

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, AUGUST 18, 2020, 6:00 PM, MT**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez ____ Marty Justus ____ Ramon Palomo ____ Dan Capron ____
Michael Braden ____ Norm Crume ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on August 14, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) CONSENT AGENDA

- A) Minutes: City Council Meeting July 21, 2020
- B) Micro Loan/Grant: Ontario Poker Room
- C) Hangar Lease Transfer: Katariina Teufel and Ville Lieramo (373 Alpha)

6) NEW BUSINESS

- A) Resolution #2020-133: Appropriating Funding for the Emergency Purchase of Radio Equipment

7) PUBLIC HEARING

- A) Ordinance #2778-2020: Amending the City of Ontario Comprehensive Plan and Zoning Map and Annexation and Rezone of a Parcel of Land from UGA Commercial to City Light Industrial (I-1) Being Located at 833 SW 30th Street; Owner is 883 SW 30th, LLC, Planning Action 2020-06-23 CPAMD, on First Reading By Title Only

8) HAND-OUTS

- A) Check Register: July - August 13, 2020
- B) Minutes: County Court: 07-20-2020; 08-05-2020

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN



CITY COUNCIL MEETING MINUTES July 21, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, July 21, 2020, in the Council Chambers of City Hall. Council members present in person or via telephone were Riley Hill, Dan Capron, Norm Crume, and Michael Braden, Marty Justus, and Ramon Palomo. Freddy Rodriguez arrived at 6:08.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Betsy Roberts, Dan Cummings, Steven Romero, Larry Sullivan, and Dallas Brockett.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on July 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Councilor Freddy Rodriguez arrived at 6:08.

LOCAL CONTRACT REVIEW BOARD

Personal Service Contract with Winterowd & Brooks, LLC, dba Winterbrook Planning to Assist the City in Preparing a "Modified Housing Needs Analysis and Production Strategy" and Amendments to the Ontario Zoning Ordinance to Allow Duplexes in Single-Family Zones Consistent with Housing Bills 2001 and 2003

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THE MAYOR AND CITY COUNCIL, SITTING AS A LOCAL CONTRACT REVIEW BOARD, DECLARE THAT THE CONTRACT BETWEEN THE CITY OF ONTARIO AND WINTEROWD & BROOKS, LLC DBA WINTERBROOK PLANNING TO PROVIDE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES IS A PROFESSIONAL SERVICE CONTRACT UNDER SECTION 7.1 OF THE ONTARIO FINANCIAL POLICIES MANUAL THAT IS EXEMPT FROM THE COMPETITIVE BIDDING PROCESS**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL APPROVE A PROFESSIONAL SERVICE CONTRACT WITH WINTEROWD & BROOKS, LLC, DBA WINTERBROOK PLANNING FOR PROVIDING ASSISTANCE WITH THE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

CRUME moved, JUSTUS seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF JUNE 16, 2020, AND COUNCIL MEETING MINUTES OF JUNE 23, 2020**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.



PRESENTATION**Merchant McIntyre**

Brent Merchant, Co-Founder Merchant McIntyre, presented.

NEW BUSINESS**Liquor License Application – Columbia Distributing**

Steven Romero, Police Chief, presented.

CAPRON moved, PALOMO seconded, **THE CITY COUNCIL APPROVE THE CHANGE OF OWNERSHIP WHOLESALE MALT BEVERAGE & WINE LIQUOR LICENSE APPLICATION FOR COLUMBIA DISTRIBUTING.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Right of Way Easement from the City of Ontario to Cascade Natural Gas along SE 2nd Street Right of Way for a Gas Line (Planning Action 2020-06-25EASE)

Dan Cummings, Community Development Director, presented.

JUSTUS moved, CAPRON seconded, **THE CITY COUNCIL APPROVE THE RIGHT OF WAY EASEMENT FOR A GAS LINE OVER AND ACROSS THE PARCEL OF LAND KNOWN AS TAX LOT 702 ON MAP 18S4710C REFERENCE #16871 AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT SHOWN AS ATTACHMENT 1 OF THIS REPORT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Authorization to Purchase Equipment for Biosolids Removal Project

Betsy Roberts, City Engineer, presented.

Councilor Capron stated a potential Conflict of Interest due to his business bidding on provide the equipment.

BRADEN moved, JUSTUS, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN A PURCHASE ORDER FOR UP TO \$40,000 FOR THE PURCHASE OF A SIDE DISCHARGE SPREADER FOR THE PURPOSE OF SPREADING BIOSOLIDS ON FARM GROUND, CONTINGENT ON MEETING ADEQUATE COMPETITIVE BIDDING REQUIREMENTS.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 5/2/0.

Wastewater Treatment Plant Preliminary Design Task Order

Betsy Roberts, City Engineer, presented.

BRADEN moved, CRUME seconded, **THE CITY COUNCIL APPROVE THE DIFFUSER PRELIMINARY DESIGN TASK ORDER FOR \$35,000 FOR MURRAYSMITH.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 5/2/0.

PUBLIC HEARING**Ordinance #2775-2020: An Ordinance Amending the City of Ontario Comprehensive Plan and Zoning Map from Neighborhood Commercial (C-1) to General Commercial (C-2) Zone Classification**

It being the date advertised for public hearing on the matter of Ordinance #2775-2020, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and one declarations of conflict of interest.

Councilor Justus declared a Conflict of Interest.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CAPRON moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ AND APPROVE ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-abstain; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/0/1.

CAPRON moved, RODRIGUEZ seconded, **THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-abstain; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/0/1.

DISCUSSION ITEMS

Radio Failure and Purchase

Chief Romero stated last Monday, OPD experienced a complete radio failure, and had no radio communication with dispatch or with one another. The system crashed because one of the comparators, which allowed the radio waves to communicate, failed. They contacted a repair team, and learned that it was non-repairable, as it was something that could *not* be repaired, it had to be a full replacement. He was provided an approximate repair date of 10-14 days, as of last Wednesday. Repairs were not made, and the comparator was not available. The department borrowed some frequencies from Nyssa, some portable radios, and an administrative frequency. The officers had to listen to two completely different radio frequencies. If there was an officer on foot, listening to the radio, and another one in the police car, they could not communicate with each other, other than on portables. Even the fancy portables were challenging at best. The cost of the repair was substantial, a bit over \$8K, but it was a needed requirement to communicate. That would allow the department to use their exclusive OPD frequency after the repairs are made. This was part of the recommended overall system replacement plan, which was around \$250K, but this was just the plan for Phase 2, but the system broke in Phase 1.

The next step was for the Finance Director to bring back a resolution to move money for the purchase.

Code Enforcement

Adam Brown, City Manager, stated this action was added on behalf of Councilor Justus, as the mall property was looking bad.

Councilor Justus stated there were 3-foot weeds at the old Dominos building, across from the Toyota dealership. The dealership was well maintained and helped that section of town shine. The owners of the Dominos building whacked the weeds down to the ground, and were paying their abatement fine, but what they were not doing was fulfilling their obligation on following the landscaping ordinance. The ordinance stated the weeds could not exceed 6-inches in height, and there was another ordinance which stated they had to maintain their property. Not irrigating and just mowing down the weeds was not enough. Businesses needed to maintain. The mall hires somebody who would go in and chop everything down, but that was not landscaping and it was not maintaining. They'd leave the weeds all growing in the cracks all the way down the sidewalk curbs. If the city was going to have Ordinance Officers, they needed to enforce the landscaping and the maintenance of the property.

It was his understanding that there was a substantial unissued abatement on the mall owners, around \$180K...

Mr. Brown stated he did not believe that amount was correct.

Councilor Justus stated the city had issued \$220K in fines overall, over a period of a week, so there had to have been a big one for the mall.

Chief Romero stated the mall was one of them, but he did not have the breakdown. In July, Ordinance issued \$755,862.50 in civil penalties, with the mall being one of the chronic abusers. The KFC property was around \$1,550.

Councilor Justus stated his point was that if they were going to issue the fines, then follow up on them. He was aware of the electronic lien system, but was not a fan because he believed it was overlooked by the title companies. If someone received a fine for \$300, put it in the electronic lien system, but if you received a fine for \$1,500 or \$2,000, \$20,000, that lien should be filed at the county so that it was a public record. Then the city could use their foreclosure rights to take the property. The city either needed to collect the fines, or not, but don't issue \$750K in fines and not attempt to collect it. He didn't want someone's money, he wanted someone to maintain their property.

Mayor Hill stated the fines were onerous and egregious. If it was just going to be done on weed enforcement, they had to do it on all types of enforcement. The code also required an underground sprinkler system, or so much landscaping on the property, etc., and to single out one, and enforce only one code was selective enforcement of the law and he didn't think they wanted to get into that business. He believed they should revisit how it was done. He was aware that he had some weeds on SE 11th, and it wasn't because he didn't know they were there, it was because of resources and getting someone to take care of it. He even had a tractor to do the work. There were things that just came up. The fines were onerous and if the city was getting around \$750K, it was not working and something needed to be changed.

Chief Romero stated he requested that Code Enforcement Officer Dallas Brockett do a complete analysis of all the outstanding cases, the civil penalties that were issued, as well as calculating the rate of return on those penalties. In 2019, the rate of collection for civil penalties was 5.60%; in 2020, was 1.11%, so the city was not bringing in a lot of money. He understood the Mayor's opinion that the penalties were extreme, but the rate of collection was very low. The goal was to gain compliance over receiving a fine payment. He wanted to clean up the properties, beautify the city, improve the quality of life so they didn't have to do that. The rate of collection was very low, both this year and last year.

Mayor Hill stated if there was a lien on a property and the title company figured that out, it would cloud the title when a sale or transfer happened.

Councilor Justus agreed, adding the fine would be collected. He wanted to know what the solution would be.

Mayor Hill stated collecting \$750K would clean up a lot of lots. Most of the problems were due to lack of resources. They needed to establish some type of program to get the properties cleaned up, and then they could assess. Instead of paying money to attorneys, have it handled by the city for far less money, followed by a lien on the property. But they couldn't just do it on weeds. They needed to enforce all the ordinances.

Councilor Justus agreed. But they kept chasing the issue. It had been an issue for him since coming on the City Council. Not doing anything was not the solution. The "green and growing" ordinance was something from the 60s and 70s, when water was cheap, and everyone wanted green grass.

Mayor Hill asked for verification on if there was an ordinance stating every residential lot had to have an underground sprinkler system.

Dan Cummings, Community Development Director, stated it wasn't just residential properties, it was all properties, residential or commercial, had to have 50% landscaping and 65% of that had to be green and growing and irrigated.

Councilor Justus stated they either needed to put the ordinance back up for discussion or enforce it or not. Ignoring it was not solving the problem.

Councilor Capron stated especially when those who did have the means to do it, did not do it.

Councilor Crume stated the dollar amount of the fines were piling up and the percentage rate of collection was not working, so the Council had to figure that out. They needed to kick the issue back to staff, to try and develop some strategy. Have staff look into what was working, what wasn't working, what was right, what was wrong, and bring solutions back to Council later.

Councilor Crume stated he had spoken with Mr. Brown about some property that he wanted to know what was going on. The main one was the old KFC property, with weeds over four feet tall. He had just learned that the property owner was being fined, but he wanted to know why it hadn't been abated. It was on the main traffic route in town, and it was the nastiest looking property.

Mr. Brown stated on the 16th, the property owner received a civil penalty, and was the second letter sent in 2020 for the weeds, so the fine was \$1,650. The owner had until the 26th to come into compliance or he'd receive another fine. He asked Chief Romero if those properties were being abated.

Chief Romero stated he did not have a clear picture of that issue. It was his understanding that in the past there were companies that would abate on behalf of the city, but he was not currently aware of what services or who was used to carry out that task, the physical abatement of the property. He would like some guidance on who they could use for that service.

Mr. Brown suggested that he, the Chief, and Public Works staff meet to discuss how the abatements worked with the civil penalties and would then present something to the Council.

Councilor Crume stated he recalled that the city was hiring, on an on-call rotating basis, different yard care companies in town. The company abated and billed the city. The city paid the bill, and then would try and recapture from the property owner. That was before civil penalties came into play.

Mr. Brown stated that was correct, and they'd investigate that again. It might have been stopped when they moved to civil penalties, or maybe during the transition of Chiefs.

Mayor Hill stated staff would bring back information at the next Council meeting.

HAND-OUTS

Check Register: (Attached)

Jun 1 → Jul 16, 2020

Minutes: (Attached)

County Court: 07-08-2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he had received a letter from Desert Sage, the Fairgrounds, thanking the city for the \$5K that was awarded to them to install new gates.
- Councilor Rodriguez stated he wanted to share a conversation he'd had with the City Manager regarding a potential conflict with the designs for the Wayfinding signs. It was his understanding that Black Lives Ontario was not okay with the design that was being put forward for the white demographic. He commended them for all the work they'd done, and for reaching out to adequate representation for the ethnic groups and cultures. He had been told they only represented minorities. He asked Mr. Brown to reach out to establish white families in this area, and to get feedback from them on a pattern that would represent that demographic. They were hoping for some feedback by the next meeting. He was all about equality, and he hoped this would remedy the issue of every demographic having representation on the signs.

Mr. Brown stated he was hopeful that things were moving on that. Staff was going to reach out to some local historians to get their feedback for Caucasian history. There were three different designs from the company, and he thought they were close on a design that would work for all of them. It was just that one last piece.

Councilor Crume stated the city needed to stay neutral on the tapestry to avoid a fight. He struggled with a sign having ethnic designs in the features.

- Councilor Crume stated last meeting they had discussed the issue of fuel delivery at the Airport. Missing was that there were four commercial outfits there that were not pumping fuel through the FBO. He hoped for Council consensus to direct staff to figure out what was best for the Ontario Airport, meaning should the commercial outfits be allowed to pump their own fuel, or should it be a rule that it had to go directly through the FBO. Make that decision and develop a plan to bring back to Council.

Mayor Hill stated it was already ruled that they had to, it wasn't being enforced.

Councilor Crume agreed, but they needed to determine what they were going to do, and then enforce it, whatever the decision was. He suggested a three-month timeframe for staff to bring something back to Council.

Mr. Brown stated this was what he needed to hear. Many of the Airport Committee members were conflicted because they were owners or operators.

Council consensus to have staff develop a plan and bring it back before Council within three months.

ADJOURN

JUSTUS moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
CONSENT AGENDA
August 18, 2020**

To: Mayor and City Council
FROM: Kari Ott, Finance Director
THROUGH: Adam J. Brown, City Manager
SUBJECT: **MICRO LOAN/GRANT:ONTARIO POKER ROOM**
DATE: August 13, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE A MAXIMUM \$4,500 LOAN TO THE ONTARIO POKER ROOM CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON.

SUMMARY:

One Microloan/Grant application is presented for approval.

BACKGROUND:

The Business Loan Fund Committee and the City Council approved a micro-loan program with maximum loan amounts totaling \$200,000. The city was also awarded \$65,000 from Business Oregon through the Emergency Assistance Matching Fund. Funding from Business Oregon has been received.

CURRENT SITUATION:

Currently, the city has received twelve applications for the micro-loan, two of which weren't funded. One new application is presented for City Council approval.

The Business Loan Fund Committee met on August 5, 2020, and recommended approval by the City Council of the following application:

1. Ontario Poker Room: Application was deemed to be complete and eligible for a \$4,500 loan and a \$4,500 grant. The Ontario Poker Room is considered a sole proprietorship.

ANALYSIS:

A. **STRATEGIC PLAN** No direct strategic plan impact.

- B. **FINANCIAL** A total of \$4,500 will be loaned to the applicants. Added to the prior approved loans a total of \$28,520 will be loaned and will leave an available balance of \$171,480, and \$36,480 will remain in grant funding.
- C. **TIMING** Unless an extension of time is approved (which was applied for) the funding will expire 8/24/2020.
- D. **POLICY/LEGAL** Micro-loans and grants have to be approved for recommendation by the Business Loan Fund and then approved by the City Council. Business Oregon will need to approve the grant applicants.

ALTERNATIVES:

A. Deny the Loan: The City Council could deny the loan.

RECOMMENDATION:

Staff recommends approval of all the application.

ATTACHMENTS:

None



**AGENDA REPORT
CONSENT AGENDA
August 18, 2020**

To: Mayor and City Council

FROM: Daniel Beaubien, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **HANGAR LEASE TRANSFER: KATARIINA TEUFEL AND VILLE LIERAMO (373 ALPHA)**

DATE: August 18, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LEASE TRANSFER OF HANGAR 373 ALPHA TO THE NEW OWNERS AS PRESENTED.

SUMMARY:

Hangar 373 Alpha has changed ownership and needs to have an updated lease with the City of Ontario.

BACKGROUND:

It is the responsibility of the City of Ontario to approve all hangar leases at the Ontario Municipal Airport.

CURRENT SITUATION:

Hangar 373 Alpha now belongs to Katariina Teufel and her brother Ville Lieramo after the passing of their father who was the sole owner. The name change on the lease designates the current owner and shows responsibility for the hangar.

ANALYSIS:

- A. **STRATEGIC PLAN** Keeping the hangar current means no laps in lease responsibilities.
- B. **FINANCIAL** Keeping the hangar lease current means no interruption of hangar rent to the City of Ontario.
- C. **TIMING** Timing is appropriate as the hangar has already changed ownership.
- D. **POLICY/LEGAL** It is the responsibility of the city to keep current and accurate records of all properties inside the city limits.

ALTERNATIVES:

The Council could choose not to update the lease for the new owners.

RECOMMENDATION:

Staff recommends updating the lease for hangar 373 Alpha as presented.

ATTACHMENTS:

1. Katariina Teufel Hangar 373 (1) (3)
2. 373 Alpha Documents Katariina Teufel
3. Exhibit A Hanger Lease -373 Alpha



**LEASE AGREEMENT
373 Alpha**

THIS AGREEMENT made and entered into this **18th day of August 2020**, by and between the **City of Ontario, Oregon, a municipal corporation**, hereinafter referred to as "Landlord" and **Katariina Teufel & Ville Leiramo – Flying Finns, LLC** hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

- 1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of **TWENTY (20) years**, commencing on the **18th day of August, 2020** . If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.
- 2) Tenant shall pay to the Landlord as yearly rent the sum of **fifteen point six four (15.64)** cents per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is **(2,475) square feet** for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the **15th day of August each year and is payable each year in advance**.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.
- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor and at Tenant's expense.

- 5) Any new construction or improvements made on the property are to be approved in writing prior to commencement of either, and the same to be constructed and operated in conformity with all ordinances and regulations of the City.
- 6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.
- 7) The Tenant covenants and agrees to spray or otherwise control weeds located on and around the leased premises.
- 8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.
- 9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.
- 10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.
- 11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.
- 12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.
- 13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.
- 14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of \$1,000,000 each occurrence with a \$2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. **Tenant is required to provide a copy of current insurance coverage to the city.**

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.

17) The following shall be events of default:

- a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is due.
- b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied with the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good-faith to effect the remedy as soon as practicable.

c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.

18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.

19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.

20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.

24) Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord: City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant: Katariina Teufel & Ville Leiramo
Flying Finns, LLC
1401 Alameda Drive
Ontario, Oregon 97914

or to such other address as may be specified from time to time by either of the parties in writing.

25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.

27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

CITY OF ONTARIO, OREGON

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

TENANT

TENANT

Katariina Teufel

Ville Leiramo

Value and tax information for tax year 2019

Ref#:7701 Type of Property : REAL PROPERTY

MAP#	TAX LOT#	A NUM	CODE	PROPERTY CLASS/DESC	ZONE
18S4707	4100	H1	1	21 MISC/COMM/A1 ONLY	O-AD

OWNER:	SUTPHIN, KATARIINA ETAL
CONTRACT:	
ETAL(s):	LEIRAMO, VILLE VEIKKO
MAILING ADDRESS:	
	1401 ALAMEDA DR
CITY/ST:	ONTARIO, OR ,97914

PROPERTY ADDRESS: 373 ALPHA RUNWY ONTARIO

NOTES:

373 ALPHA

	REAL MKT VALUE	ASSESSED(TAXABLE) VALUE
LAND	\$0	
STRUCTURES	\$50,570	
SUBTOT	\$50,570	\$42,205
TOTAL	\$50,570	\$42,205

PROPERTY TAX INFORMATION

Do not pay this amount! For current balance owing, contact our office.
Contact information may be found at this web page [Tax Office](#)

BASE TAX	\$651.23
TOTAL BASE TAX & SPECIAL ASSESSMENTS	\$651.23

STRUCTURES

#	BLDG CLASS	DESCRIPTION	MAIN SQ FT	UPPR SQ FT	BSMT SQ FT	YEAR BLT	YEAR APPR	MKT VALUE	RE- MDL
1	681	AIRPLANE HANGARS	2,475	0	0	1975	2017	\$50,570	0

SALES

SEQ #	SALES DATE	SALES AMOUNT	#PARCELS SOLD	DOC TYPE	DOCUMENT NUMBER
1	11/15/1999	\$25,000	1		6099

[NEW SEARCH](#)

JULY 1, 2019 TO JUNE 30, 2020 REAL
MALHEUR COUNTY
251 B ST W, STE #14
VALE, OR 97918

PROPERTY TAX STATEMENT ACCT NO. 7701
PROPERTY ADDRESS:
373 ALPHA RUNWY
ONTARIO

LOAN INFO:

LAST YEAR'S TAX 610.67

See back for explanation of taxes marked with (*)

PROP CLASS: 021
CODE: 1 ACRES:
MAP: 18S4707 4100 H 1

SUTPHIN, KATARIINA ETAL
1401 ALAMEDA DR
ONTARIO, OR 97914

VALUES: LAST YEAR THIS YEAR

REAL MARKET (RMV)

LAND

STRUCTURES 52,680 50,570

LESS EXEMP

TOTAL VALUE 52,680 50,570

ASSESSED 40,976 42,205

NET TAXABLE:

40,976 42,205

If a mortgage company pays your taxes,
This statement is for your records only.

SCH DIST #8 165.84
MAL ESD 12.99
T V C C 51.64

EDUCATION TOTAL: 230.47

COUNTY GENRL 108.99
VECTOR CNTRL 8.44
ONT LIBRARY 23.21
MAL AG DIST 9.71
ONT RECR 23.21
ONTARIO CITY 204.05

GENERAL GOVT TOTAL: 377.61

SCH DST 8 BD 43.15
CO JAIL BD
ONTAR CTY BD

BONDS - OTHER TOTAL: 43.15

TOTAL 2019-2020 TAX 651.23

Full Payment with
3% Discount

2/3 Payment with
2% Discount

1/3 Payment
No Discount

631.69

425.47

217.08

TOTAL TAX (After Discount)

631.69

Local file number
2019-385

Oregon Health APPLICATION, LICENSE, AND RECORD OF MARRIAGE

13b

County: Deschutes License effective on or after: JUNE 07, 2019 License expires (month, day, year): AUGUST 08, 2019 State file number

PARTY A is checked: ☒ Groom ☐ Bride ☐ Spouse

1a. Current legal name (first, middle, last): LAWRENCE ALFRED
1b. Legal name at birth (if different): TEUFEL
2. Birthplace (state or foreign country): OREGON
3. Sex: MALE
4. Occupation: EXECUTIVE
5a. Current address: Street and number: 180 SW MILLER RD City or town: PORTLAND State/country: OREGON ZIP: 97226
5b. COUNTY of residence: WASHINGTON
6. Legal name taken after this marriage (first, middle, last): LAWRENCE ALFRED
7. Previous marital status (single, widowed, divorced): DIVORCED
8. Date of birth (month, day, year): APRIL 17, 1966
9. Age: 53
10a. Father's / Parent's name (first, middle, last name of parent's birth): ALFRED BURKHARDT TEUFEL
10b. Birthplace (state or foreign country): OREGON
11a. Mother's / Parent's name (first, middle, last name of parent's birth): RUTH ROSE GUERBER
11b. Birthplace (state or foreign country): OREGON
12. Previous name (if different):
13. Date of birth (month, day, year):
14. Age: 63
15. Previous marital status (single, widowed, divorced):
16. COUNTY of residence: WASHINGTON

PARTY B is checked: ☐ Groom ☒ Bride ☐ Spouse

12a. Current legal name (first, middle, last): KIRSI KATARINA
12b. Legal name at birth (if different): LEIRAMO
13. Birthplace (state or foreign country): FINLAND
14. Sex: FEMALE
15. Occupation: RANCHER
16a. Current address: Street and number: 1401 ALAMEDA DRIVE City or town: ONTARIO State/country: OREGON ZIP: 97914
16b. COUNTY of residence: MALHEUR
17. Legal name taken after this marriage (first, middle, last): KIRSI KATARINA
18. Previous marital status (single, widowed, divorced): WIDOWED
19. Date of birth (month, day, year): JUNE 19, 1963
20. Age: 56
21a. Father's / Parent's name (first, middle, last name of parent's birth): LEO ARTUR LEIRAMO
21b. Birthplace (state or foreign country): FINLAND
22a. Mother's / Parent's name (first, middle, last name of parent's birth): ARMI KERTTULI MANGSTROM
22b. Birthplace (state or foreign country): FINLAND
23. Previous name (if different):
24. Date of birth (month, day, year):
25. Age: 66
26. Previous marital status (single, widowed, divorced):
27. COUNTY of residence: MALHEUR

28. Party A - name and address of affiant:
29. Party B - name and address of affiant:

SIGNATURES

We certify that the information is correct and complete to the best of our knowledge and we are free to marry under Oregon law.

25. Party A's legal signature: *Lawrence Alfred* Date: *06/04/19* 26. Party B's legal signature: *Kirsi Katarina* Date: *06/04/19*

Neither you nor your spouse is the property of the other. The laws of the State of Oregon affirm your right to enter into marriage and at the same time to live within the marriage free from violence and abuse.

LICENSE TO MARRY

This license authorizes the marriage in this state of the parties named above by any person duly authorized to perform a marriage ceremony under the laws of the State of Oregon.

