

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



**STUDY SESSION AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
THURSDAY, SEPTEMBER 3, 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 September 1, 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) PRESENTATIONS

- A) Proclamation: National Preparedness Month
- B) Proclamation: Mental Health, Substance Use, and Problem Gambling Recovery Month
- C) Engineering Capital Projects Summary FY20 Actuals and FY21 Estimates

6) OLD BUSINESS

- A) Resolution #2020-134: A Resolution Appropriating Final Funding for South Oregon Street Improvements

7) NEW BUSINESS

- A) Bid Award: Biosolids Removal Project for the Wastewater Treatment Plant (Synagro)
- B) Bid Award: Airport Mowing (Bezates Excavation, LLC)
- C) Approve Joint Application for CDBG Housing Project with Community in Action

8) 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 883SW30th, LLC, Planning Action 2020-06-23 CPAMD, on Second and Final Reading By Title Only

9) DEPARTMENT HEAD UPDATES

- A) Finance: Monthly Report
- B) Fire & Rescue: Quarterly Report

10) DISCUSSION ITEMS

11) HAND-OUTS

- A) Minutes:
Public Works Committee 02-11-2020
County Court 08-12-2020
- B) Monthly Department Stats:
Fire & Rescue August 2020
Public Works August 2020
Police August 2020
Code Enforcement August 2020
- C) Packets:
SREDA 09-01-2020
V&C Board 09-03-2020

12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

13) EXECUTIVE SESSION

- A) ORS 192.660(2)(h)
- B) ORS 192.660(2)(d)

14) ADJOURN

**CITY OF ONTARIO
MAYORAL PROCLAMATION**

WHEREAS, Each September is recognized as National Preparedness Month; and

WHEREAS, Oregonians have witnessed and experienced natural disasters in our own community; and

WHEREAS, Every community member can take active steps to protect their families and neighbors from natural and manmade disasters; and

WHEREAS, Every family and business in Ontario is encouraged to take active steps to be financially secure after a disaster; and

WHEREAS, Every community member is encouraged to make sure they are properly insured against fire, flood, earthquakes, and storms; and

WHEREAS, Every community member is encouraged to create a home inventory to include as part of their disaster preparedness kit.

NOW, THEREFORE, BE IT RESOLVED that I, Riley J. Hill, Mayor of Ontario, Oregon, do hereby proclaim the first week of September, 2020, as

HOME INVENTORY WEEK

in Ontario, Oregon, and join cities across Oregon to encourage everyone to build a home inventory of their personal property, and speak with an insurance agent to make sure they are financially prepared for a disaster.



Riley J. Hill, Mayor

**CITY OF ONTARIO
MAYORAL PROCLAMATION**

WHEREAS, Mental health, substance use and problem gambling disorders affect all communities nationwide. With commitment and support, our family members, friends, colleagues, and community members with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery. By seeking help, people who experience mental health, substance use and/or problem gambling disorders can embark on a new path toward improved health and overall wellness. The focus of our local theme for *Recovery Month* for September 2020 is "*Hands Around the Community for Recovery: We Are in This Together!*" To celebrate their journey, we recognize the challenges of recovery and we support them! We realize the need to share resources and build networks that support recovery in all forms, as we are all part of the solution. *Recovery Month and Hands Around the Community for Recovery* spreads the message that behavioral health is essential to one's overall health and wellness, and that prevention works, treatment is effective, and people do recover; and,

WHEREAS, The impact of mental health and substance use disorders is apparent in our country, with 9.2 million adults having had a co-occurring mental illness and substance use disorder in 2018. Oregon ranks first among all states for adults with substance use disorders and third in the nation for youth with substance use disorders. Additionally, an estimated 83,800 adult Oregonians have moderate or severe gambling disorders. These conditions in one way or another affect us all. Through *Recovery Month*, people become more aware and able to recognize the signs of mental health, substance use, and problem gambling disorders, which can help guide more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally; and,

WHEREAS, The *Recovery Month* observance continues to work to improve the lives of those affected by mental health, substance use or problem gambling disorders by raising awareness of these diseases and educating communities about the prevention, treatment, and recovery resources that are available. For the above reasons, we are asking the citizens of Malheur County to join us in celebrating this September as *Recovery Month*.

NOW, THEREFORE, BE IT RESOLVED that I, Riley J. Hill, Mayor of Ontario, Oregon, do hereby proclaim September, 2020, as

**MENTAL HEALTH, SUBSTANCE USE, AND PROBLEM GAMBLING
RECOVERY MONTH**

in Ontario, Oregon, and call upon our community to observe this month with compelling programs and events that support this year's observance.

Riley J. Hill, Mayor





**AGENDA REPORT
PRESENTATIONS
September 3, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: ENGINEERING CAPITAL PROJECTS SUMMARY FY20 ACTUALS AND FY21 ESTIMATES

DATE: August 17, 2020

PROPOSED MOTION:

NO MOTION REQUIRED - INFORMATIONAL ONLY

SUMMARY:

This presentation is to share the process of selecting appropriate team for engineering design and construction management work from the Capital Projects budget.

BACKGROUND:

In March of 2014, the City selected about a half dozen professional services firms, including engineering and surveying. The process was a competitive selection process adhering to the state's requirements for selection of professional consultants. This group of consultants make up the City's On-Call Consulting support group.

Later that spring, the City chose to privatize Public Works and City Engineering support. Similar to the On-Call Consulting process, the City went through a competitive process and selected Jacobs to manage Public Works and City Engineering.

CURRENT SITUATION:

Each year the Council approves a budget that includes capital projects. Many of these projects require engineering design. In an effort to provide the best value to the City, while being conscious of sharing work around the community, taking advantage of the efficiency of being on-site, familiarity with operating systems, and depth of resources, the capital projects are assigned to and negotiated with the On-Call Consultants and Jacobs.

The City Manager and City Engineer work together to determine the best value split for the City. The decision is based on information such as known skills and familiarity with a project - for instance Keller has been working closely with Public Works on sanitary sewer rehabilitation. They have gained a knowledge of the system, and preferred improvements and contract language that other firms don't have. The attached PPT provides more information about how the process works.

ANALYSIS:

- A. **STRATEGIC PLAN** The process used by the City Manager to finalize the selection process benefits all of the City's Strategic plan goals by selecting the best fit, most efficient design team to support the City on any given project.
- B. **FINANCIAL** The coming task orders are all based on the City's approved budget for FY21.
- C. **TIMING** Task Orders will be brought forward to the Council as needed for On-Call Consulting. The first Jacobs Task Order will be presented in September and will contain anticipated subtasks for the coming year.
- D. **POLICY/LEGAL** None needed at this time. The pool of On-Call Consultants were selected through a competitive process meeting the requirements of the State, as was the selection of Jacobs. As such, the City can directly negotiate professional services tasks directly with these entities.

ALTERNATIVES:

A different process could be developed if so desired.

RECOMMENDATION:

Staff recommends using the selection and distribution of work process that has been developed and improved over the years by the City Manager and City Engineer to distribute Capital Project work to design professionals.

ATTACHMENTS:

- 1. Annual Review and FY21 Plan for Jacobs_Consultant Sept 3 2020



City Engineering: FY20 Review FY21 Plan

City Manager: Adam Brown

City Engineer: Betsy Roberts

Agenda



- City Guidelines
- Capital Engineering Project Selection Process
- Actual Capital Project Financials - FY20
- Forecast Capital Project Budget - FY21
- Summary of Capital Project Selection
- FY20 Project Summary
- FY21 Capital Project Task Orders



Commitment

- To providing superior quality service
- To doing what is right and acting decisively on what is wrong
- To learning, knowing, and performing our jobs to the best of our abilities

Openness

- With all facets of our government
- With our public employees
- In all our doings

Respect

- For our fellow employees
- For the citizens we serve
- For the concepts of open, honest government

Efficiency

- In providing services to the public
- In getting answers to those who have questions

City Core Values

Capital Engineering Project Selection Process



- City Staff & Public Works develop Capital Projects list based on current needs and planned upgrades
- Budget Committee meet, review, and approve a budget. Recommended budget goes to Council for approval.
- City Engineer reviews capital project list requiring design
 - Prepares first cut for on-call engineering and Jacobs support recommendations
 - Support recommendation based on highest and best value to City
- City Manager reviews recommendation and finalizes list

Ontario Consultant Spending FY20



Consultant Breakout Summary	
Consultant	Actual Est FY20
CK3	\$53,000
MSA	\$55,000
Keller	\$115,000
Anderson Perry	\$80,000
Kittleson	\$60,000
Jacobs	\$125,000
CDBG Support	
Unassigned	

Ontario Consultant Spending Forecast FY21



Consultant Breakout Summary		
Consultant	Actual Est FY20	Forecasted FY21
CK3	\$53,000	
MSA	\$55,000	\$195,000
Keller	\$115,000	\$47,400
Anderson Perry	\$80,000	\$29,000
Kittleson	\$60,000	\$115,000
Jacobs	\$125,000	\$200,000
CDBG Support		\$350,000
Unassigned		\$204,000

FY21 Capital Projects Task Orders – ON CALL CONSULTING



- Early 2014, number of consultants were contracted based on competitive selection process approved by State.
- City Engineer will be bringing On-Call Consultant Task Orders to the Council for approval over the coming year.
 - Several TO's are carry-over from last year
 - e.g. Kittleson Transportation System Plan update
 - No Action required for this
 - New On-Call Consultant TO's will happen as needed
 - e.g. murraysmith Predesign for Diffuser approved by Council in July

FY21 Capital Projects Task Orders – JACOBS



- July 2014, was selected through a competitive selection process approved by State as the City Engineer and Public Works team.
- City Engineer will bring Task Orders to the Council for approval over the coming year.
 - For efficiency, some will be lumped together
 - Others will come individually

FY21 Capital Projects Task Orders – UNASSIGNED



- Unassigned Work
 - Project work not yet assigned to specific designer
 - As FY unfolds, this work will be assigned as resources are available and as provides best value for City
 - Selection of consultant will be approved by City Manager



**AGENDA REPORT
OLD BUSINESS
September 3, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-134: A RESOLUTION APPROPRIATING FINAL FUNDING FOR SOUTH OREGON STREET IMPROVEMENTS**

DATE: August 25, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-134: A RESOLUTION APPROPRIATING FINAL FUNDING FOR SOUTH OREGON STREET IMPROVEMENTS.

SUMMARY:

An additional \$8,541 is needed to cover overruns on quantities for several items on the S Oregon Street Improvement project. Public Works staff have identified the Crackfill budget as a potential source of funding.

BACKGROUND:

See attached PPT for information regarding budget and funding needs. The project scope increased from the first year it was brought forward. The very initial scope included mill and overlay of the asphalt only. Then ADA ramp improvement was added, and after that landscape and bulb-out improvements. The changes to scope did not always coincide well with an opportunity to increase estimate (budget) during the fiscal year budgeting process. A lesson learned here is that information about budgets (even estimates) should be brought forward early.

The Engineer's cost estimate at the time of bid was \$610k. The bid came in at \$716k. The bidding environment has been very difficult over the past 5 years due to local sharp/sudden significant economic swings.

CURRENT SITUATION:

The overall project construction cost is \$815,766. Spending budget upfront to conduct additional predesign (borings etc.) would not have saved money but would have saved budget surprises. The design cost was a very effective \$63k (less than 8% of construction).

Construction Management was conducted internally by Public Works and City Engineer to save

money. Warrington Construction worked closely with Public Works to allow for credit opportunities (work done by Public Works staff) and to keep the Construction Management team informed of budget status. As closely as the team watched the budget, we were not able to foresee a couple of bid form quantity busts.

ANALYSIS:

- A. **STRATEGIC PLAN** This project meets nearly all of the City's strategic plan goals! We have already received numerous compliments on the new pavement, enhanced bulbouts with new ADA ramps, and we've not yet completed the landscaping! The improvements help to make a more attractive downtown core.
- B. **FINANCIAL** Due to unforeseen quantity busts in the bid form, an additional \$8,541 to complete the final payment. Staff recommends taking the funding from the current Crackfill budget for FY21. The impact of this fund transfer is that the coverage for crackfill in the summer of 2021 will not be as much as needed. The inventory will need to be rebuilt.

The attached Resolution also includes the additional \$91,000 funding appropriation as discussed at the June 16, 2020 council meeting. The funding will come from the chip seal, crackfill and storm water budgets.

- C. **TIMING** Warrington Construction has worked diligently to complete the project in a timely manner and to keep the Construction Management team up to date with respect to budget issues. We recommend covering their final pay application request.
- D. **POLICY/LEGAL** A budget resolution approved by the City Council is required to expend the funds as per ORS 294.

ALTERNATIVES:

An alternative would be to find a different fund from which to pull the \$8,541 final payment amount.

RECOMMENDATION:

Staff recommends approving the Resolution to move \$8,541 from the FY21 Crackfill budget to complete the S Oregon project.

ATTACHMENTS:

- 1. Resolution #2020-134 S. Ore on Funding
- 2. S Oregon Funding Needs Sept 3 2020



RESOLUTION #2020-134
A RESOLUTION APPROPRIATING FINAL FUNDING FOR SOUTH OREGON STREET IMPROVEMENTS

- WHEREAS,** The South Oregon Street improvement project has been completed; and
- WHEREAS,** There were some unknown project costs which caused the project to come in higher than budgeted; and
- WHEREAS,** The City Council discussed an additional \$91,000 that would need to be appropriated in the 2020-2021 budget on June 16, 2020; and
- WHEREAS,** Some quantity overages caused the project to need additional funding of \$8,541 which will finalize the project; and
- WHEREAS,** The City desires to modify the 2020-2021 budget to appropriate the additional funding necessary.

NOW THEREFORE, THE CITY OF ONTARIO RESOLVES to approve the adjustments to the fiscal year 2020-2021 budget:

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
STREET FUND				
045-090-714350	Street Sealing	\$150,000	(\$60,000)	\$90,000
045-090-714351	Crackfill	\$60,000	(\$27,541)	\$32,459
045-090-719117	ADA Compliance Project	\$163,920	87,541	\$254,461
STORM SEWER FUND				
115-170-871000	Contingency	\$280,595	(\$12,000)	\$268,595
115-170-712113	Downtown Storm Drains	\$20,000	\$12,000	\$32,000

PASSED AND ADOPTED by the Common Council of the City of Ontario this 3rd day of September, 2020, by the following vote:

AYES:
NAYS:
EXCUSED:
ABSENT:

APPROVED by the Mayor this 3rd day of September, 2020.

ATTEST:

Riley J. Hill Mayor

Tori Barnett, MMC, City Recorder



JACOBS

South Oregon Street Improvement Project

Construction Funding Update
September 3, 2020

S Oregon Street Construction - Financial History



- ↪ Increase #1 - \$228,205 to get to low bid
- ↪ Increase #2 – \$91,000 to cover unanticipated subsurface conditions and quantity overruns
- ↪ Increase #3 - \$8,550 to cover quantity overruns

Increase #1 – April 28th Council



- ✧ 2020 Low Bid Warrington – \$716,225
 - ✧ Available Budget: \$488,020
 - ✧ Project cost estimate not available till bid time
 - ✧ Need: \$228,205
 - ✧ Taken from FY20:
 - ✧ Fund savings: \$50,669
 - ✧ Chip seal budget: \$45,000
 - ✧ Impact – eliminated 1 road
 - ✧ Fund Exchange: \$100,000
 - ✧ Impact – reduce contingency for SE 2nd and pushed back SE 5th
 - ✧ Public Safety: \$18,000
 - ✧ Impact – reduction to fund
 - ✧ Stormwater Contingency: \$14,000
 - ✧ Impact – reduced mainline repairs

Increase #2 – June 16th Council



- 🌀 Request - \$91,000
 - 🌀 CO1: Unexpected underground conditions - \$71,634
 - 🌀 Quantity overrun – estimated \$20,000
- 🌀 Funding
 - 🌀 FY20 Chip seal - \$60k
 - 🌀 Impact – Eliminated second street
 - 🌀 FY21 Storm - \$12k
 - 🌀 Impact – reduced design fund for 24th Street project
 - 🌀 FY21 Crackfill - \$19k
 - 🌀 Impact – reduce crackfill coverage for 2021

Increase #3 – September 3rd Council



- ↪ Request \$8,550
- ↪ Quantity Overruns & Credits Underestimated
 - ↪ Overruns
 - ↪ Expected and accurate
 - ↪ Patching
 - ↪ Vertical Curb
 - ↪ Sidewalk pavement
 - ↪ Unexpected
 - ↪ Additional MH - Unexpected need for additional MH due to pipeline size difference
 - ↪ Striping – bid form quantity off

Increase #3 – September 3rd Council



Quantity Overruns & Credits Underestimated

Credits

- Received less than anticipated
 - Trucking – PW staff hauled millings
 - Reduction of length of project on side streets
 - Sweeping
- Received what was anticipated
 - Permanent signing
 - Sign posts
 - Parking striping

Additional Funding - IMPACTS



- ↪ Need \$8,550
- ↪ Use FY21 Crackfill funds
- ↪ Impact
 - ↪ Reduces crackfill budget to \$32k
 - ↪ Reduces coverage area for summer 2021



QUESTIONS?



**AGENDA REPORT
NEW BUSINESS
September 3, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: BID AWARD: BIOSOLIDS REMOVAL PROJECT FOR THE WASTEWATER TREATMENT PLANT (SYNAGRO)

DATE: August 25, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AWARD THE BID FOR THE LAGOON BIOSOLIDS REMOVAL PROJECT TO SYNAGRO AS THE LOWEST RESPONSIVE BIDDER AT \$1,365,000 AND TO APPROVAL AN OVERALL BUDGET FOR THE PROJECT OF \$1,640,000 TO INCLUDING A 20% CONTINGENCY.

SUMMARY:

The Mayor and Council directed staff to proceed with biosolids removal activities to address the accumulation of biosolids in the lagoon wastewater treatment facility. Following that direction, Staff conducted an assessment of the accumulated biosolids quantity and characteristics. A Biosolids Management Plan was prepared using those findings and submitted to the Oregon Department of Environmental Quality. The plan was reviewed by DEQ and then DEQ solicited public comments over a 30-day period. No comments were received during the public comment period and DEQ has approved the plan to remove biosolids and apply the material at the City's Skyline Farm site. Staff put together a bid specification for the biosolids removal project consistent with the DEQ-approved Biosolids Management Plan. A total of four bids were received on August 27, 2020. The lowest responsive bidder was Synagro in the amount of \$1,365,000 to be paid on the basis of unit prices for specific removal activities.

BACKGROUND:

The City of Ontario's Wastewater Treatment Plant (WWTP) seasonally discharges treated municipal wastewater to either the Snake River or to a farm where it is used for land application. The treatment plant consists of 5 lagoons that use biological processes to treat wastewater. Solids are generated as a byproduct of the treatment and settle out to the bottom of the lagoons.

Lagoon No. 1 was constructed in 1991 and is the primary influent lagoon. It receives screened influent wastewater from two sources – City of Ontario and Snake River Correctional Institute. Since this lagoon is the first to receive the wastewater, there is a higher rate of accumulation of solids when compared to the other lagoons. Over a period, the accumulation of solids can potentially create anaerobic conditions (at the bottom of the lagoon), which are favorable for sulfur reducing and other odor producing bacteria resulting in odor issues. The solids buildup also decreases the volume available in the lagoon for wastewater treatment, impacting treatment effectiveness.

CURRENT SITUATION:

Council approval is needed to move forward at this time. The engineering team is completing a full review as this report is being prepared. DEQ has approved the city's Biosolids Management Plan and a competitive bidding process has resulted in multiple responsive bids; bid summary is attached for review. The timing of the work is critical. Removed biosolids will be applied to the agricultural fields at the city's Skyline Farm and the window for application begins after the final crop harvest (end of September) and concludes when the ground is frozen per DEQ regulations. The project must be executed timely.

ANALYSIS:

- A. **STRATEGIC PLAN** This project meets the city's goal of Desirability by creating a city where sanitary sewer treatment is available, adequate, and does not create a public nuisance (odor etc.); meets the goal of GROWTH by creating more effective space in the lagoon system by clearing out accumulated biosolids; and meets the goal of Lifestyle by helping to create a sanitary sewer system that is something residents do not need to think about.
- B. **FINANCIAL** The available budget in the WW fund is \$2.3M. This covers design, construction, and several ancillary construction activities (construction of the biosolids holding area, development and maintenance of temporary roads, etc.). The bid from Synagro is well within that amount, and other project costs will be well within the total budget amount. The engineering team is requesting a 20% contingency to cover additional unforeseen costs and possibly increase the volume of materials removed. This will only be done after thorough investigation. The total amount approved with the contingency is \$1.64 million.
- C. **TIMING** Timing is critical. This must be completed before the ground freezes to meet DEQ requirements.
- D. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

Rejecting this bid would delay the project until next year.

RECOMMENDATION:

Staff recommends the Council approve the award of the project to Synagro for \$1.365M and approves an overall budget for this contract of up to \$1.640M.

ATTACHMENTS:

1. BID SUMMARY Biosolids removal 8 27 20



BID SUMMARY

LAGOON BIOSOLIDS REMOVAL PROJECT

Aug. 27, 2020

					Synagro		MERRELL BROS INC		EAGLE DYNAMIC SOLUTIONS (FORMERLY PRESS RENTALS LL		Denali Water Solutions	
					ONLINE	Docs	ONLINE	Docs	ONLINE	Docs	ONLINE	Docs
					Accepted		Accepted		Accepted		Accepted	
Line Item	Item Code	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
☐ Bid Schedule												
1	1	Mobilization/Demobilization	LS	1	\$165,000.00	\$165,000.00	\$169,912.00	\$169,912.00	\$252,581.00	\$252,581.00	\$185,000.00	\$185,000.00
2	2	Lagoon Biosolids Removal Screening and Dewatering	Ea	3000	\$250.00	\$750,000.00	\$423.00	\$1,269,000.00	\$342.61	\$1,027,830.00	\$525.00	\$1,575,000.00
3	3	Biosolids Loadout and Hauling	Ea	3000	\$55.00	\$165,000.00	\$61.60	\$184,800.00	\$112.07	\$336,210.00	\$78.75	\$236,250.00
4	4	Land Application	ea	3000	\$95.00	\$285,000.00	\$33.37	\$100,110.00	\$43.90	\$131,700.00	\$105.00	\$315,000.00
Bid Schedule Total:					\$1,365,000.00		\$1,723,822.00		\$1,748,321.00		\$2,311,250.00	



**AGENDA REPORT
NEW BUSINESS
September 3, 2020**

To: Mayor and City Council

FROM: Daniel Beaubien, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **BID AWARD: AIRPORT MOWING (BEZATES EXCAVATION, LLC)**

DATE: August 20, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE BID FROM BEZATES EXCAVATION, LLC AS SHOWN IN THE PROPOSAL FOR THE 2020 SEASON.

SUMMARY:

The bid process has produced two bids for the mowing at the airport grounds as shown on the map. The Airport Manager and City Manager have discussed the two bids and are recommending awarding the project to Bezates Excavating.

BACKGROUND:

A collaborative effort has been made to minimize the time spent on airport maintenance thus allowing the City of Ontario's Airport Manager time to address the many managerial tasks given an airport of this size.

CURRENT SITUATION:

The grass and weeds at the airport need to be mowed so that the months of clean up can be avoided and the fire hazard may be mitigated. Much of the weed height is over four feet tall. As the ground continues to dry, the potential for fire grows. Mowing also eliminates the normal rolling tumbleweed issue.

ANALYSIS:

- A. **STRATEGIC PLAN** Putting in an adequate maintenance program yearly meets the assurances of the FAA in that area, and saves time and money on man hours for clean up in addition to decreasing chemical applications, fuel for fires, hazards to aircraft and improving the overall aesthetics.

- B. **FINANCIAL** The Budget Committee and Ontario City Council have appropriated \$30,000 annually for this program. The total bid amount for this fiscal year is 17,050.
- C. **TIMING** Timing is important as the weeds are already tall, flammable, and blowing.
- D. **POLICY/LEGAL** It is the responsibility of the City of Ontario to adequately maintain program. The bid proposal meets the criteria as set in the FAA standards.

ALTERNATIVES:

The city could choose not to approve the bid for mowing at the airport. The entire property under this contract will not be maintained and there will be increased danger to aircraft because of tumbleweed.

RECOMMENDATION:

Staff recommends that the bid be awarded to Bezates Excavation for the purpose of cleaning up the airport from noxious weeds and grasses.

ATTACHMENTS:

1. Mowing proposal - Bezata 1
2. Mowing proposal - Bezatas
3. Mowing proposal - Bezates 2
4. Mowing proposal - Morgan
5. IFB_Vendors_Airport Mowing_7 6 2020_Final edits

PROPOSAL FORM – Airport Land Maintenance Proposal

Company Name: Bezates Excavation LLCCompany Address: 4573 Hyline RdCity: Ontario State: OR Zip Code 97914Company Contact Name: Gus BezatesPhone Number: 541-881-6080 Fax: _____Email: bezexc317@gmail.com

☒ Yes ☐ No	Acknowledgement Form signed
☒ Yes ☐ No	Proposal Form complete
☒ Yes ☐ No	Proposal attached. including all sections under Proposal Instructions complete

	Cost	Expected frequency per year.
Remaining 2020 Through September 1, 2020 and up to two weeks beyond	\$ <u>8525.00</u>	<u>Once</u>
2021 growing season – Beginning up to two weeks before April 1 and through June 30, 2020.	\$ <u>8525.00</u>	<u>once</u>
Hourly rate for out-of-scope maintenance	\$ <u>85.00</u>	

Gus Bezates
Signature of Authorized Representative8-19-2020
Date

4573 HYLINE RD
Ontario,OR 97914

Date	Estimate #
8/19/2020	1

Name / Address	
City of Ontario Airport Maintenance	

[illegible]



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/30/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Bentz Insurance 122 A Street E Vale, OR 97918	CONTACT NAME: Francene Hussey
	PHONE (A/C, No, Ext): (541)473-4210 FAX (A/C, No): (541)473-4041
	E-MAIL ADDRESS: francene@bentzinsurance.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A: Liberty Mutual Insurance Company
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 00000195-44869 **REVISION NUMBER:** 4

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:			BLS 57864858	03/03/2020	03/03/2021	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Proof of Insurance

CERTIFICATE HOLDER**CANCELLATION****Proof of Coverage**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(FEH)

To whom it may concern: Bezates Excavation LLC. would like to assist the City of Ontario and the Airport manager with weed mitigation and mowing at the airport. We are a small family owned and operated construction company that specializes in excavation and grading but have also been involved in facility maintenance with mowing solar sites. We have included an estimate for weed mitigation of area "B" for the remainder of the year at a cost of \$5025.00, also included is an estimate for mowing area "A" as needed (some weekly, some bi-weekly) at a cost of \$3000.00, we have included a mobilization charge of \$500.00 as well for a total of \$8525.00. I would anticipate the mowing of area "B" would need to be done at least twice if not three times per growing season in the future. Bezates Excavation LLC. Would be available to start work Sept.1 2020 if not sooner > Thank you.

Period of Contract: What is your desired term of service? Multiple options may be listed. The City will consider and negotiate various options for the period of the contract.

EVALUATION OF PROPOSALS

The proposals will be evaluated by Ontario staff based upon the proposal instructions.

