

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, APRIL 20, 2021, 6:00 PM, MT
[Zoom Link](#)**

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 ____ Sam Baker ____ John Kirby ____ Ken Hart ____
Michael Braden ____ Eddie Melendrez ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on April 16, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

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

5) CONSENT AGENDA

- A) Minutes: Council Work Session 03-04-2021; Council Meeting 03-16-2021; Council Meeting 03-23-2021
- B) Airport Lease Transfer of Ownership: Vera Holton to Stephen Meyer (330 Echo)

6) PRESENTATIONS

- A) Proclamation: Arbor Day 2021 - Friday, April 30, 2021

7) PUBLIC HEARING

- A) Resolution #2021-112: State Revenue Sharing
- B) Resolution #2021-113: Adopt City of Ontario 2021-2022 Budget
- C) Ordinance #2786-2021: Amending Title 10A of the Ontario Municipal Code, which Addresses the State Requirements within Oregon House Bill 2001; Code Changes will Comply with Requirements on Duplex Provisions, Accessory Dwelling Units, and Siting of Manufactured Homes on Individual Lots, and Declaring an Emergency (*Planning Action 2020-01-02CPAMD*)
- D) Ordinance #2787-2021: A Request by the City of Ontario to Adopt the Ontario Active Transportation Plan as a Refinement to the Transportation System Plan and Amend Title 10 - Comprehensive Plan, Title 10A – Substantive Zoning Regulations, and Title 10C - Substantive Regulations for Land Development of the Ontario Municipal Code to Implement the Active Transportation Plan, and Declaring an Emergency (*Planning Action 2021-02-07-CPAMD*)

8) OLD BUSINESS

- A) Transitional Homeless Shelter

9) NEW BUSINESS

- A) Resolution #2021-111: Bid Award for Technology Backup Services
- B) Approve Agreement: Oregon Department of Transportation/ODOT Public Works Emergency Response Cooperative Assistance Agreement

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation /Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) Labor Negotiations.

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- 10) **DEPARTMENT HEAD UPDATE** Airport: Quarterly Report
 - A) Airport: Quarterly Report
- 11) **DISCUSSION ITEMS**
 - A) Amnesty Program for Code Enforcement Fines
- 12) **HAND-OUTS**
 - A) Minutes:
County Court 03-31-2021; 04-07-2021
- 13) **CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**
- 14) **EXECUTIVE SESSION**
 - A) ORS 192.660(2)(e): Real Property
 - B) ORS 192.660(2)(h) Current or Pending Litigation
- 15) **ADJOURN**



CITY COUNCIL MEETING MINUTES March 4, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, March 4, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Michael Braden, Ken Hart, John Kirby, Freddy Rodriguez, and Eddie Melendrez. Sam Baker arrived at 6:31 p.m.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Terry Leighton, Steven Romero, Kari Ott, Dan Cummings, Larry Sullivan, Al Cablay, and Rick Reyna.

The meeting was recorded, and copies are available at City Hall.

Riley Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 2, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

CONSENT AGENDA

HART moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (24-2021); HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (25-2021); AND HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (26-2021)**. Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Charlotte Kreftmeyer, Ontario, stated: *First of all, domestic abuse is against the law in any form, whether it is verbal, physical, or mental, so why is it allowed to take place in our own backyard. Shouldn't our local leaders be held to a higher standard since they are the representatives of our city and our community? When we let those in charge live by a different set of rules, it undermines everyone. I say this because, in fact, we have a city leader who has been proven in a court of law to be a danger to at least two citizens of our community. The City Council has not once spoken up to show its community that they do not approve of domestic violence in any form. Unfortunately, with them staying quite and not showing that the city supports their community and its need to feel safe, shows that they do not take domestic violence seriously. This individual has continued to bring up his victims on a regular basis on social media, blaming those individuals for his woes. He brings up past doings saying odious and damaging things. He has no respect for the fact that he has harmed others, will not take responsibility for his actions, and, in fact, turns it on the victims themselves as if it is their fault that the violence has happened to them. What does this continue? Nothing but the abuse that has already been perpetrated upon them. The fact that the City Council continues to allow this to go on without any thought to the victims or the community is appalling in every sense of the word. The Councilman recently brought up the fact that there was the domestic violence shooting that took place, and yet his business is what others were paying attention to. Well of course that's what people were paying attention to. As he continues to unceasingly ensure that the main focus of every other's attention is on him by posting his continuous rants on his*



Councilman page both on Facebook and Twitter. The city leader is aware that the citizens of the city look to his page for local government goings on, as well as concerning topics for the City of Ontario. How does his personal life have anything to do with that? However, this leads to the creation of a biased opinion towards the victims by those in our community, by which, I would like to point out, have not been making public their turmoil. How does he expect these individuals to heal and move on when he won't allow it? Thank you. I appreciate your time.

Christopher Plummer, Ontario, stated: *If I'm going to turn in the full version of this, and it's not very nice, so I don't want to read it out loud, but I just want to make a brief comment.*

Councilor Rodriguez asked him to please read the whole document.

Mr. Plummer replied: *You're not my boss. Anyway, basically I just want to say that I think it's really inappropriate for someone to use the city, their webpage, to slander people, to abuse people, and do all kinds of things that are just below contempt. Actually, if you want to hear it, let's go. I often said to Freddy, if one person thinks you're a creep, except I used a different word, then you're probably not a creep, it's probably them. But if 20 people say you're a creep, you're probably a creep. Well, I hate to say it Freddy, but way more than 20 people think you're a creep, including several of us who used to be close to you, or we thought we could be close to something like you. We didn't recognize the malignant narcissist that you are. The woman from the first restraining order is my dear friend and she is guilty of different things. From what I can see she was guilty of supporting the wrong guy, she was guilty of spending too much money on clothes for said guy, she spent way too much time trying to help this guy with his pursuits, she spent too much time saving said guy from having mud on his face during several events that would have fallen through had she not stepped in to save the day; she was guilty about caring about you. There is nothing that says a relationship has to last forever. There is no contract that says that lasts forever, except maybe a marriage contract, which you didn't have. She should be able to leave you without you trying to ruin her life, shame her, and destroy everybody else's lives in the process. Because of your selfishness...*

Councilor Rodriguez stated he broke up with her; did he remember that?

Mr. Plummer continued: *You're interrupting me sir; this is my time. Do you realize that your selfish pursuit to destroy and shame these women has lasted longer than the worst part of Covid-19? Do you realize how selfish it is for you to drag this community through your personal affairs when we are all trying our best to hold on during Covid-19, when were grieving people lost to Covid-19, and you couldn't get over a break-up? If you had any shame, I would say shame on you, but you don't. You don't have the capacity to care about anybody in this city other than yourself. And this is not just about Sarah. If you think she is the only victim of yours in this town, you are to thinking with a wide enough brush, buddy. And if you think it's appropriate to call any gay person, that you personally disagree with, a pedophile, just because you're angry with them, without seeing the damage that does to the gay community, you're a bigger monster than I thought. I think you're a pretty sick monster. My community...*

Councilor Rodriguez stated that he told him he was a child molester.

Mr. Plummer continued: *this is my time. You wanted me to read it, so you deal with it buddy.*

Councilor Rodriguez repeated that he told him he was a child molester.

Mr. Plummer continued: *You deal with it buddy, and I did not. How dare you put my people at risk because of your grudge against another City Councilman. How dare you accuse me of not reporting a threat to gay youth when you know for a fact that I talk to detectives for the city and the Sheriff's Department. It could be because you don't like what I told those officers. That Marty was innocent and that you tried to get me into finding an underage gay kid to accuse him of something he didn't do. That truth doesn't fit your narrative, does it, your sick narrative. And how dare you say that the Mayor was in on it and implicate him when he wasn't. And it's not just that one thing, Freddy, you've also personally attacked members of the gay community and the trans community. You could care less if a parent uses your words to justify kicking their kid to the curb or causing someone to commit suicide or stay in the closet.*

You're that callous. You like to put on a show that you're the social justice man of the town. You're not! You've done more for white supremacy than anybody in this town for the past year. Your lack of support for people of color, your attacks on Black Lives Matter, are inappropriate under any circumstances. You are somehow the Liaison to the Diversity Committee – give me a break. I have heard you disparage members of the Committee. I've heard you bad mouth a woman because she wanted to make everything about her Japanese background. I personally know that woman and she's one of the kindest people I've ever met and she's also Chinese. You're a joke, in my opinion. I have watched you at Origins offer full support to the tiny homes community and then come in here and just switch it up. You know, that's really great of a public servant, to like two-face the people that he's trying to help. I do paraphrase that one for time. And honestly, how many times have you bullied me since we've been friends? Let me, haha, well, we're not friends, I thought we were friends.

Councilor Rodriguez stated he served everyone there.

Mr. Plummer continued: *Hey, my time. You wanted me to read this. It's my time, buddy. The latest is from a creepy Facebook encounter where a guy asking about the size of my junk. That's really dignified. I have no idea what you're end game was with that one, but I've included it in here. You've bullied me because I've had the audacity to do a second homeless based project that you thought stepped into your lane. But I'll be damned if I'm going to let somebody like you stop me from doing anything. I think you got the gist of it, right Mayor? If you're good with it, I'm good. I would gladly leave.*

Mayor Hill stated he was not kicking him out, but there was a time limit for comment, and he had exceeded it.