CEREMONY

27. Date license issued: JUNE 04, 2019
28. Signature of issuing official: *[Signature]*
29. Title of issuing official: SUPERVISOR
30a. Date of marriage: JUNE 29, 2019
30b. Where married (city, town or location): SILVIES VALLEY RANCH, SENECA, OR.
30c. County: GRANT Co., OREGON
31a. I certify that the above named persons were married on the date listed above (30a). Signature of person performing ceremony (officiant): *Frances M Willis*
31b. Name: FRANCES M WILLIS Phone: 541.280.7701
31c. Address: 70 BOX 2150, 69901 MENDENVIEW RD City, State, ZIP: SISTERS OR 97759
31d. Name of authorizing religious or secular congregation/organization of officiant: AMERICAN MARRIAGE MINISTRIES
32. Witness name (print): TED A JOHNSON
33. Witness name (print): HEIDI BERKMAN
34. Signature of officiant: *Frances M Willis* Date: *July 3, 2019*

LOCAL OFFICIAL

State of Oregon
County of Deschutes

I certify that the foregoing Marriage Record has been compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record at the County Clerk's office in Deschutes County, Oregon.

July 5, 2019
Nancy Blankenship, Deschutes County Clerk
By: *Shirley Beane*, Deputy

SEE ANY PROVI-
NOTICE, THE

LDERS

SNI 90 04



Coverage is Provided in:
Ohio Security Insurance Company

Policy Number:
BKS (20) 60 31 25 08
Policy Period:
From 09/05/2019 To 09/05/2020
12:01 am Standard Time
at Insured Mailing Location

Common Policy Declarations

Named Insured & Mailing Address

KATARIINA SUTPHIN & VILLE LEIRAMO
FLYING FINNS, LLC
1401 ALAMEDA DR
ONTARIO, OR 97914

Agent Mailing Address & Phone No.

(541) 212-2904
BENTZ INSURANCE INC
122 A ST E
VALE, OR 97918-1345

Named Insured Is: LIMITED LIABILITY COMPANY

Named Insured Business Is: INSURED OWNS AIRPLANE HANGER

In return for the payment of the premium, and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy.

SUMMARY OF COVERAGE PARTS AND CHARGES

This policy consists of this Common Policy Declarations page, Common Policy Conditions, Coverage Parts (which consist of coverage forms and other applicable forms and endorsements, if any, issued to form a part of them) and any other forms and endorsements issued to be part of this policy.

COVERAGE PART	CHARGES
Commercial Property	\$332.00
Commercial General Liability	\$168.00

Total Charges for all of the above coverage parts: **\$500.00**
Certified Acts of Terrorism Coverage: **\$10.00** (Included)

Note: This is not a bill

IMPORTANT MESSAGES

- This policy is auditable. Please refer to the conditions of the policy for details or contact your agent.
- Notice: The Employment-Related Practices Exclusion CG 21 47 is added to this policy to clarify there is no coverage for liability arising out of employment-related practices. Please read this endorsement carefully.

Issue Date 09/05/19

Authorized Representative

To report a claim, call your Agent or 1-800-366-6446

DS 70 21 11 16

09/05/19

60312508

LM_PBENT 220

ACXFPPNO

INSURED COPY

000621

PAGE 13 OF 120

Exhibit "A"

Hanger Lease
373 ALPHA



City of Ontario
Municipal Airport,
Malheur County,
Oregon



**AGENDA REPORT
NEW BUSINESS
August 18, 2020**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-133: APPROPRIATING FUNDING FOR THE EMERGENCY PURCHASE OF RADIO EQUIPMENT**

DATE: August 4, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-133: A RESOLUTION APPROPRIATING FUNDING FOR THE EMERGENCY PURCHASE OF RADIO EQUIPMENT.

SUMMARY:

Attached is Resolution #2020-133.

BACKGROUND:

Police Chief Romero presented information about police radio equipment failures at the Council meeting on July 21, 2020. Properly functioning radios are imperative in keeping our officers safe. The city was required to make an emergency purchase of radio equipment.

CURRENT SITUATION:

City staff is required to notify the City Council about emergency purchases. If required, a resolution is brought to Council for approval. Notification was made on July 21, 2020, and attached is a resolution to approve the funding.

The radio equipment, which consisted of a new comparator, cost the city \$8,244.46. The resolution appropriates fund from the Public Safety Department within the Reserve Fund.

ANALYSIS:

- A. **STRATEGIC PLAN** Under the Desirability category and Strategy 3: Explore funding opportunities one of the activities is to "Keep safety employees safe and equipped." This goes directly to accomplishing this strategic plan activity.

- B. **FINANCIAL** The radio equipment cost the city \$8,244.46. The funding for this equipment will come from the Public Safety Department within the Reserve Fund. This will not change the total appropriations budgeted from this department. The ballistic trauma plates were purchased in 2019-2020 so this resolution transfers funding from that line to pay for radio equipment. There will continue to be \$342,578 in the contingency budget in the public safety department.
- C. **TIMING** The resolution should be approved as soon as possible to prevent budget over expenditures.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

Take no Action - The Council could take no action on this matter. The equipment was purchased on an emergency basis. If the resolution is not approved, the city will have a budget over expenditure.

Use other Sources of Funding - The Council could choose to fund the equipment from the contingency amount within the General Fund.

RECOMMENDATION:

Staff recommends the approval of Resolution #2020-133.

ATTACHMENTS:

- 1. Day Wireless Quotation
- 2. RES 2020-133_CC_EMERGENCY RADIO EQUIPMENT



Day Wireless Systems
1668 E Franklin Road Suite #130
Meridian ID 83642-4884
United States

Quotation# Q04107

Date 7/13/2020
Terms NET 30-GOV
Expires 8/12/2020
Representative Clifford Rogers
Direct Phone (208) 859-1674
E-Mail crogers@daywireless.com
Shop Phone (208) 323-1976
Contact Sheri Smith
Contact Phone (541) 881-3238
Project Name Ontario Comparitor

Bill To

Lt. Jason Cooper
Ontario Police Dept
Attn: Accts Payable
444 Sw 4Th Street
Ontario OR 97914
United States

Ship To

Ontario Police Dept
Attn: Accts Payable
444 Sw 4Th Street
Ontario OR 97914
United States

Quantity	Description	Rate	Amount
1	SNV-12 JPS voter	7,054.46	7,054.46
8	0711 INSTALLATION LABOR	130.00	1,040.00
1	Shipping & Handling	150.00	150.00
		Total	\$8,244.46

LEGAL NAME OF PURCHASER

P.O. NUMBER

AUTHORIZED SIGNATURE

DATE

ORDERS SUBJECT TO SHIPPING & HANDLING AND SALES TAX IF APPLICABLE - TERMS SUBJECT TO CREDIT REVIEW
THIS QUOTE IS SUBJECT TO REVIEW BY MANAGEMENT FOR COMPLETENESS AND ACCURACY

* Please reference Quotation # on correspondence and purchase orders. Prices firm for 30 days unless otherwise stated *
* \$25 NSF Charge - 20% Restocking Fee - 1.5% Late Fee *



RESOLUTION 2020-133

A RESOLUTION APPROPRIATING FUNDING FOR THE EMERGENCY PURCHASE OF RADIO EQUIPMENT

- WHEREAS,** The City of Ontario Police Department had a radio equipment failure and an emergency purchase of radio equipment was required to be purchased; and
- WHEREAS,** OPD notified City Council about the required emergency purchase at the council meeting July 21, 2020; and
- WHEREAS,** The City desires to modify the 2020-2021 Reserve Fund Public Safety Department in order to make the necessary purchases.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2020-2021 budget:

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
RESERVE FUND				
055-131-712119	Ballistic Trauma Plates	\$ 8,790	(\$8,245)	\$545
055-131-712105	Radio Equipment	\$ -	\$8,245	\$8,245

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Common Council City Council of the City of Ontario this ____ day of _____, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 20__.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
August 18, 2020**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ORDINANCE #2778-2020: AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP AND ANNEXATION AND REZONE OF A PARCEL OF LAND FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1) BEING LOCATED AT 833 SW 30TH STREET; OWNER IS 883 SW 30TH, LLC, PLANNING ACTION 2020-06-23 CPAMD, ON FIRST READING BY TITLE ONLY**

DATE: August 10, 2020

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE CITY COUNCIL ACCEPTS THE RECOMMENDATION OF THE PLANNING COMMISSION AND THE FINDINGS OF FACTS AS OUTLINED IN THE ATTACHMENT #1 APPLICATION NARRATIVE FOR THE ANNEXATION OF THE SUBJECT PROPERTIES INTO THE CITY OF ONTARIO, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1), AS SET FORTH IN ACTION 2020-06-23 CPAMD, THAT THE CITY COUNCIL APPROVE ORDINANCE #2778-2020 AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP AND ANNEXATION AND REZONE OF A PARCEL OF LAND FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1) BEING LOCATED AT 833 SW 30TH STREET. OWNER IS 883SOUTHWEST30TH, LLC, PLANNING ACTION 2020-06-23 CPAMD. ON FIRST READING BY TITLE ONLY.

IF THE COUNCIL UNANIMOUSLY APPROVES THE FIRST READING:

2. I MOVE THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2778-2020 AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP AND ANNEXATION AND REZONE OF A PARCEL OF LAND FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1) BEING LOCATED AT 833 SW 30TH STREET. OWNER IS 883SOUTHWEST30TH, LLC, PLANNING ACTION 2020-06-23 CPAMD.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR ANNEXATION OF THE SUBJECT PROPERTIES INTO THE

CITY OF ONTARIO, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM UGA COMMERCIAL TO CITY LIGHT INDUSTRIAL (I-1), AS SET FORTH IN ACTION 2020-06-23 CPAMD BE DENIED (OR RETURNED TO THE PLANNING COMMISSION FOR MORE INFORMATION) , BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATED BELOW:

SUMMARY:

The applicant owns a parcel of land, known as 18S4707AD, tax lot 100. The applicants wish to annex and rezone the property into the city for further development of the property and to connect to city sanitary sewer and water as they further develop the property to its fullest potential. This application, if approved, will result in the annexation of 4.56 acres, plus the right of way for SW 30th Street (Hwy 201), into the city and a rezone of the property from Urban Growth Area Commercial (UGA C-2) to City Light Industrial (I-1).

BACKGROUND:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an ordinance be adopted by the local governing body to accomplish a rezone. The city's governing body is the City Council, and they are the only body that may adopt an ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with state law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

CURRENT SITUATION:

ACTION 2020-06-23 CPAMD: A request for Comprehensive Plan / Zoning Map Amendment and Annexation and Rezone of a parcel of land being located at 833 SW 30th Street. If approved, this action will result in the annexation of 4.56 acres of land into the City of Ontario; and, the rezoning of the subject property from Urban Growth Area Commercial (UGA C-2) to the City Light Industrial (I-1) Zone. The applicant is Greg Winterowd, Winterbrook Planning and the property owners are 883SouthWest30th, LLC, along with the adjacent right of way of SW 30th Street (Hwy 201).

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #18S4707AD; Tax Lot #100.

APPLICANT/AGENT: Greg Winterowd
Winterbrook Planning

610 SW Alder Street, Suite 810
Portland, OR 97209
(503) 318-0446

PROPERTY OWNER: 883SouthWest30th, LLC, Steven Meland Member
C/O Four Star Real Estate
241 SW 3rd Ave
Ontario, OR 97914
(208) 954-1246

Several PDACs (Preliminary Design Advisory Committee) (also known as JTRCs (Joint Technical Review Committee)) were held with city and county staff and other state agencies, to review the proposed action and planned development of the property and those recommendations are reflected in the minutes of the meeting and are addressed in Attachment 1 (Narrative) of this report.

The Community Development Director has reviewed the application and the Findings of Facts within the Application for completeness and meeting the requirements set during the PDACs and is supportive of these findings of facts and applicant's request and therefore has forward this action with a favorable recommendation onto the City Planning Commission for a Public Hearing and Planning Commission decision.

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1, LABELED SNJ ONLINE ANNEXATION AND ZONE CHANGE APPLICATION NARRATIVE MADE A PART HEREOF:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

Rezone:

The Applicant submitted a detailed Narrative (See Attachment 1 "SNJ Online Annexation and Zone Change Application Narrative") addressing all the required findings of facts and decision criteria meeting the rezoning requirements of Title 10B-20-30 and Annexation title 10B-45-10.

Rezoning Conclusion: The proposed rezone is consistent with all applicable criteria and standards as stated in attached Narrative.

Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend

the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50% of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings based on the answers and information given in the Application Narrative made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits.
3. The property is currently zoned for Commercial use in the Urban Growth Area; the requested zone, City Light Industrial (I-1), is consistent with contiguous property and findings as per attached Narrative.
4. Findings from preceding sections of this report and attached narrative are herein included by this reference. A change to the comprehensive plan map is necessary to annex the property, and the annexation of the property is consistent with all applicable Comprehensive Plan policies.
5. Annexation would benefit the city by increasing tax revenue, and, by providing the means to develop the property with a planned \$5 million in site and building improvements and providing an estimated 50 new employees.

Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards

are found to be met, or are able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “Findings:” and “Conclusion:” for each criterion. All of the criteria and standards must be met in order for the request to be recommended for approval.

Conditions of Approval:

1. The owner will sign a lien causing any unpaid utility bill to be a lien against the property once connected to city sewer and water.
2. The owners will make all the improvements to the site and public utility infrastructure as per city code or sign a Deferred Improvement Agreement approved by city staff based on development of the site.
3. The owner shall abide by all the conditions of the adopted Highway 201 Corridor Plan as well as all City of Ontario Municipal Code.

Planning Commission Action:

The Planning Commission, on August 10, 2020, approved the findings of facts and sent a favorable recommendation to the City Council to approve Ordinance #2778-2020.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is consistent with the City Council Strategic Plan by providing desirable industrial lands allowing new growth to the City of Ontario.
- B. **FINANCIAL** Annexation will benefit the city by increased tax revenue, as well as provide needed industrial lands to promote new jobs.
- C. **TIMING** This Annexation and Rezoning is the first step in the process of being able to develop the property. Therefore there is a need to move forward as soon as possible to bring needed development to the city.
- D. **POLICY/LEGAL** The quasi-judicial Comprehensive Plan Map and Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council.

Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the Comprehensive Plan and zoning ordinances or Zoning Map.

ALTERNATIVES:

1. The Council could, by motion, based on public testimony or need for more clarification, refer this matter back to the Planning Commission.
2. Table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.
3. Deny the action by determining it is not in the best interest of the public to rezone this property.

RECOMMENDATION:

Staff recommends the City Council approve the action.

ATTACHMENTS:

1. Zone Change and Annexation Narrative - 833 SW 30th - 5.12.20
2. 2020-06-23CPAMD_APPLICATION_Winterbrook-Meland
3. Attachment 3 Zoning Before
4. Attachment 4 Zoning After
5. Ord #2778-2020

SNJ Online – Annexation and Zone Change Application Narrative

Prepared by Winterbrook Planning
Submitted May 12th, 2020



Figure 1 Vicinity Map

PROPOSAL: Annex and Rezone of the subject 4.56-acre site from County UGA Commercial to City Light Industrial (O-I1).

PROPERTY OWNER: 883SouthWest30th, LLC.
C/O Four Star Real Estate | 241 SW 3rd Ave.
Ontario, Oregon 97914

SITE AND AREA CHARACTERISTICS: The flat and serviceable site is located at the southwest entrance to the City next to the Ontario Municipal Airport. The site is served by SW 30th Street (a major arterial)) and is subject to the Highway 201 Corridor Plan. Zoning and land use in the area is mixed – including County Industrial and Commercial and City Light Industrial, Heavy Commercial, Airport Development, Business Park, and Residential Mobile Home.

Contents

I. PROPOSAL SUMMARY	3
II. BACKGROUND INFORMATION	4
Surrounding Land Use and Existing Zoning	4
The Highway 201 Corridor Plan.....	5
Summary of Community and City Benefits	6
III. APPLICABLE CRITERIA AND STANDARDS:	7
A. Annexation Criteria.....	7
a. Joint Management Agreement Requirements.....	7
b. Statutory Requirements	7
B. Comprehensive Plan / Zoning Map Amendment Criteria.....	8
a. Statewide Planning Goal Compliance.....	8
Urbanization – Comparison of Land Need and Supply (10-14-6).....	9
b. Comprehensive Plan Policy Conformance	12
c. Change in Social and Market Conditions.....	25
d. Public Need.....	26
e. Site Suitability	27
f. Adequate Streets and Public Facilities.....	27
g. No Adverse Effects.....	28
D. Overall Conclusion:	29

Figures

Figure 1 Vicinity Map.....	1
Figure 2 Conceptual Site Plan	3
Figure 3 Area Zoning and Land Uses	4
Figure 4 Site in Relation to Planned SW 31st Street Extension.....	5
Figure 5 Google Street View: Existing SW Corner of Highway 201 and Airport Way.....	6
Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2).....	10
Figure 7 Site Viewed from Highway 201 Entering the Ontario City Limits	15
Figure 8 Conceptual Site Plan	16

Appendices

Appendix A: Annexation Agreement with Property Description

I. PROPOSAL SUMMARY

Annexation of the subject 4.56-acre site rezoning from County UGA Commercial to City Light Industrial (O-II).

- **Implement CUP Conditions of Approval:** The Community Development Director approved CUP 2019-08-58 in October of 2019 – which allows marijuana-related processing, wholesale and retail sales, subject to 12 conditions of approval. A related application for a three-lot partition has been submitted separately by the Community Development Director. Together, the two land use applications address required conditions of approval.
- **Proposed Land Uses:** The existing 9,156 square-foot building on **Lot 1** will be completely remodeled and the site will be improved to City standards; all operations will occur indoors. The proposed Light Industrial zone would allow an indoor marijuana grow operation in addition to processing, wholesale and retail sales at the same location - thus allowing for vertical integration of SNJ's Ontario business. **Lots 2 and 3** will be fully serviced and improved. This proposal will increase Ontario's supply of development-ready industrial land.

TENTATIVE PLAN - CONCEPTUAL SITE PLAN: 833 SW 30TH, ONTARIO

Prepared by Winterbrook Planning. Revised 4/28/20

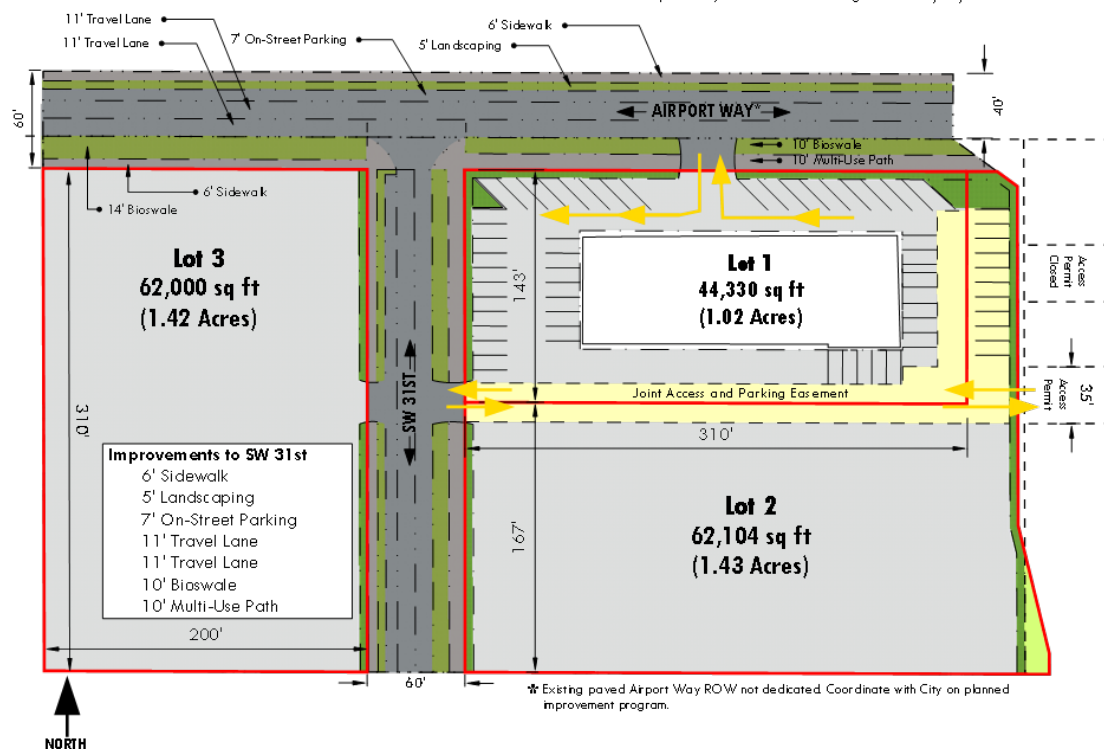


Figure 2 Conceptual Site Plan

II. BACKGROUND INFORMATION

Surrounding Land Use and Existing Zoning

As shown on Figure 3, Light Industrial zoning would serve as a transition between Airport Development and largely vacant County Commercial land to the south and east – and would be consistent with the mixed zoning character of the area west of Highway 201.

Land immediately to the north and west of Tax Lot 100 is zoned AD (Airport Development) which is like the Light Industrial in terms of allowed land uses. Land farther north of Airport Way has a mix of industrial, commercial, and residential zones, including City Airport Development (AD), Light Industrial (I-1), Industrial Park (BP), Heavy Commercial (C-2H) and Residential Mobile Home (RMH). Land outside the City Limit to the north of Airport Way is zoned UGA Heavy Industrial (I), UGA Commercial and UGA Residential.

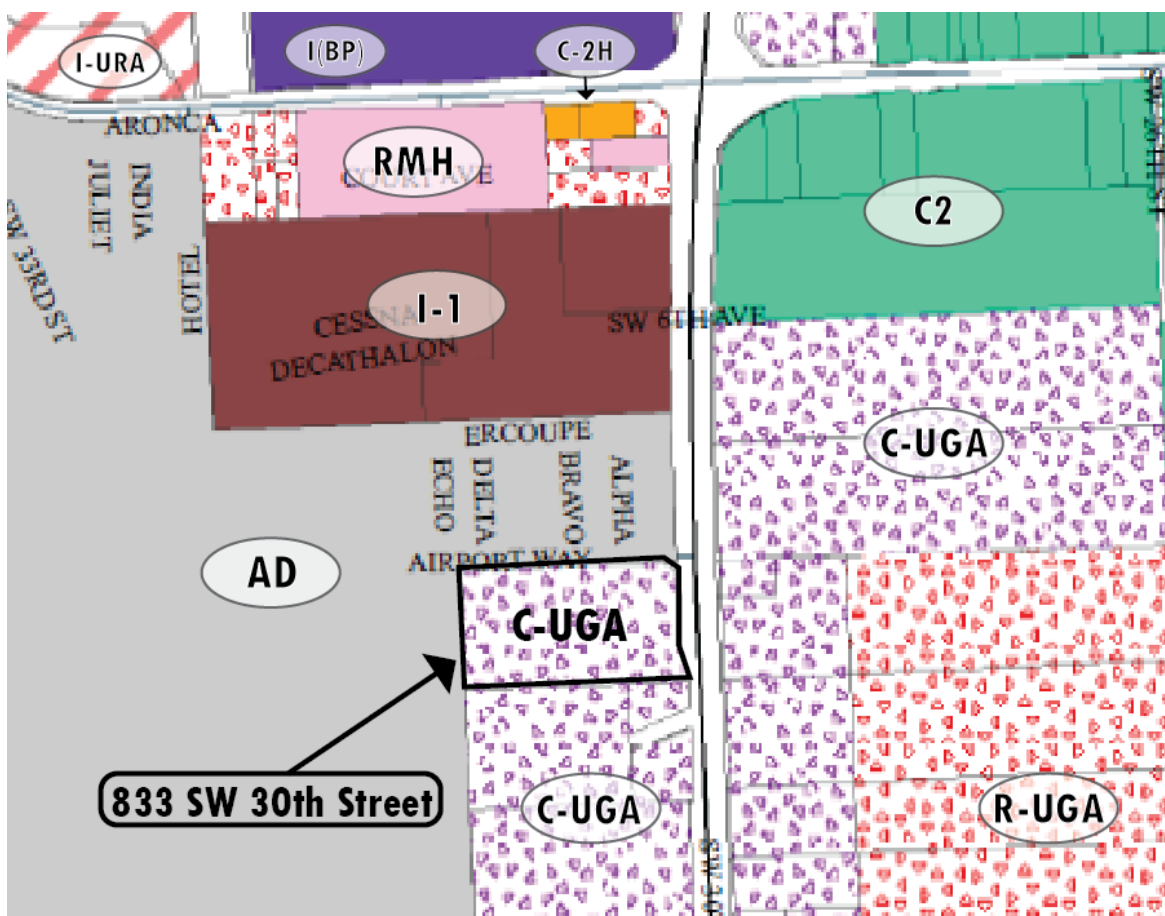


Figure 3 Area Zoning and Land Uses

As shown on Figure 1, land uses in the general area are also mixed, including the Ontario Municipal Airport (and related uses), Malheur County SWCD, US Consolidated Farm Services Agency, Ontario Fire and Rescue Station 2, the Mobilette Ranch Trailer Park, Cessna Decathlon, Rick's Auto Repair, a 20-acre light industrial area (served by SW 6th Avenue), Hunt's Auto Sales (subject property), a law office and several homes.

The Highway 201 Corridor Plan

The site is subject to Highway 201 Corridor Plan, which in the long-term requires (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10' bike/ped path parallel to Highway 201. Figure 4 shows the site in relation the required 31st Street service road.