Proprietor's Business
Proposed Use
Proposed Area of Use
Experience
Project Cost and Pro Forma
Implementation Schedule
Contract Period

Alternatives may be presented to the Ontario City Council, at the discretion of the City Manager, prior to a recommendation being made by City staff. The proprietor may be asked to meet with City staff to discuss the proposal and negotiate the terms of the contract. A contract will be reviewed by the City of Ontario Council.

Acknowledgement

Agreement: I, Gus Bezates, representing Bezates Excavation certify that I offer to furnish materials or services in strict accordance with the requirements of this bid including terms and conditions listed in the bid specifications. I certify that the prices quoted are correct and he/she agrees that this proposal is valid for a period of 30 days from due date noted above.

Authorized Signature (In Ink) Gus Bezates Title Owner

Date Signed 8-19-2020



Proposal for City of Ontario

From: Pete Morgan

208-767-2381

pmorgan@fmc.com

1. I will mow the weeds and grass at the airport for \$55/hr to a height of 3 inches above the dirt.
2. I can mow the tall weeds at the south end of the runway consisting of 6.2 acres (see map) for \$220 per mowing.
3. I can mow the irrigated grass runway, an area of 3.44 acres for \$200 to a height of 2 inches above the dirt per mowing.
4. I have been mowing this area in the past.

I have a Commercial insurance policy # CPP 0024142 02 by Mutual of Enumclaw that meets your insurance requirements.

Pete Morgan



City of Ontario
444 SW 4th St.
Ontario, OR 97914

Bid Number: 07-2020-01

Invitation for Proposals

Bid for Airport Mowing and Maintenance

BID INFORMATION

Proposal Title:.....Bid for Airport Mowing and Weed Control
Soliciting Department:Airport
Proposal Number:07-2020-01
Proposal Issue Date:July 31, 2020
Proposal Due Date:August 17, 2020
Proposal Due Date Time:3:00 pm
Proposal Opening Location:City Council Chamber
Proposals to be delivered to:Daniel Beaubien
444 SW 4th Street
Ontario, OR 97914

PURPOSE

The purpose of this Invitation for Bid is to retain an entity to support the Ontario Municipal Airport Manager in maintenance duties needed at the airport. Duties include mowing, weed abatement, noxious weed spraying, and general cleanup activities.

BACKGROUND

The City is seeking lawn maintenance services to allow the Airport Manager more time to attend to administrative duties and ensure the Airport's appearance and functionality are maintained. There are small areas that are maintained as lawn areas and the greater majority of the property is controlled for weeds.

PROPOSAL SPECIFICATIONS

Definitions and Abbreviations:

- Property – Defined as tax lot number 18S47E0704100, known by name as Ontario Municipal Airport.
- City – The City of Ontario, which includes each department of the City (e.g. the Ontario Municipal Airport).
- Contractor – The selected bidder will be referred to as the Contractor.

Issuing Office: Ontario Municipal Airport

Daniel Beaubien
581 SW 33rd Street
Ontario, OR 97914
541-212-1676

Proposal Scope:

Location: The City is requesting bids for lawn maintenance services and weed control to maintain the Ontario Municipal Airport.

Work to be Done: The City is looking for mowing, weed abatement, noxious weed spraying, and general cleanup of clippings. The work will be done under the direction of the Airport Manager. The Airport Manager will provide training to the Contractor regarding procedures for working around aircraft at the Airport. The Airport Manager will provide flags and lights for areas of the air where they are required.

Service Level Expectation: The expectation for green and growing grass areas, labeled as Area A in the attached map, is to keep the lawn between two to four inches. For other areas, labeled as Area B, without green and growing grass, the standard is to keep weeds, grass, or other naturally growing plants from growing over five inches.

The awarded bidder will do the work of keeping the lawns in Attachment A mowed and dressed neatly. The selected bidder shall provide their own equipment. If desired, the bidder will have the use of a 10-foot flail mower. Condition of the mower attachment is not warranted by the City. The Contractor will pay for all fuel for all equipment.

The Contractor shall be responsible for their own equipment while on Airport property. The City will not be responsible for vandalism, theft, or other adverse natural conditions. Pre-emergent treatment can be part of the treatment for areas labelled B in the attachment for weeds and can be included in the cost proposal. The Contractor will be responsible for holding the appropriate licenses for chemical application.

The physical location of the airport is 581 SW 33rd Street, Ontario, OR 97914.

Start Date: It is anticipated that the contract begins September 1, 2020. Operations can begin after award of contract by the Ontario City Council and execution of the contract. A lump sum bid for work for the remainder of this year's growing season, through October 1, is requested and a bid for the beginning of next year's season approximately April 1, 2021. The growing season defined for the bid is within two weeks of October 1, 2020 and April 1, 2021 as determined by the weather. The bid should cover costs that could go beyond two weeks of the October 1 and April 1 growing season.

Length of Contract: The contract will expire on June 30, 2021 and be re-evaluated based on available funding. The contract can be extended for two years with an adjustment for July and August at the same rate.

Equipment: The Contractor must provide all necessary equipment for maintaining the lawns.

The Contractor is expected to collect and dispose of trash generated by the work, including branches, vines, or other growth and to pick up litter and debris from the grounds. Grass clippings can be mulched in place and do not have to be bagged.

The Contractor is responsible for repair from damage caused by the Contractor to the irrigation system.

Authority: This contract is solicited under the authority of the City of Ontario.

Ownership and Availability of Data: The proposals will be public documents.

Applicable Law: The solicitation and any resulting contract shall be governed in all aspects by the laws of the State of Oregon. All entities, both public and private, shall comply with applicable Federal, State, and local laws and regulations.

Ethics in Contracting: By submitting their proposals, proprietors certify that their proposals are made without collusion or fraud and they have not offered or received any kickbacks or enticements from any other offer, supplier, manufacturer, or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, or services.

Insurance: Contractors working for the City of Ontario shall maintain insurance coverage as stated in policy #5100. The following are the minimum acceptable limits of liability:

- A. \$1,000,000.00 per occurrence of bodily injury and/or property damage.
- B. \$1,000,000.00 per offense of personal and advertising injury.
- C. \$1,000,000.00 Annual Aggregate for products/completed operations.
- D. \$2,000,000.00 General Aggregate
- C. \$50,000.00 Fire Damage Liability

Ownership of Proposal Documents: All proposals and other materials submitted will become the property of the City of Ontario. Failure to complete the Design Build Proposals as outlined above may preclude consideration of the bid/proposal.

Indemnity: The Proposer will indemnify, hold harmless and exempt the City, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims demands, damages, cost, expenses, and attorney fees incident to any work done in the

performance of the contract. The Proposer will not be liable for any claims, demands, damages, cost, expenses, or attorney fees arising out of an act or omission on the part of the City, its officers, agents, servants, and employees.

Reserved Rights: The City of Ontario reserves the right to reject any and all proposals for any reason(s).

Termination of Agreement:

Cancellation of the contract by the City may be for:

- a. Default by the Contractor
- b. Lack of financing

Default is defined as the failure of the Contractor to fulfill the obligations of their quotation or contract. In the case of default by the Contractor, the City may cancel the contract immediately and procure the articles or services from another source and hold the Contractor responsible for any excess costs occasioned thereby. In the event that the City no longer needs the service or commodity specified in the contract due to relocation of offices, or lack of funding, the City may cancel the contract by giving a 30-day notice of cancellation without penalty or fine.

The City may terminate this agreement if any condition of the contract is not met. The City shall offer the proprietor a reasonable amount of time, 30 days, to come into compliance with the conditions of the contract. If the conditions are not corrected, the City will give 30-days' notice for the proprietor to vacate. The proprietor may terminate this agreement upon written 60-days' notice.

Payment: Payments for services shall be paid by the City within 30 days of billing.

PROPOSAL INSTRUCTIONS

All proposals must be sealed and addressed to the Ontario Airport Manager. Proposals must include an original and three (3) copies and be received by the proposal date and time to be considered. Proposals must address the following information.

Letter of Interest: A brief letter stating your interest in participating in the project.

Description of Business: Tell the City about your business and experience in facility maintenance.

Experience: Describe your level of experience working in facility maintenance.

Bid: Please outline your cost for performing these services.

Implementation Schedule: Please describe your schedule for using the property and the important timelines you need to make this lease work.

Period of Contract: What is your desired term of service? Multiple options may be listed. The City will consider and negotiate various options for the period of the contract.

EVALUATION OF PROPOSALS

The proposals will be evaluated by Ontario staff based upon the proposal instructions.

Proprietor's Business
Proposed Use
Proposed Area of Use
Experience
Project Cost and Pro Forma
Implementation Schedule
Contract Period

Alternatives may be presented to the Ontario City Council, at the discretion of the City Manager, prior to a recommendation being made by City staff. The proprietor may be asked to meet with City staff to discuss the proposal and negotiate the terms of the contract. A contract will be reviewed by the City of Ontario Council.

Acknowledgement

Agreement: I, _____, representing _____ certify that I offer to furnish materials or services in strict accordance with the requirements of this bid including terms and conditions listed in the bid specifications. I certify that the prices quoted are correct and he/she agrees that this proposal is valid for a period of 30 days from due date noted above.

Authorized Signature (In Ink) _____ Title _____

Date Signed _____

PROPOSAL FORM – Airport Land Maintenance Proposal

Company Name: _____

Company Address: _____

City: _____ State: _____ Zip Code _____

Company Contact Name: _____

Phone Number: _____ Fax: _____

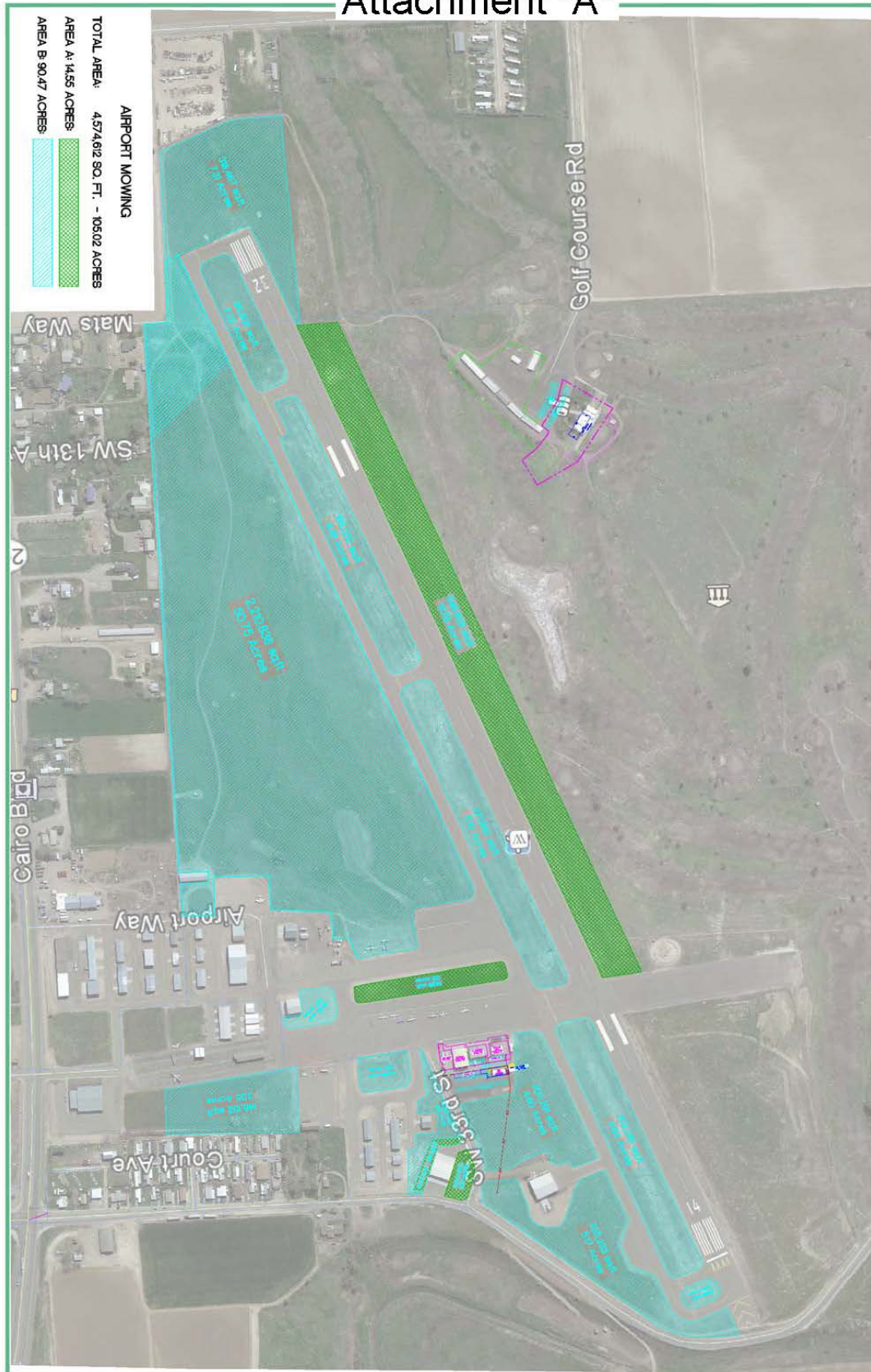
Email: _____

☐ Yes ☐ No	Acknowledgement Form signed	
☐ Yes ☐ No	Proposal Form complete	
☐ Yes ☐ No	Proposal attached. including all sections under Proposal Instructions complete	
	Cost	Expected frequency per year.
Remaining 2020 Through September 1, 2020 and up to two weeks beyond	\$	
2021 growing season – Beginning up to two weeks before April 1 and through June 30, 2020.	\$	
Hourly rate for out-of-scope maintenance	\$	

Signature of Authorized Representative

Date

Attachment "A"





**AGENDA REPORT
NEW BUSINESS
September 3, 2020**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **APPROVE JOINT APPLICATION FOR CDBG HOUSING PROJECT WITH
COMMUNITY IN ACTION**

DATE: August 20, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE INTERGOVERNMENTAL AGREEMENT IN SUPPORT OF A COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTERED BY THE OREGON BUSINESS DEVELOPMENT DEPARTMENT, INFRASTRUCTURE FINANCE AUTHORITY.

SUMMARY:

The City of Ontario recently wrapped up a housing rehabilitation loan through the Community Development Block Grant. The City of Nyssa is applying for a CDBG housing rehabilitation grant and needs the support of the City of Ontario for their application.

BACKGROUND:

The City of Ontario recently completed a housing rehabilitation grant through the CDBG program. Over 20 homes in Ontario were able to receive weatherization and repairs to keep people in their homes.

CURRENT SITUATION:

It has been common for the cities to undertake these applications and rotate the cities being improved. We have supported their applications and they have supported ours. Community in Action will enter into a sub-recipient agreement with the City of Nyssa, to manage the program.

ANALYSIS:

- A. **STRATEGIC PLAN** No strategic plan impact.
- B. **FINANCIAL** There is no financial cost to the City of Ontario.

- C. **TIMING** The application is ready for submission and just needs authorization from the nearby communities of Vale, Ontario, and Malheur County to proceed.
- D. **POLICY/LEGAL** As non-entitlement communities, joint applications are required for this CDBG program. The governing body's of Vale, Nyssa, Ontario, and Malheur County are required to approve these applications and the chief elected official will be the signer.

ALTERNATIVES:

Take No Action: Not approving this application may impeded the City of Nyssa from receiving these funds.

RECOMMENDATION:

City staff recommends the Council approve this Intergovernmental Agreement in support of a Community Development Block Grant from the 2020 Community Development Block Grant Program Administered by the Oregon Business Development Department, Infrastructure Finance Authority.

ATTACHMENTS:

1. Intergovernmental Agreement in Support of a Community Development Block Grant

**Intergovernmental Agreement in Support of a Community Development Block Grant
From the 2020 Community Development Block Grant Program
Administered by the Oregon Business Development Department,
Infrastructure Finance Authority**

Agreement Title: Sponsorship of the Harney Malheur Residential Housing Rehabilitation Program

Agreement Date:

Signatory Parties: City of Nyssa, City of Vale, City of Ontario, Malheur County

Agreement: The above signatory parties agree to jointly sponsor a housing rehabilitation program provided through a Community Development Block Grant (CDBG), administered by the Oregon Business Development Department, Infrastructure Finance Authority and recognize the City of Nyssa as the lead agency that will be responsible for applying, receiving, and administering the CDBG award.

Grant Activity: The purpose of the proposed CDBG is to manage a housing rehabilitation grant fund to provide assistance to low income homeowners to repair their homes.

Constraints: One hundred percent (100%) of the benefitted owner occupied household occupants must have incomes below the federal low-and moderate-income limit (80% of the median family income as adjusted by family size for the County).

Only persons who reside within the boundaries set by the cities and unincorporated/nonentitlement county areas of the signatory parties are to receive the housing rehabilitation funding.

Community in Action will enter into a sub-recipient agreement with the lead Agency, City of Nyssa, to manage the housing rehabilitation program.

Counterparts: The agreement may be signed in counterparts and each counterpart will be deemed an original. Copies of all signatures will be provided as part of the grant application and to each signator.

Multiple Parties: In the event that one or more of the signatories' identified above decline to sign this agreement, it remains sufficient for all other signatories to receive the benefits of the agreement.

So agreed:

_____ City of Nyssa	_____ Date
_____ City of Vale	_____ Date
_____ City of Ontario	_____ Date
_____ Malheur County	_____ Date



**AGENDA REPORT
PUBLIC HEARING
September 3, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

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 883SW30TH, LLC, PLANNING ACTION 2020-06-23 CPAMD, ON SECOND AND FINAL READING BY TITLE ONLY**

DATE: August 27, 2020

PROPOSED MOTION:

I MOVE 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 SECOND AND FINAL READING BY TITLE ONLY.

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).

In a Public Hearing at the regular meeting of City Council on August 18, 2020 the City Council approved Ordinance #2778-2020 on first reading by Title only. NO additions or corrections have been made to the Ordinance since the first reading. Approval:

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.

RECOMMENDATION:

Staff recommends the City Council approve Ordinance #2778-2020 on Second and Final Reading.

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

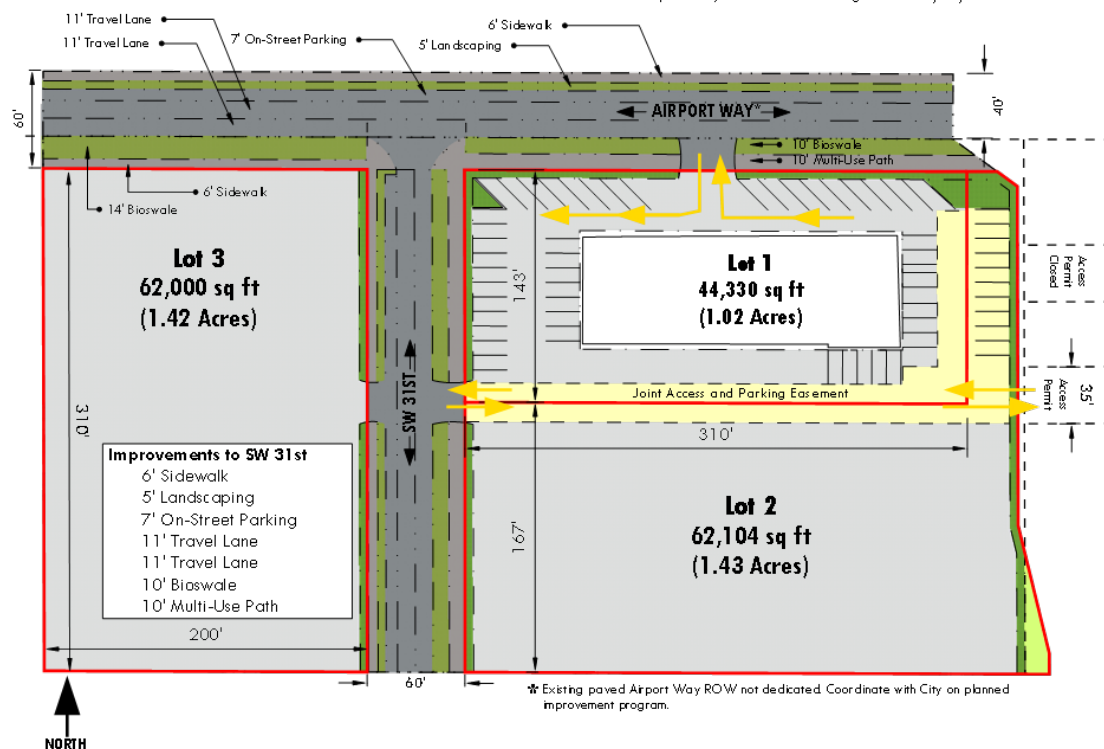


Figure 2 Conceptual Site Plan

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.

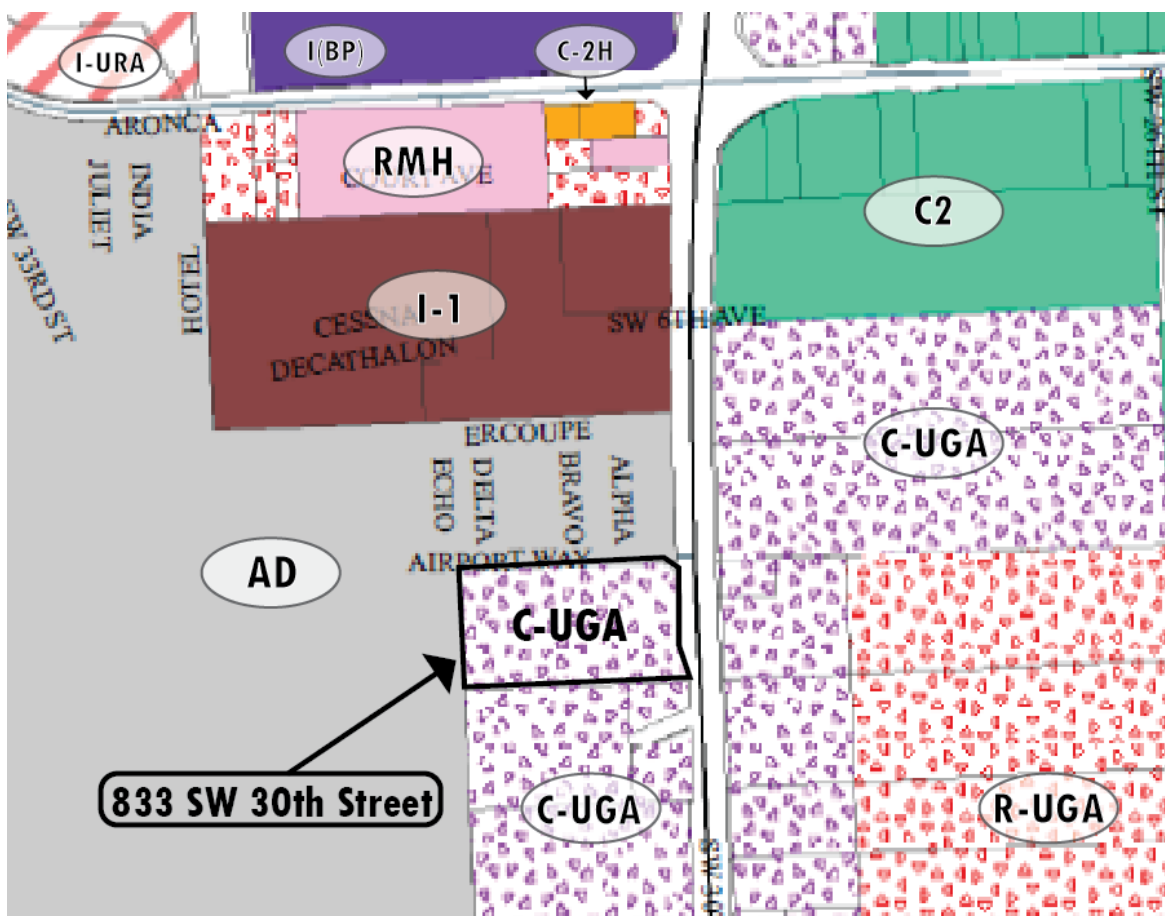


Figure 3 Area Zoning and Land Uses

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.

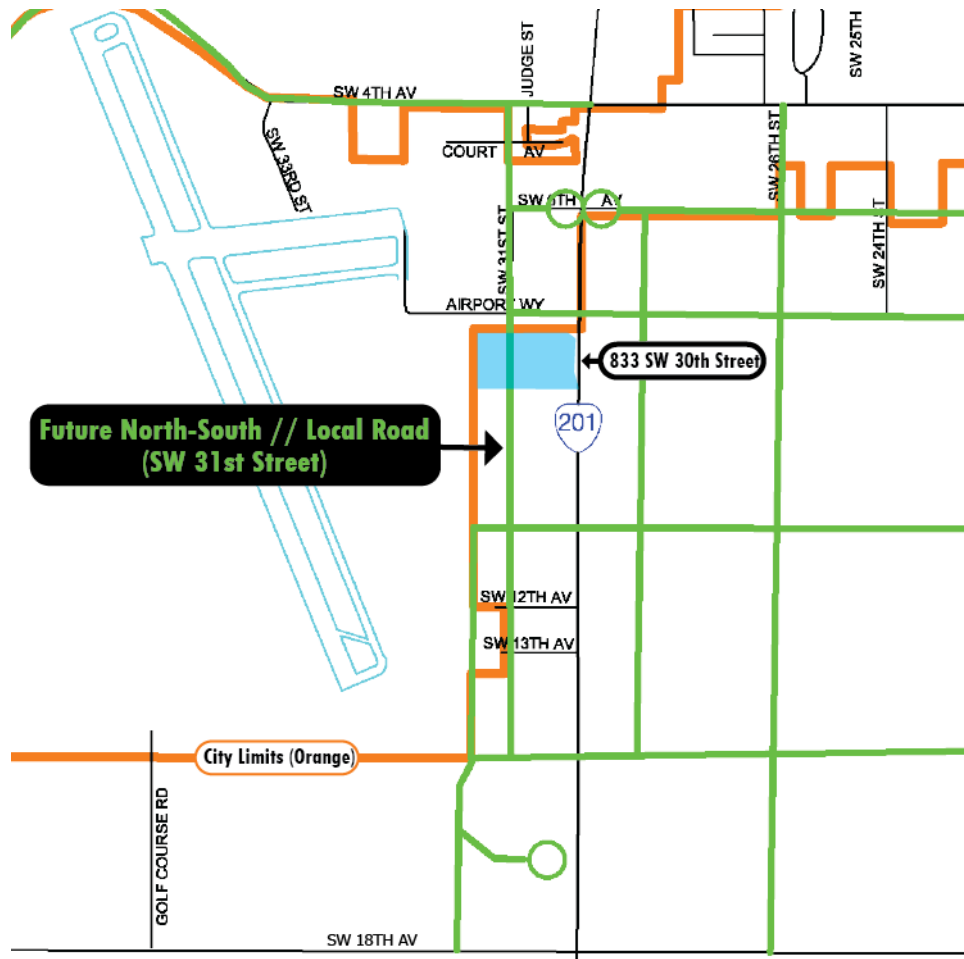


Figure 4 Site in Relation to Planned SW 31st Street Extension

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.