Mr. Plummer continued: *I'm done. You can read the rest of it right here. It's pretty much along the same vein.*

Councilor Rodriguez stated he had all the messages that had just been described that was a lie about Marty Justus.

Chris Artiach, Ontario, stated: *It's pretty obvious how I feel. This is for a citizen of Ontario that has a lot to do in here. I'm writing tonight to express my concerns about Ontario City Council and how our city is well-kept by city officials such as yourselves and the police force. I understand, not to the full extent, as all of you do, how hard it is to make the difficult decisions that each of you have to make for our well-being. I would like each of you to consider the hardship that has been put on display of harassment, and not only this year, but including last year. The two women under file from one City Councilman, Freddy Rodriguez, this just doesn't affect two women that has harassed, or harassing, and it continues on. This affects their children, which are young women. We have to think seriously about what impact this is going to have on the young women. The pain extends more than we think, such as tears, their mother's cry, because of the torment of the intimidation already threatened by Freddy, that he already had followed through with and continued on with another victim. Gosh, I can't imagine how these two women and their daughters feel. One having to go through life and trying to heal and go on, now another woman and her daughter. This should have been dealt with last year, especially finding out the history check. These young ladies are, I'm sure, cautious of how our city officials and Councilmen are going to protect them in the near future. If we can't protect our own who live in our city, then how do we give a good impression on upcoming young women in our town? The event that took place a year ago that has been recorded in our own newspapers, this should have been dealt with then. Now we have another woman who is under the same scrutiny that went underway last year. No matter how hard it is to make a decision because we like somebody or we're trying to get somebody another chance, we have to make the decision on what is best for our community and for our young women who may or may not be part of our city officials someday. I am however sorry I will not be here at the meeting. I have a live JonZies Moments feed at 7pm, but I writing to express my concern. Please thank you for your hard work and please let's make sure we keep all of Ontario with integrity. Thank you – Terri L. Sharp (Jones). Me and Freddy used to be really good friends...*

Councilor Rodriguez asked Mr. Artiach if he testified on his behalf last year?

Mr. Artiach: *Ya, 'cuz you asked me to and you're lying.*



Councilor Rodriguez asked Mr. Artiach if he then lied too, in court?

Mr. Artiach: *No, did you? There you go. And you know, he's saying all these things. Both of these girls that he has harassed are friends of mine and asked me to come up here.*

Councilor Rodriguez stated Mr. Artiach testified against them. Why?

Mr. Artiach: *Freddy, she asked me to come up to go against you because you're a coward. That's two in California, two in Canyon County, and two here. Come one man, you can't even go nowhere without getting kicked out.*

Mayor Hill called for order and wanted an end the back-and-forth conversation. He'd allow testimony only.

Mr. Artiach continued: *A lot of these people I've talked to in the city, they like the city, you know what I mean. They like what I am. But with him being on here, it's making the city an embarrassment and humiliation, you know? If it wasn't for him, things would be great, you know? You'd have everybody's support. But when you have somebody like that, you know, that's speaks a lot. And that's all I got to say.*

Jerry Ward, Ontario, stated: *All I'm asking is for the City Council to have a little bit of courage, look at the facts, and not weasel away through loopholes and ideas surrounding what a restraining order is. A restraining order is stifling somebody's constitutional rights and it's one of the highest things that a judge can bring down because it does violate their rights. It eliminates them from going into certain places and certain things. And when he gets nominated to become the Council President and voted in, what kind of courage are you guys showing? All we are asking is to step up, do your jobs, have a little backbone, and a little bit of courage, and know exactly what a restraining order is, what it means, and why it's in place. Thank you.*

Charlie Gonzalez, Ontario, stated: *I'm just going to make this real simple. Freddy Rodriguez has six reported domestic violence-related charges and restraining orders underneath his belt. Two of them from Idaho, two of them from California, and two from the city that he's serving now. With that being said, obviously, it's a constant problem. Somebody in this position shouldn't be able to hold his position doing that stuff to women around here. His hate and his public racist statement against Black Lives Matter in Ontario is very concerning. The lack of leadership this man has is mind-boggling. Somebody that's in this position should be held to a higher standard. Bullying and harassing is never okay. I actually lost a close buddy of mine to bullying and harassing in school, so I take that very, very deep. I guess what I'm up here to say is somebody like Freddy should not be in that position and he should be recalled, or at least step down from President. That's all I've got to say.*

Marty Justus, Ontario, stated: *I've made my feelings for Councilman Rodriguez very clear for the last two years. I didn't show up at the beginning of the meeting because I just, everyone knows where I stand. I didn't want to use my persona to influence you all. But I was watching at home, and he made a public statement that I was a child molester. I want you to say it right now, right here, from that chair, tell me that you think I'm a molester. Tell me!*

Councilor Rodriguez stated he believed his friends and at the point when Chris Plummer told him that, he was a very trusting friend of his. Mr. Plummer told him that in person in front of Sarah, and it was in his messages. Yes, Mr. Plummer told him that, and he believed he friend.

Mr. Justus continued: *And you voiced it on your Facebook page, yes or no? Yes or no?*

Councilor Rodriguez asked Mr. Justus if he read it on there? Did he go on his page and say anything?

Mr. Justus continued: *Did you say it, yes or no?*

Mayor Hill called for order. There was not going to be the back-and-forth again. He'd accept just the testimony.



Councilor Rodriguez stated Mr. Justus had commented on it, so he knew. He answered it.

Mr. Justus continued: *So, Council, there is no evidence of me being anything more than a citizen of this town, that's a caring and compassionate person, and for you to allow him to sit there and for him to publicly try to disgrace me and intimidate me and do nothing about it, shame on you all. Shame on you all. You all know my character and you know his. That's what I have to say.*

Councilor Rodriguez stated no one wanted to address what Mr. Plummer told him. He had a statement he'd like to read in response: *Thanks for allowing this time, thank you all who spoke, even the last-minute speaker. With the attention posed by the group of citizens showing up today to constitutionally voice their opinions on me, it is the perfect time to address the community in which I so humbly serve. Yes, I have been accused yet again of similar allegations as to the ones last year which resulted in a restraining order, as the speakers tonight have outlined, and the Sheriff's Department telling the Argus Observer there was nothing to go on for any arrest or action. First off, I want to affirm that I am 100% in favor and encourage for victims of abuse to come forward and be heard. There are true victims of abuse out there that deserve help. Victims of domestic violence should have every opportunity to be heard including having their friends, family, and employees report abuse when they see it. If you all take anything away from this let it be that honesty pays big time and lying is always revealed. Thank you all for coming and expressing your views of my personal life and know next week is my hearing and I'm going to assume you all will be there too, I hope so. Thanks.*

PRESENTATION

PERS (Attached)

Adam Brown, City Manager, gave a PowerPoint presentation regarding PERS.

OLD BUSINESS

Appointment to City Charter Ad-Hoc Committee

Mayor Hill stated ten applications had been received and he had reviewed them all. While not easy to select, his choices were Michael Miller, Susann Mills, Jaime Taylor, and Robert Wheatley.

RODRIGUEZ moved, BAKER seconded, **THE CITY COUNCIL CONFIRM THE APPOINTMENTS FOR THE CHARTER REVIEW COMMITTEE AS PRESENTED BY MAYOR HILL.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill thanked everyone for taking the time to apply for the Committee, and also for giving their time to the city.

DISCUSSION ITEMS

Proposed Ordinance Amendment; Proposed Fee Resolution for Non-Commercial Kennels; Dog Kennels

Steven Romero, Police Chief, stated Ontario Municipal Code (OMC) Section 6-2-3 delineates city mandates for dog license requirements, exceptions, and issuance of tags and collars. The Ontario Police Department has received two applications for a non-commercial kennel license, but was unable to complete the application approval process, as a resolution establishing a kennel application fee was supposed to accompany the application, but the resolution was never completed.

Effective animal control and regulation of dog ownership was essential for ensuring the community's accountability for responsible dog ownership and other categories of dog control such as vaccinations against rabies, procedures for declaring dogs 'dangerous,' controlling excessive dog barking, and odors. The City of Ontario previously enacted an ordinance to establish Municipal Code 6-2-3(B), which granted a 3-dog maximum per any one premise, unless the



owner made an application to the city for a non-commercial permit for more than three dogs. Research of other cities within this region illustrated a more comprehensive ordinance approach to noncommercial dog kennel applications. Fees, processes, and granted administrative authority for the application process varied.

Current Code 6-2-3(B) stated: *"A fee to be determined by City Council Resolution shall accompany application."* However, the city does not currently have any written resolution for non-commercial kennel applications, specifying the amount of the fees that were to be levied for the application. A second identified gap within the current ordinance was there were no application denial criteria specified or any delineated process for applications that were denied. This led to additional questions about who should serve as the appeals authority and if the appeals process should have an administrative fee attached to the appeals process, keeping it in line with other city administrative processes. Future amendment of OMC 6-2-3(B) was needed to complete the two pending non-commercial kennel applications and for the adoption of an updated 6-2-3. The proposed new ordinance amendment was reviewed and approved by the City Attorney and deemed legally and statutorily acceptable. This action was not related to anything for locations such as Ani-Care; it was for private homeowners asking to have more than three dogs at their residence.