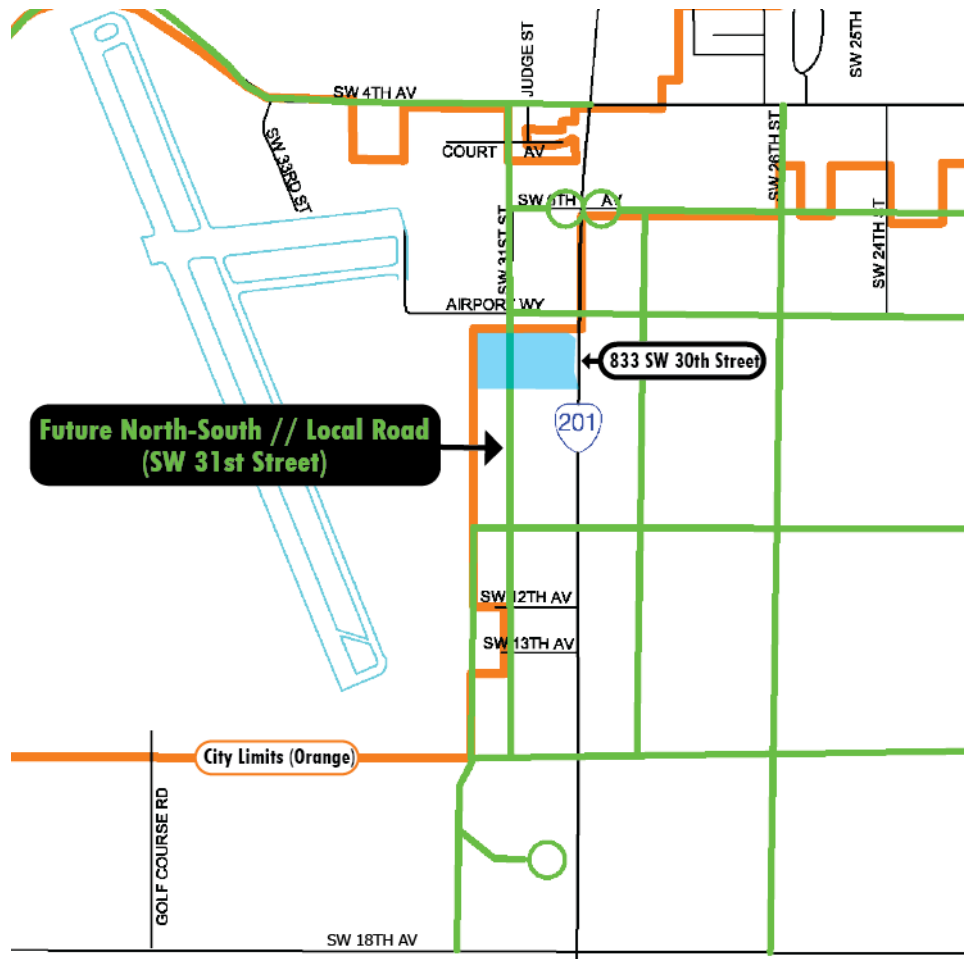


Figure 4 Site in Relation to Planned SW 31st Street Extension

Consistent with the Highway 201 Corridor Plan:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A planned 10' bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Summary of Community and City Benefits

As documented in Section III below, the applicant must show that the rezoning will provide public benefits, comply with the Ontario Comprehensive Plan and meet statewide planning goal requirements.

In addition to allowing for vertical integration of SNJ Online's business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:

1. The complete renovation of the existing 9,165 square-foot building and paving required parking areas to City standards – an estimated \$5 million investment.
2. Adding 50 employees to the long-term Ontario work force – with an estimated \$200,000 in monthly payroll.
3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10' bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
4. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building (largely unchanged since 1960),
 - b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.
6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve the two additional light industrial parcels.
7. Increasing the local tax base and state marijuana tax revenue.



Figure 5 Google Street View: Existing SW Corner of Highway 201 and Airport Way

III. APPLICABLE CRITERIA AND STANDARDS:

Annexations must meet the statutory requirements of **ORS 222** and are subject to the procedural requirements of the Ontario – Malheur County Urban Growth Management Agreement (UGMA).

Zone changes must meet the requirements of **Section 10B-20-30** of the Ontario Zoning Ordinance (OZO), including applicable Comprehensive Plan policies, the Highway 201 Corridor Plan, and Statewide Planning Goals and Administrative Rules.

A. Annexation Criteria

a. Joint Management Agreement Requirements

The City of Ontario and Malheur County Joint Growth Management Agreement (GMA) requires review and comment by a “Joint Technical Review Committee” (JTRC) prior to the preparation of staff reports or administrative decisions.

- 4) A Joint Technical Review Committee (JTRC) shall be established by the City and the County to coordinate land use decisions in the UGA and URA.*
 - a) At a minimum, the JTRC will consist of representatives from the planning and public works staffs of the City and the County. In addition, other representatives may participate as appropriate, including, but not limited to, the County Sanitarian, County Assessor, public safety officials, economic development officials and representatives from special districts such as school districts or irrigation districts. The chair of individual meetings shall be the Planning Director from the jurisdiction with lead authority for the issues under review.*
 - b) The JTRC shall review all land use applications prior to the preparation of a staff report or administrative decision. The purpose of this review is to identify and agree on applicable policies and development standards and specific issues to be addressed by the applicant. This review may occur prior to the submission of an application, similar to a pre-application conference.*

Findings: The JTRC will review this application narrative and make a recommendation regarding this application.

b. Statutory Requirements

- 1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

Findings: Appendix A includes a nonrevocable annexation agreement signed by the property owners and a “metes and bounds” description of the property to be annexed.

The property is annexable because it (a) is inside the Urban Growth Boundary, (b) can be provided immediately with sanitary sewer and water improvements; and (c) is contiguous with the current City Limit to the north and west.

Conclusion: All criteria and standards applicable to a request for annexation have been met; the property may be annexed.

B. Comprehensive Plan / Zoning Map Amendment Criteria

Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

a. Statewide Planning Goal Compliance

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

Findings: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 9 (Economic Development), 11 (Public Facilities and Services), 12 (Transportation) and 14 (Urbanization) are applicable to this zone change application.

There are no inventoried natural hazards or natural resources on the subject property. City Comprehensive Plan environmental and energy conservation policies will not change as a result of this application. The proposed rezone does not include a change in the supply of residentially zoned land and will not increase demand for – or affect the supply of – park land. Therefore, Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 5 (Natural Resources), 6 (Air, Land and Water Resource Quality), 7 (Natural Hazards), 8 (Park and Recreational Needs), 10 (Housing), 13 (Energy Conservation), 15 (Willamette River Greenway), and 16-19 (Coastal Goals) are not applicable to, or will have no significant impacts from, the proposed zone change.

Statewide Planning Goal 1 requires that the City provide opportunities for public comment on quasi-judicial land use decisions. Goal 2 will be met because the public hearings before the Planning Commission and City Council for this zone change will be duly notified in accordance with Ontario Zoning Ordinance **Section 10B-03 – Public Hearings**.

Goal 1 Conclusion: The application will be consistent with Goal 1 (Citizen Involvement) provided that public notice is properly given and that members of the public be given the opportunity to comment on this proposal through the planning commission and city council public hearing processes.

Statewide Planning Goal 2 requires coordination among governmental agencies, an adequate factual basis for decision-making, and consistency with the Ontario Comprehensive Plan.

- Goal 2 is met because City staff provided 35-day notice of the initial public hearing to the Department of Land Conservation and Development.
- City staff, Winterbrook Planning and CK-3 Engineering and Surveying have coordinated with the Oregon Department of Transportation regarding the implementation of the Highway 201 Corridor Plan throughout the design process.
- City staff coordinated with Malheur County staff as required by the Growth Management Agreement.
- The zone change application will be reviewed by the Ontario JTRC (Joint Technical Review Committee) along with the annexation application.
- This application narrative provides an adequate factual basis for approval of the proposed zone change.
- As documented below, the zoning map amendment is consistent with the acknowledged Ontario Comprehensive Plan, including the Highway 201 Corridor Plan.

Goal 2 Conclusion: Based on evidence provided above, the application will be consistent with Goal 2 (Land Use Planning).

Statewide Planning Goal 9 requires that cities provide enough suitable land for planned economic development consistent with the Ontario Comprehensive Plan.

Urbanization – Comparison of Land Need and Supply (10-14-6)

Ontario has over 500 vacant buildable acres in the commercial and industrial land categories, not including several hundred acres of specialty employment land designated for rail-dependent industrial and data server farms. The Ontario Urbanization Study (2007) identified a long-term employment (industrial and commercial) land need and determined that there was a deficit of 32.7 buildable acres within the Ontario UGB. The Ontario Comprehensive Plan (Table 14-4) compares commercial and industrial land need with buildable land supply and identified a 21.5-acre shortage of industrial land and an 11.2 shortage of commercial land within the Ontario UGB. The employment (industrial) land deficit was reduced to from 21.5 to 16.5 acres in 2018 when the City Council approved the Curtis zone change from Residential to Light Industrial. The overall employment land deficit was reduced from 32.7 to 27.7 acres.

However, the proposal to rezone approximately 4.6 acres of IGA Commercial land to Light Industrial (O-I1) would not change the buildable land supply because the 4.6-acre site was defined as “developed” in the 2007 buildable lands inventory. As noted on p. 13 of the Urbanization Study:

For industrial and other employment lands, the OAR 600-009-0005(14) definitions are used: "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements."

The 4.6-acre site has an existing building and parking lot that cover more than a half-acre; therefore, the site was considered developed for land use planning purposes. Figure 6 is a clip from the 2007 Ontario Buildable Lands Inventory Map. The reddish-brown color (which applies to most of the land west of Highway 201 and to the site just south of Airport Way) indicates the property is sufficiently “developed” and to be excluded from the buildable land inventory.

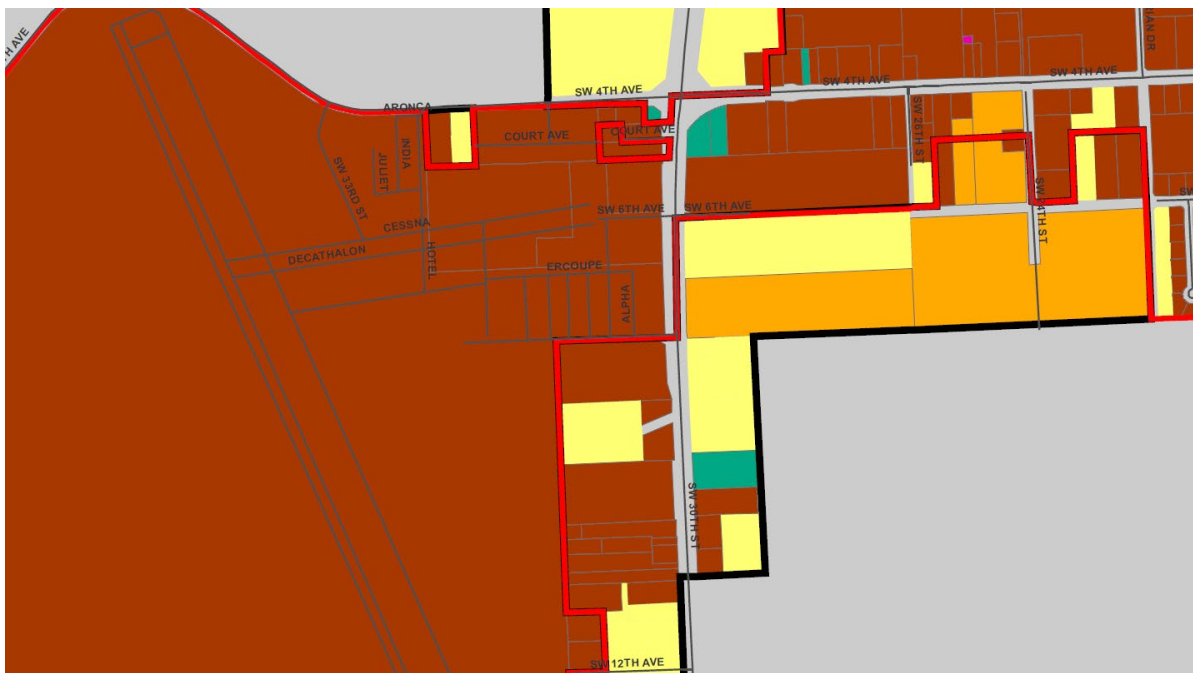


Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2)

Importantly, most “buildable” employment sites within the UGB are distant from existing sewer and water lines – which means that such sites are not development- ready in the short-term. By annexing and providing sewer and water services to two additional Light Industrial parcels, Ontario will increase the development-ready employment land supply.

Goal 9 Conclusion: The proposed zone change is consistent with Goal 9 (Economic Development) because it result in a minor (4.6 acre) re-allocation of “developed” employment land supply from Commercial to Light Industrial that will have not material effect on the City’s ability to meet its economic development objectives. Since the Heavy Commercial and Light

Industrial zones allow many of the same uses, and the owner will be providing urban services to two new Light Industrial parcels, annexation and rezoning of the subject property will increase the supply of development-ready parcels available to potential employers. For these reasons, the proposed rezone complies with Goal 9.

Statewide Planning Goal 11 requires that public facilities be available and adequate to serve planned land uses.

- Based on discussions with Community Development Director Cummings and consistent with the civil engineering analysis provided by CK-3 Engineering and Surveying, sanitary sewer and water lines can readily be extended from Airport Way to serve the property.
- These services will be available upon annexation to the City.
- The property owner will be responsible for on-site retention of stormwater runoff resulting from proposed development.

Goal 11 Conclusion: For the above reasons, the proposed zone change is consistent with Goal 11.

Statewide Planning Goal 12 requires that the zone change not have a significant adverse impact on transportation facilities that serve the site. In this case, the proposal is to rezone the site from Commercial to Light Industrial. The Transportation Planning Rule requires that cities identify the “reasonable worst-case scenario” when evaluating transportation impacts that could result from a zone change.

Although there is considerable overlap between the Heavy Commercial and Light Industrial zones in terms of uses allowed, the Heavy Commercial (C-H) zone allows all principal (permitted) uses in the General Commercial (C-2) zone. Many uses allowed in the C-H zone (but not the I1 zone) generate a lot of traffic. For example, the C-H zone permits retail shopping establishments (including large format or “big box” retail), medical and dental offices, gas stations, business offices and consumer services (banks, copying, restaurants – including drive-through) without size restriction. Therefore, the reasonable worst-case scenario for a C-H zoned property generates much more peak hour traffic than the reasonable worst-case scenario for an I1 zoned property.

In fact, the reasonable traffic-related worst-case scenario for uses allowed in the I1 zone is probably be a recreational marijuana retail operation. However, the City did not require a transportation impact study when that use was approved last year.

As noted in the discussion of the Transportation Policies of the Ontario Comprehensive Plan below, the Ontario Zoning Ordinance does not require a transportation impact analysis (TIS) for projects that generate fewer than 600 daily trips. Thus, a TIS *would likely* be required for most commercial development of the subject properties but *probably would not* be required for light industrial development on this site (because many fewer trips would be generated under the reasonable worst-case scenario).

The Highway 201 Corridor Plan designates Highway 201 as a limited access “expressway that depends in the long-term on a “local access street” to provide business access and encourages multi-modal travel on a planned bike/ped path. The Corridor Plan is designed to reduce transportation impacts along Highway 201.

The site is subject to Highway 201 Corridor Plan provisions, which in the long-term require (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10’ bike/ped path parallel to Highway 201.

Consistent with the Highway 201 Corridor Plan and as shown on Figures 2 and 4:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Goal 12 Conclusion: The proposed zone change will help implement the Highway 201 Corridor Plan and will not significantly impact a state highway or major streets in Ontario; therefore, the proposal will not violate Goal 12 (Transportation).

Statewide Planning Goal 14 requires that urban development be confined within urban growth boundaries and that cities and counties coordinate development within their shared UGB. The proposed annexation will occur within the Ontario UGB and, as demonstrated in the Goal 2 discussion above, development review will be fully coordinated with Malheur County staff based on a mutually adopted growth management agreement.

Although annexation and rezoning the 4.6-acre “developed” site will not change the overall allocation of “buildable” commercial land within the UGB, the proposed creation of two new vacant and serviceable industrial parcels will increase the development-ready industrial land supply.

Conclusion: The proposed zone change is consistent with Goal 14 (Urbanization).

Overall Statewide Planning Goal Conclusion

The proposed zone change is consistent with applicable statewide planning goals based on the factual evidence and analysis presented above.

b. Comprehensive Plan Policy Conformance

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

Findings: The Ontario Comprehensive Plan includes several policies that support the proposed zone change and no policies that are directly opposed to the proposed zone change. Each relevant policy is quoted in *italic font* below followed by findings explaining how the proposal addresses the policy.

Citizen Involvement Policies (10-1-5)

- 5) The Ontario City Planning Commission shall act as the committee for citizen involvement.*
- 6) The Council may of its own choice, or may upon the recommendation of the Commission, appoint such ad hoc citizen or agency committees, task forces, or other citizen or agency committees, task forces, or other advisory groups as are necessary to accomplish the planning needs of the community.*
- 7) The Planning Director shall be responsible for assuring that adequate publicity and information is available to the public and parties affected by planning related actions of the City. The Planning Director shall maintain contact with agencies that may have an interest in planning related actions.*

Findings: The Ontario Planning Commission will be making a recommendation to the City Council on this matter. Public hearings before both bodies will be required. The Planning Director will prepare the staff report to both bodies which will be available at least seven days before publicly noticed hearings. These policies will be met.

Land Use Planning Policies (10-2-4 through 10-2-5)

10-2-4 - Policies: Land Use Planning, General

- 2. The City's Comprehensive Planning process shall be based on a factual information base; evaluation and analysis of pertinent facts, comments and circumstances, and decision making based on findings which support community goals and conform to policies, statutes and ordinances. Age, gender or physical disability shall not be an adverse consideration for making a land use decision.*
- 3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.*
- 4. The land use planning process shall be utilized to assure an adequate supply of land, properly serviced, for the various residential, commercial, industrial, recreational and institutional needs of the community.*
- 5. Land use planning decisions, particularly quasi-judicial actions shall be in harmony with the policies adopted in this document.*
- 6. It is expected that regional, State and Federal agency plans will conform to the comprehensive plan of the City and that the City's comprehensive plan will take into account regional, State and national needs.*

Policy 10-2-4 Findings:

Policy 2: As noted under the Statewide Planning Goal discussion (especially Goals 9 – Economic Development and 14 – Urbanization), Winterbrook relied on the Comprehensive Plan for factual information related to the need for and supply of buildable land for employment purposes in preparing the application.

Policy 3: As noted in Background Information section of this application, the site abuts the City Limits on two sides and is within the Ontario UGB. The proposed rezone from Commercial to Light Industrial provides a transition from Airport Development to Commercial and is consistent with the mixed zoning pattern in the surrounding area.

Policy 4: As documented in the Goal 9 and Goal 14 discussions above, the 4.6 acre zone change from Commercial to Light Industrial does not significantly change the long-term allocation of commercial and industrial land within the UGB – especially considering the fact that the C-H (Heavy Commercial) and I1 (Light Industrial) zones allow many of the same uses.

Policy 5: The findings in this narrative document compliance with applicable Comprehensive Plan policies, as required by Policy 5.

Policy 6: Winterbrook carefully reviewed the Highway 201 Corridor Plan in preparing this application and has coordinated with ODOT on several occasions over the last 10 months. ODOT recognizes the validity of the Ontario Comprehensive Plan – as implemented by the Corridor Plan. We have shared a common purpose in seeking to implement both documents.

Visual Image, Development Pattern Policies (10-2-5)

1. Particular attention shall be given in land use decisions to the impression people get when entering the City. Land uses shall foster an impression of a "desirable place to do business." This policy means the elimination and prevention of ugliness on the approach highways, the appearance of prosperity, success and excitement with free, safe, pleasant and speedy access to the customer's destinations.

3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.

4. Utility extension policies shall be designed and administered so as to enforce compact development. Urban type development shall be discouraged on land that cannot be efficiently supplied with municipal utilities at the time of occupancy.

Policy 10-2-4 Findings:

Policy 1: As noted under the Background discussion, the site is located at the southwest entrance to the City Limits next to the Ontario Municipal Airport. The existing vehicle sales building and lot are not attractive and does not create the impression of a “desirable place to do business.”



Figure 7 Site Viewed from Highway 201 Entering the Ontario City Limits

As shown on Figure 7 above, the existing site does meet City or Highway 201 Corridor Plan development and safety standards because it:

- Has no landscaping or curbs limiting access to the public right-of-way).
- Lacks defined parking and circulations areas.
- Lacks sidewalks and landscaping.
- Has stored vehicles and trailers in the public right-of-way.
- Has a building that looks pretty much the same as it did when it was constructed in 1960.

As shown on Figure 8 on the following page, the new owners propose to remodel the existing building, improve the site to City standards, and implement the Highway 201 Corridor Plan by making major off-site improvements.

TENTATIVE PLAN - CONCEPTUAL SITE PLAN: 833 SW 30TH, ONTARIO

Prepared by Winterbrook Planning. Revised 4/28/20

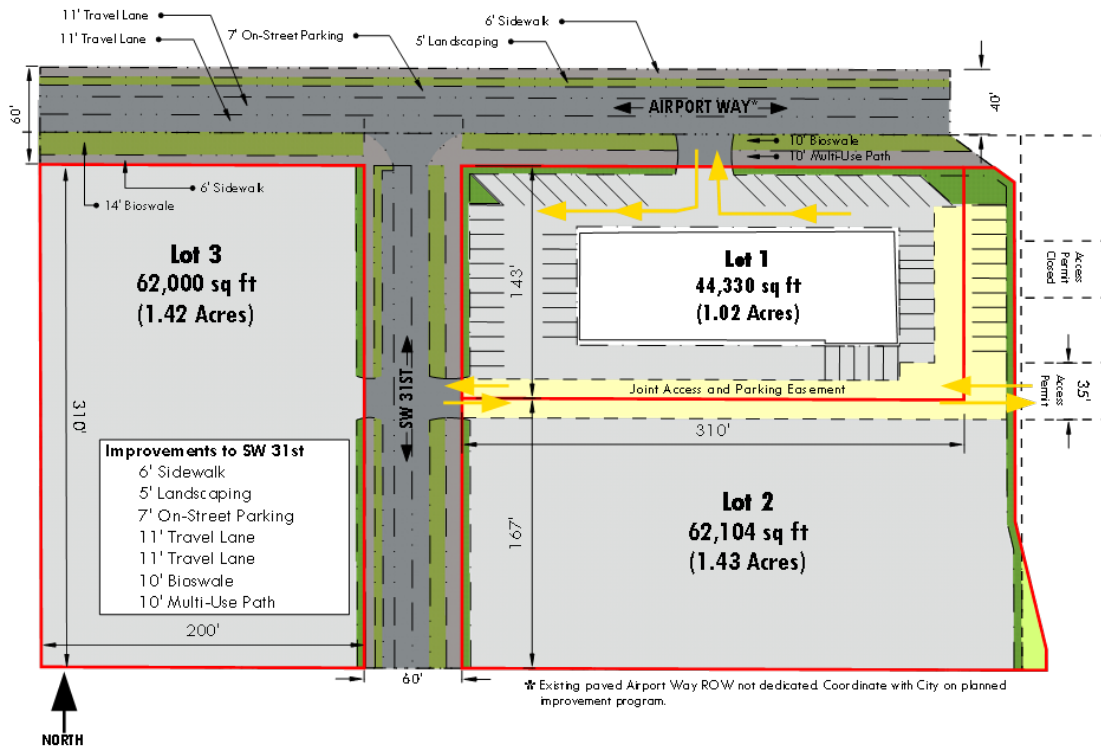


Figure 8 Conceptual Site Plan

Paraphrasing the text of Policy 7, the proposed development will “eliminate and prevent ugliness on the approach highways, and create the appearance of prosperity, success and excitement with free, safe, pleasant and speedy access to the customer's destinations” by:

1. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity, appearance and safety – by:
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10' bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
2. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building,
 - b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
3. Providing an attractive light industrial transition area between existing airport-related light industrial and future community commercial development.

Policy 3: As noted in Annexation findings above, the proposed rezone from Commercial to Light Industrial is not “scattered” because the site borders the existing City Limit on two sides and public utilities are available from Airport Way. Moreover, the proposal Light Industrial zone

provides a logical transition from Airport Development to Commercial and is consistent with the mixed zoning pattern in the surrounding area.

Policy 4: As documented in the Goal 11 discussions above, utilities will be provided for each of the three new lots. More “compact” development will be achieved because the proposed local access street will provide access to the rear of the lot and facilitate new light industrial / heavy commercial development in an area that is well-served by public utilities and transportation.

Commercial and Industrial Land Use Policies (10-2-6 and 10-2-8)

10-2-8 - Policies: Industrial Land Use

- 1. Industrial areas shall be protected from encroachment by incompatible land uses.*
- 2. The land use plan shall designate industrial sites of a variety of sizes to provide ample space for new industries, expansion of existing industries, and to provide for competition in the industrial land market.*
- 3. Industrial sites shall be functionally related to existing or proposed transportation systems. Access through residential areas shall be avoided.*
- 4. Industrial sites shall be grouped to facilitate service by utilities and public safety services.*
- 5. Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.*
- 6. Premature industrial zoning shall be avoided when on productive agricultural land or otherwise conflict with policies of this Title. Plans shall be devised which will designate future industrial locations with assurance of agricultural use until the market demands substantial industrial use of that land.*
- 7. The lands most suitable for industry shall be protected from intrusion of residential uses.*

Policy 10-2-8 Findings:

Policy 1: The applicant is proposing only those uses allowed in the I1 zone.

Policy 2: In addition to Lot 1 (the site of the proposed recreational marijuana grow, processing and retail business), Lots 2 and 3 will provide development-ready light industrial sites that can accommodate a variety of light industrial and heavy commercial uses.

Policy 3: The site has excellent transportation access from Highway 201 that does not require driving through residential areas. The applicant is working closely with the City to implement the Highway 201 Corridor Plan by dedicating and improving 31st Street, limiting direct access to Highway 201, and constructing a bike/ped path within the right-of-way adjacent to the site.

Policy 4: As shown on Figure 3, the site is in an area with mixed zoning. Light Industrial zoning provides an effective transition between Airport Development zoning (which allows limited light industrial uses) to the immediate north and west and Commercial zoning to the south and east.

Also as shown on Figure 3, approximately 20 acres of Light Industrial land is located just north of the airport hanger development abutting the site. Thus, the site is located in an area that is characterized by light industrial and heavy commercial development.

Policy 5: As shown on Figure 2, landscape buffers are proposed along all three street rights-of-way (Airport Way, 31st Street and Highway 201 (30th Street).

Policy 6: The site is currently used for vehicle sales and outdoor storage and not for agricultural uses. Annexing and rezoning of the site is therefore not “premature”.

Policy 7: As shown on Figure 3, there is no nearby residential zoning. The site abuts Airport Development to the north and west, and UGA Commercial to the south and East. A large I1 zoned property is located further to the north – west of Highway 201.

Commercial Land Use Policy (10-2-7)

1.New commercial development shall be concentrated in and around existing commercial areas as much as possible.

2.Additional strip commercial development shall be discouraged and existing commercial areas shall be kept sufficiently deep so as to promote commercial concentration, allow for landscaping and for sufficient off-street parking and loading.

3.Commercial uses generating large volumes of traffic shall be located close to major traffic routes and shall have carefully engineered accesses to such routes.