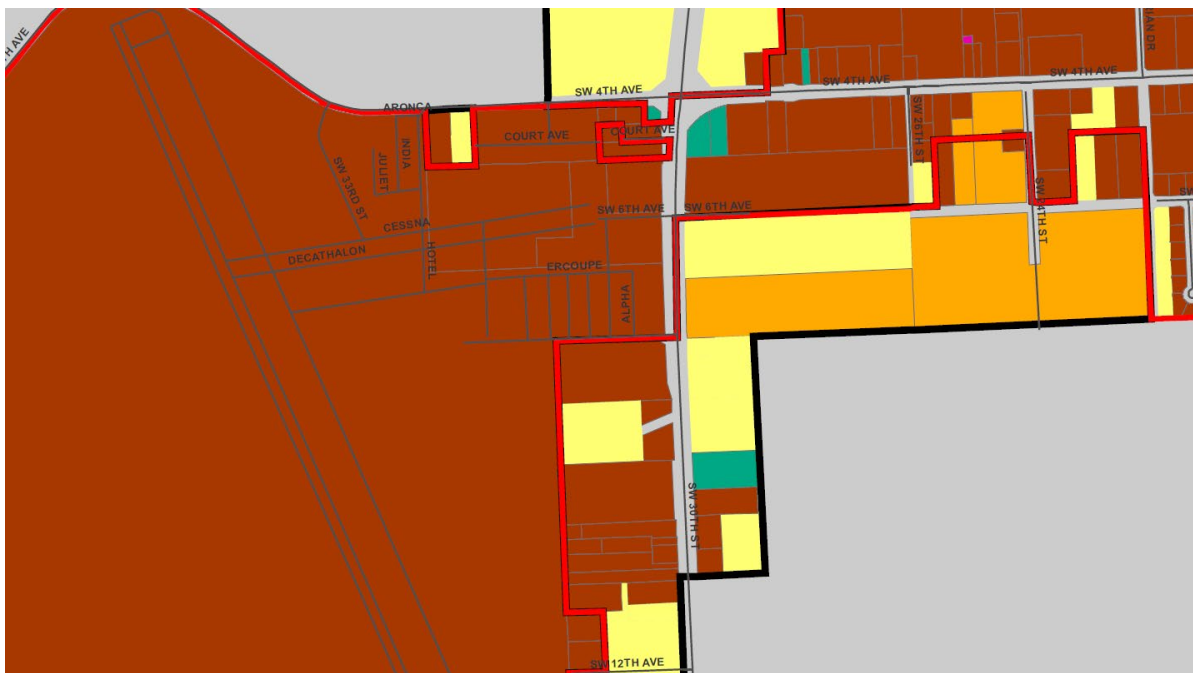


Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2)

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

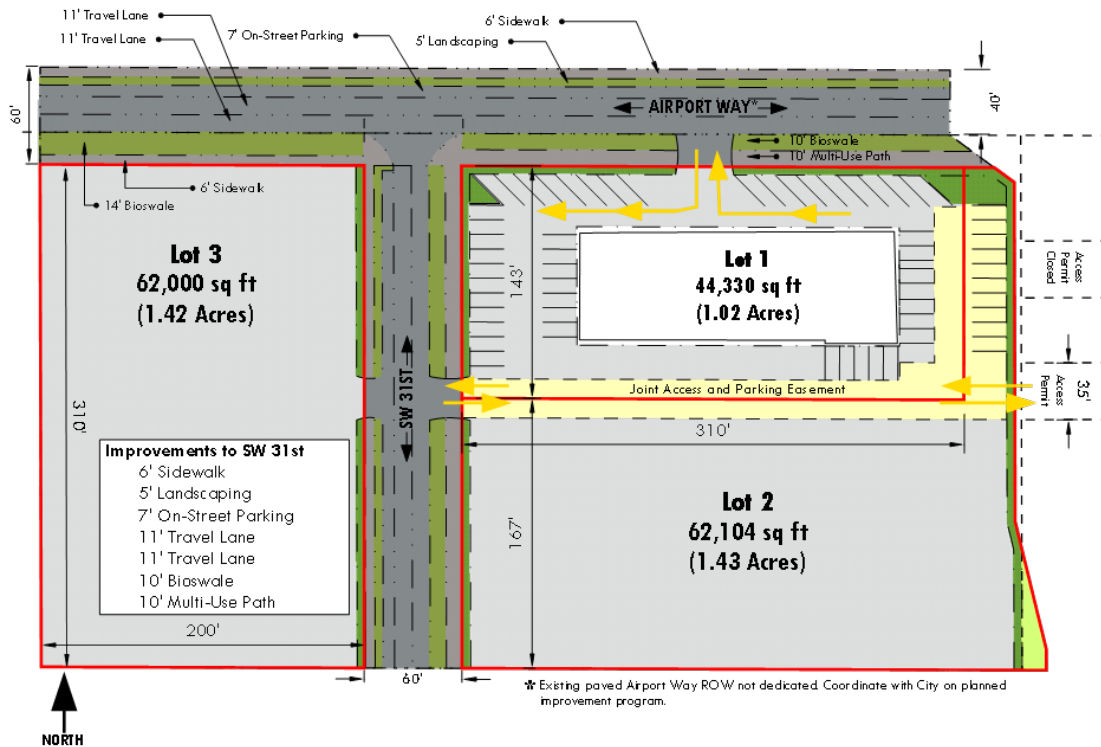


Figure 8 Conceptual Site Plan

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 necessarySteven Meland883SouthWest30TH, 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

33A0FF306C48480...

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

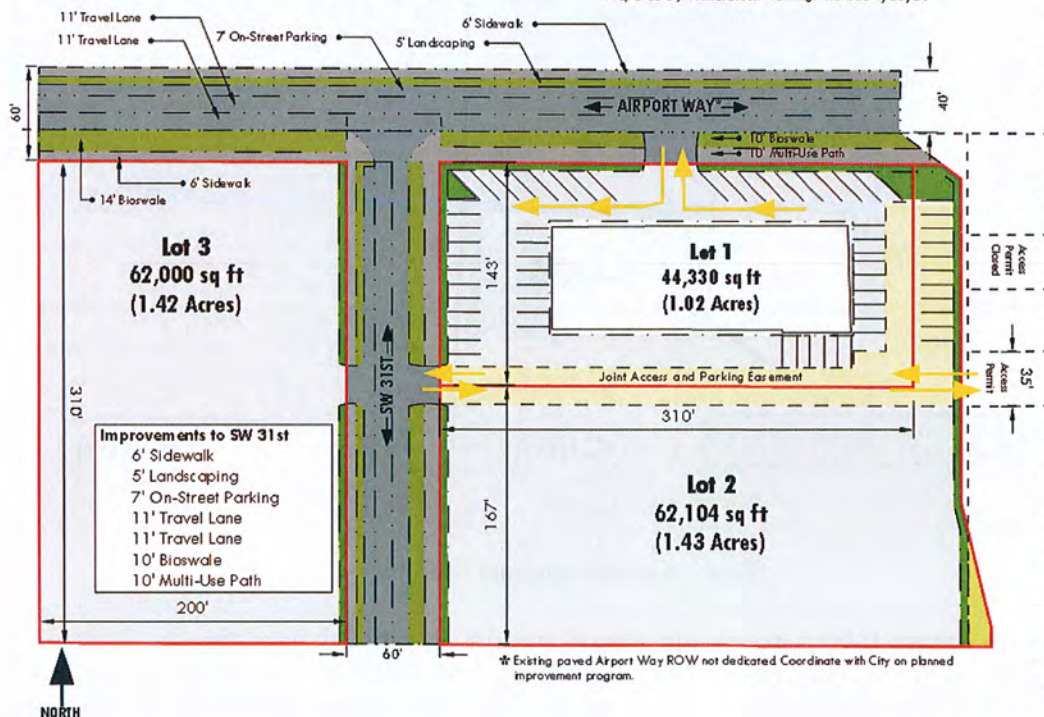


Figure 2 Conceptual Site Plan

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.

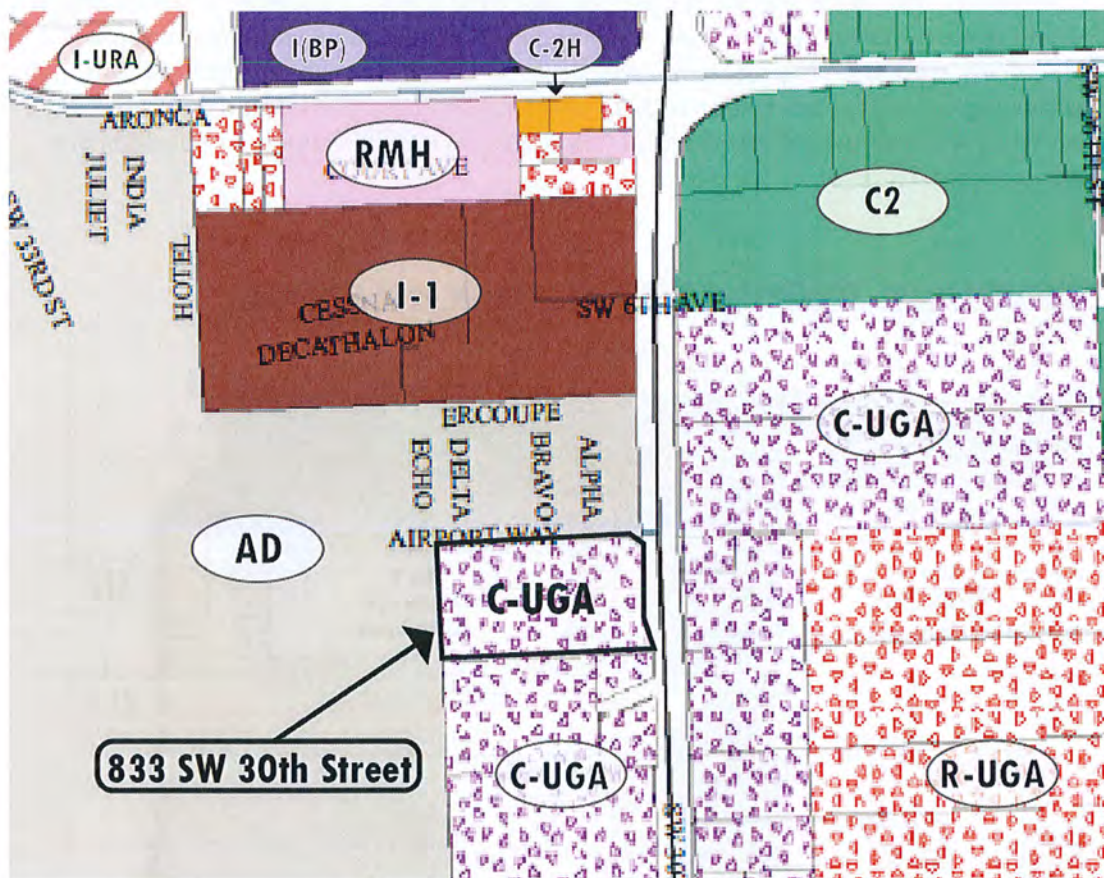


Figure 3 Area Zoning and Land Uses

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.

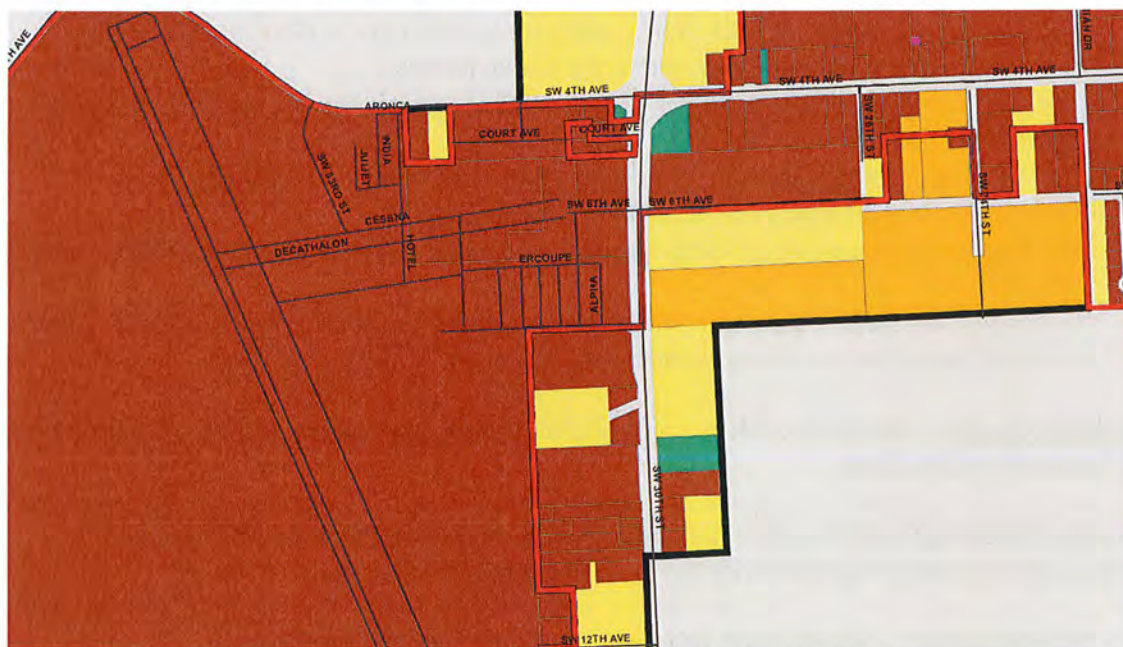


Figure 6 Clip 2007 Ontario Buildable Lands Inventory Map (Map 3-2)

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.”



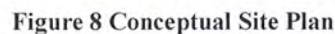
Figure 7 Site Viewed from Highway 201 Entering the Ontario City Limits

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 (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 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 Street**Tax Map #** 18S4707AD**Tax Lot #(s)** 100**Tax Map #** _____**Tax Lot #(s)** _____**Lot size** 4.56 Acres**Zoning** _____**Existing use** Auto Sales**Proposed 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/>

SEPARATE AGREEMENT MAKING CONSENT IRREVOCABLE

833 SOUTHWEST30, LLC

On this day I (We) executed a consent to annexation for the City of Ontario, for the below described property. The one-year period for the validity of my consent under ORS 222.173 is hereby waived.

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

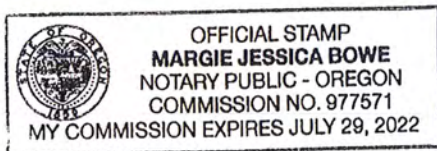
By:

[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

The following information is for reference purposes only:
Tax Map: 18S4707AD

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

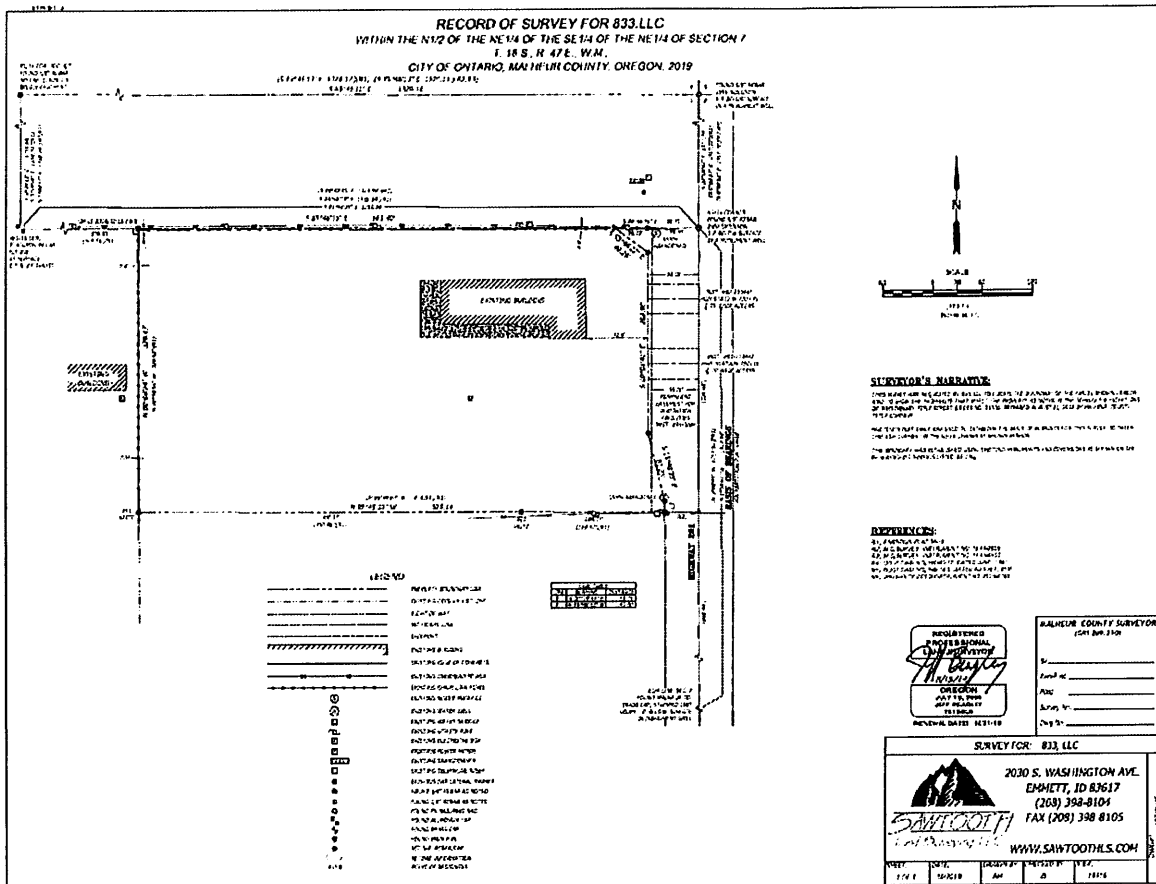
18S 47E 07AD

This sketch is furnished to assist in property location and the company assumes no liability for inaccuracies.

185 47E 07AD

Exhibit "B-2"

Map of Property



ONTARIO, OREGON
OFFICIAL PLANNING AND ZONING MAP

DISCLAIMER: THE INFORMATION ON THIS MAP COMES FROM MULTIPLE SOURCES AND MAY CONTAIN INACCURACIES. THE CITY ENGINEERS ARE BASED ON AVAILABLE RECORDS AND MAY NOT REFLECT WHAT IS NOW ON THE GROUND. THE CITY OF OREGON ENGINEERS ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ANY ERRORS, OMISSIONS OR INCONVENIENCES. PLEASE CONTACT CHAIRMAN DIRECTLY IF YOU SEEK SPECIFIC INFORMATION.

Zone Code

Urban Reserve Area Zone

- UR-1: Industrial UGA
- UR-2: Commercial UGA
- UR-3: Industrial Rail Dependent UGA
- UR-4: Residential UGA
- UR-5: Commercial UGA
- UR-6: General Heavy Commercial UGA

Urban Growth Area Zone

- UGA-1: Residential UGA
- UGA-2: Employment Zone (Mixed) UGA
- UGA-3: Commercial UGA
- UGA-4: General Heavy Commercial UGA
- UGA-5: Public Utility UGA
- UGA-6: Light Industrial UGA
- UGA-7: Heavy Industrial UGA

City Zone

- C1: General Heavy Commercial
- C2: General Commercial
- C3: Central Commercial
- C4: College District
- C5: Employment Zone (Mixed)
- C6: General Commercial
- C7: General Heavy Commercial
- C8: Airport Development
- C9: Industrial UGA
- C10: Industrial Rail Dependent UGA
- C11: Residential UGA
- C12: Commercial UGA
- C13: General Heavy Commercial UGA
- C14: Public Utility UGA
- C15: Light Industrial UGA
- C16: Heavy Industrial UGA

Feet
 0 100

Property Labels:
 CITY INDUSTRIAL BUSINESS PARK
 CITY MOBILE HOME
 CITY LIGHT INDUSTRIAL
 CITY GENERAL COMMERCIAL
 CITY AIRPORT DEVELOPMENT
 PROPERTY UGA-COMMERCIAL
 UGA COMMERCIAL
 UGA RESIDENTIAL
 CITY SINGLE FAMILY RESIDENTIAL
 CITY INDUSTRIAL BUSINESS PARK
 CITY C-2H

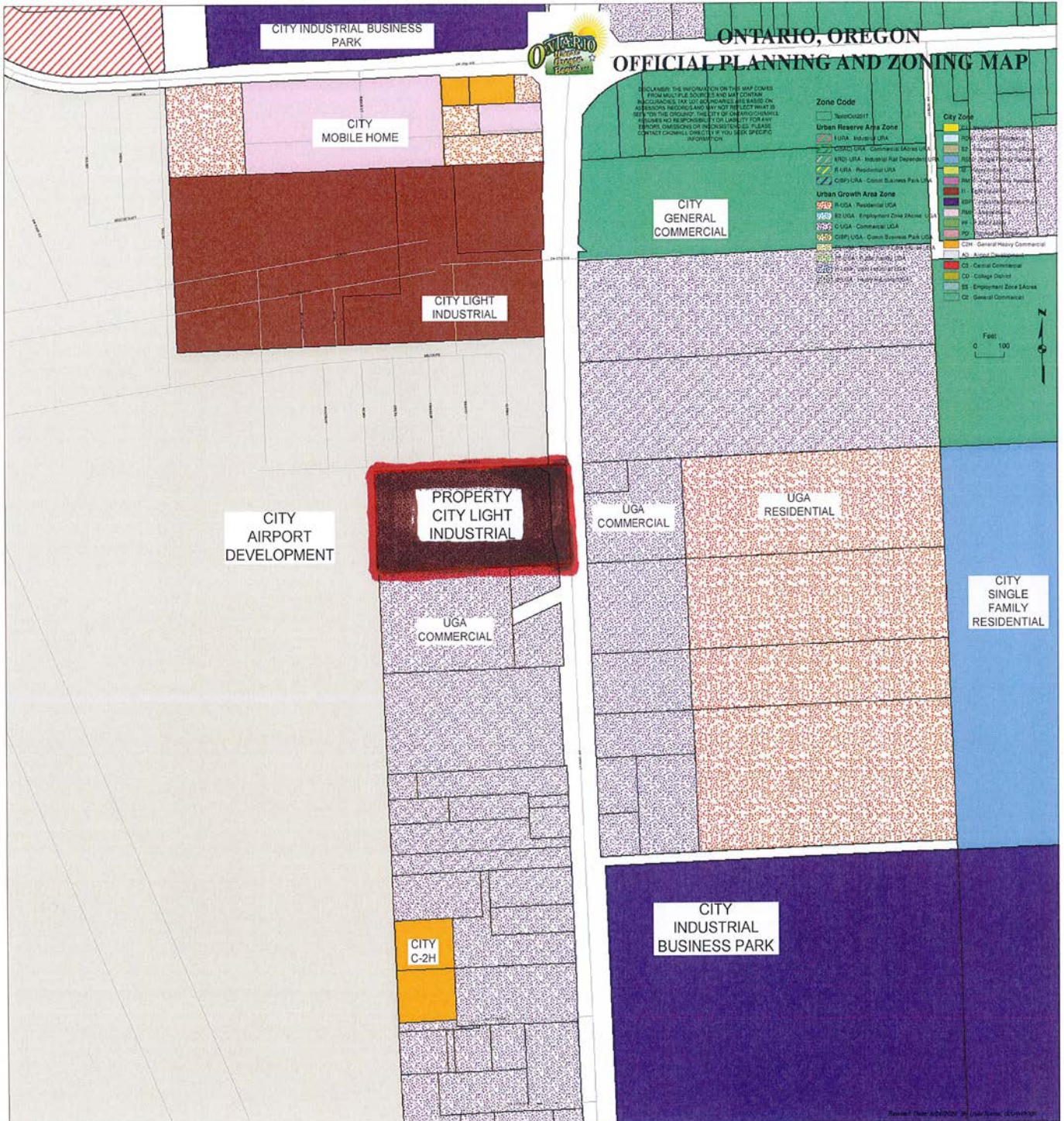
Revised Date: 6/24/2020 By User Name: [unclear]

Attachment 4

ONTARIO ZONING MAP

APPLICATION 2020-06-23CPMD

AFTER: CITY LIGHT INDUSTRIAL





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”

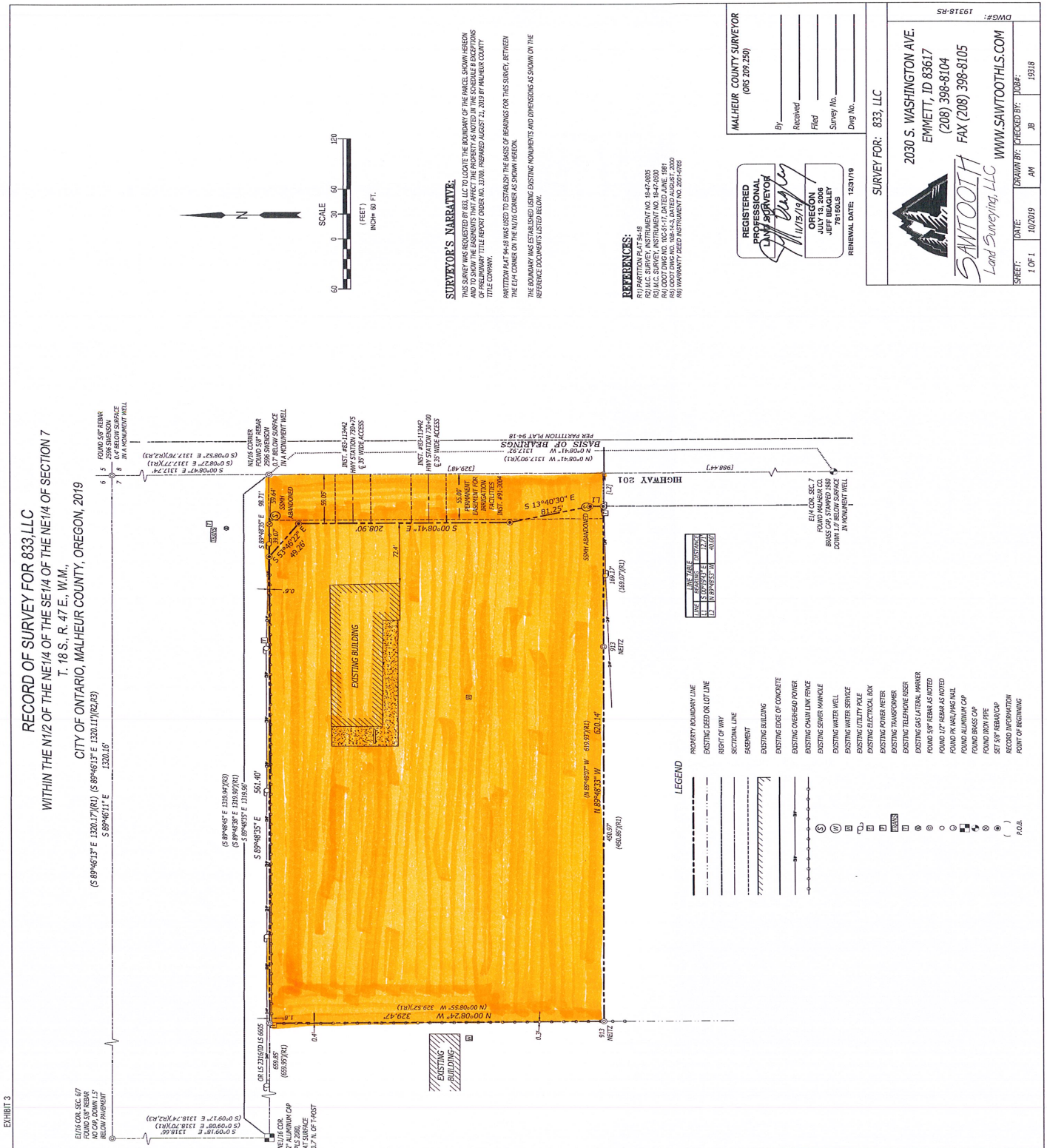


Exhibit "C"