Taking no action would result in the inability to complete the non-commercial dog kennel application currently filed with the city and would leave the city absent of a resolution for fee collection for this process. Staff would like to enter discussions on the issue with Council to receive direction on steps the Council would like to take.

Mayor Hill asked if there was any thought given to how much space would be needed to have up to seven dogs, whether inside or outside space? That should be a consideration.

Chief Romero stated those were some things he encouraged the Council to consider. Of the two applications on file, one was for four animals; the other was for seven dogs. To do a "square footage per dog" ratio, then what was reasonable and feasible? There would be barking and odor issues. Should they be allowed next to a playground, a school, or a senior living center? There were many things that needed to be considered.

Mayor Hill asked if the neighbors complained, how many times would a complaint have to be made or how would a complaint be verified? How would a license be revoked?

Chief Romero stated the current stated it was only after a 3-year duration would the police see if any complaints were filed. There was no standard for doing a consistent review of those locations.

Mayor Hill stated then no matter how many complaints in a 3-year period, the license would still be in effect and only reviewed after the 3-year period, was that what he was asking for?

Chief Romero stated no, that was how the current ordinance read. The PD would respond to complaints but take no enforcement action against the license until after three years.

Mayor Hill stated for verification, in a 3-year license to have how ever many animals, and during the first year there were six complaints, then that's too bad? They had to wait three years before any action was taken?

Chief Romero stated that was his interpretation of the current ordinance.

Larry Sullivan, City Attorney, stated the City of Vale had a similar provision except that it required that 75% of all the persons in possession of premises within 100 feet had to consent before the application would be granted. It required the applicant to lobby the neighborhood to get approved. To date, no one in Vale had been approved because most of the neighbors didn't want that many animals around them.

Chief Romero stated Ontario's ordinance was 75 feet.

Bid Award: Wayfinding System

Adam Brown, City Manager, stated the Wayfinding System was completed last summer. A bid packet for fabrication and installation had been developed and sent out. There was money budgeted in the current fiscal year and the city was also waiting on notification about a grant to leverage the amount the city had, basically doubling it to \$120K. The low bidder was ACSM for \$220,301. As the low bidder was from Charlotte, North Carolina, he contacted them to confirm that there would be no additional costs due to their location. He had to declare other bidders as non-responsive because they didn't meet the requirements outlined in the bid documents. He was recommending the bid award to ACSM. They would only be built out to what was budgeted, so even though the bid award amount was \$220,301, they would only do as much production as funded this year, and whatever was set for next year. The initial implementation would be over a three-year period. He would be bringing the actual action for the award to the meeting on March 16th.

Mayor Hill stated he wanted to be clear on the financial piece of this action. There was \$60K put away in the current budget, correct? For the 21-22 budget, staff was recommending another \$60K or would it be \$120K?

Mr. Brown stated \$60K this year, yes, and approximately \$60K in next year's budget, for \$120K total.

Mayor Hill stated of the \$120K, what if the city didn't receive the grant?

Mr. Brown stated if the city didn't receive the grant, the company would just build out the \$60K and the \$60K.

Mayor Hill asked if that would increase the cost of the full project, or would all the signs be purchased at one time and only installed a certain amount?

Mr. Brown stated he was clear in the bid documents that this would be a phased buildout, which included a base price and an annual inflation amount.

Councilor Kirby asked if the company was aware of the licensing requirements in Oregon to perform this type of work.

Mr. Brown stated he would check on that question.

Diversity Advisory Committee Role Around Homeless

Ken Hart, City Councilor, stated he met with some of the members of the DAC as it related to the Charter Committee, and in that discussion he asked about the role of the Diversity Committee. He thought it would be helpful to know what the role was. He deferred to Councilor Rodriguez or Mr. Brown to explain that role to the Council. During the discussion, their comment was that as things arose before the Council that the DAC could weigh in on, or give help on, that would be appropriate. They also had a discussion regarding the tiny homes and the homeless shelter, the public hearing that the Chief held with members of the community, and that caused DAC to start thinking about behavioral health issues and homelessness that is part of this community and could that be a group that might help the Council to explore some other options available in the community like working with Lifeways. He had asked this to be on the Agenda to have an open discussion about it.

Councilor Rodriguez stated he joined because the definition of the Diversity Committee was to be advocates for diversity, but he didn't believe the Committee had gotten off the ground. In the previous meeting, the Committee began discussions about structuring what mission was. They spoke of advocacy and the need for that for the homeless community. He believed they were also wanting meet more than once a month.

Peter Hall, Assistant City Manager, stated he didn't recall the discussion about increasing the meetings, but he'd review the minutes. Currently, the Committee was without a Chair. The Committee had been waiting on

appointments to make the Committee whole before electing that position. He anticipated that occurring at the next meeting.

Mr. Brown stated the purpose of the Committee, as established by ordinance, was to advise the Council on matters pertaining to diversity and for the Council to seek their response on issues as they arose.

Mr. Hall stated in speaking to Councilor Rodriguez's statement, it seemed like every time the Committee was about to get off the ground, something happened, such as Covid, or Committee turnover, so it was exciting to hear the excitement around finding their purpose and seeing a vision on how they could step in and fill the advocacy part of their Committee.

Councilor Hart stated Chief Romero made it clear that homelessness was not a police issue, it was a community issue. He supported having the Diversity Committee look into that.

Mayor Hill stated he found out just that day that Ontario had 111 homeless children, not including preschoolers and drop-outs, and about 65% of the district was non-Caucasian. Having the Diversity Committee involved in that would be a positive thing.

Civil Penalties Matrix Update *(Documents attached)*

Steven Romero, Police Chief, stated currently, the Ontario Municipal Code 7-1-2 enumerated the public and private property nuisances that might be abated under the current code. The criteria for imposition of civil penalties were delineated in OMC 1-15-15. Effective property abatement was essential for ensuring the community's general health, aesthetic acceptance, and to minimize the amount of blight that existed in the community. Research showed that abandoned property blight could lead to and attract criminal activity and other social issues. The Code Enforcement Division used the nuisance abatement powers strategically to support the city's strategic plan, specifically in the areas of beautification, lifestyle, and desirability. OMC 1-15-15 stated "*...the notice of a civil penalty shall set forth the amount of the penalty, which unless otherwise specifically provided in the code, shall not exceed \$2,000 per day...*" Over the last year, CE had researched other cities abatement ordinances and models, and internally generated incremental adjustments to assure optimal efficiency and effectiveness within the city's abatement process. He had worked with the CE officers to evaluate based on a case-by-case basis. The department adopted a matrix from the City of Salem, but not the money side of things. They considered this community's needs were and demographics. The attachments were 1) a civil penalties matrix; 2) a revised civil penalties matrix 12-20; and 3) excessive abatement civil penalties matrix. He was looking to the Council for direction and guidance as to what they thought the CE Division should move forward and what, if any, adjustments could be. He was asking the Council to discuss OMC 6-2-3 amendments and provide staff direction. For example, the ordinance allowed the imposition of a penalty up to \$2,000 per day, but did not state when to start it, or stop it. The matrix attached outlined the current process for calculating a penalty.

Mr. Brown stated Chief Romero was before them based on comments made by Council during the Strategic Planning Session. Council indicated they didn't want it as punitive as the prior system.

Mayor Hill stated Chief Romero indicated the Code provided flexibility; was there no Council action, just unilateral action by the Police Department?

Chief Romero stated yes, but it was more focused on working within the parameters in the current ordinance. Fines could increase or decrease but could not exceed \$2,000 per day.

Mr. Sullivan stated he had informed Chief Romero no ordinance amendment was necessary because the matrix was lower than the maximum fine; however, he believed the Council should play a role in reviewing the structure, and then adopt by resolution. It could also be done through an Administrative Rule through the City Manager, but that would be back before Council. Regardless, some formal action by the Council should occur.

Councilor Kirby asked, regarding rentals, were both tenant and owner notified.

Chief Romero stated the ordinance required contact be made, which also included notice posted on the door. Notification was also mailed, either certified mail or certificate of letter, which provided receipt.

Councilor Kirby wanted to know if the notice was given to the owner of record, as well as the tenant.

Rick Reyna, Code Enforcement Officer, stated he was striving for communication. They attempted to notify both owner and tenant.

Safe Routes to School (SRTS) Award and Plans *(Documents attached)*

Al Cablay, Public Works Director, stated the grant application was submitted August 31, 2020; approved by ODOT December 2020. Total project was \$450K. The city match was approximately \$90K, and the ODOT grant was the remainder. The schools involved were Alameda Elementary, Mae Roberts Elementary, and the Ontario Middle School. There were two categories: construction and non-construction. Construction would be building ADA ramps and sidewalks, along with acquiring right-of-way. The contractors and consultants would enter IGAs, which Jacobs would handle regarding surveying, design, and construction. The first contract that would be before the Council in April dealt with pass through funds.

DEPARTMENT HEAD UPDATES

Mr. Brown stated Chief Leighton had to leave soon for his Rural Fire Board meeting, so could he jump in and do his Quarterly Report now?