6.The amount of land allocated in the land use plan for retail and service facilities shall be ample for the needs of healthy competition, but gross over-zoning shall be avoided to reduce the waste of land and blighting influence on surrounding property.

Policy 10-2-7 Findings: Commercial Land Use

Policy 1: Large concentrations of commercial land are located south of the site (west of Highway 201) and across Highway 201 to the east. The proposed Light Industrial zone for the 4.6-acre site would provide a transition between a cluster of Airport Development and Light Industrial zoning and these commercial concentrations.

Policy 2: The proposed local access street (the 31st Street extension) provides access to the rear portion of the site – thus reducing inefficiencies associated with strip commercial development. The proposed site design (shown on Figure 7) provides perimeter landscaping and efficient on- and off-street parking and loading.

CUP 2019-08-58 Condition #6 requires the applicant to provide sufficient on-site parking for the retail facility and for wholesale, processing and production operations:

6. That the Retail Facility shall provide parking based on 10A-57-75(4) which is one space for every 300 square feet of building area, plus one space for every full or part time employee on the largest shift. The other development parking will be determined at time of plan submittal for the proposed facility (i.e. wholesale, processing, production).

The Ontario Zoning Code (Sections 10A-57-75 through 85) includes parking standards for uses that are similar to marijuana-related uses allowed conditionally in the Light Industrial (I1) zone. Table 1 summarizes relevant code standards:

Table 1: Section 10A-057 Parking Space Standards

Use	Employee Standard	Square Footage Standard	Loading Space Standard
Medical Clinic	1 space per employee on largest shift	1 space per 300 s.f. Gross Floor Area	None
Wholesale with On-Site Stock		1 space per 400 s.f. Gross Floor Area	1 for first 6,000 s.f. of Gross Floor Area
Manufacturing	1 space per employee on largest shift	1 space per 2,500 s.f. Gross Floor Area	1 space per 2,500 s.f. Gross Floor Area

The proposed zone change from IGA Commercial to Light Industrial (I1) would allow a recreational grow operation in addition to wholesale, processing and recreational retail uses.

- The existing building has approximately 9,200 gross square feet (s.f.). The owners estimate that 50% of the building will be used for the recreational grow / wholesale operation (4,600 s.f.), 25% for processing (2300 s.f.), and 25% for retail sales (2300 s.f.).
- The business will operate in shifts, with the largest retail shift having 15 employees, the largest recreational grow/wholesale shift having 6 employees, and the largest marijuana processing having 5 employees.

Table 2 applies Section 10A=057 parking standards to proposed marijuana-related uses.

Table 2: Section 10A-057 Parking Space Requirements for Marijuana Uses

Marijuana-related Use	Employees (Largest Shift)	Square Footage (by Use)	Loading Spaces (by Use)
Recreational Sales	15 spaces	8 spaces	None
Recreational Grow and Wholesale Sales	None	15 spaces	1 space
Processing	5 spaces	2 spaces	2 spaces for 5,000 s.f. Gross Floor Area
Subtotals	20	25	3

As shown on Table 2 above, a total of 45 parking spaces and three loading spaces would be required for the proposed marijuana-related uses.

Figure 2 Conceptual Site Plan shows that it is feasible to provide 16 diagonal and 35 head-in parking spaces (including 4 handicapped spaces near the front entrance) on Lot 1,

for a total of 51 spaces. Figure 2 also shows a large loading area that is sufficient to accommodate three loading spaces and proposed perimeter landscaping. Therefore, there is sufficient space on Lot 1 to meet parking, loading and landscape space requirements required for proposed marijuana-related uses.

Policy 3: The site is located along Highway 201 – a major arterial street (an ODOT designated “expressway”) that can accommodate large volumes of traffic. This location clearly benefits the recreational marijuana retail aspect of this vertically integrated (production, processing and retail sales) business. The owners recognize their obligation to work with ODOT to limit direct access and design access to Highway 201. Towards this end, the concept plan (Figure 8):

- a. Provides a landscape strip and curbing to limit access to the expressway,
- b. Shows the closure of the northern driveway prior to occupancy of the remodeled building on Lot 1, and
- c. Recognizes that the other (southern) access permit to Highway 201 must be closed in conjunction with the development of Lots 2 and 3.

Policy 6: As noted in the Goal 9 and 14 findings, the City will retain an ample long-term supply of commercial land after rezoning the site to Light Industrial. The conditionally approved retail use of Lot 1 (as allowed in the I1 zone) ensures that that the it will be used for commercial purposes.

Industrial Land Use Policy (10-2-8)

- 1. Industrial areas shall be protected from encroachment by incompatible land uses.*
- 2. The land use plan shall designate industrial sites of a variety of sizes to provide ample space for new industries, expansion of existing industries, and to provide for competition in the industrial land market.*
- 3. Industrial sites shall be functionally related to existing or proposed transportation systems. Access through residential areas shall be avoided.*
- 4. Industrial sites shall be grouped to facilitate service by utilities and public safety services.*
- 5. Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.*
- 6. Premature industrial zoning shall be avoided when on productive agricultural land or otherwise conflict with policies of this Title. Plans shall be devised which will designate future industrial locations with assurance of agricultural use until the market demands substantial industrial use of that land.*
- 7. The lands most suitable for industry shall be protected from intrusion of residential uses.*

Policy 10-2-8 Findings:

Policy 1: The owners propose to use I1 zoned properties only for those uses allowed in the I1 zone – which include marijuana-related uses. The I1 zone serves as an effective transition between Airport Development uses and highway-oriented commercial uses planned south of the subject property.

Policy 2: There is a slight long-term deficit in the supply of industrial land in Ontario – about 16.5 acres as documented in the Goal 9 (Economic Development) and 14 (Urbanization) finding. The effect of this rezone is to reduce the industrial land deficit by increasing the supply of development-ready industrial land by 4.6 acres.

Policy 3: The site is located on a major arterial street (the Highway 201 “expressway”) with direct vehicular access to two collector streets – Airport Way and 31st Street. Driving through residential areas is not required to access the proposed I1 site.

Policy 4: As noted above, the I1 zone is like the Airport Development and Heavy Commercial zones because all three zones allow a range of light industrial and heavy commercial uses. The area west of Highway 201 is almost entirely comprised of light industrial and heavy commercial uses that are functionally grouped together.

Policy 5: As noted repeatedly above, the proposed I1 zone provides an effective buffer between the Airport Development and Commercial zones. Because the owners propose extensive perimeter landscaping, light industrial/heavy commercial development on the 4.6-acre site will provide an effective buffer from the public streets and planned commercial development to the south and east.

Policy 6: The site is within the UGB, is not used for agriculture and abuts the City Limits on the north and west sides.

Policy 7: Residential uses are not allowed in the I1 zone.

Flooding and Steep Slope Hazard Policy (10-7-4)

1. The City recognizes that land within the 100-year floodplain has been inappropriately designated for urban uses in the past, resulting in the loss of flood storage capacity and potential hazards to life and property. The City, therefore, is committed to working with Malheur County to avoid this mistake in the future. a. The City will not propose future UGB expansions for residential, commercial or industrial uses within the flood hazard zones (100-year floodplains) of the Snake or Malheur Rivers. b. Industrial land within the 100-year floodplain is not considered suitable for meeting the City's long-term employment needs. c. Residential land within the 100-year floodplain is not considered buildable for residential purposes. d. The City will actively pursue the creation of a flood storage and wetland mitigation bank on public land, to compensate for the loss of flood storage capacity and wetland values resulting from urban development within floodplain areas.

2. The City, in cooperation with State and Federal agencies, shall continue to collect and refine information bearing on the delineation of areas of potential flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding.

Policy 10-7-4 Findings: The subject property is not within 100-year floodplain and is therefore suitable for industrial development.

Public Facilities Policies (10-11-5)

3) Parcels of land outside the City limits shall not be annexed if the uses anticipated in those areas would jeopardize the availability and efficiency of facilities to areas already within the City boundaries.

5) Information regarding system and line capacities shall be among the considerations used in making immediate and long range land use decisions. The capital improvement program and land use policies shall assure that all facilities will be efficiently utilized.

8) Development proposals for industrial or commercial uses shall include descriptions of water and sewer requirements. Provisions for financing shall be developed in accordance with the City's ordinances and policies.

Policy 10-11-5 Findings: Based on discussions with CD Director Cummings and CK-3 Engineering analysis, sanitary sewer and water lines are available to the site from Airport Way and are adequate to serve proposed industrial uses on the site. These services will be available upon annexation to the City.

No development is proposed at this time. The owners will pay applicable sanitary sewer and water service fees necessary to support a planned marijuana-related uses on Lot 1 and light industrial development in the future.

Conclusion: The proposed zone change is consistent with applicable public facilities policies because sanitary sewer and water lines are immediately available to serve the site.

Transportation Policies (10-12-4)

1) Establish a transportation system that can accommodate a wide variety of travel modes and minimizes the reliance on any one single mode of travel.

2) Properly plan transportation infrastructure to meet the level of service set for each type of facility.

3) Maintain a level of service standard of LOS D or better for signalized intersections and a level of service of LOS E at unsignalized intersections if the intersection does not meet the most current Manual of Uniform Traffic Control Devices (MUTCD) signal warrants. If the intersection meets signal warrants, then the level of service standard for the unsignalized intersection shall be LOS D. At least two MUTCD signal warrants shall be met prior to consideration of signalization. A traffic study shall be conducted to

analyze the potential installation of a signal that includes average daily traffic counts by hour on all intersection approaches, a signal warrant analysis based on the most recent MUTCD, and any other factors identified by a traffic engineer deemed as a factor for signalization such as poor sight distance, vehicle travel speed, and intersection geometric conditions.

For Oregon Department of Transportation (ODOT) facilities, the City of Ontario shall defer to ODOT mobility standards described in the most recent version of the Oregon Highway Plan.

4) Develop a local street plan to preserve future rights-of-way for future streets and to maintain adequate local circulation in a manner consistent with Ontario's existing street grid system.

5) Require developments to construct their accesses consistent with the local street plan.

6) Develop an access management policy for the local arterial system and direct commercial development access to local streets wherever possible.

Policy 10-12-4 Findings

Although there is considerable overlap between the Heavy Commercial and Light Industrial zones in terms of uses allowed, the Heavy Commercial (C-H) zone allows all principal (permitted) uses in the General Commercial (C-2) zone. Many uses allowed in the C-H zone (but not the I1 zone) generate a lot of traffic. For example, the C-H zone permits retail shopping establishments (including large format or “big box” retail), medical and dental offices, gas stations, business offices and consumer services (banks, copying, restaurants – including drive-through) without size restriction. Therefore, the reasonable worst-case scenario for a C-H zoned property generates much more peak hour traffic than the reasonable worst-case scenario.

In fact, the reasonable worst-case scenario in the I1 zone is probably a recreational marijuana retail operation – which is allowed in both the C-H and the I1 zone. Because the rear portion of the existing commercial building will be used to grow and process recreational marijuana, the worst-case retail scenario in the I1 zone will not occur. Because this proposed light industrial use will not generate more than 600 daily trips, the Community Development Director did not require a transportation impact statement in conjunction with the approved conditional use. However, should this threshold be met for any future development, the developer will need to prepare a transportation impact statement as required by the Ontario Zoning Ordinance Section 10C.25-06.002.¹

¹ **10C-25.06.002 - When a Transportation Impact Analysis is Required.** *A TIA shall be required when: a) A proposed development generates 600 or more daily trip ends or 100 or more hourly trip ends, as defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual or trip generation studies of comparable uses prepared by an engineer. b) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour. c) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.*

The Ontario Zoning Ordinance does not require a transportation impact analysis (TIS) for projects that generate fewer than 600 daily trips. Thus, a TIS *would likely* be required for most commercial development of the subject properties but *would not* be required for light industrial development on this site (because many fewer trips would be generated under the reasonable worst-case scenario).

The Highway 201 Corridor Plan designates Highway 201 as a limited access “expressway” that depends in the long-term on a “local access street” to provide business access and encourages multi-modal travel on a planned bike/ped path. The site is subject to Highway 201 Corridor Plan, which in the long-term requires (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10’ bike/ped path parallel to Highway 201.

Consistent with the Highway 201 Corridor Plan and as shown on Figures 2 and 4:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Conclusion: The proposed zone change will help implement the Highway 201 Corridor Plan and will not significantly impact a state highway or major streets in Ontario; therefore, the proposal is consistent with Policy 10-12-4 Transportation.

Urbanization – Comparison of Land Need and Supply Policy (10-14-6)

Table 14-4 compares land use need and supply within the Ontario UGB.² As noted in the Goal 14 discussion above, the subject 4.6-acre site does not appear on the buildable lands inventory.³

Table 14-4: Ontario Land Need and Supply 2006-2026 (Revised 2013)

Generalized Land Use	Buildable Acres		
	Supply	Need	Surplus (Deficit)
Commercial	242.9	254.1	(11.2)

² Note that the Curtis zone change in 2018 reduced the residential land surplus by 5 acres and increased the industrial land supply by the same amount.

³ Based on the Goal 9 administrative rule, the 4.6-acre site was considered “developed” because it had a large building on a parcel of less than 5 acres.

Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
TOTAL	1,716.5	1,788.8	(72.3)

However, the proposed zone change – combined with the proposed three-lot land partition – will increase the industrial vacant buildable supply by two vacant parcels totaling 2.5 acres. The zone change has the effect of actually reducing the buildable lands deficit by 2.5 acres. Combined with the 2018 Curtis zone change, Table 14-4 should be amended to show an industrial lands deficit of 14.5 acres – making it closer to the commercial land deficit of 11.2 acres.

Conclusion: The proposed zoning change from Commercial and Industrial will not significantly affect the industrial or commercial buildable land supply.

c. Change in Social and Market Conditions

c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

Findings: The commercial structure was built in 1960 and is currently zoned UGA Commercial. The current owners purchased Tax Lot 100 4.6 acres) in late 2019 after receiving conditional use approval for marijuana-related processing and recreational retail sales. The property must be annexed and rezoned from the County (UGA) to a City (Ontario) zoning district.

Oregon’s legalization of marijuana represents a major change in both social and market conditions. Ontario’s decision to allow marijuana businesses to operate within the City resulted in major private investments in Ontario and the purchase of the subject property.

The owners are requesting the Light Industrial (I1) zone in part because it allows recreational grow (production) to occur through the conditional use process. This would allow the owner to have a vertically organized business operation that includes primary (production), secondary (processing) and tertiary (retail) functions under the same roof. This type of organization ensures a higher quality initial product for the consumer and reduces transportation and other production costs.

Moreover, as documented in the Goal 14 above, population growth has not occurred as rapidly as predicted in 2007. There is correspondingly less demand for supporting commercial land within the UGB. By rezoning the subject properties from Commercial to Light Industrial, and providing urban services to two vacant lots, the owners believe that these new lots are more likely be used for basic employment purposes, which would result in greater demand for housing and would support commercial development on other land in the community.

d. Public Need

d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

Findings: Public need is first determined by demonstrating compliance with the adopted comprehensive plan. In this narrative, Winterbrook has demonstrated compliance with applicable comprehensive policies related to citizen involvement, land use planning, natural hazards, commercial and industrial development, public facilities and services, transportation, and urbanization.

Public need can also be determined based on community and city-wide benefits. As noted in Section II of this narrative:

“In addition to allowing for vertical integration of SNJ Online’s business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:

1. The complete renovation of the existing 9,165 square-foot building and paving required parking areas to City standards – an estimated \$5 million investment.⁴
2. Adding 50 long-term employees to the Ontario work force with an estimated \$200,000 monthly payroll.⁵
3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:
 - a. dedicating and improving SW Airport Way, SW 31st Street (including a 10’ bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
4. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building,

⁴ The \$5 million estimate is based on the following information provided by the owners:

1. Retail Remodel \$500K (rooms/plumbing/hvac/electrical)
2. Grow Remodel \$1M (rooms/plumbing/hvac/electrical)
3. Construction/Code/Streets \$1M
4. Business Personal Property/Equipment/Inventory \$2.5M

⁵ The \$5 million estimate is based on the following information provided by the owners:

- Full time 40+hrs: 25 for retail, 5 wholesale, 5 for grow, and 5 processing
- Part time 10 additional PRN staff.

- b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.
 6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve two light industrial parcels.
 7. Increasing the local tax base and state marijuana tax revenue.”

Conclusion: For the above reason, there is a public need for the proposed zone change at this location.

e. Site Suitability

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

Findings: As shown on Figure 2, the Conceptual Master Plan, the subject property is rectangularly shaped and large enough to accommodate the proposed marijuana-related uses (on Lot 1 alone) and to accommodate a variety of industrial / storage uses on Lots 2 and 3.

f. Adequate Streets and Public Facilities

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

Findings: As documented in the Goal 12 and Policy 10-12.04 findings (both related to transportation) the site is extremely well-served by transportation facilities – including Highway 201 (a major arterial and a designated “expressway”), Airport Way (a minor collector) and the planned 31st extension (also a minor collector).

Development of the site for Light Industrial uses will also help to implement the Highway 201 Corridor Plan because:

- The property owners will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A planned 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway to Highway 201 will be closed immediately and the southern driveway will be closed in conjunction with development on Lots 2 and 3.

As documented in the Goal 11 and Policy 10-11-05 findings (both related to public facilities and services), the site has sewer and water lines located under Airport Way that can readily be extended to serve the site. Bioswales are planned within street rights-of-way to accommodate runoff from new and existing impervious surface areas.

CK-3 Engineering is working closely with Community Development Director Dan Cummings and Consultant City Engineer Al Haun to address the details of how public facilities will be extended to serve the site as part of a separate land division application. The facilities will be sized to serve the site and downstream development.

g. No Adverse Effects

g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings: Because the Light Industrial (O-I1) and Commercial Heavy (C-H) zones allow many of the same light industrial / commercial uses (for example, vehicles sales and service, farm equipment, lumber yards and building supplies, printing and publishing, mini warehouses, vehicle repair, and marijuana grow site (medical), laboratory, processing, wholesale and retail operations), there is no reason to believe that the zone change will result in more potential adverse effects on surrounding properties.

Conditional Use Permit 2019-08-58 in October of 2019 has already approved a marijuana-related processing and retail sales business at this location, subject to 12 conditions of approval. The only new marijuana-related use would be a recreational grow operation that would be conducted entirely indoors. There are no nearby residential uses that would be significantly impacted by the proposal. Any external impacts from the development and light industrial use of the site must meet City performance standards related to mitigation of impacts from dust, noise, vibration, odor, heat, glare, lighting or discharges into the air, water or land, as set forth in the Ontario Zoning Ordinance, **Section 10A-39.30 Performance Standards**⁶ as well as Oregon Department of Environmental Quality environmental standards.

⁶ **10A-39-30 - PERFORMANCE STANDARDS.**

*Each structure or use permitted of right or conditionally in the I-1 Zone shall meet the following performance standards: 1. **Physical appearance.** With the exception of gasoline pumps, all operations other than pickups and deliveries shall be carried on within an enclosed building, provided that new materials or equipment in operable condition may be stored in the open, and normal daily wastes may be stored in containers not in the building when such containers are not readily visible from a public street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles, farm machinery, trailers, manufactured homes or similar equipment in operable condition when in association with a permitted use. The required front yard shall be landscaped to the standards set forth under Miscellaneous Provisions of this Title. 2. **Fire hazard.** No operation shall be established which fails to meet the fire code which is adopted into the Ontario City Code and any applicable State or Federal codes. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with applicable codes. 3. **Noise.** No operation shall be carried on which creates noise in excess of the normal traffic noise of the adjacent street at the time of daily peak hour traffic volume. Noise volume generated by the use shall be measured at any property line. The comparable traffic noise shall be measured at the property line adjacent to the street. All noises shall be muffled so as not to objectionable due to intermittence, beat frequency or shrillness. 4. **Sewage and liquid waste.** All operations shall comply with Title 8, Ontario City Code and any applicable regulations of State or Federal agencies responsible for pollution control. No wastes of a chemical, organic or radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in approved containers. 5. **Smoke, particulate matter and gasses.** No use shall be established which fails to meet the air quality regulations of the Oregon Department of Environmental Quality pertaining to emissions of smoke, particulate matter, fugitive dust, gasses and other air contaminants. 6. **Odor.** The emission odors that are generally agreed to be obnoxious to any considerable number of persons is*

D. Overall Conclusion:

- **Annexation to the city of Ontario is justified because sanitary sewer and water services are readily available and are adequate to serve the site.**
- **The proposed zone change complies with applicable Statewide Planning Goals and Ontario Comprehensive Plan policies.**
- **In addition to allowing for vertical integration of SNJ Online’s business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:**
 - 1. The complete remodel of the existing 9,165 square-foot building and paving required parking areas to City standards.**
 - 2. Adding 50 employees to the long-term Ontario work force – with an estimated \$200,000 monthly payroll.**
 - 3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:**
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10’ bike/ped path) and**
 - b. eventually closing both access drives to Highway 201.**
 - 4. Significantly improving the appearance of the Highway 201 entrance to the City by:**
 - c. remodeling the existing exterior of the existing 1960 building,**
 - d. removing vehicles and structures from the public rights-of-way, and**
 - e. extensive perimeter landscaping.**
 - 5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.**
 - 6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve two light industrial parcels.**
 - 7. Increasing the local tax base and state marijuana tax revenue.**

*prohibited. Observations shall be made at the property line of the establishment generating the odors. As a general guide to classification of odor, it is deemed that odors of putrefaction, hydrogen sulfide, fermentation and rendering processes, are objectionable while odors associated with baking, coffee roasting or nut roasting are normally not considered obnoxious. 7. **Vibrations.** All machines shall be mounted so as to minimize vibration and in no case shall such vibration be perceptible, without the use of instruments, at the property line. The use of steam or broad hammers are [is] not permitted in this zone. 8. **Glare and heat.** All glare and heat producing operations, such as welding arcs and open furnaces, shall be shielded so that they are not visible from the property line and surfaces near the glare source shall be of a type which will minimize the reflection of such glare beyond the property line. No heat from equipment or furnaces shall raise the temperature of materials or ambient air at the property line more than three degrees Fahrenheit. 9. **Dust.** All surfaces used in the operation of the use shall be paved with a dust free surface. 10. **Interpretation.** Whenever it cannot be decided by reasonable observation that a performance standard is being met, it shall be the responsibility of the operator of the use to supply evidence or engineering data to support the contention that a standard is being met. The standards are designed, except where referring to other codes, to be judged by ordinary human senses and not by the minute detail of scientific quality instruments.*



City of Ontario Planning and Zoning Application Form

444 SW 4th Street, Ontario, OR 97914

Permit Center Annex: 458 SW 3rd Street

Voice (541) 881-3224 / (541) 881-3222

Fax (541) 881-3251

COMPREHENSIVE PLAN AMENDMENT

This form shall be used for any legislative code amendment application

FILE # 2020-06-23 CPAMD

Date Received 5/27/2020

Fee: \$510.00+ \$220.00 = \$730.00

(Mailing & Advertising: \$220.00)

Time Received 1:15 pm.

Accepted as Complete 5/27/2020

pd \$5092.67 cash 5/27/2020

Applicant(s) – attach additional sheets as necessary

Name Greg Winterowd

Address Winterbrook Planning

610 SW Alder Street, Suite 810

Portland, OR 97209

Telephone 503 318 0446

email greg@winterbrookplanning.com

signature Gregory Winterowd

Property Owner(s) – attach additional sheets as necessary

Steven Meland

883SouthWest30TH, LLC.

C/O Four Star Real Estate

241 SW 3rd Ave

Ontario, OR ,97914

208-954-1246

Steven@HotboxFarms.com

Description of proposed action: Change the Comprehensive Plan / Zoning Map for the subject 4.56-acre site from County UGA Commercial to City Light Industrial (O-I1). The attached application narrative addresses applicable state and local review criteria. The narrative in pdf format includes a conceptual site plan and supporting drawings.

If the application includes any site plans or other drawings, please submit electronic copies in pdf format

Property information:

Address 833 SW 30th Street

Tax Map # 18S47E07AD

Tax Lot #(s) 100

Lot size 4.56-acres

Zoning UGA - Commercial

Existing use Auto Sales

OFFICE USE ONLY

120 day time limit

DLCD 45-day notice required

Notice of PC Hearing

Notice to media

Hearing dates

Notice of Decision

Associated applications

Accepted as complete

Y/N Date mailed

Date mailed

Publication date

PC

Date mailed

Final decision by

Date of first hearing

Posted on site

Emailed

CC

Appeal deadline

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

CHAPTER 10B-15 LEGISLATIVE AMENDMENT PROCEDURES

10B-15-05 LEGISLATIVE AMENDMENT, INITIATION OF ACTION. Amendments to Title 10A, 10B, 10C or other Titles in the development code series, or to the Comprehensive Plan may be initiated by the Council or Commission by motion, or by individuals by application as provided for in this Title. Amendment actions shall first be referred to the Planning Commission for the public hearing and recommendation. The Department of Land Conservation and Development shall be notified of the pending action at least 45 days before the final hearing date, unless a shorter time is authorized by Oregon administrative regulations for the type of action being taken.

10B-15-20 COMMISSION HEARING, DECISION. The Commission shall hold a public hearing on the action and shall recommend approval, disapproval, or modification of the proposed amendment and shall make findings as appropriate to support the recommendation. Written findings and recommendations shall be forwarded to the Council by the Planning Director.

Upon receipt of the Commission's recommendation, the Council shall set a date for a public hearing on the recommendation. If the hearing is to be the final hearing on the action, the date must be set late enough to allow the Department of Land Conservation and Development notice period to expire. The Council may approve, reverse or modify the amendment and may adopt the Commission's findings, create new findings or add to or delete from the Commission's findings. The Council may remand the action to the Commission for further consideration. A copy of the final decision shall be transmitted to the Department of Land Conservation and Development.

There are no specific approval criteria for an amendment to the Comprehensive Plan; the only requirement is that the Planning Commission shall make findings as appropriate to support a recommendation to the City Council. The applicant bears the burden of proof to show that the application has merit. This burden may include providing data to show that the City of Ontario is deficient in some area, and that the requested change will address the deficiency. The applicant is encouraged to provide as much information as possible, and will be responsible for defending the request to both the Planning Commission and City Council.

If the request involves a subsequent rezone, the applicant shall file a separate Rezone application, along with the requisite fee.