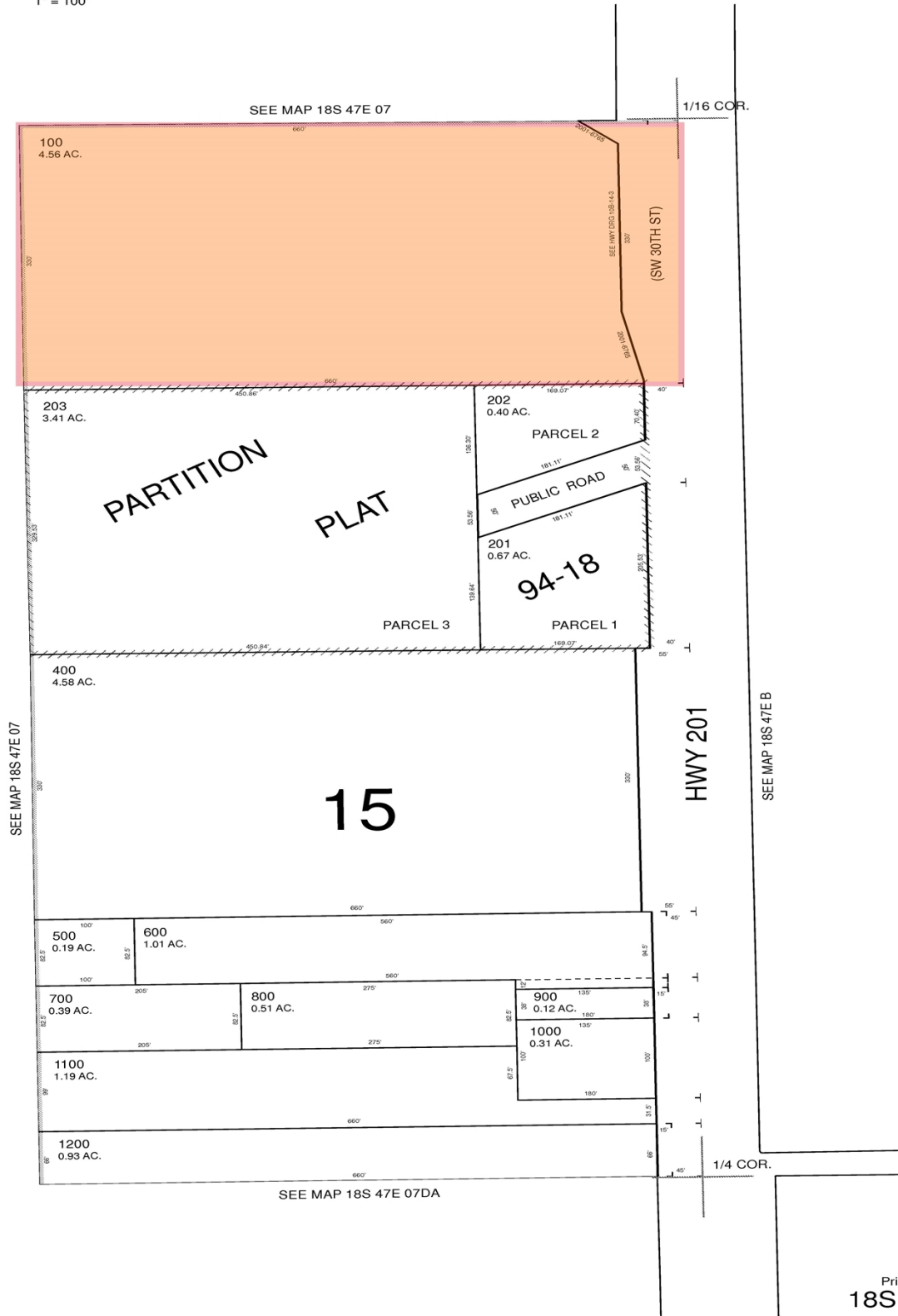
Subject property

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



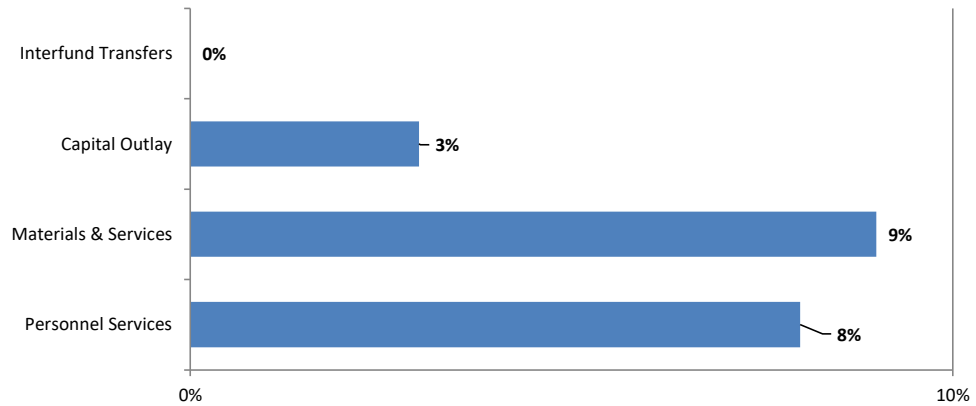
Printed on May 11, 2005
18S 47E 07AD

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
JULY 31, 2020**

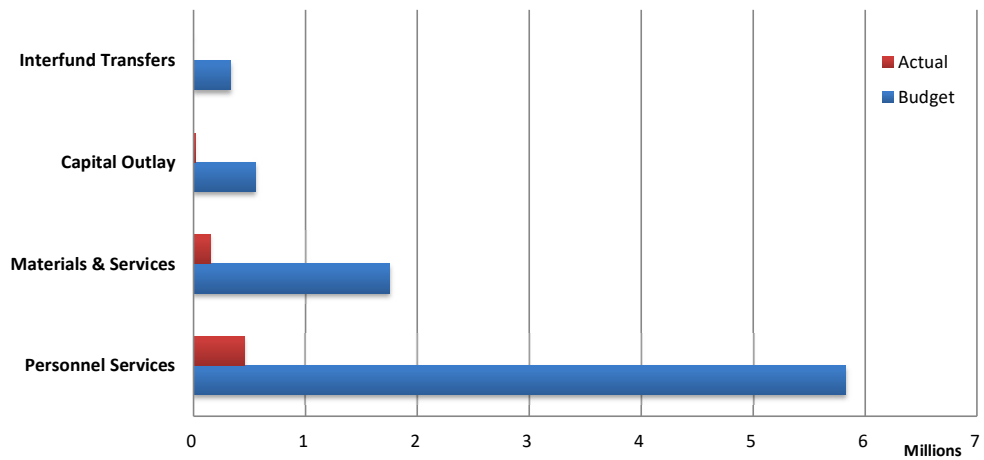
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	316,250	11,122	3.5%	
Parks & Recreation	316,250	11,122	3.5%	
Fire	1,672,809	126,809	7.6%	
Code Enforcement	244,722	13,977	5.7%	
Police	3,939,857	280,852	7.1%	
Police reserves	6,165	-	0.0%	
Emergency operations	-	-	#DIV/0!	
Public Safety Total	5,863,553	421,637	7.2%	
Administration	497,012	35,055	7.1%	
City Council	25,362	619	2.4%	
Business Registration	1,100	4	0.4%	
Cemetery	174,381	9,402	5.4%	
Finance	245,849	-	0.0%	
Technology	175,051	23,141	13.2%	License timing
General Government Total	1,118,755	68,222	6.1%	
Community development	217,248	12,015	5.5%	
Community Development	217,248	12,015	5.5%	
Administrative Overhead	629,250	110,908	17.6%	Liability Insurance timing
Non-Departmental Contributions	80,000	-	0.0%	
Other Total	709,250	110,908	15.6%	
Operating Transfers Out	225,440	-	0.0%	
GENERAL FUND TOTALS	\$ 8,450,496	\$ 623,905	7.4%	
YTD BUDGET BENCHMARK				8.3333% 

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENSE
FOR THE PERIOD ENDED
JULY 31, 2020**

% Expended by Category



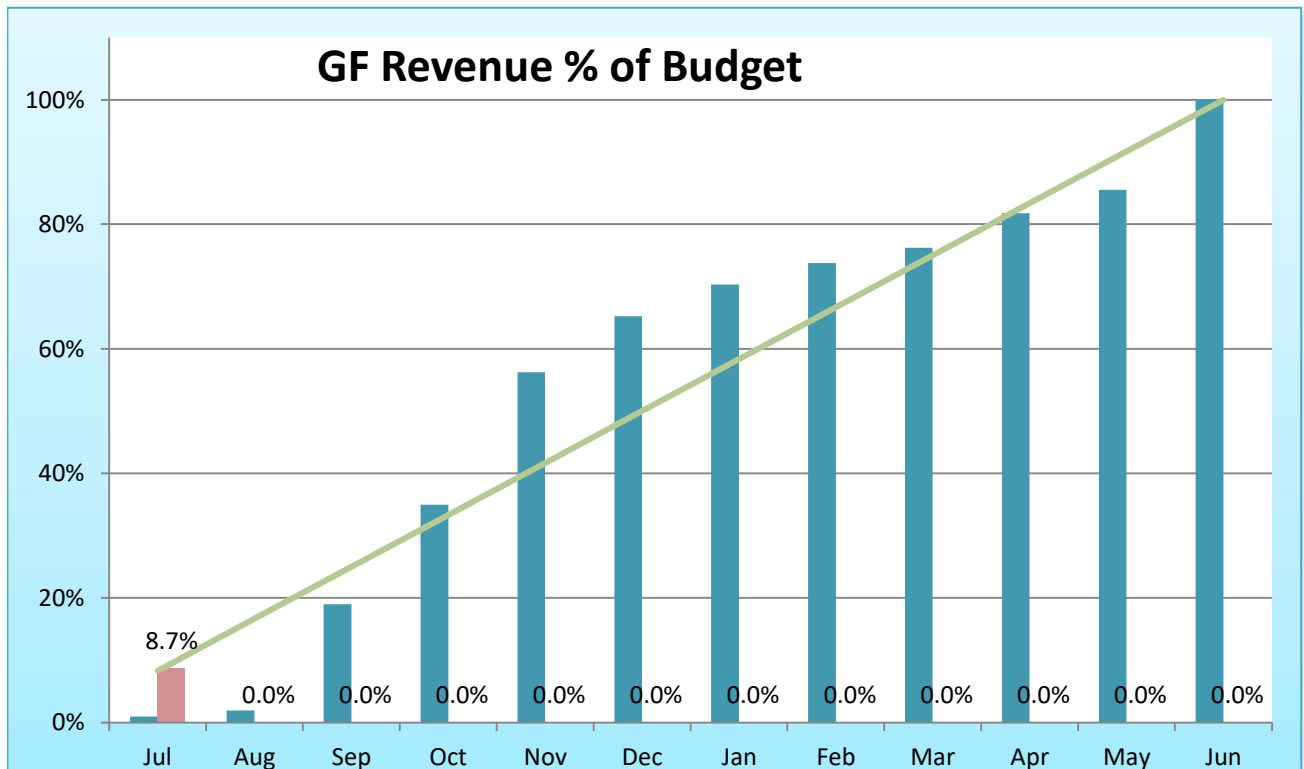
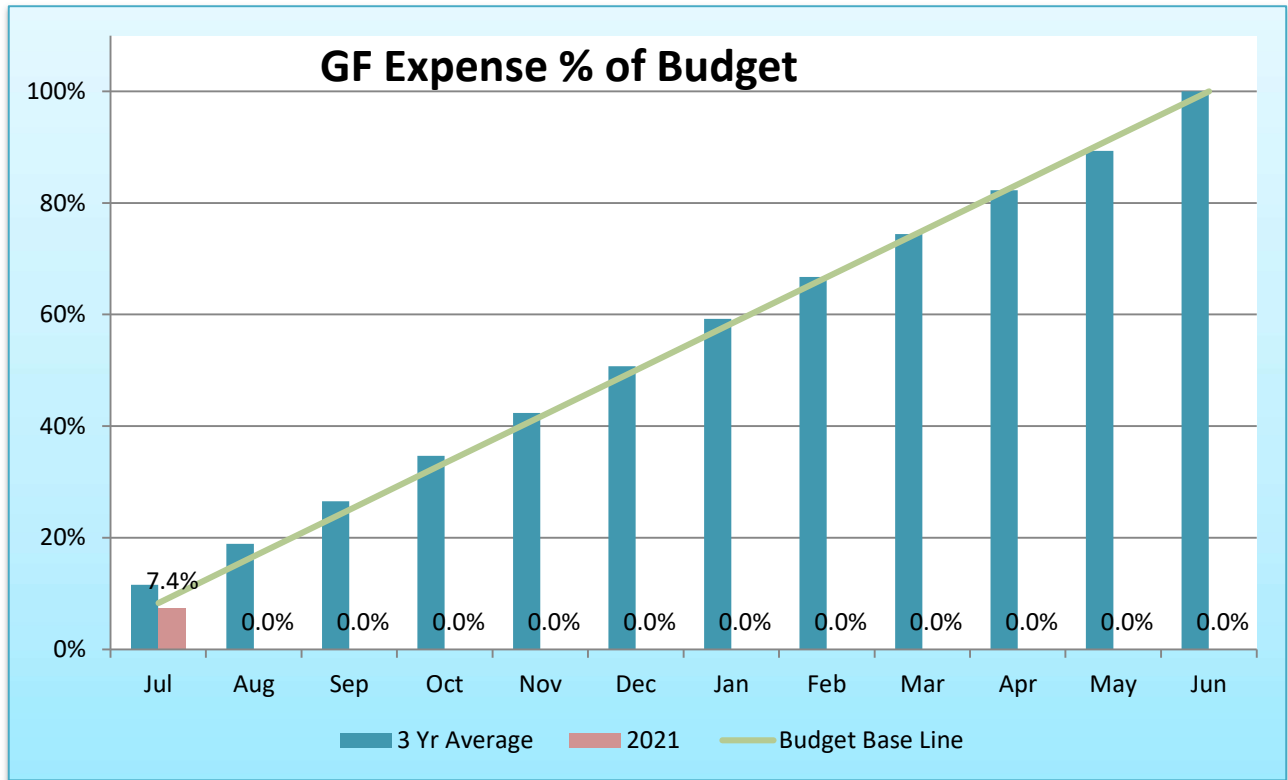
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
JULY 31, 2020**

DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
Parks	2,000	280	14.0%	
Parks & Recreation	2,000	280	14.0%	
Fire	134,572	35	0.0%	
Code Enforcement	48,800	780,486	1599.4%	
Police	423,799	22,020	5.2%	
Dispensary Business License	43,400	6,200	14.3%	
Public Safety Total	650,571	808,740	124.3%	
Interest	65,000	2,857	4.4%	
State Revenue Sharing	136,635	-	0.0%	
Administrative Services	497,148	41,429	8.3%	
Other General Revenues	8,485	623	7.3%	
Property Taxes	3,755,617	23,271	0.6%	
Alcohol Bvg License & Fee	246,582	80	0.0%	
Cigarette tax	12,979	-	0.0%	
Marijuana tax	1,100,000	-	0.0%	
Franchise Fees	1,632,298	-	0.0%	
Business Registration	2,500	50	2.0%	
Cemetery	45,000	8,075	17.9%	
General Government Total	7,502,244	76,384	1.0%	
Planning & Zoning	4,450	1,560	35.1%	
Community development	4,450	1,560	35.1%	
GENERAL FUND REVENUE TOTALS	\$ 8,159,265	\$ 886,964	10.9%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ 263,060
YTD BUDGET BENCHMARK				8.3% 

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
JULY 31, 2020**



**CITY OF ONTARIO
OTHER FUNDS - DEPARTMENT EXPENSES AND REVENUE
FOR THE PERIOD ENDED
JULY 31, 2020**

DEPARTMENT/FUND	EXPENDITURES				REVENUES		
	BUDGET	ACTUAL	% EXPENDED		BUDGET	ACTUAL	% REALIZED
002 Marijuana Enforcement Fund	50,000	-	0.0%		50,000	-	0.0%
010 Grant Fund	202,500	-	0.0%		202,500	-	0.0%
027 Building Fund	201,012	11,417	5.7%		385,352	13,695	3.6%
030 Capital Projects Fund	909,181	-	0.0%		3,449,111	54,570	1.6%
031 SDC Fund	485,615	-	0.0%		485,615	412	0.1%
045 Street Fund	2,609,042	162,795	6.2%		2,609,042	72,326	2.8%
050 Trust Funds	776,631	-	0.0%		776,631	4,250	0.5%
055 Reserve Funds	1,283,945	-	0.0%		2,536,446	18,598	0.7%
060 Revolving Loan Fund	422,667	43,040	10.2%		422,667	65,000	15.4%
105 Water Fund	3,547,062	261,305	7.4%		4,829,298	323,586	6.7%
110 Sewer Fund	4,985,166	268,460	5.4%		7,850,774	289,473	3.7%
115 Storm Sewer Fund	276,710	10,403	3.8%		557,305	9,271	1.7%
120 Airport Fund	343,886	12,273	3.6%		343,886	31,387	9.1%
125 Aquatic Fund **	100,000	-	0.0%		100,000	-	0.0%
Comments:							
YTD BUDGET BENCHMARK			8.3%				



9/3/2020

Fire Department

**Third Quarter
June-August 2020
Spring Report**
Fire Chief
Terry Leighton

Training Opportunity

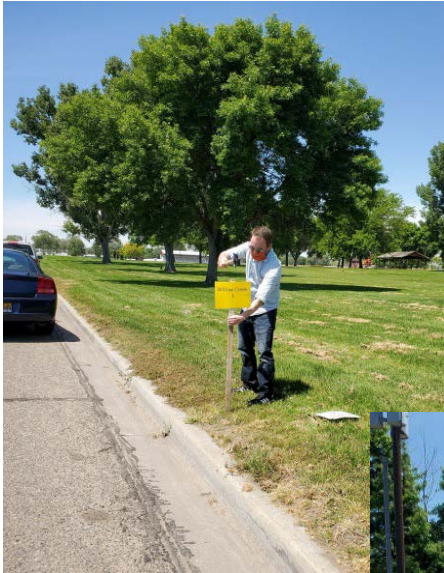


Class of 2020!!!!



Enhancing
Lifestyles

Another Successful Food Drive



Summer 2020

Enhancing
Lifestyles

COVID-19 Testing



June-Aug.

Summer 2020

Just Another Day At The Office



Arson



Burn Ban Necessary?



Summer 2020

Working With Community Partners



**Weiser Mutual Aid – Stormy weather
contributed to many acres, haystacks,
and structures igniting.**

Summer 2020

Inspections



FireWork Stands

- Wal-Mart
- Ware-Mart
- Bi-Mart
- Albertson's

New Construction

- Zion Dispensary
- Wal-Mart Bank
- Aspen Dental
- DHS Remodel
- OMS and May Robert's Elem. Kitchen remodels

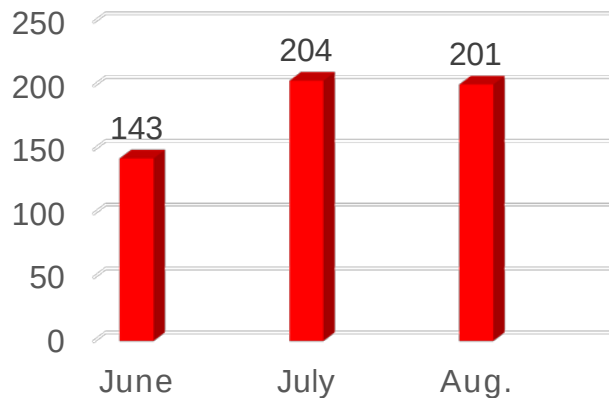
Occupancy Verifications

- MCCDC
- Idlewheels Mobile Home Park

MEDICAL & FIRE CALLS

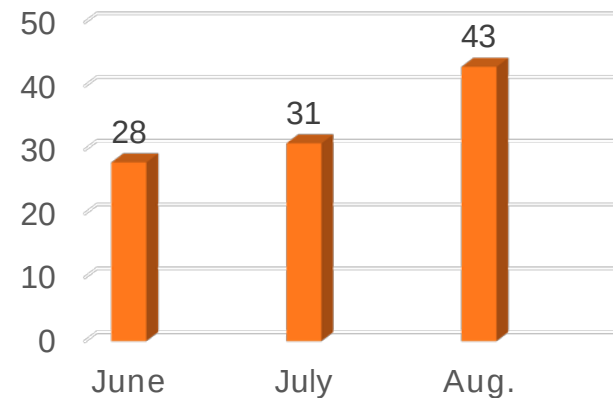


MEDICAL



Total 548

FIRE



Total 102



PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, February 11, 2020, 3:00 p.m. MT

** Public Works Headquarters **

Meeting called to order at 3:00 p.m. by Scott Wilson, Public Works Committee Vice-Chairman.

Committee members present included Mr. Scott Wilson, Mr. Pat Woodcock, and Mr. Jackson Fox (Babcock and Tuttle -excused).

Others present included Cliff Leeper, Betsy Roberts, Suzanne Mulvany, Morgan Gipson, Adam Brown and Griffin Hewitt, Argus Observer.

The press was notified. This meeting was recorded (the tape is available at the Public Works Headquarters); the minutes are on file at City Hall and on the city's website at <https://www.ontariooregon.org/public-works-committee.html>.

ADOPTION OF MINUTES – JANUARY 14, 2020

RESOLUTION, ACTION &/OR MOTION:

The motion was made by Mr. Fox, seconded by Mr. Wilson to adopt the minutes of the previous meeting, January 14, 2020: Motion passed unanimously.

ELECTION OF OFFICERS

RESOLUTION, ACTION &/OR MOTION:

- Mr. Fox nominated **Mr. Babcock for Public Works Committee Chairman**; Mr. Woodcock seconded the motion. **Motion passed unanimously** (Babcock and Tuttle -excused).
- Mr. Fox nominated **Mr. Wilson for Public Works Committee Vice-Chairman**; Mr. Woodcock seconded the motion. **Motion passed unanimously** (Babcock and Tuttle -excused).
- Mr. Wilson nominated **Mr. Woodcock for Public Works Committee Secretary**; Mr. Fox seconded the motion. **Motion passed unanimously** (Babcock and Tuttle -excused).

SRCI

BR – The Council passed the Agreement with SRCI.

- 20-year agreement
- Sent to the DOC for signature

2020 CIP REVIEW

Priority	Capital Project/Task	Description	Notes	FY 2019-20	BUDGET PLANNING YEAR: FY 2020-21	FY 2021-22
Water Fund						
0	Water Treatment Master Plan	WMP needed to support capacity increase identified in MSA Audit. This WMP would focus mainly on treatment and capacity, not the distribution system which was updated in 2009.	Plan needed to begin design and receive approval for capacity increase. Update existing WMP including treatment. Water Distribution plan was updated in 2009, but treatment and supply has not been updated since 2001. Use demographic info to support Transportation MP. Incorporate Bench Res into MP. Distribution system pump optimization. Include SCADA upgrades. Dates: Water System Master Plan Executive Summary - January 18, 2002; Water Supply and Treatment Plant Study - February 2001; Water Distribution Master Plan - February 2001; Distribution Plan Update April 10, 2010.	100,000.00	DONE	
	Decant system recirc	Design and plumbing changes - Recirculate backwash water instead of sending to ponds.	Design this year and construct following year		20,000.00	150,000.00
0	Solids Removal	Remove accumulated treatment solids. Cost to haul and spread non-toxic materials off WTP site. Assume 1000 yards for hauling for first year.	Solids can be used at Clay Peak as cover coat material. Working with DEQ to get material spread at Golf Course (through Rich Dickerson). Continue with another \$50k; emphasize savings over going to Clay Peak. ROLL OVER (NEED \$50K IN 2020)	50,000.00	50,000.00	