Mayor Hill moved Chief Leighton to the next item on the Agenda.

Fire & Rescue: Quarterly Report *(Document attached)*

Terry Leighton, Fire Chief, presented.

Mayor Hill stated he had received his vaccination at the Airport, and the process was well-organized and well-executed.

RETURN TO DISCUSSION ITEMS

Tapadera Lift Station *(Document attached)*

Al Cablay, Public Works Director, stated the Tapadera Lift Station improvement was necessary now due the presence and opportunity for a 70-unit multi-family project located in the NE quadrant. Currently, the lift station cycled on and off two frequently, which meant it was being overworked. It was currently undersized as it had not been designed for the capacity that it was being asked to service. The Nascosto project was going to significantly impact the subbasin. Currently, funding for the improvements was scheduled for FY 2022-2023 for design and construction; however, because of the Nascosto development opportunity, staff was asking for the funding to be moved forward to address the design needs. That would keep pace with development and show that the city was being responsive to the infrastructure needs. The engineering firm, Keller & Associates, proposed a task order for \$52,885 for the design for upsizing the Tapadera Lift Station.

Bid Award: 2021 Chip Seal Oil, Fog Seal Oil, Distribution, and Freight

Al Cablay, Public Works Director, stated this was an item that went out for bid on an annual basis for roadway maintenance. Jacobs supplied the labor, so this was material costs. Three bids were received, and the apparent low bidder was Ergon Asphalt and Emulsion, Inc., for \$77K. The current budget was for \$150K. They would compete approximately 11 lane miles. It would be Verde from the Yturri Beltline to SW 4th, Idaho from Verde to 2nd, and NW 9th from Idaho to NW 8th.



Mayor Hill stated the city was currently on a 10-year cycle, and previously years had been skipped due to budget constraints. Was the 10-year cycle enough and was the city now behind the curve? Next time the Council was setting goals, maybe they should review the timeframe. They all knew chip sealing could save a street for quite a while.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Mayor Hill asked if the city was on track, not including marijuana funds, to have about a \$900K carry-over, and not including the three months of operating reserve.

Ms. Ott believed that was correct.

Community Development: Quarterly Report *(Attached)*

Dan Cummings, Community Development Director, presented.

HAND-OUTS

Monthly Department Stats *(Attached)*

Fire & Rescue, Police, Public Works, Code Enforcement

Packet: *(Attached)*

V&C Board Meeting

Minutes: *(Attached)*

County Court: Feb 9, 2021; Feb 10, 2021; Feb 17, 2021

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he had received three letters. He did not believe the two anonymous letters should become part of the record; the third was signed by Bennett Thede, Ontario, that should become part of the record. Letters were received and incorporated into the minutes through reference.

EXECUTIVE SESSIONS

EXECUTIVE SESSION: ORS 192.660(2)(e)

An executive session was called at 8:15 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reconvened back into regular session at 9:08 p.m.

ADJOURN

RODRIGUEZ moved, BRADEN seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES March 16, 2021

The scheduled meeting of the Ontario City Council was called to order by guest Ian Neill at 6:00 p.m. on Tuesday, March 16, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Michael Braden, Sam Baker, Ken Hart, and John Kirby. Eddie Melendrez was excused; Freddy Rodriguez arrived at 6:51 p.m.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, and Erik Hartley.

The meeting was recorded, and copies are available at City Hall.

Guest Ian Neill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 12, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

BRADEN moved, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

PRESENTATION

Jesus Solano, Four Rivers Community School, gave a presentation on the condition and possible ways to fix various sidewalks in the City of Ontario.

PUBLIC COMMENT

Larry Sullivan, City Attorney, stated: *The question that was posed to me is what actual authority does the City Council have in regulating the conduct of City Council members and what steps can the City Council take if they find that City Council members have failed to abide by any rules that had been adopted by the Council? It is true that because Council members are elected officials, the options for removing a Council member are very few. As a matter of fact, they are non-existent, except in a very few cases. If a Council member ceases to be an elector – in other words, if a Council member ceases to be a registered voter, that's a basis for removing a Council member. If a Council member fails to meet any other current qualification that's required of a Council member the city has the right to declare a vacancy of that position. But none of those qualifications deal with offenses that are non-criminal offenses. The Council could, theoretically, take steps to, for instance, censure a Council member, but that would be something that the Council could do to make a statement to the public, rather than anything that would result in a direct punishment to that Council member. There was discussion about perhaps seeking to remove a Council member who had been elected as Council President, for instance. Unfortunately, that's an office that is determined by the City Charter and it determines how long a person who's been appointed as a Council member is allowed to remain on the Council as the President. There is no provision in the Charter for removing that person. My conclusion is that the Council really has very little that it can do. It can't impeach a Council member, it could support a recall potentially, but that would be up to the individual Council members and that wouldn't be something that would likely be appropriate for the entire Council to vote on. Those are really the options that are available to the Council at this point.*



Marty Justus, Ontario, stated: Mayor, City Council, you know who I am. I'm a former City Council person. I'm here with Dan, also a former City Council person. We put together that we'd like to read to you-

Mayor, City Council, and City Council Members: Councilor Rodriguez's actions are not only a distraction but are unbecoming of an elected official and they have drawn into question the entire judgment of this elected body. The Council is aware of the numerous legal actions taken against Mr. Rodriguez both locally and in the states of Idaho and California.

We respectfully request you acknowledge a mistake was made by the Council when he was elected City Council President.

Furthermore, by removing him from this position and all of his committee assignments it will show the citizens of Ontario that a City Councilperson's misdeeds in their personal and professional lives have consequences. Domestic violence is a serious issue, so is knowingly misrepresenting the truth, including slander of community member on social media and from the dais. His use of Councilman Freddy Rodriguez Facebook page is clear proof of his using his elected position to slander, bully, and intimidate Ontario Citizens.

Please accept the attached signatures of past Mayors and City Council members as a request to you to add to your Agenda tonight, "A vote of no confidence for Councilor Rodriguez." Also, that motion should include removing him as City Council President and his representation on all city committees effective immediately and a request that he resign from City Council.

Signed: LeRoy Cammack, Ron Verini, Dan Capron, Marty Justus, Norm Crume, Charlotte Fugate, and Tessa Winebarger

So, yes, I understand what the attorney said, but you have a responsibility to the citizens of this city to show your disdain for his behavior. Your failure to do that is a failure of this Council. Thank you.

Dan Capron, Ontario, stated: *I just came because I signed the letter and I support everything that was said. The action of this Council, I think, come into question on some items. You all are great, upstanding citizens, and I appreciate the time you put in here, and I have much respect for you, but this is just one mistake that was made. Thank you.*

CONSENT AGENDA

BRADEN moved, BAKER seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (27-2021) AND HOUSING INCENTIVE PROGRAM: DAVID THOMPSON (28-2021) AND.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

OLD BUSINESS

CITY MANAGER COMPENSATION

Adam Brown, City Manager, presented.

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL APPROVE A COMPENSATION INCREASE FOR THE CITY MANAGER OF 2½ PERCENT.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.



BID AWARD: WAYFINDING SYSTEM

Adam Brown, City Manager, presented.

BRADEN moved, KIRBY seconded, THAT THE COUNCIL TABLE THE WAYFINDING CONTRACT UNTIL THE NEXT MEETING. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

NEW CONTRACT FOR SAFE ROUTES TO SCHOOL (SRTS) DESIGN

Paul Woods, City Engineer, presented.

BRADEN moved, KIRBY second, THAT THE CITY COUNCIL APPROVE THE NEW MASTER SERVICES AGREEMENT AND TASK ORDER FOR THE SAFE ROUTES TO SCHOOL DESIGN AND ADMINISTRATION EFFORT FOR JACOBS FOR \$56,500. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

SEWER LINE REPLACEMENT PROJECT – SERVICES DURING CONSTRUCTION TASK ORDER

Paul Woods, City Engineer, presented.

BRADEN moved, KIRBY seconded, THAT THE CITY COUNCIL APPROVE THE KELLER ASSOCIATES, INC. TASK ORDER FOR \$125,000 FOR SERVICES DURING CONSTRUCTION IN ASSOCIATION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR SEWER REHABILITATION. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

NEW BUSINESS**RESOLUTION #2021-108: TAPADERA LIFT STATION IMPROVEMENTS – DESIGN TASK ORDER**

Paul Woods, City Engineer, presented.

BRADEN moved, HART seconded, THAT THE CITY COUNCIL APPROVE RESOLUTION #2021-108, A RESOLUTION AWARDING THE KELLER ASSOCIATES, INC TASK ORDER FOR TAPADERA LIFT STATION UPGRADES AND APPROPRIATING \$58,000. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

LIQUOR LICENSE APPLICATION – KS FOOD AND SPIRITS, LLC (ELEMENTAL)

Steven Romero, Police Chief, presented.

KIRBY moved, BAKER seconded, THAT THE CITY COUNCIL APPROVE THE FULL ON-PREMISES, COMMERCIAL LIQUOR LICENSE APPLICATION FOR KS FOOD AND SPIRITS LLC. Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

PUBLIC HEARING**ORDINANCE #2788-2021: ACCEPTANCE OF PRIVATE PROPERTIES AS PUBLIC RIGHT OF WAYS FOR PUBLIC STREETS – FIRST/SECOND READING BY TITLE ONLY AND DECLARING AN EMERGENCY**

It being the date advertised for public hearing on the above stated matter, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, or any declaration of a conflict of interest.