Comprehensive Plan Amendment applications go to the City Council for a final decision. However, the application must first go to the Planning Commission for a recommendation on the request. The City must mail a Notice of Proposed Amendment form to DLCD at minimum of 45 days prior to the Planning Commission hearing. Applicants should allow a minimum of 2 ½ months for an application to be processed by the City.

COMPREHENSIVE PLAN AMENDMENT**FILE #** _____**Applicant is:**

- _____ The owner of the property
- _____ The purchaser of the property under a duly executed written consent of the owner to make such application
- _____ A lessee in possession of the property who has the written consent of the owner to make such authorization
- X _____ The agent of any of the above, who is duly authorized in writing by the principal

AUTHORIZATION:

I hereby consent that I am authorized to make the application for a rezone and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

*Gregory Winterowd*_____
Signature of applicant

May 6, 2020

Date_____
Signature of applicant_____
Date

DocuSigned by:

Steven Meland

5/12/2020

Signature of property owner_____
Date_____
Signature of property owner_____
Date_____
Signature of property owner_____
Date

Attach additional sheets if necessary

Incomplete applications, or insufficient information, may result in delay or denial of the application.

City of Ontario Planning and Zoning Application Form444 SW 4th Street, Ontario, OR 97914**Permit Center Annex:** 458 SW 3rd Street

Voice (541) 881-3224 / (541) 881-3222

Fax (541) 881-3251

**REZONE APPLICATION****FILE #** 2020-06-23 CPAMP**Date Received** 5/27/2020**Fee:** \$330.00 + \$220 = \$550.00**Time Received** 1:15 pm

(Mailing & Advertising \$220.00)

Accepted as Complete 5/27/2020**Applicant(s)** – attach additional sheets as necessaryName Greg WinterowdAddress Winterbrook Planning610 SW Alder Street, Suite 810Portland, OR 97209Telephone 503 318 0446email greg@winterbrookplanning.comsignature Gregory Winterowd**Property Owner(s)** – attach additional sheets as necessary

Steven Meland

883SouthWest30TH, LLC.C/O Four Star Real Estate241 SW 3rd AveOntario, OR ,97914208-954-1246Steven@HotboxFarms.com

Description of proposed action: Change the Comprehensive Plan / Zoning Map for the subject 4.56-acre site from County UGA Commercial to City Light Industrial (O-I1). The attached application narrative addresses applicable state and local review criteria. The narrative in pdf format includes a conceptual site plan and supporting drawings.

If this request involves a change in the Comprehensive Plan map, please submit a Comprehensive Plan Change application form.

If the application includes any site plans or other drawings, please submit electronic copies in pdf format

OFFICE USE ONLY**120 day time limit****DLCD 45-day notice required**

Notice of PC Hearing

Notice to media

Hearing dates

Notice of Decision

Associated applications

Accepted as complete

Y/N Date mailed Date mailed Publication date PC Date mailed Final decision by Date of first hearing Posted on site Emailed CC Appeal deadline

REZONE JUSTIFICATION

THE FOLLOWING INFORMATION MUST BE COMPLETED IN FULL. AN APPLICATION WILL NOT BE ACCEPTED FOR A ZONE CHANGE REQUEST WITHOUT THIS INFORMATION

THE CITY WILL USE THESE ANSWERS IN ITS ANALYSIS OF THE MERITS OF THE APPLICATION

PLEASE PRINT CLEARLY OR TYPE

A. DESCRIPTION OF PROPERTY:

Township 18 S Range 47 E Section 07AD, Willamette Meridian

Tax Lot # 100

Lot Size 4.56-acres Current Zoning UGA - Commercial
(ACRES OR SQUARE FEET)

Property Address 833 SW 30th Street

Name of Subdivision N/A

EXISTING RECORDED EASEMENTS:

Purpose & Description: Irrigation

Book & Page No. 42 274 Inst. # 12005

EXISTING DEED RESTRICTIONS:

Purpose & Description: _____

Book & Page No. _____ Inst. # _____

B. SPECIFICATION OF REQUEST

Zone Requested City Light Industrial (I1)

Intended use under new zone (Explain in detail, including all operational characteristics, use extra sheets.) Marijuana retail, Marijuana Wholesale, Marijuana Processing, Marijuana

Medical Grow, Marijuana Recreational Production

C. JUSTIFICATION

PROPOSED FINDINGS

In preparing findings of fact to support a Zoning Map Amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current proposal.

Explain in detail, using extra sheets as needed, how the proposed zone change complies with the following required findings:

- 1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

Please see attached narrative and appendices.

- 2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

Please see attached narrative and appendices.

- 3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

Please see attached narrative and appendices.

3. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

Please see attached narrative and appendices.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

Please see attached narrative and appendices.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

Please see attached narrative and appendices.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Please see attached narrative and appendices.

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

CHAPTER 10B-20 QUASI-JUDICIAL ZONING MAP AMENDMENT

10B-20-05 PURPOSE, AUTHORITY. The quasi-judicial zoning map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official zoning map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Commission shall be the final decision of the City unless an appeal is filed as authorized by this Title.

10B-20-25 HEARING DECISION. The Commission shall hold a public hearing on the action and shall approve, deny, or modify the proposed zoning map amendment and shall make findings as appropriate to support the decision. The Planning Director shall notify the applicant of the decision of the Commission and notify any person appearing at the hearing in person, if they are not present when the final decision is rendered, or if the person has appeared in writing. During the hearing, persons appearing shall be advised that they must testify in favor of or in opposition to the action to gain standing to appeal the Commission's decision to the Council. Persons testifying shall be advised that they must address one or more of the criteria or required findings set forth in this Title for quasi-judicial zoning map amendment decisions in order to establish standing to appeal the final local decision to the Oregon Land Use Board of Appeals.

10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required findings clearly does not apply to the current action:

1. The zoning map amendment is in conformance with statewide planning goals and guidelines.
2. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
3. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.
4. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
5. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
6. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Note:

Rezone applications are decided by the City Council. However, the application must first go to the Planning Commission for a recommendation on the new zone. Applicants should allow a minimum of two months for an application to be processed by the City; additional time may be necessary if the request involves a Comprehensive Plan change.

REZONE**FILE #** _____**Applicant is:**

- _____ The owner of the property
- _____ The purchaser of the property under a duly executed written consent of the owner to make such application
- _____ A lessee in possession of the property who has the written consent of the owner to make such authorization
- ☒ _____ The agent of any of the above, who is duly authorized in writing by the principal

AUTHORIZATION:

I hereby consent that I am authorized to make the application for a rezone and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

*Gregory Winterowd*_____
Signature of applicant

May 6, 2020

Date_____
Signature of applicant_____
Date

DocuSigned by:

Steven Meland

33A0FF206C48480...

Signature of property owner

5/12/2020

Date_____
Signature of property owner_____
Date_____
Signature of property owner_____
Date

Incomplete applications, or insufficient information, may result in delay or denial of the application.

SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:

The following additional data may be required at the discretion of the Planning or Public works Official:

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9. The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
 - a. Total area of the property in square feet.
 - b. Building coverage in square feet and percent total.
 - c. Parking lot in square feet and percent total.
 - d. Landscaped area in parking lot in square feet.
 - e. All other landscaped areas in square feet.
 - f. Number of parking spaces provided.
 - g. Number of residential units if appropriate.
 - h. Existing and proposed gross floor area in square feet.

If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:

- A. A description of the property and the specific action for which approval is sought
- B. Signature of owner
- C. Date of consent
- D. Party to whom consent is given
- E. Notarization of consent

If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.

Electronic copies of all written materials are appreciated if available.

SNJ Online – Annexation and Zone Change Application Narrative

Prepared by Winterbrook Planning
Submitted May 12th, 2020



Figure 1 Vicinity Map

PROPOSAL: Annex and Rezone of the subject 4.56-acre site from County UGA Commercial to City Light Industrial (O-I1).

PROPERTY OWNER: 883SouthWest30th, LLC.
C/O Four Star Real Estate | 241 SW 3rd Ave.
Ontario, Oregon 97914

SITE AND AREA CHARACTERISTICS: The flat and serviceable site is located at the southwest entrance to the City next to the Ontario Municipal Airport. The site is served by SW 30th Street (a major arterial)) and is subject to the Highway 201 Corridor Plan. Zoning and land use in the area is mixed – including County Industrial and Commercial and City Light Industrial, Heavy Commercial, Airport Development, Business Park, and Residential Mobile Home.

Contents

I. PROPOSAL SUMMARY	3
II. BACKGROUND INFORMATION	4
Surrounding Land Use and Existing Zoning	4
The Highway 201 Corridor Plan	5
Summary of Community and City Benefits	6
III. APPLICABLE CRITERIA AND STANDARDS:	7
A. Annexation Criteria.....	7
a. Joint Management Agreement Requirements.....	7
b. Statutory Requirements	7
B. Comprehensive Plan / Zoning Map Amendment Criteria.....	8
a. Statewide Planning Goal Compliance.....	8
Urbanization – Comparison of Land Need and Supply (10-14-6)	9
b. Comprehensive Plan Policy Conformance	12
c. Change in Social and Market Conditions.....	25
d. Public Need	26
e. Site Suitability	27
f. Adequate Streets and Public Facilities	27
g. No Adverse Effects.....	28
D. Overall Conclusion:	29

Figures

Figure 1 Vicinity Map.....	1
Figure 2 Conceptual Site Plan	3
Figure 3 Area Zoning and Land Uses	4
Figure 4 Site in Relation to Planned SW 31st Street Extension.....	5
Figure 5 Google Street View: Existing SW Corner of Highway 201 and Airport Way.....	6
Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2).....	10
Figure 7 Site Viewed from Highway 201 Entering the Ontario City Limits	15
Figure 8 Conceptual Site Plan	16

Appendices

Appendix A: Annexation Agreement with Property Description

I. PROPOSAL SUMMARY

Annexation of the subject 4.56-acre site rezoning from County UGA Commercial to City Light Industrial (O-I1).

- **Implement CUP Conditions of Approval:** The Community Development Director approved CUP 2019-08-58 in October of 2019 – which allows marijuana-related processing, wholesale and retail sales, subject to 12 conditions of approval. A related application for a three-lot partition has been submitted separately by the Community Development Director. Together, the two land use applications address required conditions of approval.
- **Proposed Land Uses:** The existing 9,156 square-foot building on **Lot 1** will be completely remodeled and the site will be improved to City standards; all operations will occur indoors. The proposed Light Industrial zone would allow an indoor marijuana grow operation in addition to processing, wholesale and retail sales at the same location - thus allowing for vertical integration of SNJ's Ontario business. **Lots 2 and 3** will be fully serviced and improved. This proposal will increase Ontario's supply of development-ready industrial land.

TENTATIVE PLAN - CONCEPTUAL SITE PLAN: 833 SW 30TH, ONTARIO

Prepared by Winterbrook Planning. Revised 4/28/20

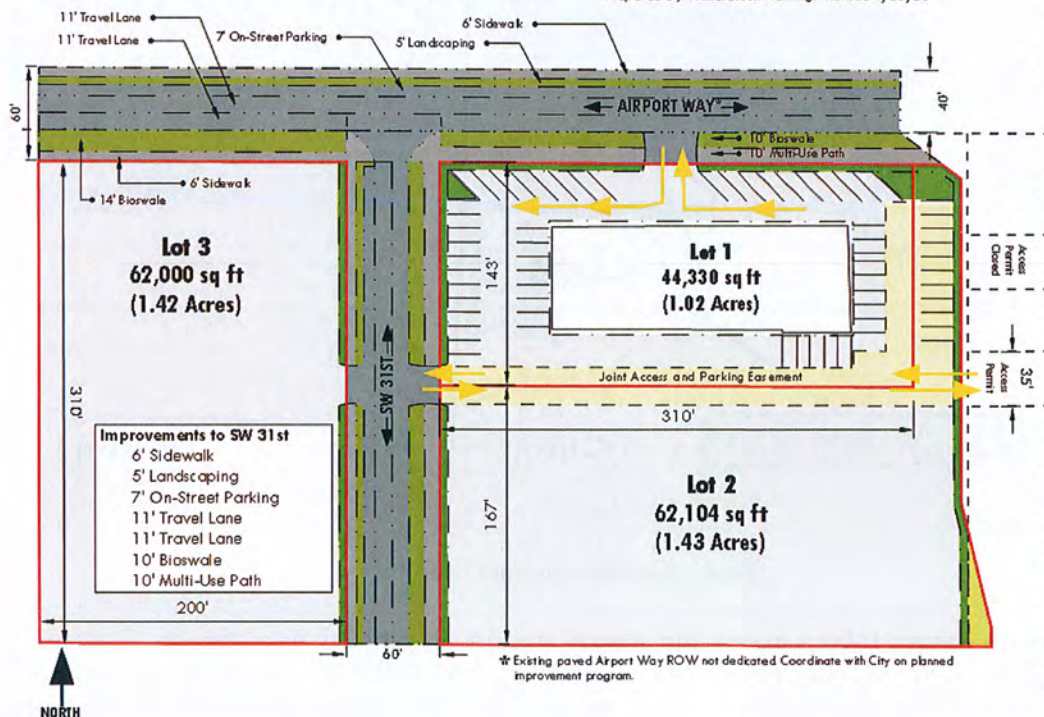


Figure 2 Conceptual Site Plan

II. BACKGROUND INFORMATION

Surrounding Land Use and Existing Zoning

As shown on Figure 3, Light Industrial zoning would serve as a transition between Airport Development and largely vacant County Commercial land to the south and east – and would be consistent with the mixed zoning character of the area west of Highway 201.

Land immediately to the north and west of Tax Lot 100 is zoned AD (Airport Development) which is like the Light Industrial in terms of allowed land uses. Land farther north of Airport Way has a mix of industrial, commercial, and residential zones, including City Airport Development (AD), Light Industrial (I-1), Industrial Park (BP), Heavy Commercial (C-2H) and Residential Mobile Home (RMH). Land outside the City Limit to the north of Airport Way is zoned UGA Heavy Industrial (I), UGA Commercial and UGA Residential.

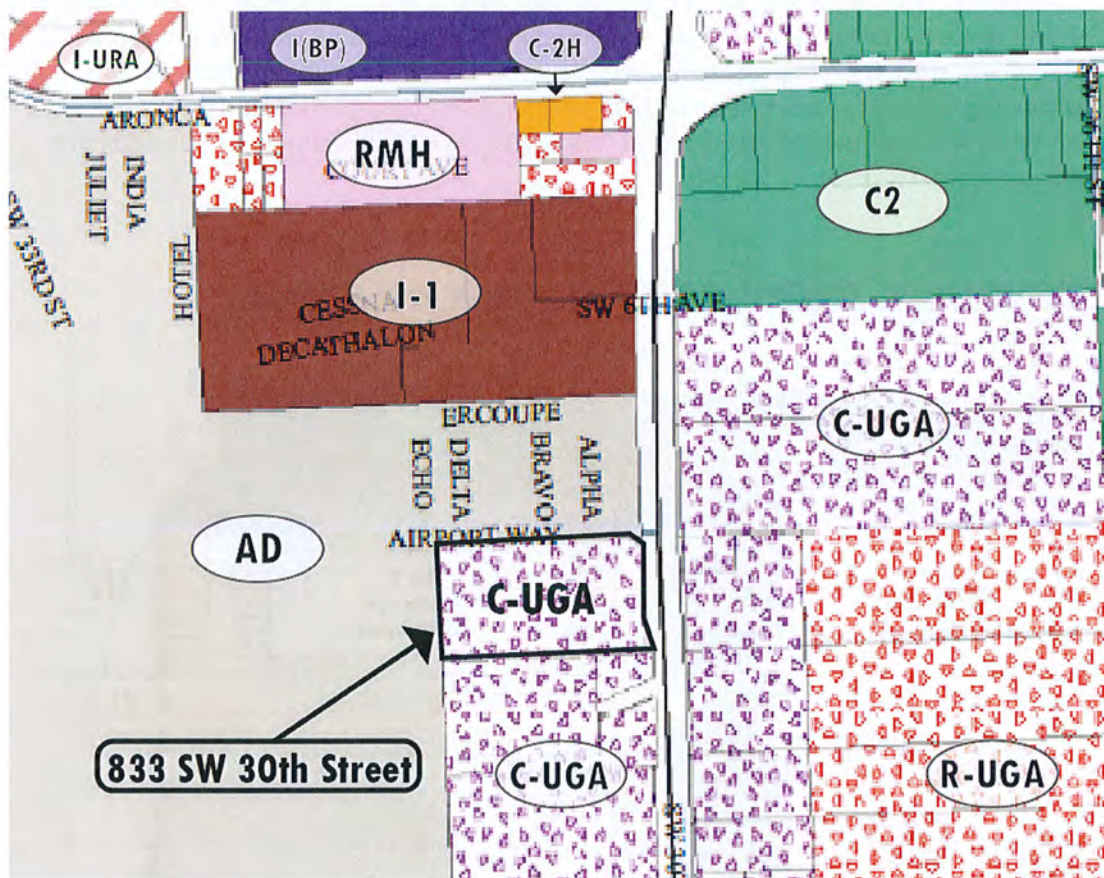


Figure 3 Area Zoning and Land Uses

As shown on Figure 1, land uses in the general area are also mixed, including the Ontario Municipal Airport (and related uses), Malheur County SWCD, US Consolidated Farm Services Agency, Ontario Fire and Rescue Station 2, the Mobilette Ranch Trailer Park, Cessna Decathlon, Rick's Auto Repair, a 20-acre light industrial area (served by SW 6th Avenue), Hunt's Auto Sales (subject property), a law office and several homes.

The Highway 201 Corridor Plan

The site is subject to Highway 201 Corridor Plan, which in the long-term requires (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10' bike/ped path parallel to Highway 201. Figure 4 shows the site in relation the required 31st Street service road.



Figure 4 Site in Relation to Planned SW 31st Street Extension

Consistent with the Highway 201 Corridor Plan:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A planned 10' bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Summary of Community and City Benefits

As documented in Section III below, the applicant must show that the rezoning will provide public benefits, comply with the Ontario Comprehensive Plan and meet statewide planning goal requirements.

In addition to allowing for vertical integration of SNJ Online's business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:

1. The complete renovation of the existing 9,165 square-foot building and paving required parking areas to City standards – an estimated \$5 million investment.
2. Adding 50 employees to the long-term Ontario work force – with an estimated \$200,000 in monthly payroll.
3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10' bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
4. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building (largely unchanged since 1960),
 - b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.
6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve the two additional light industrial parcels.
7. Increasing the local tax base and state marijuana tax revenue.



Figure 5 Google Street View: Existing SW Corner of Highway 201 and Airport Way

III. APPLICABLE CRITERIA AND STANDARDS:

Annexations must meet the statutory requirements of **ORS 222** and are subject to the procedural requirements of the Ontario – Malheur County Urban Growth Management Agreement (UGMA).

Zone changes must meet the requirements of **Section 10B-20-30** of the Ontario Zoning Ordinance (OZO), including applicable Comprehensive Plan policies, the Highway 201 Corridor Plan, and Statewide Planning Goals and Administrative Rules.

A. Annexation Criteria

a. Joint Management Agreement Requirements

The City of Ontario and Malheur County Joint Growth Management Agreement (GMA) requires review and comment by a “Joint Technical Review Committee” (JTRC) prior to the preparation of staff reports or administrative decisions.

- 4) A Joint Technical Review Committee (JTRC) shall be established by the City and the County to coordinate land use decisions in the UGA and URA.*
 - a) At a minimum, the JTRC will consist of representatives from the planning and public works staffs of the City and the County. In addition, other representatives may participate as appropriate, including, but not limited to, the County Sanitarian, County Assessor, public safety officials, economic development officials and representatives from special districts such as school districts or irrigation districts. The chair of individual meetings shall be the Planning Director from the jurisdiction with lead authority for the issues under review.*
 - b) The JTRC shall review all land use applications prior to the preparation of a staff report or administrative decision. The purpose of this review is to identify and agree on applicable policies and development standards and specific issues to be addressed by the applicant. This review may occur prior to the submission of an application, similar to a pre-application conference.*

Findings: The JTRC will review this application narrative and make a recommendation regarding this application.

b. Statutory Requirements

- 1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

Findings: Appendix A includes a nonrevocable annexation agreement signed by the property owners and a “metes and bounds” description of the property to be annexed.

The property is annexable because it (a) is inside the Urban Growth Boundary, (b) can be provided immediately with sanitary sewer and water improvements; and (c) is contiguous with the current City Limit to the north and west.

Conclusion: All criteria and standards applicable to a request for annexation have been met; the property may be annexed.

B. Comprehensive Plan / Zoning Map Amendment Criteria

Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

a. Statewide Planning Goal Compliance

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

Findings: Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 9 (Economic Development), 11 (Public Facilities and Services), 12 (Transportation) and 14 (Urbanization) are applicable to this zone change application.

There are no inventoried natural hazards or natural resources on the subject property. City Comprehensive Plan environmental and energy conservation policies will not change as a result of this application. The proposed rezone does not include a change in the supply of residentially zoned land and will not increase demand for – or affect the supply of – park land. Therefore, Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 5 (Natural Resources), 6 (Air, Land and Water Resource Quality), 7 (Natural Hazards), 8 (Park and Recreational Needs), 10 (Housing), 13 (Energy Conservation), 15 (Willamette River Greenway), and 16-19 (Coastal Goals) are not applicable to, or will have no significant impacts from, the proposed zone change.

Statewide Planning Goal 1 requires that the City provide opportunities for public comment on quasi-judicial land use decisions. Goal 2 will be met because the public hearings before the Planning Commission and City Council for this zone change will be duly notified in accordance with Ontario Zoning Ordinance **Section 10B-03 – Public Hearings**.

Goal 1 Conclusion: The application will be consistent with Goal 1 (Citizen Involvement) provided that public notice is properly given and that members of the public be given the opportunity to comment on this proposal through the planning commission and city council public hearing processes.

Statewide Planning Goal 2 requires coordination among governmental agencies, an adequate factual basis for decision-making, and consistency with the Ontario Comprehensive Plan.

- Goal 2 is met because City staff provided 35-day notice of the initial public hearing to the Department of Land Conservation and Development.
- City staff, Winterbrook Planning and CK-3 Engineering and Surveying have coordinated with the Oregon Department of Transportation regarding the implementation of the Highway 201 Corridor Plan throughout the design process.
- City staff coordinated with Malheur County staff as required by the Growth Management Agreement.
- The zone change application will be reviewed by the Ontario JTRC (Joint Technical Review Committee) along with the annexation application.
- This application narrative provides an adequate factual basis for approval of the proposed zone change.
- As documented below, the zoning map amendment is consistent with the acknowledged Ontario Comprehensive Plan, including the Highway 201 Corridor Plan.

Goal 2 Conclusion: Based on evidence provided above, the application will be consistent with Goal 2 (Land Use Planning).

Statewide Planning Goal 9 requires that cities provide enough suitable land for planned economic development consistent with the Ontario Comprehensive Plan.

Urbanization – Comparison of Land Need and Supply (10-14-6)

Ontario has over 500 vacant buildable acres in the commercial and industrial land categories, not including several hundred acres of specialty employment land designated for rail-dependent industrial and data server farms. The Ontario Urbanization Study (2007) identified a long-term employment (industrial and commercial) land need and determined that there was a deficit of 32.7 buildable acres within the Ontario UGB. The Ontario Comprehensive Plan (Table 14-4) compares commercial and industrial land need with buildable land supply and identified a 21.5-acre shortage of industrial land and an 11.2 shortage of commercial land within the Ontario UGB. The employment (industrial) land deficit was reduced to from 21.5 to 16.5 acres in 2018 when the City Council approved the Curtis zone change from Residential to Light Industrial. The overall employment land deficit was reduced from 32.7 to 27.7 acres.

However, the proposal to rezone approximately 4.6 acres of IGA Commercial land to Light Industrial (O-I1) would not change the buildable land supply because the 4.6-acre site was defined as “developed” in the 2007 buildable lands inventory. As noted on p. 13 of the Urbanization Study:

For industrial and other employment lands, the OAR 600-009-0005(14) definitions are used: "Vacant Land" means a lot or parcel: (a) Equal to or larger than one half-acre not currently containing permanent buildings or improvements; or (b) Equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements."

The 4.6-acre site has an existing building and parking lot that cover more than a half-acre; therefore, the site was considered developed for land use planning purposes. Figure 6 is a clip from the 2007 Ontario Buildable Lands Inventory Map. The reddish-brown color (which applies to most of the land west of Highway 201 and to the site just south of Airport Way) indicates the property is sufficiently “developed” and to be excluded from the buildable land inventory.

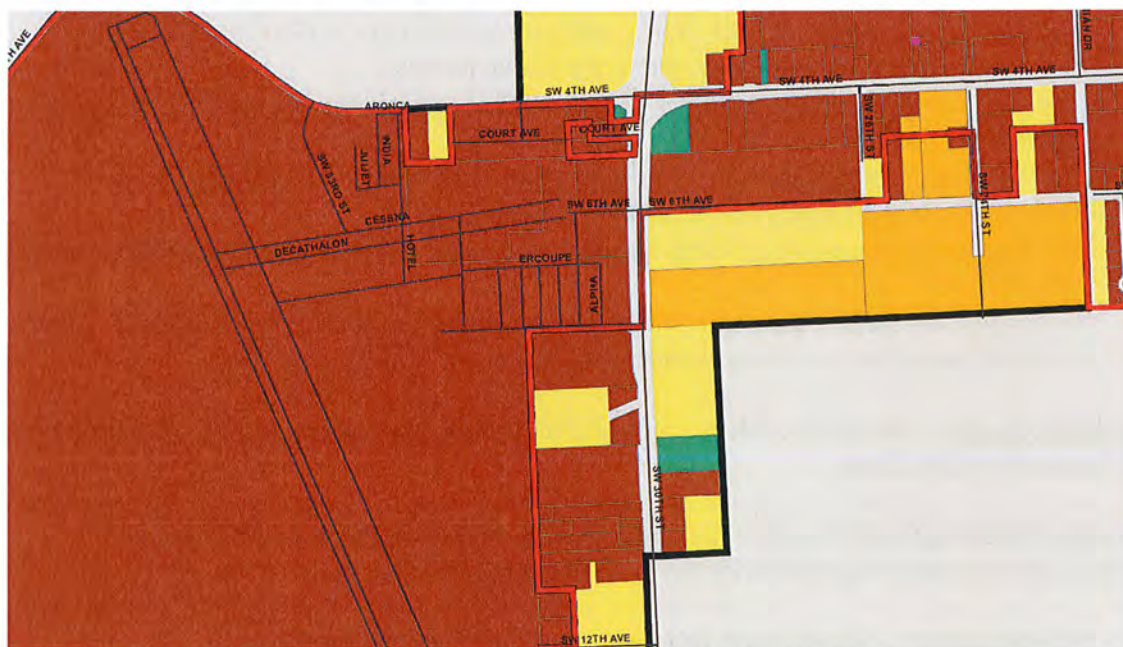


Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2)

Importantly, most “buildable” employment sites within the UGB are distant from existing sewer and water lines – which means that such sites are not development-ready in the short-term. By annexing and providing sewer and water services to two additional Light Industrial parcels, Ontario will increase the development-ready employment land supply.