0	Baffle Wall Replacement	Replace baffle walls in flocculation system. Currently there are gaps in the existing redwood walls at WTP because the wood has disintegrated. Can no longer patch - patching materials must meet NSF (drinking water) standards.	Design complete; will replace wall and steel FY18/19 then carry forward \$50k for next year flocculator frames (paddles completed). Total cost this year \$53k expense, \$25k labor. JAN 2020 DO NOT CARRY FORWARD - TAKE TIME TO REVIEW AND GET POTENTIAL SUPPLIERS LINED UP.	100,000.00		
0	Hydraulic Model Calibration	Calibrate hydraulic model - this can be spot check process - to ensure model is still correct.	Covered in WMP			
0	Clean and Repair Slough	Remove trees, remove build-up with ditch cleaner, improve erosion control at inlet.	Coordinate this effort with general plan to recycle the decant water from the plant. During high flow season, plant discharges up to 60,000 gallons of treated water a day for backwashing. This water could be recycled back to the plant. Dec 2019: Clean slough sediment; improve connection system to use existing piping. Need total of \$35k (rollover or complete part FY20 and add \$15k in FY21); JAN 2020 - APPROVAL RECEIVED FROM STATE; ROLL OVER FUNDS FOR CLEANING SLOUGH. ADD \$10K FOR SLOUGH CLEANING. INLET TO BE IMPROVED UNDER MAINTENANCE BUDGET.	20,000.00	30,000.00	
1	Microchlor cell replacement/repair	Cell replacement needed annually for generating disinfectant. Need 2 replacements per year. Was not done last year MUST be done this year. Potential disinfection issues if we do not replace.	This disinfection system is outdated. Need to consider a new system at some point. See Chlorine Generation system. The cost of 1 cell for the WTP is approximately \$12.5k plus a little for shipping etc.	27,000.00	30,000.00	30,000.00
2	Reservoir Inspection		We have 6 tanks and will need to inspect them every 5 years and clean. For FY 20/21 need to clean (was not done as part of inspection year before). Cleaning, as inspection, is specialized work and cannot be completed by Jacobs team. Kim to get estimate from Midco. (this is for cleaning 3A/3B and Bench AND CLEARWELLS)	10,000.00	15,000.00	
	Bench Reservoir	Midco Inspection Report: Internal Ladder needed and external coating improvements	1/6/20 Kim getting price from Midco for budgeting purposes. WMP team agreed to timing.			XXXX
	Westside Reservoir	Midco Inspection Report: Coating failure, replace vent screen, secondary hatch repair.	1/6/20 Kim getting price from Midco for budgeting purposes. WMP team agreed to timing.			XXXXXX
	Booster Pump Stations	Eastside and Westside Reservoirs	1/6/20 - WMP team agree that installation of VFD is not needed (already have 2 out of 3 pumps that are VFD); just need improved controls to use VFDs better than currently. Dave Wildman getting price from ACS for controls improvements.			XXXXXXX
	Booster Pump Stations	Eastside and Westside Reservoirs	1/6/20 - WMP team agree that additional ventilation is required in the pump room; cabinets need ventilation and cooling. Dave Wildman work on HVAC improvements.			XXXXXXX
Future	Booster Pump Stations	Auto Transfer switch for Eastside and Westside Booster Pump stations	1/6/20 WMP discussion: Eastside and Westside tanks, Dave Wildman is getting an estimate from Power Northwest.			XXXXXX
	Eastside Booster Pump Station	Need Flow Meter	1/6/20 WMP - we have no flow meter at either influent or effluent. Dave W is getting a cost on this.			XXXX
	Vibration Analysis	monitors motor efficiency/condition - excellent for preventative maintenance; predicts motor failure and allows for preventative maintenance	software program with minimal hardware; connected to SCADA. JAN 2020 - THIS COULD COVER 23 LARGE PUMPS. THIS FEATURE IS BUILT INTO NEW MOTORS; THIS GIVES US PREDICTIVE MAINTAIN AS OPPOSED TO SCHEDULED.		60,000.00	
3	Solar Bee	Bench	This will help circulate water to reduce stratification in the tank and reduce disinfection bi-products. Estimate for one solar bee. Price for bee is about \$10k then add ons is another \$10k as needed; these may not be needed.	20,000.00	will be done	
5	Pick Up Replacement			25,000.00	DONE	
6	WTP Electrical Supply Evaluation & Control System/space Upgrade	Electrical Engineer T.Palin/B. Roberts discussed electrical power challenges at WTP with supervisor. E. Engineer considered future need for Auto Transfer switch in cost est. prep.	Initial problem statement: Pump #1 needs VFD and new motor/pump - can't due to power supply. Include improvements to Control room area - remove panels as appropriate, update work stations, etc. Est: \$13k for electrical; \$7k for SCADA/controls	20,000.00	DONE	
	WTP MOTORS	PUMP 3 RUNS HOT (100 HP - Constant speed pump); LIKE TO REPLACE WITH 250 HP VFD. (PUMPS 3 AND 4 DEDICATED TO WEST SIDE/ BENCH). PUMP 4 IS ALREADY A 250 HP VFD - need in-kind back up.	Replace pump 3 (100hp constant) to 250 hp variable pump. Challenge includes cooling the pump room area. That adds additional cost.		330,000.00	This cost increased based on need to update HVAC in Pump Room. 2 10 19
	Remodel the WTP control room and pump room (HVAC improvements etc.)	SEE VFD ISSUE ABOVE. Based on report above - conduct improvements for COOLING WITH pump replacement.	SPACE IS LIMITED IN PUMP ROOM - FOR BOTH NEW VFD AND HVAC IMPROVEMENTS. Feb. 10, 2020 In addition to the HVAC improvements, received estimate from ACS for upgrade of Control Panel in WTP operating room - \$88k.			\$8,000.00
8	WTP Laboratory Upgrade	New cabinets, counters, workstation JAN 2020 - ADD EFFORT TO GET OLD CONTROL PANEL REMOVED. GETTING PRICES FROM ACS AND VALE ELECTRIC.	Currently using inappropriate grade cabinet and space. Lab cabinets will handle corrosive materials etc. Improved safety and efficiency for staff. JAN 2020 ROLL OVER AND ADD ADDITIONAL BUDGET. REMOVAL OF THE OLD PANEL WILL CREATE UPDATED WORK SPACE/REMODEL CONTROL ROOM. 1/20/20 - move the control panel work out one year to get better budget.	65,000.00	-	120,000.00
7	Rehab existing wells	Well 6 being completed FY 19/20. Well 14 needs access port.	Recondition wells every 6 years. We have 6 wells so one per year. JAN 2020 WELL 6 NEEDS TO BE DONE IN 2019. CASING NEEDS TO BE REVIEWED AND POSSIBLY RESLEEVED. CARRY ANY \$10K LEFTOVER TO NEXT YEAR AND ADD TO \$15K. WELL 14 NEXT IN LINE AS BUDGET PERMITS.	10,000.00	15,000.00	10,000.00
Future	Chlorine Generation System	Updating existing system (totally new). Existing System is from 2004 - over 16 yrs old.	Dollars are place holder - depending on type of system desired. Need to do some research to select best system.			500,000.00
	Additional Drying Bed	same size or similar (located where of existing). Will go out to contractor for excavation.	JAN 2020 - POSSIBLE WILL HAVE TO PUSH OUT DUE TO WMP FINDINGS.		30,000.00	
	"pave" at WTP	using AC millings. 750LF x 15Ft \$18.5/TN	Area from plant to mixing building to beds.		6,500.00	
	millings on road up to Bench	AC Millings	950' x 15' x 0.33' = 167 CY		7,500.00	

Future	FLAIL	FLAIL MOWER FOR MAINTAINING AREA ALONG SLOUGH/RIVER (WEED CONTROL)	SPLIT BETWEEN WATER AND WASTEWATER		10,000.00	
	Transfer Switch Replacement	WTP	Install automated Transfer Switch for WTP. Coordinate with Electrical service update. Existing is manual transfer switch. JAN 2020 - KIM WORKING WITH ACS TO IMPROVE CONTROL TO ELIMINATE THIS NEED.			
	Phase 2 Security Upgrade	Additional Cameras and conduit	This will cover perimeter (N and W); Adam is working on updating system City-wide. So PW is on hold for any of this.			
	Well 18 - NEW	Replace lost groundwater capacity with new well	Reviewed project cost with AP for a shallow well, including drilling, engineering, testing, commissioning, and pump station. Need input from WMP.			
	Ford 1 Ton (dually)	2003 F350 VIN#1FDWF36S23EA65759 E224322	Replace Ford 1 Ton Pickup; 2003. Hydraulic system has not been good (belt driven) - continual problems. This needs to be salvaged. Buy ORPIN chassis but then "build" by others. Will plan to trade in existing. This is a service truck so needs utility boxes		75,000.00	
Future	Phase 2 WTP Audit - Increase WTP Capacity	New WesTech water treatment module to provide increased capacity. This would increase capacity by 2 MGD. This is the 3rd module; system currently has 2 modules.	1/6/2020 Dave W. getting verification from WesTech on the controls and integrating the 3 cassettes together (2 existing with new 1). Currently have \$150k in current FY - will ROLL OVER. This will be for engineering for 20/21. Then installation for 21/22.	150,000.00	150,000.00	1,300,000.00
	Chemical Storage Room	Will require 20x20 room (can be separate from existing building). Needs to meet isolation/containment requirements. Will require heat.	Will work to identify this in the Water Master Plan. Check price for building with 4 diff chems. 1/20/20 Requires secondary containment. We are currently using space where the new cassette will go.		50,000.00	
	Phase 2 WTP Audit - Clearwell or other identified upgrade or improvement	Provide detail on project enhancements	Water master plan			
	Replace Eastside 3A Tank	currently 1 MG	review WMP and opportunities for replacement			
	CL17 Chlorine Analyzers	Replace analyzers located around plant	5 analyzers for replacement; reagent costs \$50. Will replace with new ones not requiring any chemicals. Maintenance is virtually nothing. Chance of bad readings significantly lower.		10,000.00	
	Begin Turbidimeter replacement	There are 5 around plant. No longer supported by supplier	Hach will no longer have parts		10,000.00	
				597,000.00	899,000.00	2,198,000.00
Priority	Capital Project/Task	Description	Notes	FY 2019-20	FY 2020-21	FY 2021-22
Utility Capitalization Fund UCF						
0	Meter register replacement	Cost of parts only (labor by CH/Jacobs). Transition meters that are not functioning - dead battery. Averaging 50 - 60 a month.	Last year we had \$200k budgeted. Should have \$114k left. CARRY OVER. Meter cost is about \$280 each. 1/20/20 Kari says we are \$18k spent now - check on the amount. Will ROLL OVER whatever we don't spend.	114,000.00	100,000.00	100,000.00
1	Sewer Line Replacement	1/6/20: This is more focused on response to NPDES now (and I/I). Waterline replacement will be only if required for sewer work.	Assume \$150/LF with surface repair for estimate of 1100 LF. Need to assume about \$60K for design. NW 2nd/3rd St Alley - water and sewer; include the Beck Park sewer pipe (150 LF for bursting); D11 open end to MH37 to MH1 PLUS D12 MH3 to MH2. Added survey cost as well. 1/20/20 Roll Over the left over (assume \$200k) for SDC for CDBG. The Environmental will be included in this as well. need to get to council. Beck being completed this spring 2020.	400,000.00	200,000.00	400,000.00
	Waterline Replacement	Waterline replacement or looping	1/6/20 based on WMP discussion. There are locations where looping will improve fireflow.		150,000.00	
	SE 2nd Street Water & Sewer Project	To get the water and sewer extended before new pavement is put down, City needs to construct the extensions summer 2019.	Estimate including survey and design for 540 LF of 8" sewer is \$180/LF. For 55 LF of 8" water main, it is \$175/LF	160,000.00		
2	Abandon Wells Properly	Abandon Wells 8, 9, 13 in accordance with ODWR standards.	Need to meet regulatory requirements.	15,000.00		
Future	Valve Replacement	Replace 2 backwash valves at WTP	Pneumatic valve replacement: 2 24" butterfly valves effluent valves and 3 controllers (one controller on shelf). These valves are getting old and not operating as smoothly as they should. These are critical to the WTP. Have been having issues over year of 2017-18. NEED REPLACEMENT ASAP - spring 2018. These valves are about 30 years old - cannot rebuild must replace.	20,000.00		
				709,000.00	450,000.00	500,000.00
Priority	Capital Project/Task	Description	Notes	FY 2019-20	FY 2020-21	FY 2021-22
Wastewater Fund						
R	NPDES Permit	Biosolids removal loan program, DEQ coordination	Effort to coordinate with DEQ and with loan agencies to accomplish NPDES requirements. ROLL OVER	35,000.00	30,000.00	
R		(Annual - set template 1st time)	These may end up being carried over to 2019; this is a cumulative number for all the reports packaged together. Includes: WW Solids and Biosolids Reports (Feb. 19, 2020). These are new annual reports. Includes Significant Industrial User Survey (due May 1, 2021).			

R	Pollutant Source Identification and Reduction Program	The permittee must develop a Pollutant Source Identification and Reduction Program. The key element of this program is the development of a Source Identification and Reduction Study to identify significant contributions of arsenic to the collection system. The study will include a monitoring plan to quantify load contributions from I&I, ground water wells, industrial and other significant arsenic sources. Program Due Jan. 2020	The study will also identify pollutant reduction options and quantify the potential reductions relative to the efforts to meet water quality effluent limits. At minimum, the study will include an evaluation of the following pollutant reduction options: • Collection system rehabilitation projects that are in addition to ongoing I&I reduction efforts. • Treatment of private water wells or conversion to municipal water supplies • Investigation and evaluation of the accumulated biosolids within the primary treatment lagoon as a source of arsenic. Prepare contingency plan to facilitate the by-pass of the primary lagoon. The study will also identify available funding mechanisms and a methodology for prioritizing and implementing the identified pollutant reduction options. The Study will develop a timeline for implementation of reduction efforts to be completed by May 1, 2021	\$25,000 REALLOCATION from other spots to start now	75,000.00	
R	Biosolids Mapping	Map level and location of biosolids in Lagoon 1; move this up a year	One-time report; due Oct. 31, 2022 . Permit has tighter definition on this - need to find vendor to get estimate.	1/20/20 Consider getting this done this year with the design below so we can remove in the coming year	10,000.00	
R	Hauled Waste Control Plan	Plan covering how we handle septage	Plan covers our facility, testing for acceptance, capacity to treat, load rejection, and record keeping. Proposed date: June 30, 2019	-		
R	Mercury Minimization Plan	Develop plan to show steps to minimize opportunity for mercury to enter waste stream. Will work with Scott Wilson on this - solid waste can be tied into effort.	1. measure plant concentrations over 1-year period (monthly sampling) 2. Evaluate reduction potential of users 3. evaluate reduction potential of wwtp 4. Summarize activities for reduction implemented 5. create new steps for reduction and implementation. Proposed date: August 31, 2020	50,000.00	10,000.00	WE do not have any budget this year - do we have something in the \$15 for plans?
R	Design & Construction Plan for pH Adjustment	The permittee must complete a plan to design a pH adjustment system, identify funding and construct diffuser to meet pH water quality criteria.	Proposed Permit date: October 1, 2019	5,000.00	DONE	
R	Complete Construction of pH Adjustment	The permittee must complete installation of the pH adjustment system to meet pH water quality limits	Proposed Permit date: September 1, 2020 ; ROLL OVER if necessary.	50,000.00	10,000.00	ROLL OVER \$50k - may have used some for plan?
R	Submit Diffuser Design and Construction Plan:	The permittee must complete a plan to update the existing mixing zone study and design a diffuser to meet ammonia water quality criteria. The plan must identify funding source, in-stream permitting requirements and preliminary construction schedule.	DONE	5,000.00	DONE	
R	Complete Mixing Zone Study	The permittee must complete and submit for approval a Level II mixing zone study in accordance with the Department's policies and guidance.	Proposed Permit date: August 1, 2020 ; ROLL OVER APPROVED budget: \$80k	60,000.00	5,000.00	Talk to MSA about timing on study completion - do we need to roll over? Probably smart to keep \$5 in for submittal to DEQ
R	Diffuser Design	The permittee must complete and submit to the department a diffuser design incorporating updated mixing zone values. Upon approval, the permittee will begin construction and installation of the diffuser.	Proposed Permit date: February 1, 2021 ; 1/20/20 current MS number seems low - hold contingency for this.		35,000.00	Update provided by MSA
R	Diffuser Construction Complete	The permittee must complete installation of the diffuser to meet ammonia water quality limits	Proposed Permit date: September 1, 2023 ; 1/20/20 May have to do at low flow in fall previous			
R	Annual Progress Report for Pollutant Reduction Program	The permittee will submit to the department a report detailing the progress toward the identification and reduction of Arsenic. The report will quantify the mass load of arsenic from the municipal water plant, through the collection system and into the treatment system. The report will discuss the reduction options implemented and quantify their effectiveness. The report is a condition of the compliance schedule and are required until implementation of the final effluent limits for all pollutant parameters.	1st one due April 1, 2022 ; 1/20/20 consider whether the follow up after first year need to go to budget.			50,000.00
R	Wastewater Reuse Plan Update	WE WILL REMOVE THIS ONE (now or later)				
R	Initial Inflow and Infiltration - Program & Annual Report	Annual report due to DEQ regarding extraneous water entering WW stream	Will be annual report but first year set up, monitoring etc. will be significantly more than following years. Due date is February 1, 2021 . First effort is defined as a program with schedule plan development, monitoring and data collection. Continued cost is report prep per DEQ requirements.	20,000.00	50,000.00	20,000.00
1	SCADA Telemetry Upgrades	Old technology no longer supported; Going away from 3G system to 4G; work through ACS	If upgrade not completed, requires manual viewing - approximately 4 hours per day (7 days per week) to read all sites. Will require weekend OT time. JAN 2020 - WORKING ON THIS NOW. EXPECT IT TO BE DONE PRIOR TO FY END.	15,000.00	-	
2	Ford F150 4WD	Replace 2003 Chevy Duramax - (#458-03 is a 2003 Chevrolet 3/4 ton 4 wheel drive pickup)	TRANSMISSION ISSUES - BACK AND FORTH TO SHOP OFTEN WITH NO REAL SOLUTION. PROPOSE		25,000.00	

3			TRADING IN ON PURCHASE TO SUPPLEMENT BUDGET. 2003 WAS A NOTORIOUSLY BAD YEAR.			
	Future Pick Ups	Replacement Program				30,000.00
	Skyline & Malheur Farm Upgrades	Pivot flow meters and control panels	6 meters & control panels Skyline (required reporting to DEQ re: permit)/9 meters and control panels at Malheur; probably going to be used all on Pivot 1 at Malheur. Casey getting bids 12/3 19; FY 20/21 spent on Skyline Pivot 1 JAN 2020 - MALHEUR GPS PO UNDERWAY (PIVOT 1 FOR \$15.9K). SKYLINE - NEED NEW PANELS. WORKING ON PO. \$3500/PANEL. FOR FY 2020 \$50K BUDGET TO WORK ON METERS. NOT ABLE TO PURCHASE THOSE IN 2019. NEED 6 M SKYLINE/9 M AT MALHEUR.	30,000.00	50,000.00	
	Facility Plan outline	Facility Plan OUTLINE to support the NPDES Permit	Added SCADA assessment to Facility Plan. Due May 1, 2024			
	Facility Plan		Due May 1, 2024			75,000.00
	Aerator Replacement	Considering replacement with solar bee type; current model has electrical tether and require large amount of power. These are difficult to maintain. Current model is over 20 years and not efficient for DO system	HOLD for now - consider solar bee aerators			
	FLAIL	FLAIL MOWER FOR MAINTAINING AREA ALONG SLOUGH/RIVER (WEED CONTROL)	SPLIT BETWEEN WATER AND WASTEWATER		10,000.00	
	Skyline Farm Booster Pump	pull pump to check condition. This is 250 hp pump.	JAN 2020 - THIS IS FUNDING TO REBUILD THIS PUMP. TOO LARGE/EXPENSIVE TO HAVE 2ND ONE ON SHELF.		15,000.00	
	SRCI Lower Lift Station - Design	Design based on findings of study. Assume 10% of est. construction cost.	Currently shows entire cost - cost could be split with SRCI. Working with SRCI on Contract. 2/6/20 Council approved Agreement - this will move to the SRCI Cap Fund.		50,000.00	
	SRCI Lower Lift Station - Construction	Construction improvement phase	Actual cost will depend on improvement selected. Cost for siphon construction was estimated by others at \$1M, but not verified. This design would require easement and new pipeline construction. This shows entire cost. Could include cost share with SRCI. \$50k is for design placeholder and \$100k is for construction placeholder for now. 1/20/20 Will likely move to the SRCI Cap Fund.			
	Phase 2 Security Upgrade	Phase 2: WWTP - increase camera coverage	Move visual scan out to fences. Adam working on Grant - maybe for this year. That might change this.			25,000.00
	Sludge Removal - Phase 1	Remove sludge from Lagoon 1; sludge has not been removed in over 20 years. May provide advantage to NPDES limit requirements if removed, especially with respect to Inorganic As. This is phase 1 - total estimated could be as high as \$2.2M, but this will allow for a start to the process. COULD CHANGE DEPENDING ON FACILITY PLAN and Biosolids Mgt Plan. JAN 2020 - LAGOON 1 STARTING TO HAVE TURNOVER ISSUES LIKELY DUE TO HIGH VOLUME OF SOLIDS.	This is part of discussion on NPDES; City has requested it NOT be included in the first 2 permit periods. Looking at Grant/Loan opportunities through One Stop Business Oregon et al. 1/20/20	1/20/20 Look at getting bid package done AND reviewing the land application option; \$50k total - \$35 for design and \$15k for land ap coordination	2,300,000.00	
	CHLORINE ANALYZER	NPDES REQUIREMENT - NEED TO BE ABLE TO READ 0.0	MAX ALLOWABLE OUTPUT IS 0.05 (WE CAN CURRENTLY READ ONLY TO 0.02)		15,000.00	
	SO2 System Upgrade	This provides dechlorination	currently have to call fire department in to relocate 1 T gas cylinder; changed out every 6 weeks. Need more accurate estimate. JAN 2020 - WANT TO ELIMINATE SO2 SYSTEM.			75,000.00
				270,000.00	2,690,000.00	275,000.00
Priority	Capital Project/Task	Description	Notes	FY 2019-20	FY 2020-21	FY 2021-22
	Stormwater Fund					
	Stormwater Repair	New catch basins and piping on S. Oregon to accommodate reconfigured ADA ramps and improve drainage through downtown.	JAN 2020 ROLL OVER AS NEEDED	50,000.00	50,000.00	
	24-INCH STORM SYSTEM at SW 4th Street/SW14th Ave	24-inch line gets plugged yearly	PW staff spends up to 6-12 weeks cleaning through the system on annual basis (estimated); inlet at bottom of farmer field collects excessive soil in 2 MH system. JAN 2020 - PROPOSE INLET PROTECTION SYSTEM TO REDUCE SEDIMENT ENTERING SYSTEM. 1/20/20 This is for design, bid, and build.		100,000.00	
	NE Americold area	NE 2nd and NE3rd Streets - coordinate with pavement project below	1/20/20 This is a pre-design combined with Streets project below. Looking at Biz Oregon or other finance process. The following year \$20k is for design		5,000.00	20,000.00
Future	Stormwater MAINLINE REPAIR	Ensure stormwater grates are clear	FY 2019 - REPAIRING SW 14TH AVE & S. PARK (WORKING ON BIDS NOW - HAVE 1 BID NEED MORE). ROLL-OVER AND ADD FUNDS - \$30,000;	30,000.00	50,000.00	20,000.00
				80,000.00	205,000.00	40,000.00
Priority	Capital Project/Task	Description	Notes	FY 2019-20	FY 2020-21	FY 2021-22
	Streets - General Fund					
	ADA Compliance Project (Phase 1) (S OREGON)	S. Oregon from Idaho thru SW 4th intersection; review downtown plan in light of proposed repairs so we don't set up a situation where we have to rip new construction in near future.	full width overlay with rebuilt ADA ramps and storm drain \$285,000 - built in 2 phases; assume \$23k survey and approx. \$50k design. Goes with the project below - Downtown Concrete work.	409,000.00	409,000.00	
	S OREGON CONTINGENCY FUND				100,000.00	

1	MECHANICAL Street Sweeper	2017 Perterbilt Elgin Street sweeper	2017 Eagle Street VIN#3BPPHM7X6HF590770	63,176.00	DONE!!!	
3	Annual Crackfill Program		This is an annual project. \$50k gives us the 40 pallets; combine with current year leftovers. Need \$25k this year.	25,000.00	60,000.00	60,000.00
4	Loader	Replace existing loader (has about 12,200 hours) Has about double the number of hours for standard turnover. Motor is shot - constantly needing repair (weak). Hydraulic system shot as well.	Estimate from Sourcewell (NJPA); 544 John Deere	165,000.00	DONE!!!	
5	Annual Chip and Overlay Program	Primaries and secondaries in order.	Inclusion in 2019/20 FY means application in 2020. Bid/Schedule oil and secure crusher by January prior. VERDE DRIVE, NW 8TH AVE (OR TO NW 9TH ST) & SW 9TH ST (SW 4TH AVE TO NW 8TH AVE).	150,000.00	150,000.00	150,000.00
	Pavement Management System	1/20/20 Betsy to contact The Dalles and find out what their PMS system is about - get estimate				
7	Street Repair	Americold intersection (and NE area NE 2nd and NE 3rd Streets Idaho to end of pavement)	Full depth repair at intersection for \$200k; entire area NE could use rehab (2nd and 3rd Streets worst) - could use a lot more (\$2M?); includes curb and gutter install repair; get some actual measurements on this 1/20/20 Predesign cost combined with \$5k from storm above.		15,000.00	200,000.00
	Sanding and Material bins at PW shop plus Pole Barn to replace Old Shop space	moving bins from old shop to new shop	surplus the old shop land means more shop space needed at new PW shop; use existing quonset hut that is on-site but not constructed. JAN 2020 BUDGET INCLUDES CONTRACTOR TO ERECT EXISTING QUONSET FOR FUTURE USE. 1/20/20 Work with local contractor to get price to develop/erect this project. This cost currently includes concrete floor and walls, and 30x90 pole barn for equipment from old shop.		250,000.00	
	haul sweeper solids	must go to landfill	JAN 2020 - THIS HAS BEEN ACCUMULATING FOR 5+ YEARS		50,000.00	
	snowplow	replacement program	currently have 2 10 YD trucks that will need replacement in the near future (203 and 205); first to be replaced will be 205 (purchase used from ACHD in about 2010).			175,000.00
	Rubber tired roller for Chip Seal	Kawasaki (this can be purchased used); internal water tank is rusted out; transmission is shot. Currently out of commission. Water is critical to spray during chip seal. VEHICLE IS MORE THAN 20 YEARS OLD	Purchase used roller; coordinate with RR District in short term for support		50,000.00	
Future	Back Parking Lot improvements	Grease dumpster enclosures & screen	3 at \$11,000 - less decorative could be less expensive.		35,000.00	
	ODOT Signal Upgrades	The City owns 7 signals through town. Through agreement, ODOT maintains the signals. They have not been upgraded in quite some time, and ODOT has added them to the list for this coming year.	Work would include: New control cabinets (6 - one of the cabinets is adequate) with new controllers in (7) (\$73k); and standard reflectorized back grounds around the signal lights - all 7 intersections (\$17.5k)		90,500.00	
Future	VACUUM whirlwind sweeper	New purchase for replacement of 2002 piece of equipment.	Clean catch basins, small stuff (leaves)			
				812,176.00	1,209,500.00	585,000.00
Priority	Capital Project/Task	Description	Notes	FY 2019-20	FY 2020-21	FY 2021-22
		Grant Matches				
R	SE 2nd Street Grant	The 10.27 percent is the required match of \$331,174, and the City committed an extra \$214,384. So, for the purposes of calculating the ratio for under-runs, the project will share any savings at a ratio of 84.14% for the State, and 15.86% for the City.	This amount can be covered by the City's Fund Exchange dollars (gas tax). This includes \$75k for R/W and \$438,838 for construction. This can move directly from Fund Exchange to ODOT project. This is NOT reimbursement - this is pay ahead. JAN 2020 - ODOT ASKING FOR \$367K MORE. ALREADY PAID OVER \$500K. DO NOT BELIEVE THIS IS VALID. WORKING ON CLEARING THIS UP.	513,838.00	367,000.00	
R	TSP Grant	TSP grant amount unknown	Transportation System Plan Amendment match requirement is 12% min. The project officially starts July 1, 2019 and should take 13 months to complete. The City has committed to a match of \$21k. This can be a mixture of in-kind and cash. The full \$21k match is shown (worst case scenario). It is anticipated the effort in 20-21 will be minimal and likely will be in-kind.	21,900.00		
R	SE 5th Ave Grant App	This is a reimbursement project. City must cover cost initially and will be reimbursed by ODOT.	This amount can be covered by the City's Fund Exchange dollars (gas tax). Total project cost to run through City will be \$1M. JAN 2020 - THIS IS ON HOLD BECAUSE WE DO NOT KNOW WHAT FUNDING WE MAY HAVE AVAILABLE TO SUPPORT IT FROM THE FUND EXCHANGE - DUE TO USE ON SE 2ND STREET.	104,000.00		120,000.00
				639,738.	367,000.	120,000.
				3,107,914.	5,820,500.	3,718,000.
NOTES:						
The Fiscal Year we are planning for is 2019/20. The 2018/19 is shown only for carry forward in informational purposes.						
Priority is provided in the Far-Left Column. 0 = Carry Over from last year						
1 on up = Priorities in order						
R = Regulatory requirement (DEQ requirement for NPDES permit or other)						

Additional information emailed 2/19/2020:

From: Roberts, Betsy/BOI <Betsy.Roberts@jacobs.com>
Sent: Wednesday, February 19, 2020 8:29 AM
To: Mulvany, Suzanne/ONT <Suzanne.Mulvany@jacobs.com>
Subject: PW Committee Information - ODOT Signals

ODOT purchased ATC (Advanced Traffic Controllers) devices to be installed in the signal cabinets for the 9 signalized intersections that they maintain for the City. Their cost was approximately \$18k. They are now asking for funds from the City to install these. They expect that cost to be about \$5k total for all ATC's installed. This would be coming out of available funds from the General Fund or the Public Safety Fund. Kari/Adam are looking at the funds to determine where there may be some unused dollars.

