steep slopes, earthquake liquefaction, and earthquake shaking areas as well as flood hazards, wildfire hazards, and composite hazards (areas with one or more overlapping hazard). She showed draft maps of these hazards in the study areas. The management/policy options were taking the new information and using it to evaluate potential constraints, a proposed Natural Hazard Overlay, and a proposed policy framework to help protect life and property from the impact of hazards.

Planning Director Richards said they also had to do locational analysis integrating Goal 14 and ORS 197.298. To create a priority lands map, they would take the final Buildable Lands map and would identify the priority land analysis on that final map.

Mr. Heffernan said they would apply Goal 14 location factors to the Priority Buildable Lands Map. Some of the factors included: orderly and economic provision for public facilities and services, maximum efficiency of land uses within and on the fringe of the existing urban area, environmental, energy, economic, and social consequences, retention of agricultural land as defined with Class I being the highest priority for retention and Class VI the lowest priority, and compatibility of the proposed urban uses with nearby agricultural activities. Staff planned to refine these with criteria that matched local conditions and needs and apply them in priority order to the study areas (i.e. exception land first). Some of the criteria were to help provide commercial and multi-family housing and assessing hazard risks as well as priority sequencing of the soil classes and priority standing of high value farmland, and compatibility of urban uses with agricultural uses. Criteria would also be added for suitability for needed low/moderate income housing and for neighborhood serving commercial. Hazards would include wildfire, liquefaction, severe shaking, and landslides. Some of the metrics would be numeric, some comparative, and some qualitative. They had talked about either using a 3-point (high, medium, or low) rating or a 5-point scale to score each study area. However, no one criteria or factor was determinant. The Council must balance the pros and cons and decide which areas best met identified needs. Staff would come back to Council and walk through the rating process and how it was applied and facilitate Council's discussion about how urbanization would impact the landscape in light of the selection criteria. The final outcome would be a UGB Expansion Map that balanced ORS 197.298 (land priority structure) and Goal 14 (locational factors) per the direction of the Court's decision.

Planning Director Richards said the next steps would be to launch the Growing McMinnville Mindfully website, presentations to the County Commission and City Council, draft UGB map, draft documents, public hearing, and adoption by the end of December.

Councilor Drabkin asked about soils and liquefaction. Planning Director Richards said more information would be coming to Council regarding hazards and what they meant to the City and the risk values.

Mayor Hill asked about the differences in population forecasts from 2003 and 2023. Planning Director Richards said they had an affirmed population forecast for the 2023 horizon which was what the 20 year planning horizon was for this work which began in 2003. It was a population of a little over 45,000.

Planning Director Richards asked for direction on getting new information to Council. Mayor Hill thought the slides were helpful. Council President Menke thought the maps were key, with the same identifiable landmarks on each one and explanation of the legend.

Councilor Stassens asked if the neighborhood activity centers would be part of the application. Planning Director Richards said the framework plan would be part of the application as an illustration to indicate the larger concept planning for how the City would grow. Staff would come back to Council with a package of methodology amendments for the Comprehensive Plan and Development Code that talked about the need for the neighborhood activity centers. They would

also be incorporated in the area planning need and master planning need process prior to annexation.

Mr. Heffernan said the screening criteria would help select areas that would let them meet the land needs that one would typically find inside of a neighborhood activity center.

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 8:26 p.m.



Claudia Cisneros, City Recorder