Dan Cummings, Community Development Director, presented.

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL ADOPT ORDINANCE #2788-2021, AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT OF WAYS AND AS PUBLIC STREETS, ON FIRST READING BY TITLE ONLY AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2788-2021, AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT OF WAYS AND AS PUBLIC STREETS, ON SECOND READING BY TITLE ONLY AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-out; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

DISCUSSION ITEMS

SE 2nd Street Grant Funding

Adam Brown, City Manager, stated SE 2nd Street was a project that was unfinished due to budget restrictions to cover the entire project from Idaho to 18th Avenue. There were working with the grant writers to acquire grant funding from the EDA to complete the project. Almost 90% was already engineered, and the remaining was 75% engineered. Under the current funding, as a result of a preliminary study, they were told the city would likely be funding at a 50/50 match, which was what was in the budget. He wanted to bring some options to the Council. They could go for the 50/50 funding, or ARPA, which was a relief package passed by Congress and the President, included a lot of money for the EDA in a 20/80 match. After speaking with the grant writers, he was told that there were 22x the amount of funding in the ARPA bill than in current funding. His thought was that the city wait until May to file the application.

Potential Ordinance: Buying Local

Councilor Hart stated this was on the Agenda at his request. As background, he and the City Manager were driving to City Hall from the V&C meeting and he noticed the car being driven was a Nissan with a Bronco Motors plate. He jokingly said to Mr. Brown, “politically, you might want to take that off” thinking it was Mr. Brown’s personal car. No, it’s a city-purchased car. As a former CFO for Gentry Motors, he spoke with Ryan and asked how much was donated to annually to different groups in Ontario, and it was about \$50K a year. That bothered him that the city would use funds to go outside the community to buy something that could be purchased locally if they tried. He was aware they were looking to purchase a new truck for the Airport Manager, and he hoped it was Auto Ranch Ford, or Auto Ranch Chevy, or Steve’s Hometown Toyota. That being said, and understanding that the Nissan purchase was based on the lowest bid, he still wanted them to consider having some type of ordinance that would say the city would work hard to support the local businesses, especially with that type of purchase. Oftentimes some things couldn’t be bought locally, like a fire truck, but just a car could be. It struck a chord with him as a former small businessperson, and he knew that others might agree. He was looking for thoughts on it. He didn’t want someone local to gouge them, but really just to make staff aware they should buy local when possible. If they couldn’t, let the Council know. A \$200 or \$500 savings on a \$25K car, there might be a way to keep that local.

Mr. Brown stated he wanted to provide context behind the purchase. He was familiar with working with state procurement lists that had enormous savings, and the city was not taking advantage of that. It was literally thousands of dollars in savings. The city did take advantage of that the following year. Staff went to the dealers and asked if they could meet the state bid, because most were on the other side of the state, and the first two years, the local dealers stated they could not. It was generally a few thousand dollars different. Staff continued to ask, and the third year, a dealer stated they would match it. The past two years they had matched the low price on the state bidding list, which saved the city several thousand dollars per vehicle, and the business was kept local. For the City Administration vehicle, staff was looking for a vehicle with all-wheel drive that could be taken across the state during the winter. Therefore, staff went with the lowest priced car that fit that parameter. The state bid also had a Toyota, so staff could have brought that before Council to explain that while the Toyota was \$4K more, and staff was always looking at saving money. He called the dealership in Oregon that had the contract, and it took them three months to return his call. He’d already purchased the car by that time. In retrospect, that could have been brought that option to the Council.



Councilor Hart stated buying a car shouldn't be a political decision, but it was a political decision because it showed the support for the local businesses. If staff was going to ask Steve Dominguez from Hometown Toyota to ask for help on a city project, don't take the Nissan. Was it possible to create an ordinance that outlined that if something couldn't be purchased locally, that was fairly easy to get locally, that it be investigated? It was important to send that signal.

Mr. Sullivan stated the umbrella the city operated under during public contracting was the state law that governed what bids could be accepted. Oregon did have an expressed set of contract preferences for goods and services that were manufactured or produced in Oregon, and it allowed them to choose those over goods as long as those goods were equal to price, fitness, availability, and quality. The obligation over state law was to accept the lowest bid, and they could procure the local product if it met the same qualities as an out-of-state product. It imposed limitations on opting to pay more for a local product than could be obtained from an out-of-state manufacturer. The reason was because of the city's obligation to maintain the fiscal integrity of the city and to get the maximum bang for the buck out of the taxpayer's money. The thinking was that it was more important to save the taxpayer's money than to support a local business by authorizing purchases of more expensive local goods. There was a loophole. If the manufacturer or the seller from the other state was in a state that gave an actual bidding preference for that manufacturer or seller in that state, by law, they could boost that seller's cost by the amount of the preference. Essentially, they could pay a local person extra to compensate that the low bidder in another state was getting some type of preference. That was a very small exception.

Councilor Hart stated he still would like staff to craft something to bring back to a future Council. He wanted it workable and legal but would also ask for something for Council discussion.

Mr. Brown wanted to let the Council know there was a current policy which read all things being equal, they could buy local or give preference. That was consistent with the law. Was there room to craft something beyond that?

Mr. Sullivan stated not beyond; an ordinance could read that *"the city shall give preference to local businesses to the extent that it is compatible with ORS 279A.120"* so it was being cited back to a state statute. It would have to be tied into the state statute so the fact that there was a state law was not overlooked.

Councilor Kirby thanked city staff for purchasing items from his business.

House Bill 3115

Adam Brown, City Manager, stated this Bill solidified the Boise vs. Martin homeless case, as well as the Grants Pass case, which read you could not deny people to perform life essential functions in the public right of way. Life essential functions were declared as breathing, eating, sleeping, etc. Putting a tent in the public right of way or in a public park was something that could not be denied to someone. The Bill solidified and codified that. The City of Portland had a process where they were able to clean the places where the homeless were, with proper advance notice. It was similar to the process Ontario used down by the river, where the state's process was followed. Portland indicated they did not believe this Bill would change that practice.

Mayor Hill verified the way the Bill was written, sleeping, eating, and breathing on a sidewalk would be okay.

Mr. Brown stated yes. That's the way the Boise vs. Martin case was decided. The Bill attempted to codify it into state law what had been decided in those cases.

Councilor Kirby asked if alternative sites were offered.

Mr. Brown stated yes. It was consistent with the Boise vs. Martin and the Grants Pass case that if there was somewhere that was being offered for the homeless to eat, or sleep, or use the restroom, then they could push them off the public rights of way, if there was a place for them to go. It was in with the Legislature now, which closed end of June.



Response to Citizen Concerns Voiced at Previous Meeting

Mayor Hill stated that Councilor Melendrez had wanted to speak on this but given that the City Attorney already gave a response as far as what the Council could do, he suggested passing on this item.

Homeless Shelter Issues: Neighborhood Concerns

Adam Brown, City Manager, stated that Councilor Melendrez had asked that this item be addressed, but as he was not in attendance, maybe they should bring it up later. Staff had been working with the homeless community that had been running the transitional shelter. There were about six or seven that met every Wednesday, and spoke about any concerns, problems, any time law enforcement was involved, so they were attempting to address those issues promptly. One concern that Councilor Melendrez had was regarding the camera system. Chief Romero walked the property with the property owner and Community in action and presented them a strategy for installing the ring system, and that system was to allow a two-way conversation, the property owner or program manager could tell someone to leave the property if they were not supposed to be there. The group would like to continue the program through the end of June, which was when funding ran out. Community in Action would be coming before Council in April to make that request. On a side note, the city still had \$5K on the budget for homeless services, and he let them know if they did not have funding for the ring system, he would ask the Council to use some of those funds for the security system.

Marijuana Ad-Hoc Committee

Councilor Braden stated it came up at the budget discussion last week that there was a youth education program funding set aside of \$5K. He presented at that meeting that they could ask the Marijuana Ad-Hoc Committee to look into a youth education program to provide the Council with a referral and outline something to direct them on how to use those funds. Was it time to enlist the help of the Marijuana Ad-Hoc Committee to do that?

Councilor Kirby stated there was a Program Director for Education at Lifeways, Judy Trask. She'd be the contact person and would be delighted to hear from the city. Direct the education money to Judy Trask at Lifeways.

Councilor Braden verified they were saying not to use the Ad-Hoc Committee but ask staff to contact Judy Trask.

Mr. Brown stated his agreement because they couldn't do much with \$5K but to add to their education program, and Judy Trask was very passionate about this, would be more effective than the Ad-Hoc Committee trying to create something similar.

Infrastructure Bill

Mayor Hill stated it was shown in the news, and everyone knew it was going to happen, but there was going to be an infrastructure bill. He wanted to see the city get awards for the engineering for some of the city's identified projects and asked to see something about that on the upcoming Agenda.

Mr. Brown stated that had been discussed that day with Jacobs, who were prepared to present at the next meeting.

Next Meeting

Councilor Hart asked if Jacobs could be ready by next Tuesday?