ODOT also requested \$9,900 to purchase and install Reflectorized Signal Backgrounds. This was approved to be done and paid for under the Repairs budget.

The City has already purchased new LED lights for the RR Underpass. ODOT would like to install these. That cost is approximately \$3k and would come out of the same fund as the installation of the ATC's (General or Public Safety).

That is the limit of work to be done this current fiscal year. In the coming fiscal year, ODOT requested \$60k to update 6 controller cabinets (others are ok) at \$10k each. During the prioritization process through the departments, the recommendation was to install 2 controller cabinets per year or \$20k for then 3 years.

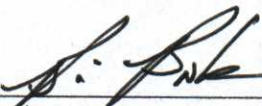
PROJECT UPDATES

- **Beck Park Bridge** – Insured for \$80,000 but would only get that if it were a total loss. Still waiting on the adjuster.
- **Skyline / Malheur Farm Lease** – In front of the Council with two bids, Stipe and Wipple Springs LLC; Wipple Springs being the better proposal.
- **SE 2nd St project** – Will be completely done.
- **Airport** – Started and working on it now.
- **TVCC Trail** – Is getting ready to start.
- **Grants – CDBG and Biz Oregon** – Will be going in front of the Council with a public hearing. Need to do a notice and then public hearing to let them know we are going after these CDBG Grants for the following:
 - **Sanitary Sewer for NPDES**
 - a. *Environmental Assessment*
 - b. *Design*
 - **Senior Center Project Improvements**

ADJOURN

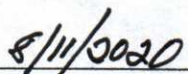
The motion was made by Mr. Fox seconded by Mr. Woodcock to Adjourn: Motion passed unanimously.

APPROVED:



Signature

(Bernie Babcock, Chairman / Scott Wilson, Vice-Chairman)



Date

MALHEUR COUNTY COURT MINUTES

August 12, 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. Administrative Officer Lorinda DuBois was present electronically. 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 # [2020-2847](#)

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R20-26. Notice of the hearing was published in the Argus Observer. A public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund. The supplemental budget is needed in order to allocate additional grant funds from the Oregon Health Authority; the funds are to be used for designated public health programs to include COVID-19 response, State opioid response, and the Health Immunize Grant. Additionally funding for the school nurse contract is removed. No public comments were received. Judge Joyce closed the hearing. Commissioner Hodge moved to approve Resolution R20-26: In the Matter of Fiscal Year 2020/2021 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. See instrument # [2020-2849](#)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of August 5, 2020 as written. Commissioner Hodge seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET - ASD

Acting as the governing body of the Ambulance Service District (ASD), Commissioner Hodge moved to approve Resolution R20-33: In the Matter of Fiscal Year 2020/2021 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate donation funds that were not anticipated when the adopted budget was prepared; the funds are to be used for scholarships and COVID-19 related expenses. See instrument # [2020-2850](#)

CHECK REGISTER

Commissioner Wilson moved to approve the Accounts Payable Register for April and May 2020. Commissioner Hodge seconded and the motion passed unanimously.

EMPLOYMENT AGREEMENT - HEALTH DEPARTMENT

Commissioner Hodge moved to approve Temporary Employment Agreement for Clinic Office Manager - Malheur County Health Department (grant funded) with Julie Rogers. Commissioner Wilson seconded and the motion passed unanimously. The agreement expires June 30, 2021. See instrument # [2020-2851](#)

COURT ADJOURNMENT

The meeting was adjourned.



August 2020 ACTIVITY REPORT



August 2020



Emergency Medical:

(Types of medical calls responded to: Falls with injury, fall lift assists, medical emergencies, medical alarms, assaults, etc.)

CITY	187
RURAL	14

6 of these emergency calls required back-up crews to be called in to respond to 2nd call.

Hazmat Team Calls:

0

Fire Related Emergency Calls:

(Types of fire related calls responded to: Rescue calls, building fires, vehicle fires, smoke detector/fire alarm activation, unauthorized burning, etc.)

	TOTAL	General	Mutual Aid
CITY	32	8	1
RURAL	11	6	2

2 of these emergency calls required back-up crews to be called in to respond to 2nd call.

TOTAL CALLS FOR MONTH

CITY	219
RURAL	25

FIREFIGHTER TRAINING:

7/28/20 – Idaho Power - dangers of transformers and power switch boxes.

8/4/20 – Bariatric Patients, how to treat them and techniques to transport them.



August 2020

FIREFIGHTER TRAINING CONTINUED:

8/11,18,25/20 – Due to Covid-19 distancing requirements and group size limitations we are doing circuit drills in small groups. The staff rotates to different stations for Water Rescue, Drone flight operations, Rural water supply, Community water supply and master streams, and Aerial operations.





August 2020



PERMITS ISSUED:

City Open Burns 4

City Burn Barrels 0

Rural Open Burns 24

Rural Burn Barrels 0

INSPECTIONS:

7/28/20 – Fire Hydrants at SRCL.

7/28/20 – Zion Dispensary occupancy follow up.

7/29,30/20 –Idle Wheels Mobile Home Park address issues.

8/4/20 -May Roberts School Kitchen Hood fire system installation and final test.

8/13/20 – Pre-construction project for a new dispensary.

8/14/20 – Property clean up burn project on SE. 1st St. .

8/19/20 – Building finals and occupancies @ MCCDC, Sunset Dr., Reiter Dr., and River St.

COMMUNITY INVOLVEMENT:

7/28,29/20 – Self Contained Breathing Apparatus testing.

7/31/20 – Malheur County Food Drive

8/5/20 – Malheur Covid_19 Testing.





August 2020

Summary of Calls of Interest:

City Incidents:

7/28/20 399 SW. 7th St. R1 responded to the skate park for a garbage can fire. This was the second fire there in the past few days. The fire was extinguished quickly by the crew.

8/1/20 46 NW. 9th St. R-1 dispatched to grass fire that is threatening a residence. On scene at 16:00. Upon arrival R-1 quickly extinguished grass and shrubs with booster line. R-1 mopped up then cleared call to respond across street to a second call. This fire was suspicious in nature and an investigation took place. This fire was connected with three other fires this day and a person of interest has been contacted.

8/1/20 45 NW 9th St. While wrapping up on a fire across the street from 45 NW 9th St., an OPD Officer informed us that the back of the beauty salon was on fire. Rescue 1 immediately responded across the street and knocked the fire down with a booster line. Upon investigating how the fire started, we noticed a green garbage can, which had been completely burnt up, was directly against the back door where we gained entry. This appeared to be a point of origin. A few feet away, there appeared to be what remained the remnants of a plastic bench, also completely burnt up. Behind the bench, there appeared to be a second location against the building where the fire originated. Close to the building was a large tree where we found an incense stick placed in it still burning. On the ground nearby, there was what appeared to be a fresh empty box of incense. It was determined that the fire was set intentionally in two different locations on the west side of the building.





August 2020

8/2/20 4460 Hwy 201 Rescue 1 responded to a grass fire with structures threatened. Upon arrival, about 2-3 acres of open field, brush, and weeds, were burning. Booster lines were pulled and started knocking the fire down around the perimeter. We were able to stop the fire and contain it to about 4 acres when 157 and 102 arrived. 157 and 102 each took a flank and mopped up around the perimeter several feet into the burn. The property owner stated that they were burning weeds when the fire got out of control. They stated that they did not know a burn ban was in effect.

8/2/20 540 SE. 9th Ave. Ontario Fire and Rescue was dispatched to the area of 1021 SE 6th St. for a confirmed structure fire at Ontario Sanitation Recycling Center. Rescue 1 requested a general alarm based on caller information. Confirmed fire in a 20,000 sq. foot metal building used as a recycling center with a heavy fuel load. R-1 arrived on scene, confirmed a working fire with heavy fire and dark grey smoke. A mutual aid request was made at this time. A ladder company from Vale Fire Department was requested and an Engine Company from Payette Fire was also requested for manpower. The crews went into an offensive strategy and did fire attack from both the front and rear of the structure. The second arriving engine provided water supply to both Ontario engines. When crews entered the structure they found heavy grey smoke all the way to the floor and the temperature was quickly rising. The fire attack crew located the seat of the fire and asked for assistance to attack it from the rear of the building. The crews found the seat of the fire and possible point of origin to be in a 20' large dumpster that was located in a pit inside the building. The fire had spread from the dumpster to bales of cardboard and other paper products stored in the building. The mutual aid crews arrived and assisted with fire attack. During the overhaul part of the fire the large dumpster was removed along with the cardboard bales into the open storage yard. Fruitland fire was requested to assist with overhaul and TVP was on scene to monitor the firefighters and ended up transporting one firefighter to St. Al's for heat exhaustion. The Volunteer FF association assisted with rehab for all the firefighters. Much appreciated all the help we get from these key role players in our group.





August 2020

8/3/20 SW. 4th Ave and SW 30th St. R1 was called to scene of vehicle fire. Upon arrival the car was fully involved. Owner had just purchased vehicle from a private individual in Idaho. Car was a total loss. Owner was driving vehicle home when he heard a pop and car started on fire.

8/3/20 278 Tori Dr. R1 responded to baby quail stuck in a storm drain, on scene R1 removed the grate and rescued approx. 12 baby quail.

8/4/20 311 NW. 4th St. Rescue 1 responded to a cooking fire and found a BBQ in the park with nobody in attendance. They found some smoldering branch and leave embers in the BBQ, so they used a small amount of water and put out the embers.

8/8/20 509 SE. 2nd St. Rescue 1 was dispatched for a possible illegal burn. R-1 arrived on scene and made contact with occupant who stated she had just moved into the area and she is in the process of cleaning her yard. She was burning weeds in a fire pit. She was advised of the Malheur County burn ban and she was also advised to obtain a burn permit next time. Occupant extinguished the fire.

8/10/20 1194 SW. 10 Ave. Rescue 1 responded to a fire that was out and a 10-year-old male burn victim. The child was experimenting with flammable liquids and the fire caught his shirt and pants on fire. He received burns to his legs and stomach area. Patient was transported to St Al's and was released that night.

8/13/20 1802 SW. 4th Ave. R1 responded for a service call to monitor for different gas and oxygen levels. The response was requested since two employees this day had to go the hospital feeling ill. The gas monitor showed all levels within normal limits.

8/14/20 653 E. Idaho Ave. Rescue 1 crew was called to assist OPD with the use of the thermal image camera to search for a suspect.

8/14/20 700 NE. 3rd Ave. R1 was called out to a fire right behind the pilot where a mobile home trailer frame was on fire. The fire was located in an open area just a few feet away from a small pile of debris burning where someone had intentionally set the fire. R-1 extinguished the fire with a booster line and cleared the scene.

8/16/20 254 SE. 2nd St. Rescue arrived to find a fully involved dumpster fire with liquid burning on the road. Rescue used about 50 gallons of water to knock down, mop up, and cool the area around. The crew was unable to determine what items were lit or what started the fire. There were no structures threatened.



August 2020

8/19/20 209 NW. 2nd Ave. R1 was called to assist OPD with smoke removal from house. This was a possible arson, the front door was lit on fire and resulted in smoke in house. House was cleared of smoke using electric fan, and OPD did a follow up investigation.

8/19/20 995 Manor Way Rescue 1 was dispatched for a dumpster fire, they found the receptacle was located on the north parking lot, no exposures threatened. A building resident was attempting to extinguish the fire with an ABC extinguisher. The fire was out upon arrival. R-1 used minimal water to mop up the fire. It appeared someone threw away burnt food away on an oven tray. The fire appeared to be accidental.

8/25/20 88 SW. 2nd Ave. R-1 dispatched to a dumpster fire that has burnt itself out. Upon arrival R-1 found metal dumpster with ash in it smoking lightly, the crew used the booster line to cool off the dumpster.

8/25/20 1462 SW. 4th Ave. Rescue 1 was dispatched to report of a fire on the ground between west park plaza and lifeways. Rescue arrived to find a small fire in the middle of the rear parking lot, it looked to be the contents of a small cardboard box. There was no one around. Rescue extinguished the fire and then investigated the contents for clues.

Rural Incidents:

7/28/20 SW 18th Ave. Small grass fire along the side of the road.

7/30/20 2077 NW 11th St. Ontario Fire was dispatched for a structure fire. R-1 arrived on scene to find what appeared to be a single structure with heavy fire and smoke showing and possible exposures threatened. R-1 started to suppress the fire, of the wood frame, sheet metal lined storage shed. The fire was fully evolved in the storage shed which appeared to contain household materials. R-1 achieved initial fire knock down and proceeded to extinguish the fire on what appeared to be a separate storage structure located to the south. 155 and crew arrived on scene and assisted with fire attack. It appeared the fire may have started from a burn barrel located an estimated 10 feet to the east of the storage shed. All contents and structural components appeared to be a total loss in the first shed and some of the structure and items in the exposure shed were salvaged by the staff.

8/4/2029889 Hexon Rd. This was a mutual aid call to Parma that 159 provided water supply.



August 2020

8/6/20 1088 Rock Creek Rd. Weiser Rural FD requested any available resources to respond to a fast-moving wind driven fire. OFD responded with 2 units Brush 157 and Tender 159. Upon arrival 159 immediately provided water to a structure engine fighting a fire on Hot Springs Road. 157 was assigned to the A side of the fire and was engaged in suppressing a wind driven grass fire. Both units worked for several hours providing water or direct fire attack. 159 provided approximately 8,000 gallons of water to suppression efforts.

8/9/20 630 Ontario Heights Rd. ORFD was dispatched to report of multiple vehicles and trash burning on Ontario Heights Road. Units 155, 156, and 159 responded. 155 was first on scene and 130 established Ontario Heights command and requested a Tender from Payette County. There was heavy smoke and fire showing throughout the property. 155/156 personnel used 2 attack lines to work towards the interior of the fire. The fire was quickly contained but there were several vehicles burning inside the containment lines. 159 and Payette tenders provided water supply to 155. Upon speaking with the landowner he admitted to burning some wooden panels off of an RV he was remodeling and that there was trash nearby that caught on fire and spread throughout dry grass and multiple vehicles parked on the property.

8/17/20 Railroad ave and Lincoln R1 was dispatched for two fires in a ditch along the south side of the road. R1 used a 1" booster line to extinguish an approximate 1/4-acre fire burning in green grass in a large irrigation ditch. R1 then moved west down Railroad Avenue to another fire about the same size.

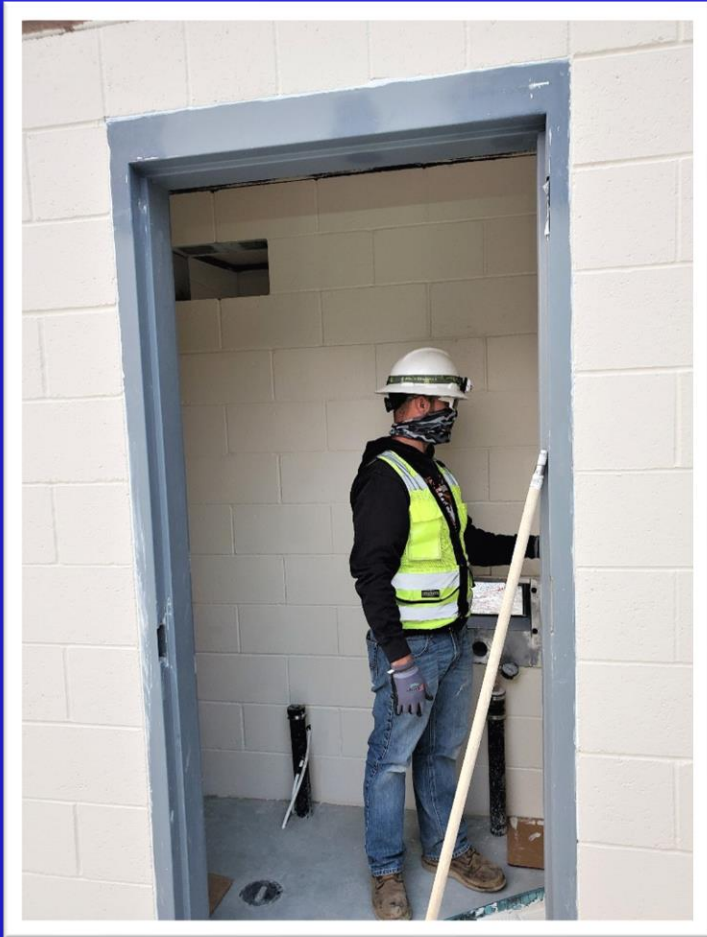
8/19/20 50 NW. 36 St. R1 called for individual burning trash during a burn ban. Upon arrival there was barely any smoke, but the RP had been burning all morning. They were advised of the burn ban and they extinguished the rest of the fire.

8/22/20 1425 Central Dr. Rescue 1 was dispatched for report of a neighbor burning illegally. They were worried that he will catch their property of fire again. The crew contacted the person and advised him that there was a burn ban in effect. The homeowner had already put the fire out.

Jacobs

July 21 - August 20

2020 Report



August
2020

Prepared by Jacobs for
CITY OF ONTARIO/PUBLIC WORKS DEPARTMENT

Monthly Business Review

PUBLIC WORKS DEPARTMENT

CONTENTS

FIELD SERVICES: STREETS AND COLLECTION/DISTRIBUTION SUMMARY.....2-4

WATER TREATMENT PLANT SUMMARY.....5-7

WASTEWATER TREATMENT PLANT SUMMARY8-9

PARKS AND CEMETERY/FACILITIES SUMMARY10

ENGINEERING DIVISION SUMMARY.....11-13

APPENDIX.....14-16



FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

- The Public Works office is closed to public and non-essential employee access.
- Jacobs had two employees self-isolating due to direct contact with COVID positive cases. Neither employee is exhibiting any symptoms.
- Jacobs had one COVID-19 positive case who is self-isolating until symptoms improve. At this time, it is believed that none of Jacobs Ontario staff have been exposed to this case.
- Completed a full town sweep.
- Swept the primary and secondary routes addition time.
- Swept Downtown 2 times on Friday mornings.
- Continued hot taping crosswalks and directional arrows and school zone around town.
- Installed a weed barrier and rock into the new S. Oregon bulb outs.
- Mowed and trimmed weeds throughout town on City ROW.
- Crews have removed the sunken sidewalk and gutter at Aquatic Center and poured new gutter and will pour sidewalk soon.
- Crews sealed and painted the Skate Park Bathroom this week.
- Started to construct the holding pit for the Bio-solids removal project at Skyline Farm.
- Garbage cans, benches and bike racks on South Oregon will be installed as time allows.
- Main break was repaired by Knife River, A Boil Water notice was issues to the 17 affected residents. Samples were collected and taken to Analytical Lab for analysis. All samples were absent and the Boil Water notice was cancelled.
- Water maintenance throughout town.
- Sign maintenance throughout town.
- A new sign was installed above the Gun Range at Skyline with Flags. Making people aware of the danger prior to entering the property.
- An irrigation line on N. Dorian Dr. was plugged and crews removed silt and a large coupler from the section. Drainage has improved
- Weekly lift station, building and equipment inspections.
- Generator maintenance is being performed at the lift stations.
- Painted fog line of TVCC Trail.
- Continued work on installing the Delineators along SW 14th Ave. on the TVCC Trail.
- 2 fire hydrants were hit by vehicles requiring them to be rebuilt.
- 74 utility locates were completed.
- 29 water services were turned on customer request.
- 24 water services were shut off customer request.
- 1 water service was turned on from the non-payment list.
- 20 water services were on/off read only customer request.
- 43 meters were changed out due to non-functioning.
- 10 water services were checked for leaks customer request.
- 4 water services were shut off for leaks customer request.
- 3 water services were turned on and verified leak repaired by the customer.
- 9 water services were checked for consumption issues.

FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES JUNE 21 – JULY 20:



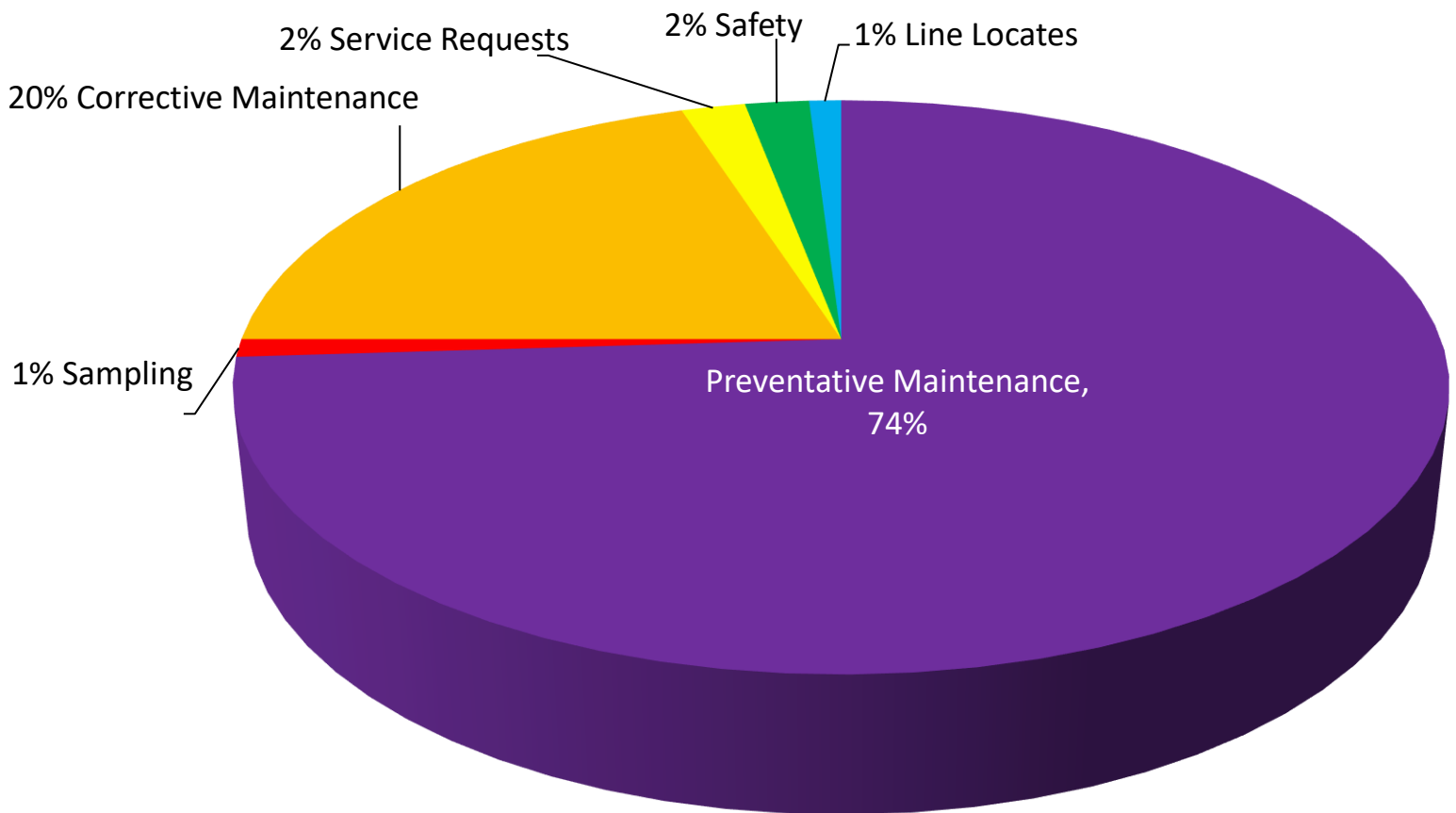
Top: Fog sealing the road.



Bottom: New warning sign installed above the Gun Range at Skyline.

FIELD SERVICES: STREETS & COLLECTION/DISTRIBUTION SUMMARY

**Work Orders
July 21 – August 20
Actual Hours by Work Order Type**



WATER TREATMENT PLANT SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

- Minimized staff due to COVID-19 operation requirements.
- Water level in the storage reservoirs is being maintained at desired levels.
- Water treatment staff run diagnostic checks (jar testing) weekly to ensure that the chemical dosing is correct for the river water quality.
- Weed control around the Water Treatment plant and the booster stations continues throughout the weed growing season.
- Monthly Bacterial samples taken.
- Campers in the water treatment area. Crews will be posting new signage.
- Annual pump maintenance was performed on river, main plant lift pumps and pumps at the booster stations.
- Clearing of caustic soda lines continues, scheduling to replace lines.
- Canyon Booster Station sample tap repaired.
- New pressure gages installed on all pumps at Canyon Booster Station.
- East Side Booster Pump #3 may have a failed bearing in the motor. The unit was taken offline for removal and rehab. Motor is back online, but still noisy. Staff is still working to identify the problem. VFD reprogramming seems to have mitigated the noise.
- Booster Pump #2 at West Side Reservoir failed unexpectedly. The pump is at Priest Electric being rebuilt and a new impeller is being installed.
- Idaho Power is requesting load shedding during hot days. 2 of 3 events.
- Idaho Power is doing maintenance and will need the water off line Monday night (August 10th) 10 – 2. WTP and one lift station.
- Dynsmic mixer VFD optimization.
- Bench Reservoir recirc motor is failing.

Jacobs staff member taking weekly bacterial samples in the water distribution system.