Goal 9 Conclusion: The proposed zone change is consistent with Goal 9 (Economic Development) because it result in a minor (4.6 acre) re-allocation of “developed” employment land supply from Commercial to Light Industrial that will have not material effect on the City’s ability to meet its economic development objectives. Since the Heavy Commercial and Light

Industrial zones allow many of the same uses, and the owner will be providing urban services to two new Light Industrial parcels, annexation and rezoning of the subject property will increase the supply of development-ready parcels available to potential employers. For these reasons, the proposed rezone complies with Goal 9.

Statewide Planning Goal 11 requires that public facilities be available and adequate to serve planned land uses.

- Based on discussions with Community Development Director Cummings and consistent with the civil engineering analysis provided by CK-3 Engineering and Surveying, sanitary sewer and water lines can readily be extended from Airport Way to serve the property.
- These services will be available upon annexation to the City.
- The property owner will be responsible for on-site retention of stormwater runoff resulting from proposed development.

Goal 11 Conclusion: For the above reasons, the proposed zone change is consistent with Goal 11.

Statewide Planning Goal 12 requires that the zone change not have a significant adverse impact on transportation facilities that serve the site. In this case, the proposal is to rezone the site from Commercial to Light Industrial. The Transportation Planning Rule requires that cities identify the “reasonable worst-case scenario” when evaluating transportation impacts that could result from a zone change.

Although there is considerable overlap between the Heavy Commercial and Light Industrial zones in terms of uses allowed, the Heavy Commercial (C-H) zone allows all principal (permitted) uses in the General Commercial (C-2) zone. Many uses allowed in the C-H zone (but not the I1 zone) generate a lot of traffic. For example, the C-H zone permits retail shopping establishments (including large format or “big box” retail), medical and dental offices, gas stations, business offices and consumer services (banks, copying, restaurants – including drive-through) without size restriction. Therefore, the reasonable worst-case scenario for a C-H zoned property generates much more peak hour traffic than the reasonable worst-case scenario for an I1 zoned property.

In fact, the reasonable traffic-related worst-case scenario for uses allowed in the I1 zone is probably be a recreational marijuana retail operation. However, the City did not require a transportation impact study when that use was approved last year.

As noted in the discussion of the Transportation Policies of the Ontario Comprehensive Plan below, the Ontario Zoning Ordinance does not require a transportation impact analysis (TIS) for projects that generate fewer than 600 daily trips. Thus, a TIS *would likely* be required for most commercial development of the subject properties but *probably would not* be required for light industrial development on this site (because many fewer trips would be generated under the reasonable worst-case scenario).

The Highway 201 Corridor Plan designates Highway 201 as a limited access “expressway that depends in the long-term on a “local access street” to provide business access and encourages multi-modal travel on a planned bike/ped path. The Corridor Plan is designed to reduce transportation impacts along Highway 201.

The site is subject to Highway 201 Corridor Plan provisions, which in the long-term require (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10’ bike/ped path parallel to Highway 201.

Consistent with the Highway 201 Corridor Plan and as shown on Figures 2 and 4:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Goal 12 Conclusion: The proposed zone change will help implement the Highway 201 Corridor Plan and will not significantly impact a state highway or major streets in Ontario; therefore, the proposal will not violate Goal 12 (Transportation).

Statewide Planning Goal 14 requires that urban development be confined within urban growth boundaries and that cities and counties coordinate development within their shared UGB. The proposed annexation will occur within the Ontario UGB and, as demonstrated in the Goal 2 discussion above, development review will be fully coordinated with Malheur County staff based on a mutually adopted growth management agreement.

Although annexation and rezoning the 4.6-acre “developed” site will not change the overall allocation of “buildable” commercial land within the UGB, the proposed creation of two new vacant and serviceable industrial parcels will increase the development-ready industrial land supply.

Conclusion: The proposed zone change is consistent with Goal 14 (Urbanization).

Overall Statewide Planning Goal Conclusion

The proposed zone change is consistent with applicable statewide planning goals based on the factual evidence and analysis presented above.

b. Comprehensive Plan Policy Conformance

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

Findings: The Ontario Comprehensive Plan includes several policies that support the proposed zone change and no policies that are directly opposed to the proposed zone change. Each relevant policy is quoted in *italic font* below followed by findings explaining how the proposal addresses the policy.

Citizen Involvement Policies (10-1-5)

- 5) The Ontario City Planning Commission shall act as the committee for citizen involvement.*
- 6) The Council may of its own choice, or may upon the recommendation of the Commission, appoint such ad hoc citizen or agency committees, task forces, or other citizen or agency committees, task forces, or other advisory groups as are necessary to accomplish the planning needs of the community.*
- 7) The Planning Director shall be responsible for assuring that adequate publicity and information is available to the public and parties affected by planning related actions of the City. The Planning Director shall maintain contact with agencies that may have an interest in planning related actions.*

Findings: The Ontario Planning Commission will be making a recommendation to the City Council on this matter. Public hearings before both bodies will be required. The Planning Director will prepare the staff report to both bodies which will be available at least seven days before publicly noticed hearings. These policies will be met.

Land Use Planning Policies (10-2-4 through 10-2-5)

10-2-4 - Policies: Land Use Planning, General

- 2. The City's Comprehensive Planning process shall be based on a factual information base; evaluation and analysis of pertinent facts, comments and circumstances, and decision making based on findings which support community goals and conform to policies, statutes and ordinances. Age, gender or physical disability shall not be an adverse consideration for making a land use decision.*
- 3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.*
- 4. The land use planning process shall be utilized to assure an adequate supply of land, properly serviced, for the various residential, commercial, industrial, recreational and institutional needs of the community.*
- 5. Land use planning decisions, particularly quasi-judicial actions shall be in harmony with the policies adopted in this document.*
- 6. It is expected that regional, State and Federal agency plans will conform to the comprehensive plan of the City and that the City's comprehensive plan will take into account regional, State and national needs.*

Policy 10-2-4 Findings:

Policy 2: As noted under the Statewide Planning Goal discussion (especially Goals 9 – Economic Development and 14 – Urbanization), Winterbrook relied on the Comprehensive Plan for factual information related to the need for and supply of buildable land for employment purposes in preparing the application.

Policy 3: As noted in Background Information section of this application, the site abuts the City Limits on two sides and is within the Ontario UGB. The proposed rezone from Commercial to Light Industrial provides a transition from Airport Development to Commercial and is consistent with the mixed zoning pattern in the surrounding area.

Policy 4: As documented in the Goal 9 and Goal 14 discussions above, the 4.6 acre zone change from Commercial to Light Industrial does not significantly change the long-term allocation of commercial and industrial land within the UGB – especially considering the fact that the C-H (Heavy Commercial) and I1 (Light Industrial) zones allow many of the same uses.

Policy 5: The findings in this narrative document compliance with applicable Comprehensive Plan policies, as required by Policy 5.

Policy 6: Winterbrook carefully reviewed the Highway 201 Corridor Plan in preparing this application and has coordinated with ODOT on several occasions over the last 10 months. ODOT recognizes the validity of the Ontario Comprehensive Plan – as implemented by the Corridor Plan. We have shared a common purpose in seeking to implement both documents.

Visual Image, Development Pattern Policies (10-2-5)

1. Particular attention shall be given in land use decisions to the impression people get when entering the City. Land uses shall foster an impression of a "desirable place to do business." This policy means the elimination and prevention of ugliness on the approach highways, the appearance of prosperity, success and excitement with free, safe, pleasant and speedy access to the customer's destinations.

3. New development shall not be scattered and disjointed so as to increase the costs of supplying services and facilities.

4. Utility extension policies shall be designed and administered so as to enforce compact development. Urban type development shall be discouraged on land that cannot be efficiently supplied with municipal utilities at the time of occupancy.

Policy 10-2-4 Findings:

Policy 1: As noted under the Background discussion, the site is located at the southwest entrance to the City Limits next to the Ontario Municipal Airport. The existing vehicle sales building and lot are not attractive and does not create the impression of a “desirable place to do business.”



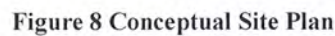
Figure 7 Site Viewed from Highway 201 Entering the Ontario City Limits

As shown on Figure 7 above, the existing site does meet City or Highway 201 Corridor Plan development and safety standards because it:

- Has no landscaping or curbs limiting access to the public right-of-way).
- Lacks defined parking and circulations areas.
- Lacks sidewalks and landscaping.
- Has stored vehicles and trailers in the public right-of-way.
- Has a building that looks pretty much the same as it did when it was constructed in 1960.

As shown on Figure 8 on the following page, the new owners propose to remodel the existing building, improve the site to City standards, and implement the Highway 201 Corridor Plan by making major off-site improvements.

Prepared by Winterbrook Planning. Revised 4/28/20



1. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity, appearance and safety – by:
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10’ bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
2. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building,
 - b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
3. Providing an attractive light industrial transition area between existing airport-related light industrial and future community commercial development.

SNJ Annexation & Plan / Zone Change Application - Winterbrook Planning – May 2020 - Page 16

provides a logical transition from Airport Development to Commercial and is consistent with the mixed zoning pattern in the surrounding area.

Policy 4: As documented in the Goal 11 discussions above, utilities will be provided for each of the three new lots. More “compact” development will be achieved because the proposed local access street will provide access to the rear of the lot and facilitate new light industrial / heavy commercial development in an area that is well-served by public utilities and transportation.

Commercial and Industrial Land Use Policies (10-2-6 and 10-2-8)

10-2-8 - Policies: Industrial Land Use

- 1. Industrial areas shall be protected from encroachment by incompatible land uses.*
- 2. The land use plan shall designate industrial sites of a variety of sizes to provide ample space for new industries, expansion of existing industries, and to provide for competition in the industrial land market.*
- 3. Industrial sites shall be functionally related to existing or proposed transportation systems. Access through residential areas shall be avoided.*
- 4. Industrial sites shall be grouped to facilitate service by utilities and public safety services.*
- 5. Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.*
- 6. Premature industrial zoning shall be avoided when on productive agricultural land or otherwise conflict with policies of this Title. Plans shall be devised which will designate future industrial locations with assurance of agricultural use until the market demands substantial industrial use of that land.*
- 7. The lands most suitable for industry shall be protected from intrusion of residential uses.*

Policy 10-2-8 Findings:

Policy 1: The applicant is proposing only those uses allowed in the I1 zone.

Policy 2: In addition to Lot 1 (the site of the proposed recreational marijuana grow, processing and retail business), Lots 2 and 3 will provide development-ready light industrial sites that can accommodate a variety of light industrial and heavy commercial uses.

Policy 3: The site has excellent transportation access from Highway 201 that does not require driving through residential areas. The applicant is working closely with the City to implement the Highway 201 Corridor Plan by dedicating and improving 31st Street, limiting direct access to Highway 201, and constructing a bike/ped path within the right-of-way adjacent to the site.

Policy 4: As shown on Figure 3, the site is in an area with mixed zoning. Light Industrial zoning provides an effective transition between Airport Development zoning (which allows limited light industrial uses) to the immediate north and west and Commercial zoning to the south and east.

Also as shown on Figure 3, approximately 20 acres of Light Industrial land is located just north of the airport hanger development abutting the site. Thus, the site is located in an area that is characterized by light industrial and heavy commercial development.

Policy 5: As shown on Figure 2, landscape buffers are proposed along all three street rights-of-way (Airport Way, 31st Street and Highway 201 (30th Street).

Policy 6: The site is currently used for vehicle sales and outdoor storage and not for agricultural uses. Annexing and rezoning of the site is therefore not “premature”.

Policy 7: As shown on Figure 3, there is no nearby residential zoning. The site abuts Airport Development to the north and west, and UGA Commercial to the south and East. A large I1 zoned property is located further to the north – west of Highway 201.

Commercial Land Use Policy (10-2-7)

1.New commercial development shall be concentrated in and around existing commercial areas as much as possible.

2.Additional strip commercial development shall be discouraged and existing commercial areas shall be kept sufficiently deep so as to promote commercial concentration, allow for landscaping and for sufficient off-street parking and loading.

3.Commercial uses generating large volumes of traffic shall be located close to major traffic routes and shall have carefully engineered accesses to such routes.

6.The amount of land allocated in the land use plan for retail and service facilities shall be ample for the needs of healthy competition, but gross over-zoning shall be avoided to reduce the waste of land and blighting influence on surrounding property.

Policy 10-2-7 Findings: Commercial Land Use

Policy 1: Large concentrations of commercial land are located south of the site (west of Highway 201) and across Highway 201 to the east. The proposed Light Industrial zone for the 4.6-acre site would provide a transition between a cluster of Airport Development and Light Industrial zoning and these commercial concentrations.

Policy 2: The proposed local access street (the 31st Street extension) provides access to the rear portion of the site – thus reducing inefficiencies associated with strip commercial development. The proposed site design (shown on Figure 7) provides perimeter landscaping and efficient on- and off-street parking and loading.

CUP 2019-08-58 Condition #6 requires the applicant to provide sufficient on-site parking for the retail facility and for wholesale, processing and production operations:

6. That the Retail Facility shall provide parking based on 10A-57-75(4) which is one space for every 300 square feet of building area, plus one space for every full or part time employee on the largest shift. The other development parking will be determined at time of plan submittal for the proposed facility (i.e. wholesale, processing, production).

The Ontario Zoning Code (Sections 10A-57-75 through 85) includes parking standards for uses that are similar to marijuana-related uses allowed conditionally in the Light Industrial (I1) zone. Table 1 summarizes relevant code standards:

Table 1: Section 10A-057 Parking Space Standards

Use	Employee Standard	Square Footage Standard	Loading Space Standard
Medical Clinic	1 space per employee on largest shift	1 space per 300 s.f. Gross Floor Area	None
Wholesale with On-Site Stock		1 space per 400 s.f. Gross Floor Area	1 for first 6,000 s.f. of Gross Floor Area
Manufacturing	1 space per employee on largest shift	1 space per 2,500 s.f. Gross Floor Area	1 space per 2,500 s.f. Gross Floor Area

The proposed zone change from IGA Commercial to Light Industrial (I1) would allow a recreational grow operation in addition to wholesale, processing and recreational retail uses.

- The existing building has approximately 9,200 gross square feet (s.f.). The owners estimate that 50% of the building will be used for the recreational grow / wholesale operation (4,600 s.f.), 25% for processing (2300 s.f.), and 25% for retail sales (2300 s.f.).
- The business will operate in shifts, with the largest retail shift having 15 employees, the largest recreational grow/wholesale shift having 6 employees, and the largest marijuana processing having 5 employees.

Table 2 applies Section 10A-057 parking standards to proposed marijuana-related uses.

Table 2: Section 10A-057 Parking Space Requirements for Marijuana Uses

Marijuana-related Use	Employees (Largest Shift)	Square Footage (by Use)	Loading Spaces (by Use)
Recreational Sales	15 spaces	8 spaces	None
Recreational Grow and Wholesale Sales	None	15 spaces	1 space
Processing	5 spaces	2 spaces	2 spaces for 5,000 s.f. Gross Floor Area
Subtotals	20	25	3

As shown on Table 2 above, a total of 45 parking spaces and three loading spaces would be required for the proposed marijuana-related uses.

Figure 2 Conceptual Site Plan shows that it is feasible to provide 16 diagonal and 35 head-in parking spaces (including 4 handicapped spaces near the front entrance) on Lot 1,

for a total of 51 spaces. Figure 2 also shows a large loading area that is sufficient to accommodate three loading spaces and proposed perimeter landscaping. Therefore, there is sufficient space on Lot 1 to meet parking, loading and landscape space requirements required for proposed marijuana-related uses.

Policy 3: The site is located along Highway 201 – a major arterial street (an ODOT designated “expressway”) that can accommodate large volumes of traffic. This location clearly benefits the recreational marijuana retail aspect of this vertically integrated (production, processing and retail sales) business. The owners recognize their obligation to work with ODOT to limit direct access and design access to Highway 201. Towards this end, the concept plan (Figure 8):

- a. Provides a landscape strip and curbing to limit access to the expressway,
- b. Shows the closure of the northern driveway prior to occupancy of the remodeled building on Lot 1, and
- c. Recognizes that the other (southern) access permit to Highway 201 must be closed in conjunction with the development of Lots 2 and 3.

Policy 6: As noted in the Goal 9 and 14 findings, the City will retain an ample long-term supply of commercial land after rezoning the site to Light Industrial. The conditionally approved retail use of Lot 1 (as allowed in the I1 zone) ensures that that the it will be used for commercial purposes.

Industrial Land Use Policy (10-2-8)

- 1. Industrial areas shall be protected from encroachment by incompatible land uses.*
- 2. The land use plan shall designate industrial sites of a variety of sizes to provide ample space for new industries, expansion of existing industries, and to provide for competition in the industrial land market.*
- 3. Industrial sites shall be functionally related to existing or proposed transportation systems. Access through residential areas shall be avoided.*
- 4. Industrial sites shall be grouped to facilitate service by utilities and public safety services.*
- 5. Industrial developments shall provide design features or buffers that protect adjacent non-industrial properties from adverse effects.*
- 6. Premature industrial zoning shall be avoided when on productive agricultural land or otherwise conflict with policies of this Title. Plans shall be devised which will designate future industrial locations with assurance of agricultural use until the market demands substantial industrial use of that land.*
- 7. The lands most suitable for industry shall be protected from intrusion of residential uses.*

Policy 10-2-8 Findings:

Policy 1: The owners propose to use I1 zoned properties only for those uses allowed in the I1 zone – which include marijuana-related uses. The I1 zone serves as an effective transition between Airport Development uses and highway-oriented commercial uses planned south of the subject property.

Policy 2: There is a slight long-term deficit in the supply of industrial land in Ontario – about 16.5 acres as documented in the Goal 9 (Economic Development) and 14 (Urbanization) finding. The effect of this rezone is to reduce the industrial land deficit by increasing the supply of development-ready industrial land by 4.6 acres.

Policy 3: The site is located on a major arterial street (the Highway 201 “expressway”) with direct vehicular access to two collector streets – Airport Way and 31st Street. Driving through residential areas is not required to access the proposed I1 site.

Policy 4: As noted above, the I1 zone is like the Airport Development and Heavy Commercial zones because all three zones allow a range of light industrial and heavy commercial uses. The area west of Highway 201 is almost entirely comprised of light industrial and heavy commercial uses that are functionally grouped together.

Policy 5: As noted repeatedly above, the proposed I1 zone provides an effective buffer between the Airport Development and Commercial zones. Because the owners propose extensive perimeter landscaping, light industrial/heavy commercial development on the 4.6-acre site will provide an effective buffer from the public streets and planned commercial development to the south and east.

Policy 6: The site is within the UGB, is not used for agriculture and abuts the City Limits on the north and west sides.

Policy 7: Residential uses are not allowed in the I1 zone.

Flooding and Steep Slope Hazard Policy (10-7-4)

1. The City recognizes that land within the 100-year floodplain has been inappropriately designated for urban uses in the past, resulting in the loss of flood storage capacity and potential hazards to life and property. The City, therefore, is committed to working with Malheur County to avoid this mistake in the future. a. The City will not propose future UGB expansions for residential, commercial or industrial uses within the flood hazard zones (100-year floodplains) of the Snake or Malheur Rivers. b. Industrial land within the 100-year floodplain is not considered suitable for meeting the City's long-term employment needs. c. Residential land within the 100-year floodplain is not considered buildable for residential purposes. d. The City will actively pursue the creation of a flood storage and wetland mitigation bank on public land, to compensate for the loss of flood storage capacity and wetland values resulting from urban development within floodplain areas.

2. The City, in cooperation with State and Federal agencies, shall continue to collect and refine information bearing on the delineation of areas of potential flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding. 3. The City shall continue to maintain and enforce development regulations designed to protect life and property from flooding.

Policy 10-7-4 Findings: The subject property is not within 100-year floodplain and is therefore suitable for industrial development.

Public Facilities Policies (10-11-5)

3) Parcels of land outside the City limits shall not be annexed if the uses anticipated in those areas would jeopardize the availability and efficiency of facilities to areas already within the City boundaries.

5) Information regarding system and line capacities shall be among the considerations used in making immediate and long range land use decisions. The capital improvement program and land use policies shall assure that all facilities will be efficiently utilized.

8) Development proposals for industrial or commercial uses shall include descriptions of water and sewer requirements. Provisions for financing shall be developed in accordance with the City's ordinances and policies.

Policy 10-11-5 Findings: Based on discussions with CD Director Cummings and CK-3 Engineering analysis, sanitary sewer and water lines are available to the site from Airport Way and are adequate to serve proposed industrial uses on the site. These services will be available upon annexation to the City.

No development is proposed at this time. The owners will pay applicable sanitary sewer and water service fees necessary to support a planned marijuana-related uses on Lot 1 and light industrial development in the future.

Conclusion: The proposed zone change is consistent with applicable public facilities policies because sanitary sewer and water lines are immediately available to serve the site.

Transportation Policies (10-12-4)

1) Establish a transportation system that can accommodate a wide variety of travel modes and minimizes the reliance on any one single mode of travel.

2) Properly plan transportation infrastructure to meet the level of service set for each type of facility.

3) Maintain a level of service standard of LOS D or better for signalized intersections and a level of service of LOS E at unsignalized intersections if the intersection does not meet the most current Manual of Uniform Traffic Control Devices (MUTCD) signal warrants. If the intersection meets signal warrants, then the level of service standard for the unsignalized intersection shall be LOS D. At least two MUTCD signal warrants shall be met prior to consideration of signalization. A traffic study shall be conducted to

analyze the potential installation of a signal that includes average daily traffic counts by hour on all intersection approaches, a signal warrant analysis based on the most recent MUTCD, and any other factors identified by a traffic engineer deemed as a factor for signalization such as poor sight distance, vehicle travel speed, and intersection geometric conditions.

For Oregon Department of Transportation (ODOT) facilities, the City of Ontario shall defer to ODOT mobility standards described in the most recent version of the Oregon Highway Plan.

4) Develop a local street plan to preserve future rights-of-way for future streets and to maintain adequate local circulation in a manner consistent with Ontario's existing street grid system.

5) Require developments to construct their accesses consistent with the local street plan.

6) Develop an access management policy for the local arterial system and direct commercial development access to local streets wherever possible.

Policy 10-12-4 Findings

Although there is considerable overlap between the Heavy Commercial and Light Industrial zones in terms of uses allowed, the Heavy Commercial (C-H) zone allows all principal (permitted) uses in the General Commercial (C-2) zone. Many uses allowed in the C-H zone (but not the I1 zone) generate a lot of traffic. For example, the C-H zone permits retail shopping establishments (including large format or “big box” retail), medical and dental offices, gas stations, business offices and consumer services (banks, copying, restaurants – including drive-through) without size restriction. Therefore, the reasonable worst-case scenario for a C-H zoned property generates much more peak hour traffic than the reasonable worst-case scenario.

In fact, the reasonable worst-case scenario in the I1 zone is probably a recreational marijuana retail operation – which is allowed in both the C-H and the I1 zone. Because the rear portion of the existing commercial building will be used to grow and process recreational marijuana, the worst-case retail scenario in the I1 zone will not occur. Because this proposed light industrial use will not generate more than 600 daily trips, the Community Development Director did not require a transportation impact statement in conjunction with the approved conditional use. However, should this threshold be met for any future development, the developer will need to prepare a transportation impact statement as required by the Ontario Zoning Ordinance Section 10C.25-06.002.¹

¹ **10C-25.06.002 - When a Transportation Impact Analysis is Required.** *A TIA shall be required when: a) A proposed development generates 600 or more daily trip ends or 100 or more hourly trip ends, as defined by the Institute of Transportation Engineers (ITE), Trip Generation Manual or trip generation studies of comparable uses prepared by an engineer. b) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour. c) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.*

The Ontario Zoning Ordinance does not require a transportation impact analysis (TIS) for projects that generate fewer than 600 daily trips. Thus, a TIS *would likely* be required for most commercial development of the subject properties but *would not* be required for light industrial development on this site (because many fewer trips would be generated under the reasonable worst-case scenario).

The Highway 201 Corridor Plan designates Highway 201 as a limited access “expressway” that depends in the long-term on a “local access street” to provide business access and encourages multi-modal travel on a planned bike/ped path. The site is subject to Highway 201 Corridor Plan, which in the long-term requires (a) dedication and improvement of a parallel local service road (31st Street), (b) limited access to Highway 201, and (c) a 10’ bike/ped path parallel to Highway 201.

Consistent with the Highway 201 Corridor Plan and as shown on Figures 2 and 4:

- The applicant will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway access permit to Highway 201 will be closed immediately and the southern driveway access permit will be closed in conjunction with development on Lots 2 and 3.

Conclusion: The proposed zone change will help implement the Highway 201 Corridor Plan and will not significantly impact a state highway or major streets in Ontario; therefore, the proposal is consistent with Policy 10-12-4 Transportation.

Urbanization – Comparison of Land Need and Supply Policy (10-14-6)

Table 14-4 compares land use need and supply within the Ontario UGB.² As noted in the Goal 14 discussion above, the subject 4.6-acre site does not appear on the buildable lands inventory.³

Table 14-4: Ontario Land Need and Supply 2006-2026 (Revised 2013)

Generalized Land Use	Buildable Acres		
	Supply	Need	Surplus (Deficit)
Commercial	242.9	254.1	(11.2)

² Note that the Curtis zone change in 2018 reduced the residential land surplus by 5 acres and increased the industrial land supply by the same amount.

³ Based on the Goal 9 administrative rule, the 4.6-acre site was considered “developed” because it had a large building on a parcel of less than 5 acres.

Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
TOTAL	1,716.5	1,788.8	(72.3)

However, the proposed zone change – combined with the proposed three-lot land partition – will increase the industrial vacant buildable supply by two vacant parcels totaling 2.5 acres. The zone change has the effect of actually reducing the buildable lands deficit by 2.5 acres. Combined with the 2018 Curtis zone change, Table 14-4 should be amended to show an industrial lands deficit of 14.5 acres – making it closer to the commercial land deficit of 11.2 acres.

Conclusion: The proposed zoning change from Commercial and Industrial will not significantly affect the industrial or commercial buildable land supply.

c. Change in Social and Market Conditions

c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

Findings: The commercial structure was built in 1960 and is currently zoned UGA Commercial. The current owners purchased Tax Lot 100 (4.6 acres) in late 2019 after receiving conditional use approval for marijuana-related processing and recreational retail sales. The property must be annexed and rezoned from the County (UGA) to a City (Ontario) zoning district.

Oregon's legalization of marijuana represents a major change in both social and market conditions. Ontario's decision to allow marijuana businesses to operate within the City resulted in major private investments in Ontario and the purchase of the subject property.

The owners are requesting the Light Industrial (II) zone in part because it allows recreational grow (production) to occur through the conditional use process. This would allow the owner to have a vertically organized business operation that includes primary (production), secondary (processing) and tertiary (retail) functions under the same roof. This type of organization ensures a higher quality initial product for the consumer and reduces transportation and other production costs.

Moreover, as documented in the Goal 14 above, population growth has not occurred as rapidly as predicted in 2007. There is correspondingly less demand for supporting commercial land within the UGB. By rezoning the subject properties from Commercial to Light Industrial, and providing urban services to two vacant lots, the owners believe that these new lots are more likely be used for basic employment purposes, which would result in greater demand for housing and would support commercial development on other land in the community.

d. Public Need

d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

Findings: Public need is first determined by demonstrating compliance with the adopted comprehensive plan. In this narrative, Winterbrook has demonstrated compliance with applicable comprehensive policies related to citizen involvement, land use planning, natural hazards, commercial and industrial development, public facilities and services, transportation, and urbanization.

Public need can also be determined based on community and city-wide benefits. As noted in Section II of this narrative:

“In addition to allowing for vertical integration of SNJ Online’s business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:

1. The complete renovation of the existing 9,165 square-foot building and paving required parking areas to City standards – an estimated \$5 million investment.⁴
2. Adding 50 long-term employees to the Ontario work force with an estimated \$200,000 monthly payroll.⁵
3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:
 - a. dedicating and improving SW Airport Way, SW 31st Street (including a 10’ bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
4. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - a. remodeling the existing interior and exterior of the existing building,

⁴ The \$5 million estimate is based on the following information provided by the owners:

1. Retail Remodel \$500K (rooms/plumbing/hvac/electrical)
2. Grow Remodel \$1M (rooms/plumbing/hvac/electrical)
3. Construction/Code/Streets \$1M
4. Business Personal Property/Equipment/Inventory \$2.5M

⁵ The \$5 million estimate is based on the following information provided by the owners:

- Full time 40+hrs: 25 for retail, 5 wholesale, 5 for grow, and 5 processing
- Part time 10 additional PRN staff.

- b. removing vehicles and structures from the public rights-of-way, and
 - c. extensive perimeter landscaping.
- 5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.
- 6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve two light industrial parcels.
- 7. Increasing the local tax base and state marijuana tax revenue.”

Conclusion: For the above reason, there is a public need for the proposed zone change at this location.

e. Site Suitability

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

Findings: As shown on Figure 2, the Conceptual Master Plan, the subject property is rectangularly shaped and large enough to accommodate the proposed marijuana-related uses (on Lot 1 alone) and to accommodate a variety of industrial / storage uses on Lots 2 and 3.

f. Adequate Streets and Public Facilities

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

Findings: As documented in the Goal 12 and Policy 10-12.04 findings (both related to transportation) the site is extremely well-served by transportation facilities – including Highway 201 (a major arterial and a designated “expressway”), Airport Way (a minor collector) and the planned 31st extension (also a minor collector).

Development of the site for Light Industrial uses will also help to implement the Highway 201 Corridor Plan because:

- The property owners will dedicate land for Airport Way and will work with the City to fully improve this collector street.
- A segment of the planned 31st Street extension will be dedicated and improved to collector street standards. This street will provide access to the site and largely undeveloped land to the south.
- A planned 10’ bicycle and pedestrian path will be constructed within the Airport Way and 31st Street rights-of-way.
- The northern driveway to Highway 201 will be closed immediately and the southern driveway will be closed in conjunction with development on Lots 2 and 3.

As documented in the Goal 11 and Policy 10-11-05 findings (both related to public facilities and services), the site has sewer and water lines located under Airport Way that can readily be extended to serve the site. Bioswales are planned within street rights-of-way to accommodate runoff from new and existing impervious surface areas.

CK-3 Engineering is working closely with Community Development Director Dan Cummings and Consultant City Engineer Al Haun to address the details of how public facilities will be extended to serve the site as part of a separate land division application. The facilities will be sized to serve the site and downstream development.

g. No Adverse Effects

g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings: Because the Light Industrial (O-I1) and Commercial Heavy (C-H) zones allow many of the same light industrial / commercial uses (for example, vehicles sales and service, farm equipment, lumber yards and building supplies, printing and publishing, mini warehouses, vehicle repair, and marijuana grow site (medical), laboratory, processing, wholesale and retail operations), there is no reason to believe that the zone change will result in more potential adverse effects on surrounding properties.

Conditional Use Permit 2019-08-58 in October of 2019 has already approved a marijuana-related processing and retail sales business at this location, subject to 12 conditions of approval. The only new marijuana-related use would be a recreational grow operation that would be conducted entirely indoors. There are no nearby residential uses that would be significantly impacted by the proposal. Any external impacts from the development and light industrial use of the site must meet City performance standards related to mitigation of impacts from dust, noise, vibration, odor, heat, glare, lighting or discharges into the air, water or land, as set forth in the Ontario Zoning Ordinance, **Section 10A-39.30 Performance Standards**⁶ as well as Oregon Department of Environmental Quality environmental standards.

⁶ 10A-39-30 - PERFORMANCE STANDARDS.

*Each structure or use permitted of right or conditionally in the I-1 Zone shall meet the following performance standards: 1. **Physical appearance.** With the exception of gasoline pumps, all operations other than pickups and deliveries shall be carried on within an enclosed building, provided that new materials or equipment in operable condition may be stored in the open, and normal daily wastes may be stored in containers not in the building when such containers are not readily visible from a public street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles, farm machinery, trailers, manufactured homes or similar equipment in operable condition when in association with a permitted use. The required front yard shall be landscaped to the standards set forth under Miscellaneous Provisions of this Title. 2. **Fire hazard.** No operation shall be established which fails to meet the fire code which is adopted into the Ontario City Code and any applicable State or Federal codes. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with applicable codes. 3. **Noise.** No operation shall be carried on which creates noise in excess of the normal traffic noise of the adjacent street at the time of daily peak hour traffic volume. Noise volume generated by the use shall be measured at any property line. The comparable traffic noise shall be measured at the property line adjacent to the street. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. 4. **Sewage and liquid waste.** All operations shall comply with Title 8, Ontario City Code and any applicable regulations of State or Federal agencies responsible for pollution control. No wastes of a chemical, organic or radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in approved containers. 5. **Smoke, particulate matter and gasses.** No use shall be established which fails to meet the air quality regulations of the Oregon Department of Environmental Quality pertaining to emissions of smoke, particulate matter, fugitive dust, gasses and other air contaminants. 6. **Odor.** The emission odors that are generally agreed to be obnoxious to any considerable number of persons is*

D. Overall Conclusion:

- Annexation to the city of Ontario is justified because sanitary sewer and water services are readily available and are adequate to serve the site.
- The proposed zone change complies with applicable Statewide Planning Goals and Ontario Comprehensive Plan policies.
- In addition to allowing for vertical integration of SNJ Online's business operations – thus increasing profitability – the project will have significant benefits to the City of Ontario and the community. An estimated \$5 million will be spent on this project which will provide short-term construction and related jobs. This investment includes:
 1. The complete remodel of the existing 9,165 square-foot building and paving required parking areas to City standards.
 2. Adding 50 employees to the long-term Ontario work force – with an estimated \$200,000 monthly payroll.
 3. Implementing the Highway 201 Corridor Plan – and increasing transportation connectivity and safety – by:
 - a. dedicating and improving Airport Way, SW 31st Street (including a 10' bike/ped path) and
 - b. eventually closing both access drives to Highway 201.
 4. Significantly improving the appearance of the Highway 201 entrance to the City by:
 - c. remodeling the existing exterior of the existing 1960 building,
 - d. removing vehicles and structures from the public rights-of-way, and
 - e. extensive perimeter landscaping.
 5. Providing a light industrial transition area between existing airport-related light industrial and future community commercial development.
 6. Increasing the development-ready industrial land supply by constructing access and utility improvements to serve two light industrial parcels.
 7. Increasing the local tax base and state marijuana tax revenue.

*prohibited. Observations shall be made at the property line of the establishment generating the odors. As a general guide to classification of odor, it is deemed that odors of putrefaction, hydrogen sulfide, fermentation and rendering processes, are objectionable while odors associated with baking, coffee roasting or nut roasting are normally not considered obnoxious. 7. **Vibrations.** All machines shall be mounted so as to minimize vibration and in no case shall such vibration be perceptible, without the use of instruments, at the property line. The use of steam or broad hammers are [is] not permitted in this zone. 8. **Glare and heat.** All glare and heat producing operations, such as welding arcs and open furnaces, shall be shielded so that they are not visible from the property line and surfaces near the glare source shall be of a type which will minimize the reflection of such glare beyond the property line. No heat from equipment or furnaces shall raise the temperature of materials or ambient air at the property line more than three degrees Fahrenheit. 9. **Dust.** All surfaces used in the operation of the use shall be paved with a dust free surface. 10. **Interpretation.** Whenever it cannot be decided by reasonable observation that a performance standard is being met, it shall be the responsibility of the operator of the use to supply evidence or engineering data to support the contention that a standard is being met. The standards are designed, except where referring to other codes, to be judged by ordinary human senses and not by the minute detail of scientific quality instruments.*

City of Ontario Planning and Zoning Application Form444 SW 4th Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3222 / (541) 881-3224

Fax (541) 881-3251

**CONSENT TO ANNEXATION****FILE #** 2020-06-23 CPAMD**Date Received** 5/27/2020**Fee: \$390.00 + \$220.00 = \$610.00**
(Mailing & Advertising \$220.00)**Time Received** 1:15 pm**PDAC Date:** Several**Fee: PLUS 2 cents per square foot****Accepted as Complete** 5/27/2020

Know all men by these presents, that we, the undersigned, being owners, contract purchasers, mortgagees, or security holders upon a portion of land described below and which is proposed to be annexed to the City of Ontario, do hereby give our irrevocable consent that such land be annexed to the City of Ontario, and that our consent may be filed with the City Council of Ontario Oregon and that no election shall be held in said territory or notices posted therein. This consent is given pursuant to ORS Section 222.170.

Name Steven Meland
 DocuSigned by:
Steven Meland
 33A9FF306C46469...

Name _____

Signature _____

Name _____

Signature _____

Name _____

Signature _____

Name _____

Signature _____

The above signatures on the original consents were filed in the office of the City Recorder in accordance with State Statute. The above parties are all the property owners within the territory to be annexed.

City Recorder**Property information:**Address 833 SW 30th StreetTax Map # 18S4707ADTax Lot #(s) 100

Tax Map # _____

Tax Lot #(s) _____

Lot size 4.56 Acres

Zoning _____

Existing use Auto SalesProposed City zone Light Industrial (I1).**Please provide a legal description on a separate sheet.****OFFICE USE ONLY****120 day time limit****DLCD 45-day notice required**

Notice of PC Hearing

Notice to media

Hearing dates

Notice of Decision

Legal description to DOR

Associated applications

Accepted as complete _____

Y/N _____ Date mailed _____

Date mailed _____

Publication date _____

PC _____

Date mailed _____

Final decision by _____

Date of first hearing _____

Posted on site _____

Emailed _____

CC _____

Appeal deadline _____

10B-45-05 PURPOSE AND AUTHORITY. Annexations shall be processed according to the provisions of the Oregon Revised Statutes, The Comprehensive Plan and provisions of this Title. The inclusion of land within the urban growth boundaries as shown on the comprehensive plan shall be evidence of the annexability of the land if other statutory criteria are met, and therefore no land hearing on the subject of annexability need be held.

10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

10B-45-15 HEARING DATE, NOTICE, DECISION. When the Planning Director receives a complete petition for annexation, he/she shall determine if annexation is in harmony with the comprehensive plan and if the accompanying documents are in compliance with the statutes. If the petition is in compliance with the plan and statutes, the Planning Director shall transmit the annexation question to the City Council for preparation of an ordinance and advertising of a public hearing.

The Planning Director shall advertise a public hearing on the quasi-judicial change of the zoning map as specified in Title 10A and 10B. If the requested zoning change requires a legislative plan change, the Planning Director shall set hearing dates and advise D.L.C.D. as set forth in this Title for legislative plan changes. Each constituent action in a consolidated action shall be decided and subject to appeal according to the procedures set forth in this Title for each type of action.

10B-45-20 AGENCY COORDINATION. Within ten days after the effective date of the annexation proceedings, the City Recorder shall submit to the Oregon Secretary of State one copy of the annexation ordinance, a copy of the statement of consent of landowners in the territory annexed; a description of metes and bounds or legal subdivision, and a map depicting the new city limits. Similar exhibits shall also be sent to the Malheur County Assessor, Malheur County Clerk, Malheur County Planning Department, and the Center of Population Research and Census at Portland State University. The map of the new City limits shall be sent to all local utilities and to the Fire and Police Departments.

OMC 8-12-9: Charge Imposed. Annexation Charge. On any parcel of land annexed to the City after the effective date of this chapter, a two cent (\$.02) per square foot charge shall be imposed on the gross land area annexed at the time of annexation. (Ord. 2391)

Note:

Any property under consideration for annexation must also receive a City zone. If the applicant(s) and/or property owner(s) and City staff are in agreement over the new zone, the City will initiate a zone change application as part of the annexation. No other forms are required.

If the property owner requests a City zone that is other than that suggested by staff, or is not in conformance with the Comprehensive Plan, the applicant shall file a separate Rezone application, along with the requisite fee.

Annexation applications go directly to the City Council. However, the application must first go to the Planning Commission for a recommendation on the new City zone. Applicants should allow approximately two months for an application to be processed by the City; please allow additional time for County and State processing. An annexation is not a land use decision and is not appealable to LUBA.

SITE INFORMATION

STRUCTURES: Are any of the following structures present on the site? *(If so, please specify number)*

	<i>Total</i>	<i>Occupied</i>	<i>Vacant</i>	<i>Persons</i>
Single Family Structures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Multifamily structures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Mobile homes	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total population of annexed area	<u>0</u>		Date of population count	<u>05/05/2020</u>
Barn or other agricultural structure(s)	<u>N/A</u>			
Industrial Building(s)	<u>N/A</u>			
Commercial Building(s)	<u>Yes, 9,156 square-foot building previously used for Auto Sales</u>			
Accessory building(s)	<u>N/A</u>			
Other	<u>N/A</u>			

SERVICES

Water	City of Ontario <u> </u>	Well <u>X</u>	None <u> </u>
Sanitary Sewer	City of Ontario <u> </u>	Septic <u>X</u>	None <u> </u>
Fire	City of Ontario <u>X</u>	Ontario RFD <u> </u>	
Streets	City of Ontario <u>X</u>	Malheur County <u> </u>	
Does the property have frontage along or access to City of Ontario streets? <u>Yes, Airport Way</u>			

Does the property have frontage along or access to Malheur County streets? No

Does the property have frontage along or access to ODOT roads/highways? Yes, HWY 201

LIVESTOCK

Please list the number and type of all livestock currently present on the property N/A

BUSINESSES

Are any businesses operating on the property? Not currently, once annexed - Marijuana Retail, Marijuana Wholesale, Marijuana Processing, and Medical Marijuana Grow

CONFIDENTIAL

CENSUS INFORMATION

ADDRESS: 833 SW 30th Street - No residential structures

HOUSING TYPE

- ☐ Single Unit Structure
- ☐ Multiple Unit Structure
- ☐ Trailer or Mobile Home

TENURE

- ☐ Owner Occupied
- ☐ Renter Occupied
- ☐ Vacant
- ☐ Seasonal

RESIDENTS

	Last Name	First Name	Sex	Age
Respondent	N/A			
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Please attach additional sheets if necessary

Portland State University College of Urban and Public Affairs Center for Population Research and Census

503-725-3922

<http://www.pdx.edu/prc/>

Filed in the office of:
Tori Barnett, City Recorder
Ontario City Hall
444 SW 4th Ave
Ontario, OR 97914

CONSENT TO ANNEXATION BY PROPERTY OWNER(S)

1. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned is/are the owner(s) of either the legal and/or equitable title to the real property herein described.
2. The undersigned irrevocably consents to be annexed to the City of Ontario without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described herein.
3. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
4. The below signatures on the original consent were filed in the office of the City Clerk in accordance with the State Statute. The undersigned parties are all the property owners within the lands referenced below.

Description: See Exhibit "A" and "B attached hereto.

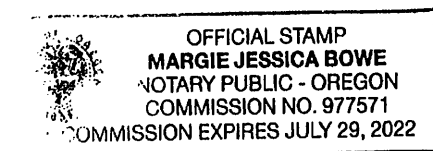
By: 833 SOUTHWEST30, LLC

[Signature] *member*
Name Title

Name Title

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me this 11 day of May, 2020, by Steven Meland.



[Signature]
Notary Public for the State of Oregon
My Commission expires: July 29, 2022

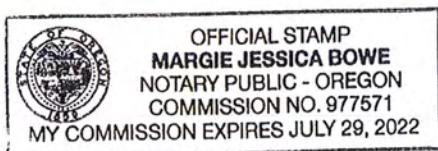
833 SOUTHWEST30, LLC

Description: See Exhibit "A" and "B attached hereto.

Name _____ Title *Member*

Name	Title
------	-------

The foregoing instrument was acknowledged before me this 11 day of May, 2020, by Steven Meland.



My Commission expires: July 29, 2022

Tax lot(s): 100

Exhibit "A"
Property Description

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec.7: N1/2 NE1/4 SE1/4 NE1/4

EXCEPTING THEREFROM that portion as conveyed to the State of Oregon Department of Transportation, by Deed recorded April 01, 1983, Instrument No. 83-113442, Deed records.

FURTHER EXCEPTING that portion conveyed to the State of Oregon Department of Transportation, by Deed recorded September 24, 2001, Instrument No. 2001-6765, Deed Records.

End of Description.

SE1/4 NF,1/4 SECTION 07 T.18S. R.47E. W.M.
MALHEUR COUNTY
1"=100'

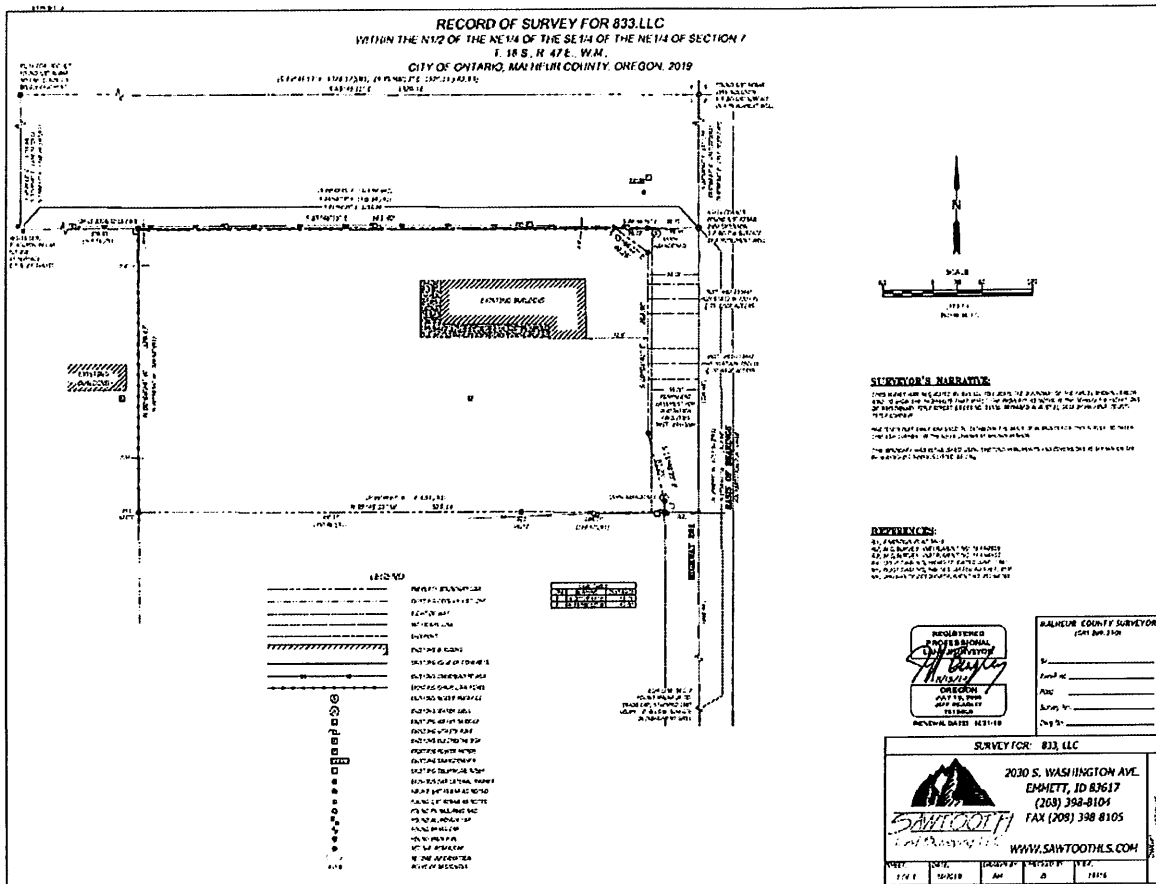
١٢٣٤٥٦

18S 47E 07AD

Page 1- CONSENT TO ANNEXATION BY PROPERTY OWNER(S)_833 Southwest, LLC

Exhibit "B-2"

Map of Property



[illegible]

[illegible]



ORDINANCE #2778-2020

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE NE1/4 NE1/4 SECTION 7 OF TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M., ALSO KNOWN AS TAX LOT 100 ON ASSESSOR'S 18S4707AD

- WHEREAS,** There has been submitted to the City of Ontario a written request for annexation and rezoning of property located at 883 SW 30th Street, signed by 100% of the owners being 883SouthWest30th, LLC, for the land within the affected territory to be annexed; and
- WHEREAS,** All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the city; and
- WHEREAS,** The State of Oregon recognize that adjacent right of ways and lands used for public streets, roads and highways are necessary to be annexed and rezone to match adjacent lands and have agreed to the annexation of their right of ways and lands used for facilities for said streets, road and highways; and
- WHEREAS,** The City Charter does not expressly require the city to submit a proposal of annexation of territory to the electors of the city; and
- WHEREAS,** All the owners have requested the lands to be rezoned from UGA Commercial to City Light Industrial (I-1).

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Annexation Area. The following contiguous territory be and the same is hereby annexed: The property legally described and mapped in the attached Exhibits "A", "B", and "C" respectively.
2. Rezoning. That based on the Planning Commission findings and recommendation in Planning Action 2020-06-23CPAMD, the lands as shown and described in the attached Exhibits "A", "B", and "C" be rezoned from UGA Commercial to City Light Industrial (I-1) and the official Comprehensive Map and Zoning Maps be updated to reflect these changes.
3. Withdrawing above described area from Ontario Rural Fire Protection District 7-302. The Common Council of the City of Ontario deems it is in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove will be withdrawn from the Ontario Rural fire Protection District No. 7-302.
4. Withdrawing above described area from Ontario Rural Road Assessment District No. 3. The Common Council of the City of Ontario deems it is in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove will be withdrawn from the Ontario Rural Road Assessment District No. 3.

5. Record. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance; (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the city within 10 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk, and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2020.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"

City Action No. 2020-06-23CPAMD

Winterbrook Planning – 883SouthWest30th, LLC

Land in Malheur County, Oregon as follows:

In Twp. 18S., R. 47 E., W.M.:

Sec 7: N1/2NE1/4SE1/4NE1/4.

TOGETHER WITH all the City, County and State Right of way within the
N1/2NE1/4SE1/4NE1/4.