Al Cablay, Public Works Director, stated they would be ready by next Tuesday.

Councilor Braden stated he would be out of town next week.

Mayor Hill confirmed there would be a meeting next Tuesday. (*March 23, 2021*).

Mr. Sullivan reminded the Council that the fourth Tuesday every month he attended the Vale City Council meeting. As he had done in the past, he would call in to the Ontario Council meeting for the first hour, but would then need to sign off.

HAND-OUTS**Checks Register: Feb 1 / Mar 12, 2021 (Attached)**

Mayor Hill asked about the \$1,177,000 payment to Synagro Technologies.

Ms. Ott stated that was for the final payment of the solids removal at the Wastewater Treatment Plant.

County Court Minutes: Feb 24, 2021 (Attached)**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

Councilor Rodriguez read a statement into the record: *I didn't hear all of the comments by previous Councilperson Justus here tonight, so I won't address them now so I'll address what I was told would be a topic, so I'll address that here tonight as it is a very important for me to address. As for my residency, which is what we're going to talk about here. I have two locations where I live. Yes, you guys did hear one of many questions so selective hearing is a thing. And that question you guys selected to hear I can say yes you did hear correctly, although it does seem like you guys changed the wording a little bit. The question was if I stay in a trailer at a specific campground that's outside of city limits. My answer was yes. The question was not is your only residency at that trailer. My answer would've been no. Why? Because I'm not a liar. I also pay and I am financially responsible for paying a residency here inside city limits. Why? Because I'm not stupid. I know I do have two residencies one inside the city and the other one is outside of the city on the edge of town. And yes, I was homeless for two weeks at the beginning of January yes, but even then, I was paying for my residency within the city limits but chose to stay in my van because of having my dog with me. It was a living thing. There were other dogs there. I would definitely understand that not many here or even listening would understand the issues of being homeless and the struggles that it entails. But I can tell you I fought to maintain my residency in the city that I have been elected to lead regardless if the financing of it kept me struggling. Long story short, I've always made sure to maintain residency inside the City of Ontario.*

EXECUTIVE SESSIONS**EXECUTIVE SESSION: ORS 192.660(2)(e)**

An executive session was called at 7:19 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council entered a second Executive Session.

EXECUTIVE SESSION: ORS 192.660(2)(h)

The Council entered an Executive Session under provisions of ORS 192.660(2)(h) to discuss current or real litigation. The Council reconvened into regular session at 9:17 p.m.

ADJOURN

HART moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

ACCEPTED:**ATTEST**

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



CITY COUNCIL MEETING MINUTES March 23, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, March 23, 2021, in the Council Chambers of City Hall. Council members present in person were Riley Hill, Freddy Rodriguez, Sam Baker, Ken Hart, and John Kirby. Michael Braden and Eddie Melendrez were excused.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Al Cablay, Larry Sullivan, Erik Hartley, and Paul Woods.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 19, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, BAKEN seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

PUBLIC COMMENT

Lynelle Christiani, Ontario, stated: Good evening, gentlemen. Thank you for allowing me to speak this evening. In February, the Fair Board submitted a proposal for a city grant. We learned this last week that this grant has not been given to us. I would like to provide some information this evening so the City Council, I would hope you'd reassess and approve this grant proposal. City Councilman Marty Justus made a statement a few years ago that every city in Malheur County benefits from the Malheur County Fairgrounds. Why would I ask for funds from the City of Ontario and why not ask Vale, Nyssa, Adrian, and Jordan Valley. I explained that when we have an event at the Fairgrounds with 250 cowboys, they are not going to go to dinner in Nyssa, they're not going to go to Vale to stay in a motel, they're not going to go to Jordan Valley or to Adrian to pick up supplies or get fuel. They're going to spend their money here in Ontario. Because of those 250 cowboys, the economic impact figures, the City of Ontario businesses would reap \$18,750. Most people think that Malheur County Fairgrounds is funded by the county. Unfortunately, this is not true. The Fairgrounds receives \$0 tax dollars. The Fair Board is required to generate our revenue. Our revenue comes from the County Fair and renting out the facilities in our off-season. In the big picture, we are financially solvent, but fall short in facility repairs and improvements. In the last five years, we have spent over \$250K from grants and donations on facility improvements, mostly aesthetic, in the hopes of increasing our bookings. We have gone from 35 bookings to 100 bookings, in addition to our County Fair. In 2019, we had nearly 50,000 people attend one or more of those events at our Fairgrounds. Those people injected money into this community. The grant that the Fair Board submitted for is \$14,014.75. A majority of that money would replace wooden fence that runs NW 8th Avenue next to Kiwanis Park. The fence has gone from being an eyesore to a safety issue. The Fair Board is asking you to reconsider the Budget Committee's decision and to please fund this project. The Fairgrounds wants to be an asset to Ontario and not be an eyesore and a danger to the community. Investing in our facility will improve the appearance of the community and bring money into the City of Ontario. Does anyone have any questions, or does anyone want additional information that was included in the packet that I submitted to the Budget Committee?



Mayor Hill thanked Ms. Christiani for her presentation. At the Budget Committee hearings, the general consensus was that the county did fund them with a certain amount.

Ms. Christiani stated she wished they did. This past year, their budget was over \$500K, but they only received \$20K from the county. That was not tax money; it was Economic Development money. That went right into the maintenance budget. They had been working for five years on trying to educate people, but nationwide, people all thought the counties funded all the Fairgrounds, but the name was misleading.

Councilor Rodriguez asked, less the \$20K from the county, where did a majority of the remaining funds come from?

Ms. Christiani stated the state gave every county \$53K to conduct an annual County Fair. That paid for around 80% of the Malheur County Fair. They brought in approximately \$120K from gate proceeds during the Fair. They rented out facilities, going from 35 to 100 events, every weekend, from March to October, there were events scheduled in the Commercial Building, the Red Barn, or Irvin Hall; there were rodeos, ropings, barrel races, anything anyone wanted to hold, that was legal, they'd be glad to have them. That was the only way to make money. When she came on, the budget was \$225K, but when she submitted it this year, it was \$569K. Everything they made went back into the facility for pain, repairs, or anything needed.

Councilor Rodriguez verified the Cannabis Festival brought in some proceeds.

Ms. Christiani stated absolutely. The money that came from the state was lottery money; it was not tax money. Anything legal, they'd house. That was how they kept the doors open.

Councilor Baker asked which fence Ms. Christiani was referencing.

Ms. Christiani stated the white fence along 8th Avenue, north of the gravel parking lot.

Councilor Baker stated it was the old racetrack fence, between the ballfields and the Fairgrounds.

Ms. Christiani stated that was correct. They leaned it back up last year, but it was in very bad shape.

Councilor Hart asked if the Council were to consider making the change, what was the process?

Mr. Brown stated the Budget Hearing was on the 20th, and that was when people could attend to make requests or provide comments. The City Council could make changes prior to adoption at that meeting.

CONSENT AGENDA

HART moved, KIRBY seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED ITEM 5A) BID AWARD: 2021 CHIP SEAL OIL, FOG SEAL OIL, DISTRIBUTION, AND FREIGHT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

OLD BUSINESS

Bid Award: Wayfinding System

Adam Brown, City Manager, stated he had been in contact with the Oregon Contractor Board, which informed him the low bidder, ACSM, would need to get a license to operate in Oregon. He had spoken with a representative from ACSM and was assured they would make that happen.

Mayor Hill verified that the award could not be made until the license was obtained.



Mr. Brown stated that was correct.

KIRBY moved, HART seconded, **TO TABLE THE BID AWARD FOR THE WAYFINDING SYSTEM UNTIL A CONTRACTOR'S LICENSE WAS OBTAINED.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

NEW BUSINESS

CK3 Task Order for Survey for Treasure 200 and Navarette Infrastructure Design Project

KIRBY moved, BAKER seconded, **THAT THE CITY COUNCIL APPROVE THE CK3, LLC TASK ORDER FOR FIELD SURVEY WORK TO SUPPORT WATER AND SEWER EXTENSION TO TREASURE 200 AND NAVARETTE DEVELOPMENT PROPERTIES FOR UP TO \$20,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Anderson-Perry Water System Modeling to Support water and Sewer Extension to Economic Development Projects (Treasure 200 and Navarette)

HART moved, BAKER seconded, **THAT THE CITY COUNCIL APPROVE THE ANDERSON PERRY TASK ORDER FOR WATER CAPACITY MODELLING TO SUPPORT WATER EXTENSION TO TREASURE 200 AND NAVARETTE DEVELOPMENT PROPERTIES FOR \$6,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Task Order for Keller Associates for Sanitary Sewer Modeling in Support of Infrastructure Extension to Economic Development Properties (Treasure 200 and Navarette)

KIRBY moved, HART seconded, **THAT THE CITY COUNCIL APPROVE THE KELLER ASSOCIATES, INC. TASK ORDER FOR SEWER CAPACITY MODELLING TO SUPPORT SEWER EXTENSION TO TREASURE VALLEY 200 AND NAVARETTE DEVELOPMENT PROPERTIES FOR UP TO \$10,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Task Order for Jacobs for Design of Water and Sewer Infrastructure Extension to Economic Development Properties (Treasure 200 and Navarette)

BAKER moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE JACOBS ENGINEERING TASK ORDER FOR WATER AND SEWER EXTENSION TO TREASURE VALLEY 200 AND NAVARETTE DEVELOPMENT PROPERTIES FOR \$105,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Resolution #2021-109: Funding Infrastructure Project Design

KIRBY moved, HART seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2021-109: A RESOLUTION APPROPRIATING FUNDS FOR ECONOMIC DEVELOPMENT INFRASTRUCTURE PROJECT DESIGN.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

DISCUSSION ITEMS

Mental Health and Policing Service Delivery Under Ballot Measure 110

Adam Brown, City Manager, stated Councilor Hart had requested this item be placed on the Agenda. Staff brought together a task force and had their first meeting last Friday. The team consisted the Police Chief, City Manager, and the COO and CEO of Lifeways. Lifeways indicated they would use them as an initial steering team to start the broader community focus of how to address going after the pool of funds and potentially the use of the funds, which would come from Ballot Measure 110. BM110 took about 75% of the state's local government revenue sharing from cannabis sales and it went into a pool of funds that would be eligible through grants. The idea was to have some type of joint service model between police and mental health services to respond to emergencies where mental health was a factor. Councilor Hart pointed him a model that was in Eugene. Lifeways would be researching that, as they had more resources. The group wanted to engage any other agencies that needed to be in the partnership.