WATER TREATMENT PLANT SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:



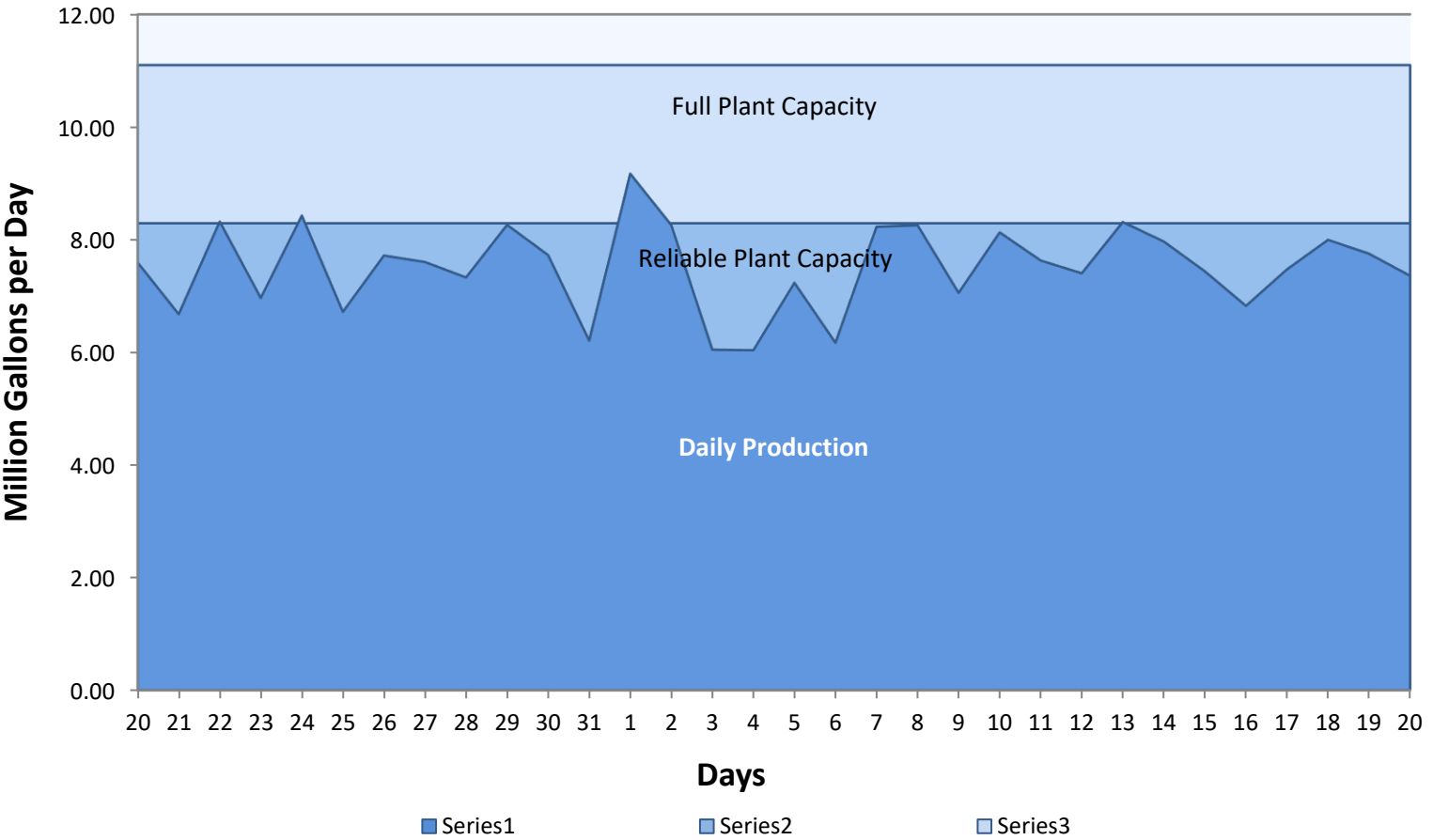
Top: Jacobs staff member taking grab sample at Water Treatment Plant.



Bottom: New pressure gauges installed at the Canyon Booster Station.

WATER TREATMENT PLANT SUMMARY

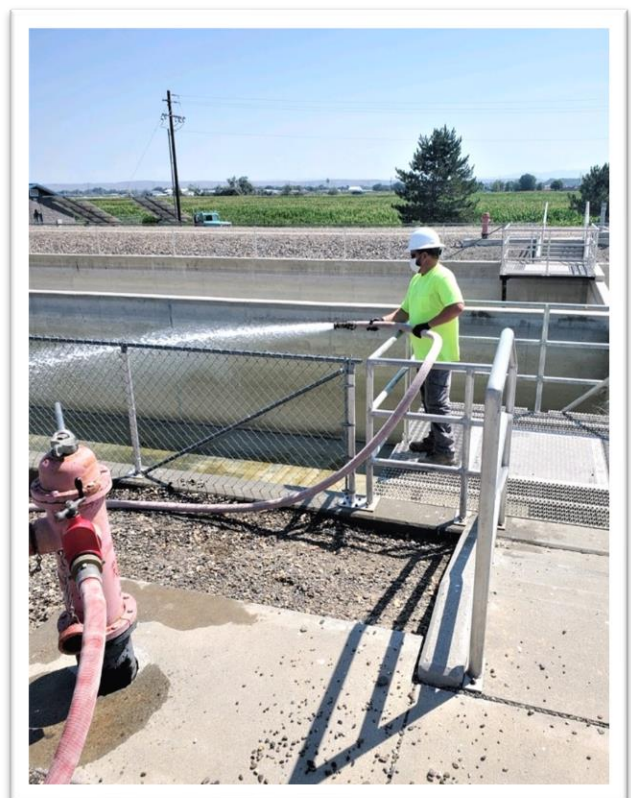
Demand vs. Availability
July 20 - Aug 20, 2020



WASTEWATER TREATMENT PLANT SUMMARY

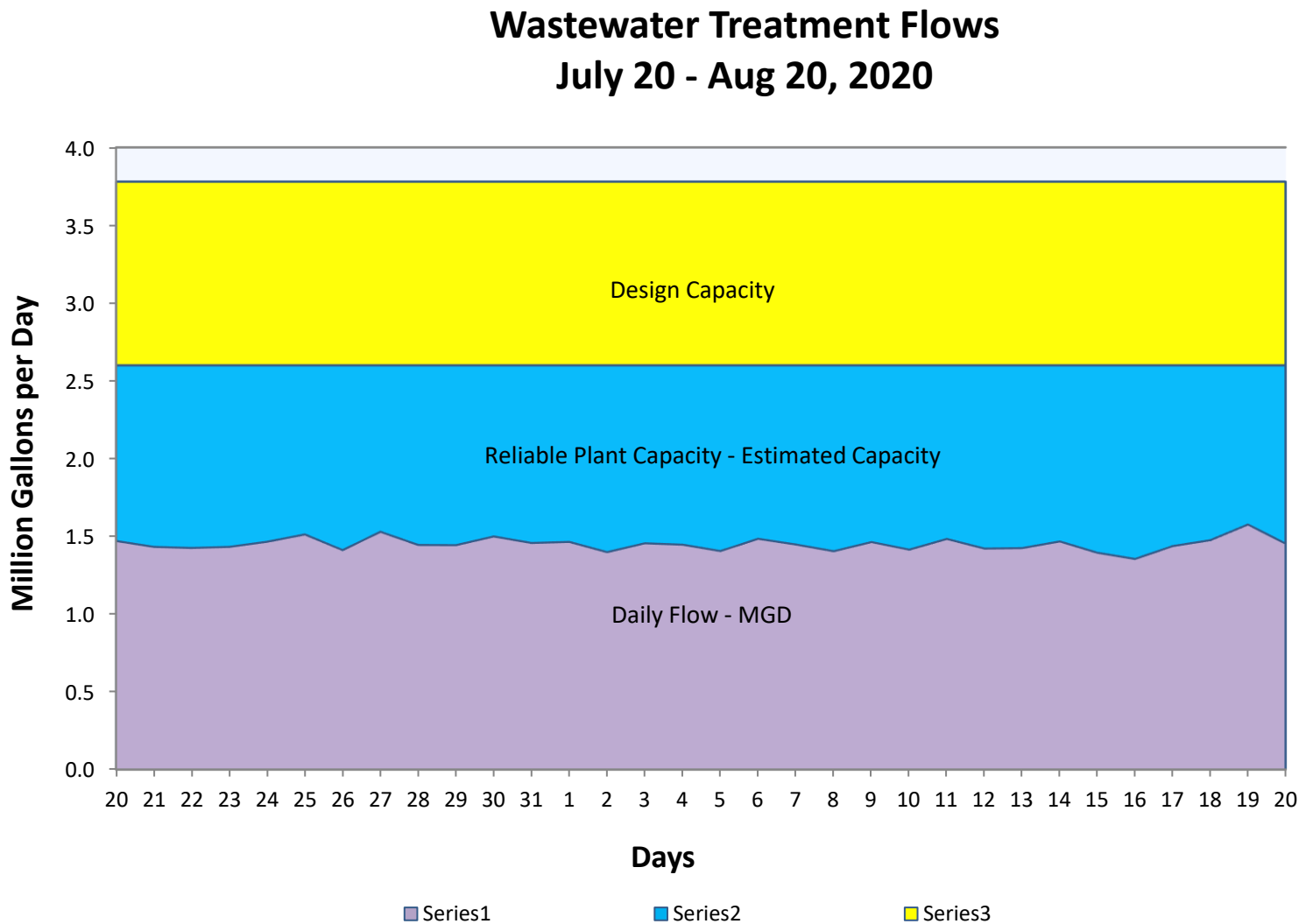
ACTIVITIES JULY 21 – AUGUST 20:

- Minimized staff due to COVID-19 operation requirements.
- Samples taken for solids removal project.
- Flow to Skyline is intermittent as needed.
- Weed control around the Wastewater Treatment Plant, Skyline Farm Reservoir and pump building has begun and will continue throughout the weed growing season.
- Semi-annual aerators serviced on all lagoons.
- pH adjustment chemical feed update near completion.
- Covers for aerator control panels to reduce heat in control panels are being constructed.
- The pH adjustment project needs to have the East Chlorine Contact Chamber empty. Crews will be cleaning the West Chlorine Contact Chamber the week of July 20th so that the contractor can have the East Chamber the following week.
- Skyline Reservoir level management remains a high priority as the amount of water needed by the crops is less than in past years.
- Jacobs hosted a pre-bid site visit on for bio-solids removal contract bidders. A total of six bidders attended the pre-bid conference.
- The contractor for the pH adjustment project is onsite removing obsolete equipment. The project is on track for completion by the third week in August.
- Effluent is being pumped to Skyline Reservoir.
- The pump feeding Malheur Farm that had failed has been replaced.



Jacobs staff members washing down the west chlorine contact chamber at the Wastewater Treatment Plant.

WASTEWATER TREATMENT PLANT FLOWS



PARKS AND CEMETERY SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

- Due to COVID-19, tasks are being re-prioritized. Work crews are dedicated to performing the highest-level tasks, while lower level tasks are being worked on as time permits.
- There were 12 funerals at Evergreen Cemetery and 2 at Sunset Cemetery.
- Tinting was put on the door at City Hall to help with the heat.
- Potted plants downtown are being watered 3 days a week.
- Repaired sprinkler mainline brake at Beck park.
- Watering has been increased at Moore Park. This should help the grass green up.
- Watering is being adjusted for the heat.

FACILITIES SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

- A new keypad lock was installed on the upstairs door at City Hall for added security.
- More work on City Hall HVAC.
- Trees on East Idaho are showing signs of heat stress. Staff discovered that somebody has stolen the arrogation clock. A replacement is being sourced.
- Sprinkler heads are being stolen out of the ground at the parks. Jacobs is working with OPD to mitigate the problem.
- Jacobs is soliciting bids for sprinkler system at Evergreen Cemetery.
- City Hall HVAC UV lights are in the works.

ENGINEERING SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

- Issued 6 ROW Permits.
- Issued 2 New Addresses to new residential lots.
- Issued 1 New Address to Commercial lot.
- Attended 0 PDAC meetings to discuss the expansion of a business.
- Attended 0 PDAC meeting to discuss the relocation of a business.
- Attended 0 PDAC meeting to discuss new businesses.
- Attended 0 PDAC meetings to discuss the addition of residential housing.
- Attended the Jacobs monthly safety meeting.
- Inspected the abandonment of 0 Backflow devices on irrigation systems.
- Multiple plan reviews for new construction.
- Multiply construction inspections.
- Skate Park Bathroom construction continues (sealing and painting, plumbing and the roof is being installed).
- WWTP pH Adjustment System on track to be completed by 9/1/2020.

NPDES Activities:

CDBG application – Have met with Arthur twice now. Paul has used the Grant Administrator and Labor Standards templates to create RFP for Ontario's use. Will meet with Arthur shortly, for review of RFP and then will advertise.

pH Adjustment Construction – Construction will be completed by Aug. 28th. ACS will come in after construction to provide SCADA control. The system can be run manually at this time, and will therefore meet the NPDES requirements by September 1, 2020.

Mercury Minimization – Per NPDES permit, this plan is due August 31st. It has been completed, reviewed, and submitted to DEQ.

Biosolids Removal –The public comment period for Biosolids Management Plan has ended. There were no significant comments and the DEQ has approved the Plan. The Biosolids Removal Project extended the bid opening to accommodate adjustments to the removal and land application process desired by the Mayor. The bid opening is August 27th at 2 pm. Several bids are anticipated based on all of the contractor questions and interest.

Other Wastewater Items:

Skyline Farms – Repairs were completed, and additional control panels, and other communications issues have been cleared up.

Odor Complaints – No new complaints.

SRCI – Tracy Wilder and Paul Woods have been in contact regarding low sulfate products to try to reduce the H₂S in the waste stream. They have been coordinating; SRCI has been very responsive on this item. Jacobs will be presenting a task order for the SRCI design shortly.

ENGINEERING SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

Energy Team (Ameresco) – Titus Twister will be installed. PW team is coordinating with Ameresco on timing. Ameresco did not want to develop the Business Case information until after they had the system running for some time.

CIP – Betsy and Adam have developed a presentation for the council regarding the process of determining what engineering firm will design specific capital projects.

General Construction

- Skate Park RR – Project is currently under construction in a partnership with ORD and is nearly complete. PW staff have begun priming and will complete painting shortly. Plumbing and other interior work is underway. The GC had a COVID 2 week quarantine delay that impacted all of his crew. They should still make the end of September deadline. PW staff will then need to take care of the railing.
- TV Connector Path – The project is COMPLETE!
- SE 2nd Street Construction – Contractor completed Phase 1 about 1 week behind schedule and is currently on schedule with Phase 2.
- S. Oregon Construction – Construction is complete. Bulbouts have received fabric, topsoil, and cover chips. Rocks have been ordered for the 2 bulbouts at 1st and S Oregon. Those should be installed with plants first week of September. All striping is complete. The ramp for the Ontario Mini Market will be completed in the month of September. The final pay ap had a quantity overrun of \$8,541 – a resolution is being presented to council to request that additional funding September 3rd.

WTP Slough – The State approved our work in the slough; this will happen when staff gets back to full numbers after COVID19. No change.

TSP – E. Idaho Plan has been one of the main efforts recently. The youth public involvement effort is still underway. The Farmer's Market Public involvement effort went very well.

Safe Routes to School – Application is due August 31st but will be submitted August 29th. Letters of support have been collected (huge thanks to Peter and Adam!). Application has been modified to complement a \$65k match by the City.

Malheur Water Trail – Reviewed put-in and take-out with the Yakport rep. Betsy to check on potential designs used by YCC at Lake County Forest Preserve. Adam checking availability of YCC staff. No update.

Grant Writers – Attended 2nd Merchant McIntyre video call to discuss grant applications.

SE 5th – Still on hold.

ENGINEERING SUMMARY

ACTIVITIES JULY 21 – AUGUST 20:

Beck Park Bridge –Staff has materials on hand and will be conducting wood grouting and rail repairs the first week of September.

Tennis Courts – Bill Fittje provided an estimate for \$185k; Adam is working with the funding team to see if they can come up with additional capital campaign funds. No significant progress. Adam to consider discussion with Council to use Beck Park RR funds. No update at this time.

APPENDIX

FIELD SERVICES

Collection and Distribution staff is responsible for Sewer Collection and Water Distribution throughout the City. Water distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services that include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the city. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from SRCl. The city has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout city limits. Duties include storm drain maintenance and repair, cleaning of approximately 11 miles of storm drain lines, and cleaning the catch basins.

*COLLECTION AND DISTRIBUTION STAFF MAINTAINS
78 MILES OF SANITARY SEWER LINES
56 MILES OF STORM DRAIN COLLECTION LINES,
AND 1,450 CATCH BASINS THROUGHOUT
CITY LIMITS*

The Street Maintenance Division maintains more than 122 lane miles of improved streets and more than 9 miles of alleys. The Street Division is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, and repairing all established pavement markings. The division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the Chamber of Commerce by putting decorations on street lights during the Christmas season and replacing them with regular decorations when the season is over.

*STREET MAINTENANCE DIVISION MAINTAINS MORE THAN
122 LANE MILES OF IMPROVED STREETS
9 MILES OF ALLEYS*

*CHIPSEALS LAST A MINIMUM OF 8 YEARS,
AND PUBLIC WORKS CHIPSEALS 7 MILES PER YEAR*

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer months to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging resulting from water and sun, provides a moisture barrier, and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to taxpayers and should last a minimum of 8 years with minimal maintenance

required. The city chipseals approximately 7 miles of streets per year.

APPENDIX CONTINUED

Water treatment plant staff is responsible for treatment of the city's drinking water supply. They must reliably produce high-quality water in adequate volume to meet city needs. Besides the daily laboratory checks, there are monthly, quarterly and yearly reports.

There are two sources of water for Ontario's estimated 11,090 residents: 80 percent comes from the Snake River and 20 percent comes from wells. Two plants treat the City's water. One is a conventional filtration plant and the other is an upflow clarifier. The steps for treatment are flocculation, sedimentation, filtration and disinfection, which meet the compliance of the Oregon Health Authority.

The Oregon Health Authority requires an operator be on duty 365 days a year. Ontario customers account for 3,845 water services, not including SRCl.

The water treatment plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 mgd and a maximum capacity of 11 mgd. The water treatment plant average production is 6 mgd and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 million gallons (MG) of that water.

THE WATER TREATMENT PLANT HAS A RELIABLE CAPACITY OF 8.3 MGD AND A MAXIMUM CAPACITY OF 11 MGD.

APPROXIMATELY 80 PERCENT OF WATER COMES FROM THE SNAKE RIVER, THE OTHER 20 PERCENT FROM WELLS.

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (cfs), 24.71 mgd for municipal use.

All of the City's potable water is treated and disinfected at the water treatment plant. The plant has an original 8-mgd design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

WASTEWATER TREATMENT PLANT

The wastewater treatment plant collects wastewater from the entire city and SRCl. The prison accounts for approximately 16 percent of the flow to the plant.

Wastewater treatment plant operators use a conventional treatment system of aerated lagoons and secondary chlorination treatment. Effluent from the treatment process is used to irrigate forage crops during the growing season. Nine lift stations transport sanitary sewer waste to the Wastewater Treatment Plant. Wastewater is screened and the flow measured at the headworks. Five cells (lagoons) with 25 mechanical aerators assist with biological treatment. Onsite generation of chlorine is used for disinfection.

Average discharge volume is approximately 1.5 mgd. Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm.

APPENDIX CONTINUED

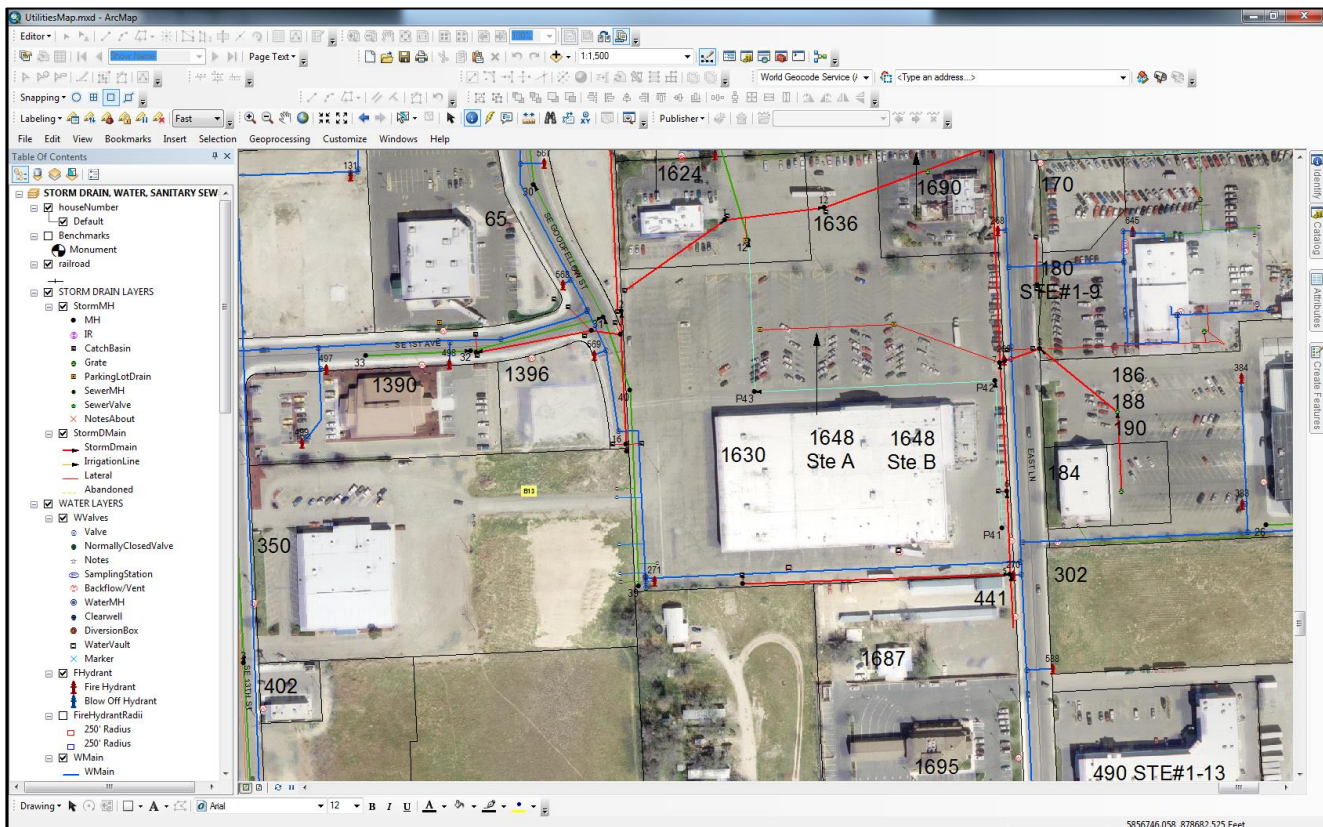
PARKS DEPARTMENT

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park, and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The city also owns the Wayne King Skateboard Park.

ENGINEERING DIVISION

The Engineering Division reviews plans for construction of public improvements, maintains the city's mapping system, and manages the engineering projects within both the Capital Improvements and Maintenance Programs. The department provides technical support to residents, developers, builders, other city departments, consulting engineers, and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects, and provide project management for public improvements.

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also provides support to the city by creating, analyzing, and maintaining the city's geographical digital data. They provide updates to the record maps for all city utilities, right-of-way, easements, land division plots, and city base maps.





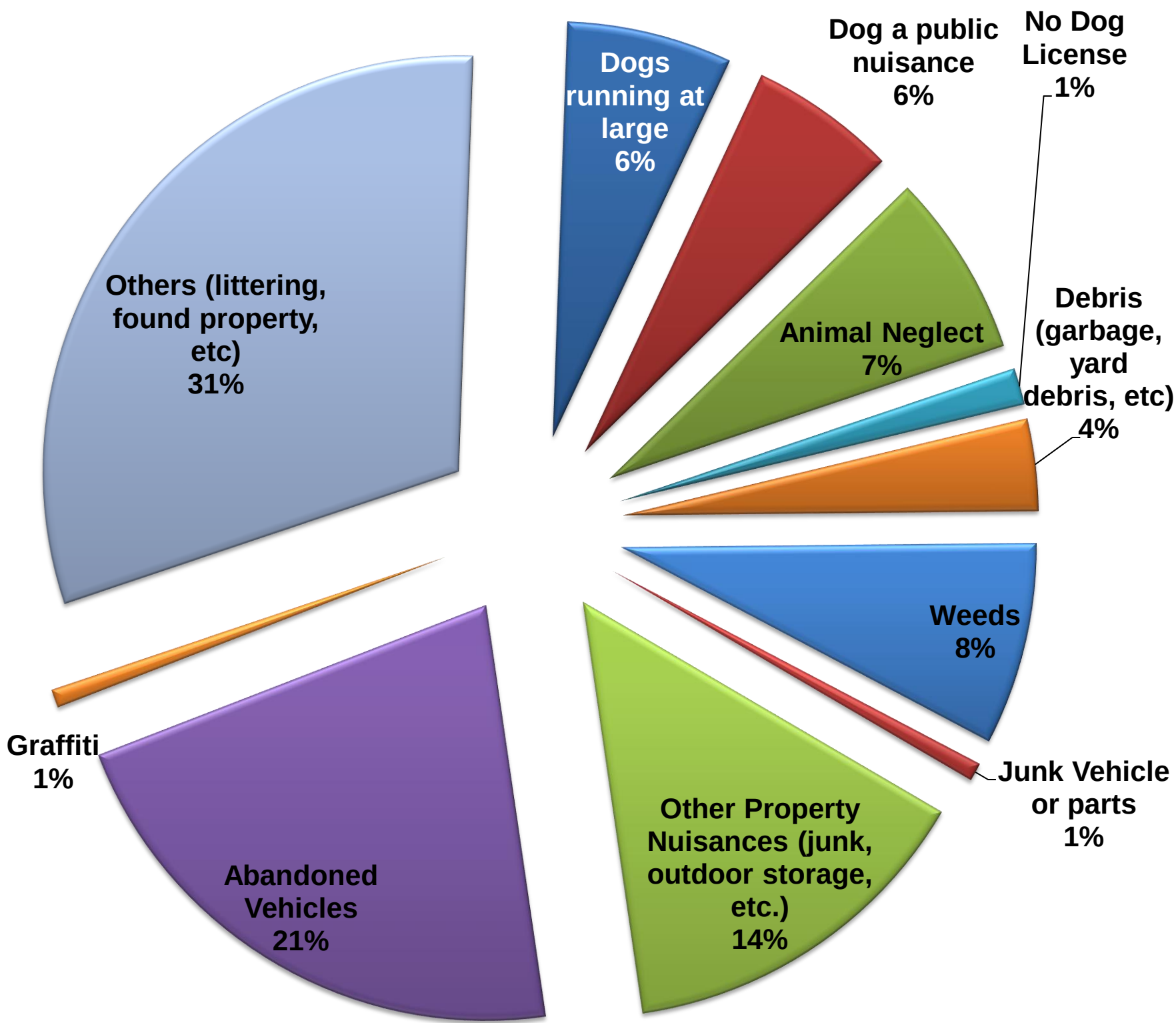
Police Stat Report 2020

Activity	Month of June	Month of July	Month of August	YTD 2020	Previous YTD (2019)
Calls for Service	871	919	966	7032	7245
Traffic Stops	131	149	127	1370	1321
Cited Traffic/Parking	62	48	63	627	581
Motor vehicle Crashes	38	48	38	285	312
Arrests	57	44	71	591	722
Arrests w/Use of Force	0	1	2	7	10
SRO Cases	0	0	0	75	154
Gang Related Cases	3	1	2	15	28
Graffiti	7	3	2	40	51
Death Investigations	2	4	4	18	7
Burglary	10	11	18	94	130
Robbery	0	0	0	4	9
Thefts	49	81	81	545	491
Assault	14	14	11	111	106
Homicide	0	0	0	1	3
Sex Crimes	5	3	4	41	33
Alarms	36	31	35	228	186

CODE ENFORCEMENT

August 2020 STATS

Violation	2020	2019
Dogs running at large	9	32
Dog a public nuisance	8	6
Animal Neglect	10	13
Animal Abuse		0
No Dog License	2	1
Debris (garbage, yard debris, etc)	5	3
Weeds	11	4
Junk Vehicle or parts	1	7
Other Property Nuisances (ju	20	4
Abandoned Vehicles	30	10
Derelict Structures		3
Graffiti	1	3
Others (littering, found property, etc)	43	68
Dogs taken to AniCare		10
Civil Penalties Issued	12	5
C.P. Amount Sent	\$190,380	\$6,700
Total Parking Citations	5	0
Total Violations	149	137
Total Cases	123	120



Notes:

Due to COVID 19 - AniCare is closed so dogs are being transported; as a result, officers can be more proactive

Some cases have multiple violations; for example if a case has weeds,debris, junk, there are 3 violations, but only one case.