End of Description

Exhibit “B”

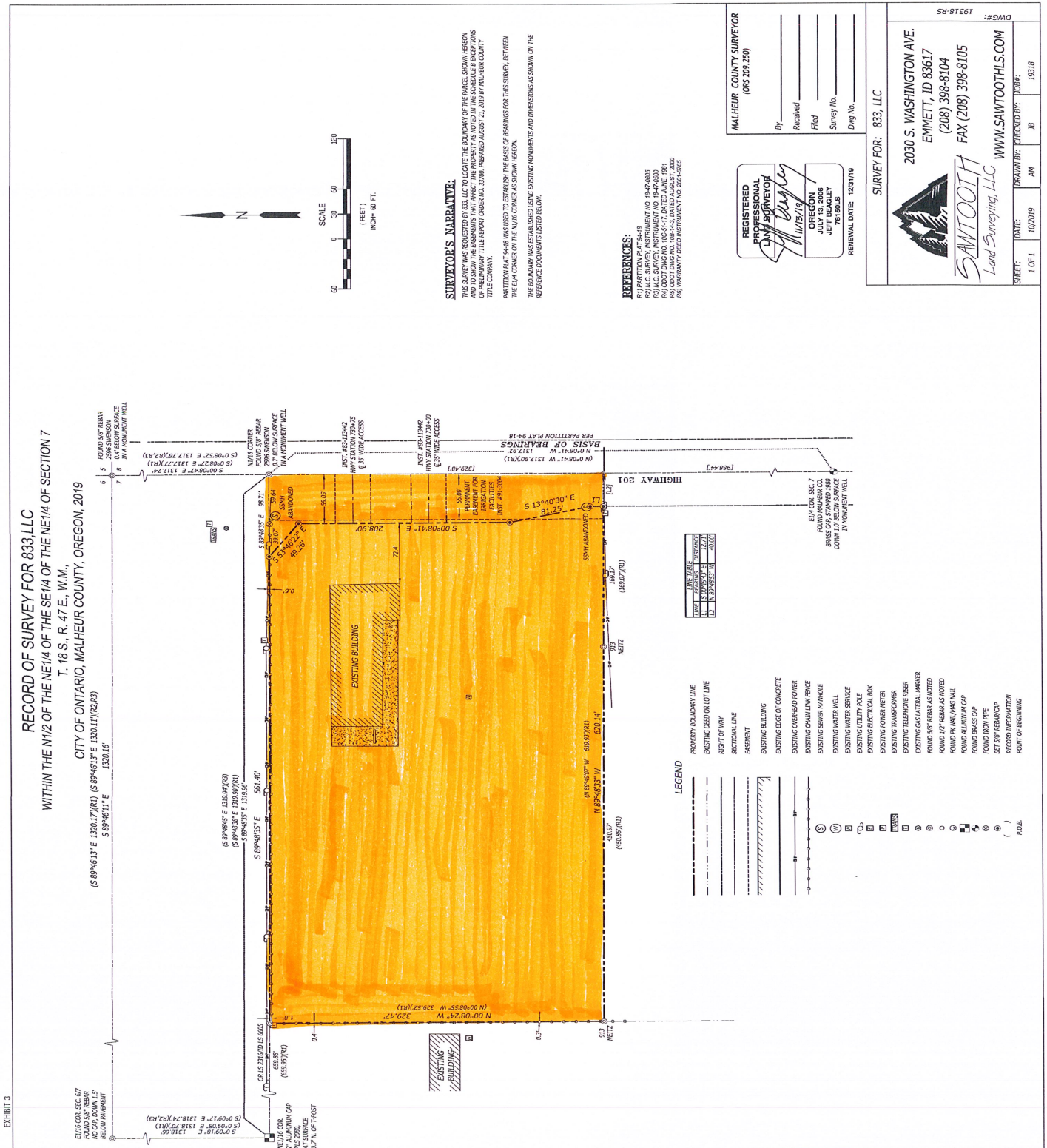


Exhibit "C"

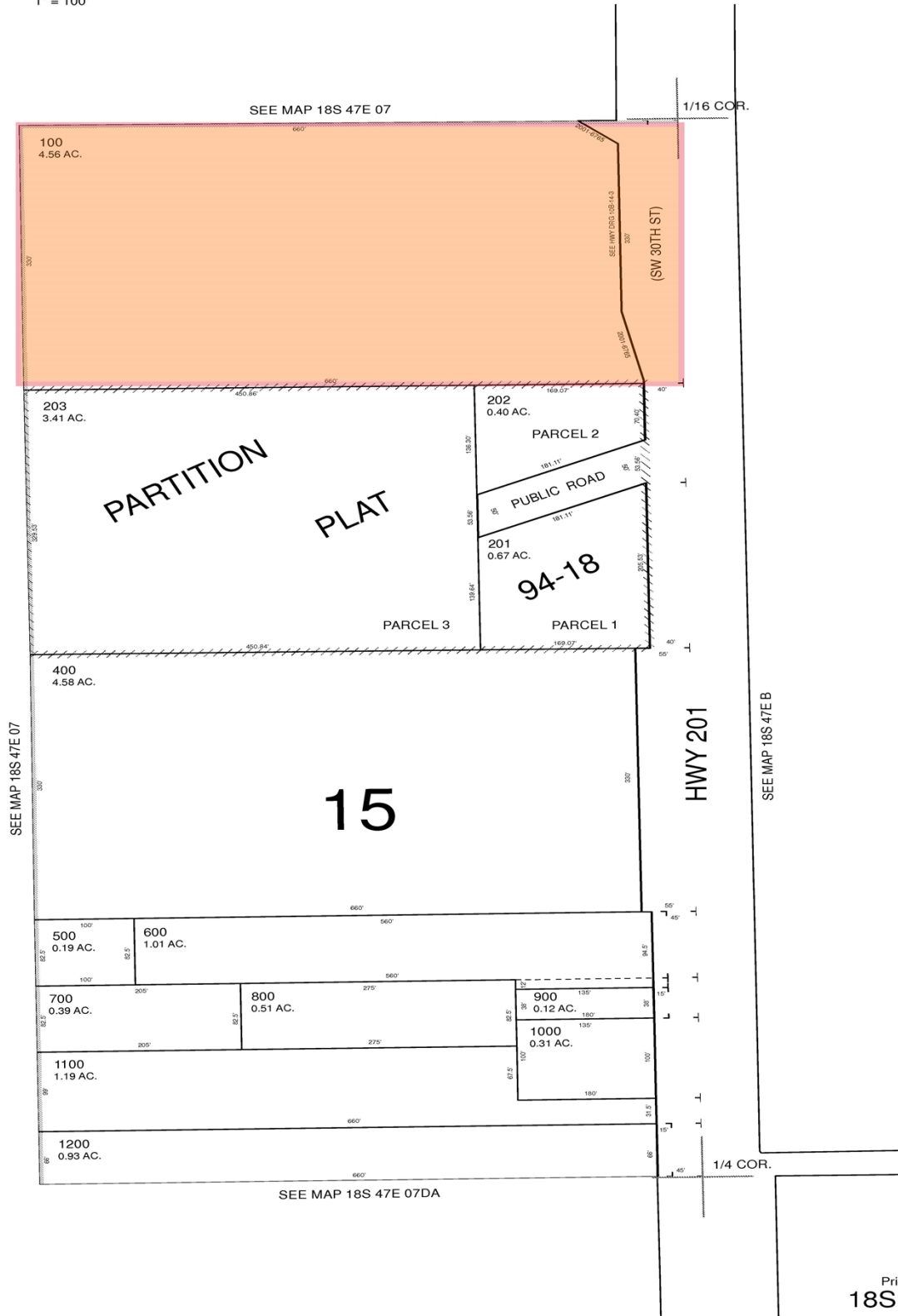
Subject property

SE1/4 NE1/4 SECTION 07 T.18S. R.47E. W.M.
MALHEUR COUNTY

1" = 100'

18S 47E 07AD

CANCELLED NO.
101
200
300
901
902
1201



Printed on May 11, 2005
18S 47E 07AD

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 8/13/2020 11:25 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	879484	Bluefin Payment Systems	07/02/2020	1,943.60
Total for 7/2/2020:				1,943.60
12624	879472	The House that Art Built	07/07/2020	2,500.00
12625	879473	Reload Outwest Outdoors	07/07/2020	4,020.00
12627	879472	The House that Art Built	07/07/2020	2,500.00
12628	879473	Reload Outwest Outdoors	07/07/2020	4,020.00
Total for 7/7/2020:				13,040.00
126209	180798	CIS Trust	07/08/2020	254,594.63
126210	385000	I C M A	07/08/2020	1,268.22
126211	428195	Leads Online, LLC	07/08/2020	1,668.00
126212	428200	League of Oregon Cities	07/08/2020	8,756.48
126213	434008	Lexipol, LLC	07/08/2020	7,194.00
126214	509600	Northwest Insurance Group, Inc.	07/08/2020	2,915.00
126215	15101	City Of Ontario - Department Head Credits	07/08/2020	3,600.00
126216	802400	Union Pacific Railroad Company	07/08/2020	493.40
126217	832697	Virtual Graffiti, Inc.	07/08/2020	1,907.85
126218	847905	WesTek Marketing, LLC	07/08/2020	2,250.00
Total for 7/8/2020:				284,647.58
126220	&525	American Staffing, Inc.	07/10/2020	512.33
126221	032198	Apparatus Equipment & Service, Inc.	07/10/2020	1,273.50
126222	626400	Campo & Poole Distributing, LLC	07/10/2020	2,870.40
126223	637828	Century Link Communications, LLC	07/10/2020	101.20
126224	376000	Idaho Power	07/10/2020	254.74
126225	879301	Net Assets Corporation	07/10/2020	516.00
126226	516494	State of Oregon Department of Transportati	07/10/2020	10,767.42
126227	879261	Jonathan M. Dennis, Managing Attorney O	07/10/2020	300.00
126228	368050	Robb Enterprises	07/10/2020	968.94
126229	788402	TransUnion Risk & Alternative Data Soluti	07/10/2020	50.00
126230	879151	Waste-Pro	07/10/2020	65.05
Total for 7/10/2020:				17,679.58
126231	879474	Kristen Dentinger	07/15/2020	2,500.00
126232	879474	Kristen Dentinger	07/15/2020	2,500.00
Total for 7/15/2020:				5,000.00
ACH	694162	SPRINGBROOK SOFTWARE, INC.	07/16/2020	248.33
Total for 7/16/2020:				248.33

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126233	879476	Adams Family Living Trust	07/17/2020	150.00
126234	033300	Argus Observer	07/17/2020	1,412.20
126235	368200	Hughes Fire Equipment, Inc.	07/17/2020	684.14
126236	879191	Kristy's Custom Sewing	07/17/2020	6.00
126237	440000	L.N. Curtis and Sons	07/17/2020	65.00
126238	441140	Looks Nu, Inc.	07/17/2020	125.00
126239	610100	Malheur Memorial Health Clinic	07/17/2020	100.00
126240	242083	State of Oregon Department of Transportati	07/17/2020	2.15
126241	879469	SBRK Finance Holdings, Inc.	07/17/2020	1,035.00
126242	879138	Stantec Consulting Services, Inc.	07/17/2020	12,742.76
126243	&357	Larry A. Sullivan	07/17/2020	2,497.20
126244	879475	Keith and Cleo Thompson	07/17/2020	150.00
126245	854205	Veteran Advocates of Ore-Ida	07/17/2020	195.00
Total for 7/17/2020:				19,164.45
126246	033300	Argus Observer	07/20/2020	95.68
126247	037600	AT&T	07/20/2020	21.52
126248	626400	Campo & Poole Distributing, LLC	07/20/2020	85.54
126249	144000	Cascade Natural Gas Corporation	07/20/2020	35.38
126250	637830	Century Link	07/20/2020	478.81
126251	879247	Day Wireless Systems	07/20/2020	470.00
126252	237002	Dell Marketing,L.P.	07/20/2020	13,880.46
126253	242352	Detroit Industrial Tool	07/20/2020	199.43
126254	634311	Frazier Aviation, LLC	07/20/2020	425.00
126255	879471	JLCC, Inc.	07/20/2020	18,834.00
126256	879417	LS Networks	07/20/2020	1,119.96
126257	477523	Municode	07/20/2020	2,200.00
126258	614087	PORAC LDF	07/20/2020	405.00
126259	642093	Red's Automotive Repair, Inc.	07/20/2020	1,317.33
126260	879145	Silver Signet, LLC	07/20/2020	120.00
126261	130950	Sparklight Business	07/20/2020	375.92
126262	738560	Tailored Solutions Corporation	07/20/2020	705.00
126263	774001	Wtechlink	07/20/2020	300.00
126264	UB*11762	CHARLES ANDERSON	07/20/2020	88.67
126265	UB*11760	SHERIDON DIONNE	07/20/2020	38.87
126266	879218	Richard Kerfoot	07/20/2020	300.00
126267	879477	Ruth Peabody	07/20/2020	10.00
126268	UB*11763	BARBARA REIDEL	07/20/2020	119.63
126269	UB*11761	JESSICA WHITELEY	07/20/2020	79.37
126270	878915	Jacobs	07/20/2020	441,814.35
Total for 7/20/2020:				483,519.92
126271	879481	Charmed Needles, LLC	07/21/2020	2,500.00
126272	879479	Electric Beach Salon, LLC	07/21/2020	2,500.00
126273	879480	Kristie Link	07/21/2020	2,500.00
126274	879478	Treasure Valley Windshield & Uhaul, Inc.	07/21/2020	2,500.00
126275	879481	Charmed Needles, LLC	07/21/2020	2,500.00
126276	879479	Electric Beach Salon, LLC	07/21/2020	2,500.00
126277	879480	Kristie Link	07/21/2020	2,500.00
126278	879478	Treasure Valley Windshield & Uhaul, Inc.	07/21/2020	2,500.00
Total for 7/21/2020:				20,000.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126279	879482	Sportcard Center	07/22/2020	2,500.00
126280	879482	Sportcard Center	07/22/2020	2,500.00
126281	832852	Wells Fargo Business Elite Card	07/22/2020	5,594.61
Total for 7/22/2020:				10,594.61
126282	818000	U.S. Postmaster United States Postal Servic	07/30/2020	12,000.00
126283	818000	U.S. Postmaster United States Postal Servic	07/30/2020	240.00
Total for 7/30/2020:				12,240.00
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	07/31/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	07/31/2020	225.00
ACH	PRCCIS	E B S TRUST	07/31/2020	72,555.26
ACH	PRCOLONI	COLONIAL LIFE	07/31/2020	1,210.25
ACH	PRFED	PAYROLL TAXES	07/31/2020	71,267.59
ACH	PRICMA	I C M A RETIREMENT TRUST 457	07/31/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	07/31/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	07/31/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	07/31/2020	281.06
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	07/31/2020	21,161.16
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	07/31/2020	3,016.49
ACH	PRPERS	OREGON PERS	07/31/2020	96,057.43
126285	PRLINC	LINCOLN NATIONAL LIFE INS CO	07/31/2020	600.00
126286	PRSFIRE	UMPQUA BANK	07/31/2020	360.00
126287	879483	Dillon Ovitt	07/31/2020	1,500.00
126288	879240	Advanced Control Systems, LLC	07/31/2020	4,841.40
126289	028000	Anderson Perry & Associates, Inc.	07/31/2020	11,070.00
126290	879449	Baum Smith, LLC	07/31/2020	412.50
126291	879466	Challange Targets	07/31/2020	1,814.25
126292	879268	Civic Plus	07/31/2020	265.00
126293	879211	Imaging Center of Idaho	07/31/2020	165.00
126294	451750	Malheur County Sheriff's Office	07/31/2020	61,598.17
126295	240100	State of Oregon Dept of Consumer & Busir	07/31/2020	19,933.13
126296	718000	State of Oregon Employment Department	07/31/2020	564.32
126297	21014	Snake River Economic Development Allian	07/31/2020	10,000.00
126298	UB*11779	AARON ALFARO	07/31/2020	9.84
126299	UB*11780	ANGELA BARLOW	07/31/2020	30.35
126300	UB*11782	BLUE BIRD LLC	07/31/2020	136.00
126301	UB*11764	CARISSA BROWN	07/31/2020	87.69
126302	UB*11766	KRISTINA CARTER	07/31/2020	69.32
126303	637830	Century Link	07/31/2020	781.57
126304	UB*11769	LINDSEY TOLMAN/ CODY NIESKENS	07/31/2020	170.00
126305	UB*11776	BRUCE ERLEBACH	07/31/2020	73.83
126306	UB*11768	ESTATE OF JERRY WILLIAMS	07/31/2020	24.57
126307	UB*11778	JAMES FRANKLIN	07/31/2020	103.69
126308	UB*11765	DUSTI FROSHIESAR	07/31/2020	33.05
126309	UB*11770	RAMON/YESENIA GUTIERREZ	07/31/2020	40.96
126310	376000	Idaho Power	07/31/2020	4,906.29
126311	UB*11767	ARVON MALSTROM	07/31/2020	132.81
126312	UB*11774	JENNIFER MENDOZA	07/31/2020	1.36
126313	UB*11777	LINDA MOLDER	07/31/2020	4.10
126314	UB*11773	JESSICA MORADO	07/31/2020	40.00
126315	572000	Ontario Sanitary Service, Inc.	07/31/2020	313.06
126316	UB*11772	PVPM & MICHAEL DERRICK &	07/31/2020	58.63
126317	UB*11775	WAYNE & MARIAN ROBB	07/31/2020	87.71
126318	UB*11771	LINDA SIGURDSON *	07/31/2020	10.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126319	UB*11781	JACOB WIDMER	07/31/2020	65.38
Total for 7/31/2020:				388,284.44
126320	&260	Four Rivers Cultural Center	08/04/2020	27,044.53
126321	539200	Ontario Area Chamber of Commerce	08/04/2020	19,497.89
Total for 8/4/2020:				46,542.42
Report Total (129 checks):				1,302,904.93

MALHEUR COUNTY COURT MINUTES

July 29, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge present; Commissioner Larry Wilson was present telephonically initially and then joined the meeting in person. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media and staff were present electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2020-2655](#)

ENTERPRISE ZONE APPLICATION - FIELD FRESH FOODS

Judge Joyce asked for public comments regarding the enterprise zone application for a five year tax exemption from Field Fresh Foods. Ryan Bailey explained this is new investment from Field Fresh Foods, an agricultural production company. The initial investment is approximately \$3.2 million on property in Nyssa and the creation of a minimum of 25 jobs. Field Fresh is a family-run company and just recently launched a partnership with Trader Joe's. The enterprise zone was a factor that helped the company choose the Nyssa property rather than an Idaho property.

Judge Joyce asked for further public comments; there were none.

Commissioner Wilson moved to approve Resolution R20-29: A Resolution Approving the Enterprise Zone Application for a Five Year Tax Exemption on New Investments for Field Fresh Holdings IV, LLC (Field Fresh Foods). Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2020-2656](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of July 15, 2020 as written. Commissioner Wilson seconded and the motion passed unanimously.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #30-20 to Idaho Power Company to install a bank of transformers on an existing pole on Morgan Avenue #926. Commissioner Wilson seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

QUITCLAIM DEED - MCLERAN

Commissioner Hodge moved to approve Quitclaim Deed to Sarah McLeran for Ref. #3649. Commissioner Wilson seconded and the motion passed unanimously. This property was offered for sale at the 2020 County Land Sale and did not sell. See instrument #[2020-2657](#)

QUITCLAIM DEED - 200 PARK

Commissioner Hodge moved to approve Quitclaim Deed to 200 Park LLC for Ref. #8159. Commissioner Wilson seconded and the motion passed unanimously. This property was offered for sale at the 2020 County Land Sale and did not sell. See instrument #[2020-2658](#)

FUND EXCHANGE AGREEMENT

Commissioner Wilson moved to approve 2020 Fund Exchange Agreement, Various County Road Repairs, Malheur County, Agreement No. 34274 with Oregon Department of Transportation. Commissioner Hodge seconded and the motion passed unanimously. Projects include an asphalt overlay on Railroad Avenue, asphalt patch on Highway 52 Spur, and chip seals on portions of Gem Avenue, Cloverdale Road, Sarazin Drive, Echo Road, Enterprise Avenue, Lytle Boulevard, Owyhee Avenue, Jefferson Drive, River Road, Heritage Road, Emerald Slope Road, and Arcadia Boulevard. A copy of the agreement will be returned for recording.

FUND TRANSFER RESOLUTION

Commissioner Wilson moved to approve Resolution No. R20-30: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed unanimously. The resolution accounts for end of the 2019-2020 fiscal year necessary budget transfers. See instrument# [2020-2659](#)

EASTERN OREGON BORDER BOARD

Consensus of the Court was to submit the following names to the Governor's Office for consideration to fill the vacant position on the Eastern Oregon Border Economic Development Board: Monica Landaverde, Eluterio Martinez, Torie Ramirez, Moses Martinez, Roberto Gamboa, and Jaime Moreno.

EMPLOYMENT AGREEMENT - HATCH

Commissioner Hodge moved to approve Temporary Employment Agreement for Tobacco Prevention and Education Program (TPEP) Coordinator with Kirsten Hatch. Commissioner Wilson seconded and the motion passed unanimously. The agreement period is August 1, 2020 through June 30, 2021. A copy will be returned for recording.

AMENDED AND RESTATED AGREEMENT - CORONAVIRUS RELIEF FUNDS

Commissioner Wilson moved to approve State of Oregon Amended and Restated Grant Agreement No. 1023 - Coronavirus Relief Fund.

Commissioner Hodge seconded and the motion passed unanimously. The agreement is for reimbursement of federally eligible expenses under the CARES Act incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1 2020 through December 30, 2020. A copy will be returned for recording.

CONTRACT - VALLEY FAMILY HEALTH CARE

Commissioner Wilson moved to approve Personal Service Contract between Valley Family Health Care, Inc. (VFHC) and Malheur County for School Based Mental Health Services - MHS13. Commissioner Hodge seconded and the motion passed unanimously. Valley Family Health Care will provide the School Based Mental Health Services MHS 13 as defined in IGA #159173 between Malheur County and Oregon Health Authority. See instrument # [2020-2660](#)

FUND TRANSFER RESOLUTION - EXTENSION SERVICE DISTRICT

Acting as the governing body of the Malheur County Agricultural Educational Extension Service District, Commissioner Hodge moved to approve Resolution No. R20-31: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Wilson seconded and the motion passed unanimously. The resolution accounts for end of the 2019-2020 fiscal year necessary budget transfers. See instrument# [2020-2661](#)

UPDATED COUNTY POLICY 104

Commissioner Hodge moved to approve updates to County Policy 104 - Internet, Electronic Mail, Text Messaging and Social Media Acceptable Use and Retention Policy. Commissioner Wilson seconded and the motion passed unanimously. The Social Media section of the policy was updated to include restrictions and disclaimers applicable to County social media sites. See instrument # [2020-2662](#)

AMENDMENT - IGA WITH BAKER CITY

Commissioner Wilson moved to approve Amendment #1 to Intergovernmental Agreement Contract No. 2059 with the City of Baker City for building code plan reviews; the amendment expires August 29, 2019. Commissioner Hodge seconded and the motion passed unanimously. The original IGA is recorded as instrument # [2019-3281](#) Amendment #1 is recorded as instrument # [2020-3281](#)

COURT ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

August 5, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media and staff were present electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2020-2762](#)

UNCOLLECTIBLE PERSONAL PROPERTY TAXES; ORDER DESIGNATING NEWSPAPER - 2020 TAX FORECLOSURE LIST

Treasurer/Tax Collector Jennifer Forsyth met with the Court and presented information on uncollectible personal property tax accounts. Commissioner Wilson moved to approve Order GO-08-20: In the Matter of Uncollectible Taxes on Personal Property Situated within Malheur County and the Cancellation Thereof. Commissioner Hodge seconded and the motion passed unanimously. Two accounts were cancelled; total charge off is \$113.33. See instrument# [2020-2763](#)

Ms. Forsyth requested the Argus Observer be designated as the newspaper for publication of the 2020 tax foreclosure list. Commissioner Wilson moved to authorize the publication of the 2020 tax foreclosure list in the Argus Observer as requested by Ms. Forsyth. Commissioner Hodge seconded and the motion passed unanimously. The Court signed Order No. GO-09-20: In the Matter of the Designation of a Newspaper for the Publication of the 2020 Malheur County Tax Foreclosure List. See instrument # [2020-2764](#)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of July 29, 2020 as written. Commissioner Hodge seconded and the motion passed unanimously.

JOINT LEGAL DEFENSE

County Counsel Stephanie Williams explained that the County was served in a statewide class-action lawsuit filed in Deschutes County Circuit Court; Hutchinson and Waterman vs Baker County et al (Deschutes County Circuit Court Case No. 20CV21480). ORS requires that counties foreclose for delinquent property taxes; proceeds from the sale of the property are distributed to the taxing districts and the County is allowed to retain any remaining funds from the sale. The suite alleges that the Oregon foreclosure statutes that apply result in a taking that is in violation of state and federal constitution. The lawsuit seeks to prevent counties from retaining more than what is owed in delinquent taxes and rather disburse any remaining proceeds to the former property owner. The counties are asking that each county agree to contribute \$10,000 for joint legal defense for the matter (an agreement would be drafted at a later date). After discussion, Commissioner Hodge moved to agree to contribute \$10,000 for joint legal defense in Hutchinson and Waterman vs. Baker County et al. Commissioner Wilson seconded and the motion passed unanimously.

MAP AGREEMENT

Commissioner Hodge moved to approve Malheur County Allocation Certification Agreement Maintenance Assistance Program (MAP) FY21 with Oregon State Marine Board, nunc pro tunc to July 30, 2020. Commissioner Wilson seconded and the motion passed unanimously. Funding is in the amount of \$8,812.50 for fiscal year 2020/2021 and is to be used to maintain the facilities at Beulah Reservoir, Bully Creek Reservoir, and Malheur Reservoir. A copy will be returned for recording.

TEMPORARY EMPLOYMENT AGREEMENTS - HEALTH DEPARTMENT

Commissioner Wilson moved to the following employment agreements: Temporary Employment Agreement for Office Assistant II (OA II) - Malheur County Health Department (COVID-19 funding) with Kyle Sorensen; Temporary Employment Agreement for Office Assistant II (OA II) - Malheur County Health Department (COVID-19 funding) with Megan Rice; and Temporary Employment Agreement for Registered Nurse - Malheur County Health Department (COVID-19 funding) with Danette Reitz. Commissioner Hodge seconded and the motion passed unanimously. The agreements expire June 30, 2021. See instrument # [2020-2767](#) - Sorensen; [2020-2768](#) - Rice; [2020-2766](#) - Reitz

MOU - EOCCO

Commissioner Hodge moved to approve Baker, Gilliam, Grant, Harney, Lake, Malheur, Morrow, Umatilla, Union, Sherman, Wallowa, and Wheeler Counties and Eastern Oregon Coordinated Care Organization (EOCCO) Memorandum of Understanding (MOU). Commissioner Wilson seconded and the motion passed unanimously. The purpose of the MOU is to establish a collaborative network of behavioral and public health services for the residents that will jointly serve the healthcare needs of residents. ORS directs that there be a written agreement between the coordinated care organization and the local health authorities in the area served by the coordinated care organization. The MOU is effective January 1, 2020 through December 31, 2025. A copy will be returned for recording.

RESOLUTION - EXTENDING RESTRICTIONS TO THE SIZE OF OF LOCAL SOCIAL GATHERINGS (COVID-19)

Commissioner Wilson moved to approve Resolution R20-32 - In the Matter of: Resolution to Extend Resolution R20-27 Through August 26, 2020 - Restricting the Size of Local Social Gatherings. Commissioner Hodge seconded and the motion passed unanimously. The social gathering measures restricting the size of local social gatherings set forth in Resolution R20-27 are extended through August 26, 2020. See instrument # [2020-2765](#)

COURT ADJOURNMENT

The meeting was adjourned.

** First Amendment to Temporary Policy Expanding the Requirement for Face Coverings in or at County Buildings is recorded as instrument #[2020-2797](#)