Mayor Hill stated Lifeways dealt with mental health, but there were also going to be some medical issues that would arise. Part of the discussions should include St. Alphonsus.

Mr. Brown agreed. The state was in the process of developing administrative rules for the grant dollars. One of the needs was a treatment center. Currently, people were being transported to Hermiston for a residential treatment center. With the decriminalization of Class I drugs, there was much more of a need for a local treatment center.

Councilor Kirby stated he had been approached and given a card from an individual who informed him he was a new provider in town. He provided Councilor Hart's number to the individual. It was his understanding they were located upstairs in the Oakes' building, across from St. Alphonsus.

Councilor Hart requested regular updates on this project, as it was one way the community would be made aware that something was being done.

Response to Citizen Concerns Voiced at a Prior Meeting

Mayor Hill stated the Council who requested this item on the Agenda was not in attendance. To his mind, the City Attorney provided an adequate briefing on the issue at the last meeting, and he saw no reason to take it any further.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he wanted to see a five-year synopsis of money that went out and monies that were received on the support of Skyline Farm. He understood it was needed for the city to discharge wastewater, but he wanted to see some numbers.
- Mayor Hill stated as asked by the Council before, he wanted a report on the financing of the Municipal Court. Mr. Sullivan provided good background at the last meeting, but he wanted to see a financial model.

Councilor Kirby stated he spoke with County Commissioner Don Hodge about it, and he stated it seemed to work and fund itself, but the state got their hand in the pot first and received the largest portion of any proceeds derived from the court.

ADJOURN

BAKER moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-out; Melendrez-out; Hill-yes. Motion carried 5/0/2.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
CONSENT AGENDA
April 20, 2021**

To: Mayor and City Council

FROM: Erik Hartley, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **AIRPORT LEASE TRANSFER OF OWNERSHIP: VERA HOLTON TO STEPHEN MEYER (330 ECHO)**

DATE: April 15, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE SALE OF THE LEASE FROM VERA HOLTON TO STEPHEN MEYERS FOR HANGAR SPACE 330 ECHO AS PRESENTED.

SUMMARY:

Hangar 330 Echo as been purchased and the owner is seeking a new lease with the City of Ontario.

BACKGROUND:

Hangar leases with the City of Ontario are finalized by the City Council.

CURRENT SITUATION:

Stephen Meyer has purchased Hangar 330 Echo from Vera Holton and now is required to have a lease with the City.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the categories on the Strategic Plan of Desirability, Lifestyle, and Growth.
- B. **FINANCIAL** A continued lease with the city means no loss in revenue.
- C. **TIMING** The purchase has already taken place, so the required lease transfer should take place as soon as possible.
- D. **POLICY/LEGAL** It is the responsibility of the city to grant a lease to those with a hangar at the Ontario Municipal Airport as long as they maintain ownership and remain in good standing. Following the City of Ontario resolutions, all hangar

owners must have a signed lease agreement.

ALTERNATIVES:

The city could choose not to grant the lease.

RECOMMENDATION:

Staff recommends the lease be granted to Stephen Meyers for Hangar 330 Echo.

ATTACHMENTS:

1. Meyer Lease Agreement 330 Echo
2. Insurance Certificate Holton to Meyer 333 Echo
3. Map Holton to Meyer 333 Echo
4. Purchase Agreement Holton to Meyer 333 Echo



LEASE AGREEMENT

330 ECHO

THIS AGREEMENT, made and entered into this day April 13, 2021 by and between the **CITY OF ONTARIO, OREGON**, as first party, hereinafter referred to as the "LANDLORD" and, **STEPHEN MEYER**, as second party, hereinafter referred to as "TENANT."

WITNESETH:

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

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

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

- 1) LANDLORD lease to TENANT and TENANT leases from LANDLORD the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of TWENTY (20) years, commencing on the 13th day of April 2021. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to LANDLORD'S receipt from TENANT of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by LANDLORD to give TENANT written notice that LANDLORD does not intend to extend the ten-year term of this lease shall be based upon LANDLORD'S need to utilize the subject property for other airport or aircraft purposes.
- 2) TENANT shall pay to the LANDLORD as yearly rent the sum of **FIFTEEN POINT SIX FOUR (15.64)** cents per square foot of the property described in Exhibit "A", subject to the rights of LANDLORD to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is 1,600 square feet for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the 15th day of August each year and is payable each year in advance.
- 3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.
- 4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with TENANT'S labor and at TENANT'S expense.

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

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

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

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

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

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

- 17) The following shall be events of default:

a) Failure of TENANT to pay any rent or other charge within thirty (30) days after it is due.

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

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

- 18) In the event of a default, the lease may be terminated at the option of the LANDLORD by notice in writing to TENANT. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by TENANT in connection with a default, termination shall be automatic and without notice.
- 19) If the lease is not terminated by election of LANDLORD or otherwise, LANDLORD shall be entitled to recover damages from TENANT for the default.
- 20) If the lease is terminated for any reason, TENANT'S liability for damages shall survive such termination, and TENANT shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the LANDLORD. LANDLORD may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.
- 21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to LANDLORD under applicable law.
- 22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.
- 24) Any notice required or permitted under this lease shall be given when delivered or when deposited in the United States mail as certified mail, addressed as follows:

To LANDLORD:
City of Ontario
444 SW 4th Street
Ontario, OR 97914

To TENANT:
Stephen Meyer
1875 SW 4th Avenue
Ontario, OR 97914

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

- 25) Subject to the above-stated limitation on transfer of TENANT'S interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors, and assigns.
- 26) If the TENANT fails to perform any obligation under this lease, the LANDLORD shall have the option to do so after fifteen (15) day's written notice to the TENANT. All of the LANDLORD'S expenditures to correct the default shall be reimbursed by the TENANT on demand with interest at the rate of 12% per annum from the date of expenditure by the LANDLORD.
- 27) In construing this lease, it is understood that the LANDLORD or TENANT may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, LESSEE, has caused these presents to be signed by its owner, this ____ day of _____, 2021.

CITY OF ONTARIO

LESSEE

By: _____
Riley J. Hill, Mayor

By: _____
Stephen Meyer

ATTEST:

By: _____
Tori Barnett, MMC, City Recorder



AssuredPartners

AT ROSSPACE

VOICE NUMBER:	00011444	DUE DATE:	March 11, 2021
BILL TO:	Stephen Meyer	REMIT TO:	AssuredPartners Aerospace
	1875 SW4th Ave Ontario, Oregon 97914		9860 E 21 st Street N Wichita, KS 67206-3589
APA NUMBER:			

POLICY NUMBER:	SVRD95408886-001	EFFECTIVE DATE:	February 18, 2021
POLICY TYPE:	Property	EXPIRATION DATE:	February 18, 2022
CARRIER:	ACE Property & Casualty Company		

ITEM #	DATE	CODE	DESCRIPTION	AMOUNT
00011444	02/24/2021	New	21-22 Hangar Policy	\$558.00
TOTAL DUE:				\$558.00