BOARD OF DIRECTORS

Meeting Agenda

September 1, 2020 – 7 am TUESDAY

Farmers Mutual Telephone Company Conference Room
Fruitland

1. Call meeting to order Chair Patrick Nauman
2. Introduction of attendees
3. Approval of June meeting minutes
4. Financial update (June, July & August) Sandy Hemenway
5. City and Community Highlights
Fruitland, Ontario, Payette, Weiser, New Plymouth, Nyssa, Vale
6. County Highlights
Payette County, Washington County, & Malheur County
7. Executive Director Report
 - i. Updates
 1. Projects
 2. Activities
 - ii. Visitor Center
 - iii. Executive Session
8. Round Table Discussion
9. Adjourn

This meeting will be held in a large conference room with social distancing – Call in or zoom options will be available for those unable to attend.

All SREDA monthly meetings are open to the public

SREDA MONTHLY SNAP SHOT 2020

Account Balances	Mar 31 2020	Apr 30 2020	May 31 2020	June 30 2020	July 31, 2020	Aug 31 2020
Checking ICB	\$17,241.44	\$ 16,689.78	\$ 21,437.26	\$ 15,260.91	\$ 21,871.89	\$ 35,046.12
Money Market	\$35,648.20	\$ 35,649.08	\$ 35,649.99	\$ 35,650.87	\$ 35,651.78	\$ 35,651.78
Total checking/savings	\$ 52,889.64	\$ 52,338.86	\$ 57,087.25	\$ 50,911.78	\$ 57,523.67	\$ 70,697.90
INCOME SOURCES					YTD ACTUAL	Budget 2020
PRIVATE	\$ 10,150.00	\$ 500.00	\$ 100.00	\$ 300.00	\$ 1,750.00	\$ 250.00
LOCAL PUBLIC			\$ 14,200.00		\$ 12,500.00	\$ 10,000.00
GRANTS - State Commerce					\$ 11,375.00	\$ 22,500.00
GRANTS - Private					\$ -	\$ -
VISITOR CENTER GRANT					\$ -	\$ 25,000.00
Expenses & Projects						
RECRUITMENT & MARKETING						
Advertising Global	\$ 100.00				\$ 126.34	\$ 226.34
Local Ad/promotion	\$ 135.00			\$ 169.00		\$ 602.92
Trade shows						\$ 1,195.90
Trade show travel	\$ (433.33)					\$ 2,103.44
Conferences /Training	\$ (326.63)	\$ (100.00)		\$ 116.00		\$ 131.00
Site Visits						\$ -
WEB SITE						\$ -
Total Recruitment & Marketing	\$ (524.96)	\$ (100.00)	\$ -	\$ 285.00	\$ 126.34	\$ -
Total Operating	\$ 67.94	\$ 10.00	\$ -	\$ 422.04	\$ 280.25	\$ 2,137.47
TOTAL Payroll Expenses	\$ 5,335.49	\$ 5,458.70	\$ 5,335.48	\$ 5,768.51	\$ 5,335.51	\$ 6,451.88
TOTAL OPERATIONAL	\$ 4,878.47	\$ 5,368.70	\$ 5,335.48	\$ 6,475.55	\$ 5,742.10	\$ 6,451.88
Other projects						
Visitor Expenses				\$ 1,896.92	\$ 1,898.89	\$ 3,795.81
TOTALS	\$ 4,878.47	\$ 5,368.70	\$ 5,335.48	\$ 6,475.55	\$ 7,639.02	\$ 8,350.77
						\$ 54,199.85
						\$ 106,200.00

Board of Directors & Their Terms

August 24, 2020

Business – Dan Greig, 1 yr, Patrick Nauman, 2 yr, Sandy Hemenway, 3 yr

At Large – Ken Bishop, 1 yr, Andy Oyervides, 2 yr, Rick LaHuis, 3 yr

Public – Jeff Williams, 1 yr, Larry Hogg, 2 yr, Riley Hill, 3 yr

4 Star Public – City of Ontario, Adam Brown

TVCC – Dana Young

Economic Development – Dan Cummings, City of Ontario, John Breidenbach, Ontario Chamber & Jenn Huff, Weiser Chamber

Membership Board

Public

Payette County – Commissioner Georgia Hanigan

Washington County – Commissioner Lisa Collini (Commissioner Kirk Chandler)

Malheur County – Judge Dan Joyce (Commissioner Don Hodges)

City of Ontario – Mayor Riley Hill

City of Payette – Councilman Mike Kee (Mayor Jeff Williams)

City of Fruitland – Rick Watkins

City of New Plymouth – Mayor Rick York

City of Weiser – Councilman Larry Hogg

*City of Cambridge – Sandra McKee

*City of Nyssa – City Clerk Marla Roberts

*City of Vale – Mayor Mike McLaughlin

Treasure Valley Community College – Dana Young (Abby Lee or Cathy Yasuda)

Boise State University – Carl Melle

Idaho Dept of Commerce – Jenny Hemly

Business Oregon – Allison Field

Private

St. Luke's – Brenda Jones

Saint Alphonsus – Dina Ellwanger

Columbia Bank – Sandy Hemenway

Idaho Power – Mike Ybarguen

4 Rivers Board of Realtors – TBD

Hanigan Auto Sales Emmett – Mike Hanigan

Red Apple Market Place – Kimmie Serrano

Cascade Natural Gas – Kyle McCauley

Intermountain Gas – Rachel Anderson

Nichols Accounting – Doug Lamm

Weiser Memorial Hospital – Steven Hale

Valley Family Health Care – Tim Heinze

Agile Homes – Mike & Craig Smith

EXECUTIVE BOARD

Chairman – Patrick Nauman

Vice Chair – Ken Bishop

Co-Secretaries – Bob Komoto & Dan Greig

Treasurer – Sandy Hemenway

Past VC – Mike Hanigan

Past VC – Jeff Williams

Private (continued)

Malheur Federal Credit Union – Ashley Hook

Farmers Mutual Telephone – Dan Greig

DL Evans Bank – Rob Frye

Teton Machine – Andy Oyervides

American Staffing – Barry Carlman

MTE Communications – John Stuart

Two Rivers Medical – Michelle

Kohn Foods (Subway) – John Cox

Biz Zone – Ken Bishop

Three Rivers Insurance – David Gray

Lifeways – Tim Hoekstra/Liz Johnsen

Campo & Poole Dist. – Brad Holland

PC Energy – Brad Holland/Tony Judson

First Interstate Bank – Marco Giron

Weiser Classic Candy – Patrick Nauman

Eckhardt Oil – Rick LaHuis

Kalyn Hochstrat Investment

Bob & Janet Komoto

Revitalize Ontario – Charlotte Fugate

Treasure Valley Classical Academy – Ronda Baines

Ontario Chamber – John Breidenbach

Fruitland Chamber – Krista King

Weiser Chamber – Jennifer Huff

Payette Chamber – TBD

Nyssa Chamber - TBD

Vale Chamber - TBD

Executive Director Report
July 1, 2020

No live meeting for July as several of our communities are seeing more test results. Our guest speaker and sponsor, Energy Trust of Oregon, was coming from Umatilla County which is also a county with higher Covid numbers. SREDA does not want to be a contributing factor to a larger spread. With my office at TVCC, there has been more restrictions in place. I have been working remotely more.

SREDA has been working behind the scenes sharing updated Covid-19 information with the local chambers, SBDC and cities – these folks have done a great job disseminating the information on out to their businesses. SREDA has actively been meeting with various Covid-19 local taskforce groups and assisting where we can.



SREDA had a great meeting for June with social distancing – The folks at the same table were from the same groups. We appreciate Weiser Memorial Hospital for allowing us to use their newly re-modeled Administrative offices – This building was originally built for a King's Store and then later remodeled for Admin offices, but before the Hospital staff moved in, Riddleys needed a spot to have their temporary store.

I also attended the live Fruitland Chamber meeting in the park. Again social distancing was practiced and folks were good about spreading out.

In June, I had the pleasure of presenting to the Weiser Economic Taskforce. Following this meeting, I was given an excellent tour by Mayor Hibberd, Weiser's newest mayor. I learned several new things about this community and I'm looking forward to continuing our partnership.

I was excited to receive a call from Cambridge City Clerk Sandra McKee and an invitation to come to her wonderful town to meet with Mayor Toothman and her. There is nothing better than walking or driving around our awesome communities with the mayors and staff! It's nice to see what each community has and the best way is through their eyes! We had a great day and I had

the opportunity to meet with several businesses. Additionally, Cambridge and its residents have some fun projects that they'd like to work on.

As continuing on through the pandemic period, I have been on numerous Zoom type meetings/calls in both Idaho and Oregon. Unfortunately, I cannot attend all of the scheduled meetings – But when I can, I appreciate all the work that each person from every agency is doing to assist and help our businesses stay open and operational!

Grants – SREDA continues to proudly support other organizations for their grant applications including the Payette and Washington County Dispatch with their request for upgrading equipment.

Speaking of grants – SREDA through the City of Fruitland has received word that they did get the Idaho Economic Development Rural Professional grant for FY 20-21. WAHOO!

Some of the projects I worked on this past month include: Project Cold Storage (customer has a client looking for cold storage options in both states); Project Garlic (met with a producer and toured his facility); Project Idaho Power (sent in information so that Idaho Power can help us promote the large 200 industrial acreage west of Ontario); Project Call Center (buildings have opened up for new tenant or owner – assisted listing the property on prospector); and assisted with 2 new business project ideas.

Executive Director Report August 31, 2020

No live meetings were held for July or August. We are excited to be holding our September meeting in person at the Farmers Mutual Telephone Conference Room, with a zoom and call in option as well.

Updates on labor, unemployment numbers and Cost of Living indexes:

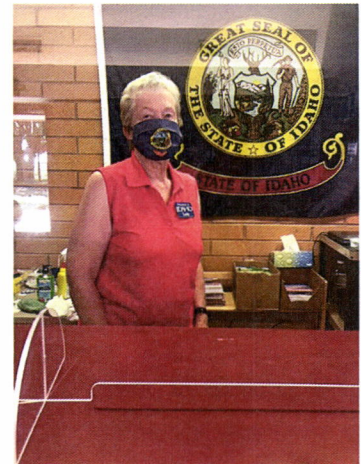
Malheur County – according to the State of Oregon Employment Department, Malheur County is reporting the labor force breakdown as 12,240 people unemployed and 11,334 employed as of July 2020. The unemployment rate for July is 7.4%.

Payette County – Employed labor force 11,909, unemployed 566 and the unemployment rate was 4.8% for July.

Washington County – Employed labor force of 4,717, unemployed 252 and the unemployment rate for July was 5.3%.

COST OF LIVING: Payette County 86.8; Washington County 89; Malheur County 83.2; Boise, Idaho 103.6; Portland, Oregon 130.8; and Seattle, Washington 172.3.

Visitor Center updates – The long term septic, sewer system, and drinking water solutions are getting closer to becoming a reality. The City of Fruitland and Idaho Dept of Transportation have signed an agreement extending services from the City to the Visitor Center. This will be a much needed relief to those using the visitor center! Currently there are many porta potties available for the guests to use. Additionally, we have had staff welcoming those guests for a limited number of hours per day corresponding to the center's janitorial staff. They are utilizing CDC precautions including masks and sneeze guards. There are still hundreds of people coming through the center during the hours that the center is open. The staff has done a remarkable job in greeting all that come to the state.



OTHER

The City of Cambridge has put together a group of local citizens to participate in their Economic Taskforce. I had the pleasure of meeting with them in July and we did an Economic Development 101 overview as well as talked about some of their priorities. It is always exciting when a community gets the locals involved in business, community, and economic development activities.

Boise State University (BSU) continues to work in the rural areas of the state. Their Payette program includes a leadership program which has classes started the latter part of August. Adjunct Professor P. Simon Mahler and I met the end of July to visit about the first class and how it would be beneficial to the rural communities. I was very excited about the information and subject matter that the class would cover. However, with so little time and lack of promotional information about the program and classes, we were only able to connect with potentially 6 students – 2 from Cambridge, 2 from Weiser, 1 from Payette and 1 from Fruitland. BSU was offering a reduction in cost of the classes and SREDA would like to do something similar to help bring down that cost so that it is more affordable to the folks in our rural community.

SREDA also wrote a letter of support for BSU and several other colleges, etc. for a US Education grant request which should assist more rural communities in the future.

PROJECTS

Project Ranger – This project came from Hansen-Rice and was food processing related. We submitted a site in Payette County.

Project Dominic – We met with the local realtors and city officials to walk through the available 4,000 sq ft building. This property was placed on Oregon Prospector.

Project Launch Pad – worked with local consortium on a virtual Innovation Center for the arts.

Project Cold Storage – continued to work with broker and different businesses on this project.

Project ZPE – This project came to SREDA from a broker in Salem. They were looking for about 200 acres. We submitted the Treasure 200 property and corresponding information with regards to infrastructure. I believe this to be some kind of data center. Update - The company may not be working with the broker now, but with the State of Oregon. We are still on the radar for the project.

Project RFP – An Idaho lead that was for a call center who wanted to lease a plug and play area. We worked with a local New Plymouth building owner who had space available and submitted that to the state.

Project Ruby (aka Gild) – this is a project that contacted SREDA as we are regionally engaged. The business, headquartered in Seattle, is no stranger to the Pacific NW including Idaho. They were looking for approximately 100 acres and really like the Treasure Valley area. We originally suggested several sites on the Idaho and Oregon side, but they were still refining what they wanted with the acreage. The limiting factors are rail and city services. Meanwhile we also connected them with Jill Miles, Business Oregon and reconnected them with Susie Davidson from Commerce. The project came out from both states looking for sites. We worked with numerous land owners on both sides of the river as well as the cities, railroads, and utility companies. We were able to submit a site from Ontario and a site from Fruitland.

Project Plus – An Oregon lead that is an international company looking for 100 acres initially. Then reducing that down to needing 75 acres. They would employ 500 workers total in 3 plants on the acreage and they would be processing some type of food products. The city and SREDA discussed this project and we had reservations due to the number of employees. However, the state confirmed that the hiring would be done over a period of time. We have submitted 3 sites as well as a letter talking about our Japanese heritage in our region. As with most international companies, they are most familiar with areas such as Portland and the I-5 corridor. We want to extend an invitation to them to look further into other parts of Oregon.

Numerous BRE visits have been conducted over the past couple of months. There are some great, resourceful entrepreneurs that own businesses in our area! I'm always impressed by what I see and hear.

AGENDA
ONTARIO VISITORS AND CONVENTIONS BUREAU BOARD
September 3, 2020 - 7:00 a.m. M.T.
ONTARIO AREA CHAMBER OF COMMERCE OFFICE

- 1) Call to order:
This agenda was emailed: August 31, 2020
 - (a) Roll Call:
Debbie Blackaby____ Cheryl Cruson____ Doug Dean____ Terry Dols____
John Hall____ Bob Quinn____ Dan Capron____

City Manager Adam Brown____
V&C Director John Breidenbach____
- 2) New Business
 - a) Grant Request: TVCC New Student Orientation- Cathy Yasuda
 - b) UPDATE Follow up: Palmer Healing Rose test Garden -Michael Miller.
- 3) Motion to adopt V&C Meeting Minutes of April 2, 2020 meeting
- 4) Review Financial Report – John Hall
- 5) V&C Director Report – John Breidenbach
- 6) Adjourn



VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce

251 SW 9th St.

Ontario, OR 97914

541-889-8012 (Voice) 541-889-8331 (Fax)

info@ontariochamber.com

PROMOTION AND EVENT FUND APPLICATION

GENERAL INFORMATION:

Name of Applicant Organization: Treasure Valley Community College

Complete Mailing Address: 650 College Blvd. Ontario, OR 97914

Telephone: _____ Fax: _____ E-Mail: _____

Principal Contact Cathy Yasuda

Complete Mailing Address: _____

Telephone: 541.881.5585 Fax: _____ E-Mail: cyasuda@tvcc.cc

Name of Event and Date and Time Event Will Be Held: TVCC NSO 9/25/20 9 AM & 6 PM

Has organization applied for a V&C Grant Before: ☒ Yes ☐ No

**If yes was the V&C grant request approved and for what amount:*

☒ Yes ☐ No / \$ 2000

**If grant request was approved did the organization give their 90 day follow-up report*

☒ Yes ☐ No

Description of Promotion or Event: TVCC annually hosts a New Student Orientation for

approximately 150 students, plus their parents or support group. This event is an

opportunity to become familiar with college success, their campus resources, and the

local community. New to the programming this year is Covid-19 virtual programming

with limited face to face interaction and pre-recorded welcome messages.

NATURE OF PROMOTION/EVENT: Student Success with Community Involvement

☒ Tourism based capital project

☐ Multi-night local lodging event

☐ Special media promotion

☒ Education and/or training project

Amount of Funding Support Requested: \$ 2000.00

Total Promotion/Event Budget: \$ 4242.50

What specific expenditures will the granted funds be used for?*: These funds will be used to provide vendor grants to local restaurant businesses to promote themselves by providing certificates/cards to their businesses to purchase food items.

List promotion/event supporters or partners**: TVCC will be reaching out to our previous priority vendors: Bake-a-Deli, Kiwi Loco, Mackey's, Ogawa's, Romios, Sorbenots, Tacos Mi Ranchito, as well as reaching out to new vendors. The goal is to provide these grants to a minimum of five restaurants and provide \$400 per business.

PROJECTED PROMOTION/EVENT IMPACT:

Describe how the promotion/event will impact the Ontario economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.):* This event will shine a spotlight on our local businesses through designated restaurant food grants, allowing restaurants to make an impression on students and their parents from out of town who might spend their money elsewhere. In addition, during the event, families contribute to the local economy through hotel bookings, furnishing for students in the dorms, groceries, meals, gasoline, and other necessities. The Ontario Area Chamber of Commerce and the Ontario V & C will be well publicized and promoted. Your name will be included in our materials and publications and most importantly, a pre-recorded Chamber of Commerce and other Ontario city officials welcome message will be shared with the students and their parents or support units.

FINANCIAL REPORTING REQUIREMENTS:

For established groups, please provide two years of P & L Statements, a current Balance Sheet, and a proposed budget for this year's promotion/event. For newly formed groups, please provide a proposed budget of revenues and expenditures in a form similar to the one below:

PROPOSED REVENUES

Source #1 <u>Proposed V&C Grant</u>	Amount \$ <u>2000.00</u>
Source #2 <u>Title III Federal Funds</u>	Amount \$ <u>1942.50</u>
Source #3 <u>TVCC Funds</u>	Amount \$ <u>300.00</u>
Source #4 _____	Amount \$ _____
Source #5 _____	Amount \$ _____

TOTAL REVENUES \$ 4242.50

PROPOSED EXPENDITURES

Use #1 <u>Restuarant Grants</u>	Amount \$ <u>2000.00</u>
Use #2 <u>Career Services Supplies</u>	Amount \$ <u>1600.00</u>
Use #3 <u>Financial Literacy Folders</u>	Amount \$ <u>142.50</u>
Use #4 <u>Door Prizes and Raffles</u>	Amount \$ <u>300.00</u>
Use #5 <u>Misc. Supplies and Printing</u>	Amount \$ <u>200.00</u>
Use #6 _____	Amount \$ _____
Use #7 _____	Amount \$ _____
Use #8 _____	Amount \$ _____
Use #9 _____	Amount \$ _____
Use #10 _____	Amount \$ _____

TOTAL EXPENDITURES \$ 4242.50

REVENUES MINUS EXPENDITURES \$ 0

As a final condition to accepting granted funds, the applicant agrees to provide the Ontario Visitors and Conventions Board with a final report summarizing results of the promotion/event (e.g., attendance, local and regional publicity, hotel/motel occupancy, closing revenue and expenditure report, etc.) within 90 days of the event/promotion.

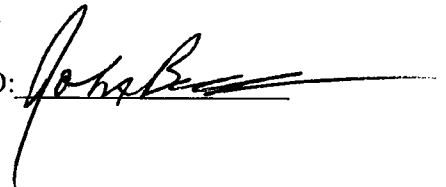
Date

Signed

Printed Name of Applicant

Date Received: 8-6-2020

Ontario Area Chamber President/CEO: _____



NSO Budget and Expenses

Fall 2020

Printed Materials	Cost	Amount	Total
Financial Literacy Pocket Folders	\$0.95	150	\$142.50
Career Services and Financial Planning Planners	\$4.00	400	\$1,600.00
Subtotal - Printed Materials			\$1,742.50

Closing Meal Taste of Ontario Promotion (V & C Grant)	Cost	Amount	Total
	\$400.00	5	\$2,000.00
Subtotal			\$2,000.00

Misc. Supplies and Paper Printing	Cost	Amount	Total
Door Prizes and Raffles	\$300.00	1	\$300.00
Misc. Expenses - Paper Printing	\$200.00	1	\$200.00
Subtotal - Misc. Supplies and Printing			\$500.00

Subtotal Cost

Title III Funds Available

Proposed Ontario Visitors and Convention Grant

Remaining Balance Covered by TVCC

Final Balance

(\$4,242.50)
\$1,942.50
\$2,000.00
\$300.00
\$0.00

Ontario V&C Minutes

April 2, 2020

7:00 am

Ontario Area Chamber of Commerce Office

Meeting called to order at 7:00 am by Bob Quinn

Roll Call – Bob Quinn, Cheryl Cruson, Doug Dean, John Hall, Debbie Blackaby V&C Director

John Breidenbach, City Manager Adam Brown

Absent: Dan Capron and Terry Dols

NEW BUSINESS

Grant Request: Malheur County Fair Board.

Lynelle Christiani presented the Grant request for the Malheur County Fair

It was moved by Debbie Blackaby and seconded by Cheryl Cruson that the V&C board grant the Fair for \$5000.00 of the \$7500.00 requested. It was also decided and agreed upon by Lynelle Christiani that the funds would not be given out until it was decided if the Fair would be Canceled due to COVID -19 the motion carried.

Grant Request: Palmer House Rose Garden

Mike Miller presented the grant request for the Palmer House Healing Rose Garden.

Gave an update on the plans and the by-laws and forming it own 501-C3

It was moved by Debbie Blackaby and seconded by Doug Dan that the V&C fund the grant \$7500.00 of the \$10,000.00 at this time the monition carried.

MINUTES/FINANCIALS

February 6, 2020, minutes were reviewed; it was moved by Cheryl Cruson and seconded by John Hall to approve the minutes as presented. Motion carried. John Hall presented financials. It was moved by Cheryl Cruson and seconded by Debbie Blackaby to approve the financials as presented. Motion carried.

Meeting adjourned.

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
ACTIVITY SUMMARY
BEGINNING SEPTEMBER 1997**

DATE	REQUESTOR	REQUESTED	GRANTED	DISBURSED
APR 2019	NO NEW ACTIVITY	-	-	-
MAY 2019	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JUN 2019	V & C Breakfast Meeting (6/6/19) Paid 6/7/19 - Check #124766	\$ 69.62	\$ 69.62	\$ 69.62
JUL 2019	Revitalize Ontario 2020 Tater Tot Festival	\$ 3,105.00	\$ 3,105.00	\$ 3,105.00
JUL 2019	Treasure Valley Community College New Student Orientation	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
JUL 2019	V & C Breakfast Meeting (07/11/19) Paid 8/9/19 - Check #125021	\$ 69.62	\$ 69.62	\$ 69.62
AUG 2019	Center for Nonprofit Stewardship 2019 Nonprofit Stewardship Conference	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
SEP 2019	NO NEW ACTIVITY	\$ -	\$ -	\$ -
OCT 2019	Treasure Valley Rodeo Team 2019 Chukar Rodeo	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
NOV 2019	NO NEW ACTIVITY	\$ -	\$ -	\$ -
DEC 2019	Ontario Lions Club Lions Park Improvement Project	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
JAN 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
FEB 2020	Revitalize Ontario! Tater Tot Festival	\$ 11,925.00	\$ 11,925.00	\$ 11,925.00
MAR 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
APR 2020	Palmer House Rose Garden Garden Area Preparation	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00
MAY 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JUNE 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
JULY 2020	NO NEW ACTIVITY	\$ -	\$ -	\$ -
	7/31/2020	\$ 792,953.04	\$ 664,057.77	\$ 664,057.77

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
PROMOTIONS AND EVENT FUND
BALANCES THROUGH
DRAFT JULY 2020**

2020	RESOURCES	EXPENSES	BALANCE
BALANCE FORWARD	\$702,814.15	\$679,824.60	\$22,989.55
JULY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$25,489.55
AUGUST <i>T.O.T. Disbursement -\$2500</i>			
SEPTEMBER <i>T.O.T. Disbursement -\$2500</i>			
OCTOBER <i>T.O.T. Disbursement -\$2500</i>			
NOVEMBER <i>T.O.T. Disbursement -\$2500</i>			
DECEMBER <i>T.O.T. Disbursement -\$2500</i>			
2021			\$0.00
JANUARY <i>T.O.T. Disbursement -\$2500</i>			
FEBRUARY <i>T.O.T. Disbursement -\$2500</i>			
MARCH <i>T.O.T. Disbursement -\$2500</i>			
APRIL <i>T.O.T. Disbursement -\$2500</i>			
MAY <i>T.O.T. Disbursement -\$2500</i>			
JUNE <i>T.O.T. Disbursement -\$2500</i>			
TOTAL FISCAL	\$2,500.00	\$0.00	
ACCRUALS FROM JULY 1997 TO PRESENT	\$705,314.15	\$679,824.60	\$25,489.55

**CITY OF ONTARIO
VISITORS AND CONVENTIONS BOARD
PROMOTIONS AND EVENT FUND
BALANCES THROUGH
DRAFT AUGUST 2020**

2020	RESOURCES	EXPENSES	BALANCE
BALANCE FORWARD	\$702,814.15	\$679,824.60	\$22,989.55
JULY <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$25,489.55
AUGUST <i>T.O.T. Disbursement -\$2500</i>	\$2,500.00	\$0.00	\$27,989.55
SEPTEMBER <i>T.O.T. Disbursement -\$2500</i>			
OCTOBER <i>T.O.T. Disbursement -\$2500</i>			
NOVEMBER <i>T.O.T. Disbursement -\$2500</i>			
DECEMBER <i>T.O.T. Disbursement -\$2500</i>			
2021			\$0.00
JANUARY <i>T.O.T. Disbursement -\$2500</i>			
FEBRUARY <i>T.O.T. Disbursement -\$2500</i>			
MARCH <i>T.O.T. Disbursement -\$2500</i>			
APRIL <i>T.O.T. Disbursement -\$2500</i>			
MAY <i>T.O.T. Disbursement -\$2500</i>			
JUNE <i>T.O.T. Disbursement -\$2500</i>			
TOTAL FISCAL	\$5,000.00	\$0.00	
ACCRUALS FROM JULY 1997 TO PRESENT	\$707,814.15	\$679,824.60	\$27,989.55