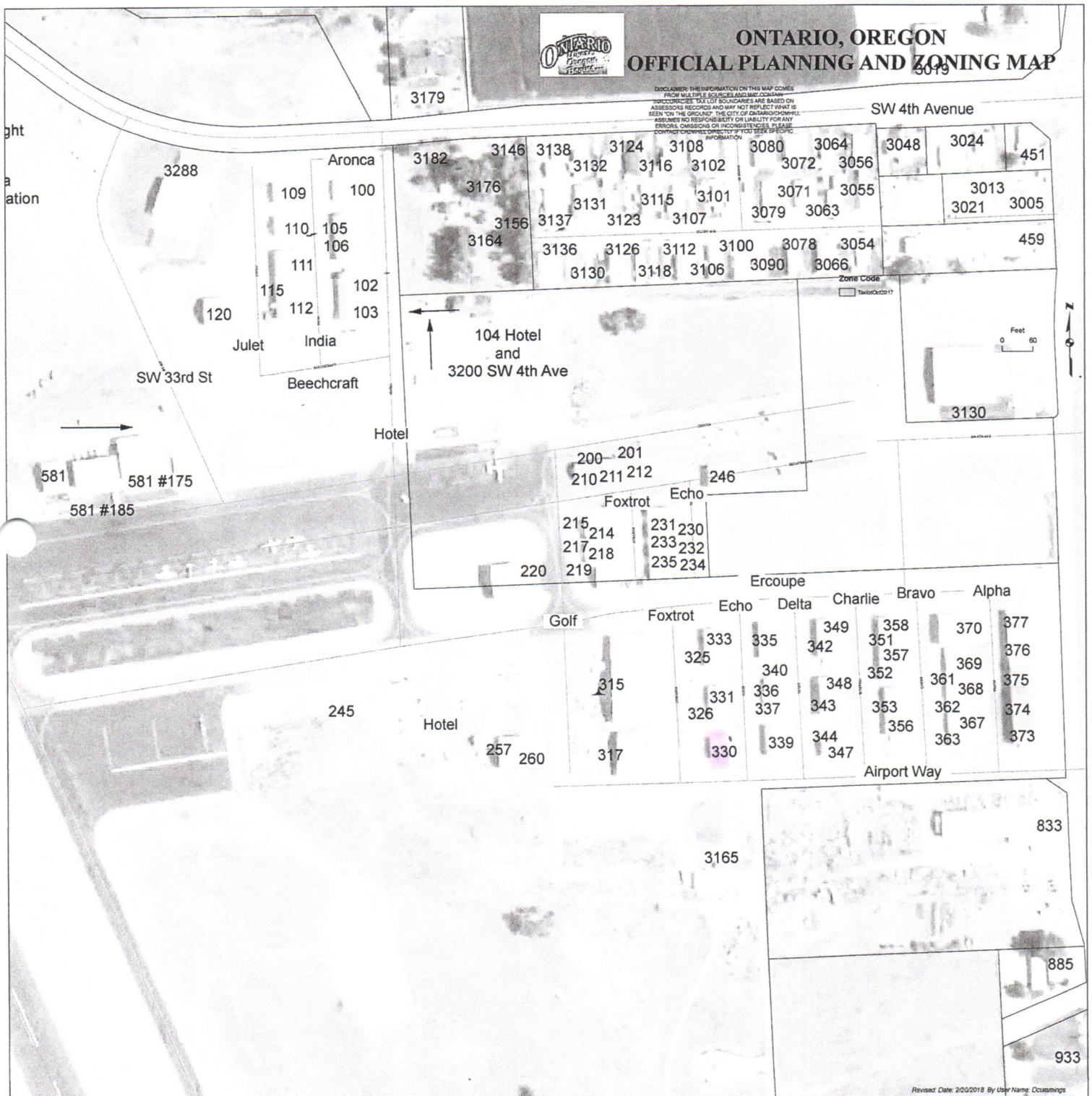
Thank you for your business.

PAYMENT OPTIONS:

1. Mail your check to AssuredPartners Aerospace, 9860 E 21st Street N, Wichita, KS 67206
2. If you wish to pay by credit card, please visit <https://hardyaviationins.com/>
3. Finance Your Premium. Please call or email us for a quote.
 - a. Please note, we cannot finance premium less than \$1,000.

Exhibit "A"

Hanger Lease



City of Ontario
Municipal Airport,
Malheur County,
Oregon

State of Oregon

PURCHASE AGREEMENT

This Purchase Agreement (this "Agreement") is entered into as of 28 day of January, 2021, (the "Effective Date") by:

Seller(s)

Verla Holton, located at P.O. Box 1137 Pacific City, OR. 97135 and
_____, located at _____ and
_____, located at _____
(collectively "Seller") and

Buyer(s)

Stephen Meyer, located at 1875 SW 4th Ave. Ontario, OR. 97914 and
_____, located at _____ and
_____, located at _____
(collectively "Buyer").

Each Seller and Buyer may be referred to in this Agreement individually as a "Party" and collectively as the "Parties."

The Parties agree as follows:

1. Sale of Property. Seller agrees to sell and Buyer agrees to purchase the personal property described below (the "Property"):

Aircraft hanger #330, Ontario Municipal Airport, Ontario, OR. 97914

2. Purchase Price. Buyer will pay Seller for the Property and for all obligations specified in this Agreement, if any, as the full and complete purchase price including any applicable sales tax, the sum of \$16,000.00 (the "Purchase Price").

3. Payment. Payment of the Purchase Price will be made by Buyer to Seller by (Check all that apply)
☐ cash ☐ personal check ☐ money order ☐ cashier's check ☐ credit or debit card ☐ wire transfer ☒ other: Promissory Note, according to the following schedule: (Fill out all that apply)

A. \$ _____ previously paid by Buyer.

B. \$4,000.00 upon the execution of this Agreement.

C. \$ _____ upon Buyer's acceptance of the Property.

D. equal installment payments of \$ ~~250.00~~ 248.62 payable on the 15th [Day of month] of each month until the Purchase Price is paid in full.

[VH]





**AGENDA REPORT
PRESENTATIONS**
April 20, 2021

To: Mayor and City Council

FROM: Al Cablay, Public Works Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **PROCLAMATION: ARBOR DAY 2021 - FRIDAY, APRIL 30, 2021**

DATE: April 14, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL PROCLAIM FRIDAY, APRIL 30, 2021 AS NATIONAL ARBOR DAY IN THE CITY OF ONTARIO, OREGON.

SUMMARY:

The State of Oregon's Department of Forestry in conjunction with the National Arbor Foundation have designated April as Oregon Arbor Month. The national recognition that is most well known is the program known as, **Tree City USA**. There are certain required steps to be taken by communities in order for a City to be designated a "Tree City USA". One of those requirements is to officially proclaim Arbor Day each calendar year. For this year it is Friday, April 30, 2021.

BACKGROUND:

Public Works staff have recently made contact with both the Oregon State Department of Forestry and the Arbor Foundation. To this end, Public Works staff initiated the 2021 Tree City USA application process on behalf of the City of Ontario in addition to joining the Arbor Foundation as a member.

CURRENT SITUATION:

The Department of Forestry's Community Assistance Forester, Katie Lompa, has been in contact with staff to review the application process and to assist with the City's efforts to qualify to be come a Tree City USA recipient.

ANALYSIS:

- A. **STRATEGIC PLAN** The pursuit of this achievement supports four-(4) of the five-(5) Strategic Plan Goals. They are Desirability, Lifestyle, Growth and Beautification.

- B. **FINANCIAL** None at this time.
- C. **TIMING** The proclamation will meet one of the requirements for the City's 2021 Tree City USA application.
- D. **POLICY/LEGAL** The City Council is the adopting body for proclamations.

ALTERNATIVES:

Council could choose to not adopt the proposed proclamation; however, if that is the choice, the city will be missing a requirement for the application to become a member of Tree City USA.

RECOMMENDATION:

Staff recommends the subject proclamation be approved by the City Council and that the Mayor declare, Friday April 30, 2021 as Arbor Day in the City of Ontario, Oregon.

ATTACHMENTS:

1. Proclamation - Arbor Day April 2021



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____, Mayor of the City of _____, do hereby proclaim _____ as

Arbor Day

In the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
Mayor _____



**AGENDA REPORT
PUBLIC HEARING
April 20, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2021-112: STATE REVENUE SHARING

DATE: April 15, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2021-112, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2021-2022.

SUMMARY:

Attached is the following document:

Resolution 2021-112, A Resolution Declaring the City's Election to Receive State Revenues for the Fiscal Year 2021-2022.

BACKGROUND:

The City Council is required to annually approve a formal resolution in order to elect to receive state revenues.

CURRENT SITUATION:

The City of Ontario Budget Committee held Public Hearings on March 9, 10 & 11, 2021, discussing the 2021-2022 budget which contains revenue sharing from the State of Oregon. The City Council is holding a Public Hearing on April 20, 2021, giving the citizens an opportunity to comment on the use of State Revenue Sharing, pursuant to ORS 221.770.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct Strategic Plan impact.
- B. **FINANCIAL** The city will be able to receive State Revenues that are shared with cities throughout Oregon.
- C. **TIMING** The resolution is required to be approved on or before June 30, 2021.

D. **POLICY/LEGAL** An election to receive state revenues is required per ORS 221.770.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would mean the city would not be able to receive state revenues in the 2021-2022 fiscal year.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2021-112.

ATTACHMENTS:

1. Reso #2021-112 STATE REVENUE SHARING



RESOLUTION #2021-112

A RESOLUTION TO DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, The City of Ontario Budget Committee held Public Hearings on March 9, 10 and 11, 2021; and

WHEREAS, The City Council held a Public Hearing on April 20, 2021, giving citizens an opportunity to comment on the use of State Revenue Sharing.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council:

Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2021-2022.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 20TH day April, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 20TH day of April, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

I certify that a Public Hearing before the Budget Committee was held on March 9, 10, and 11, 2021, and a Public Hearing before the City Council was held on April 20, 2021, giving citizens an opportunity to comment on use of State Revenue Sharing.

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
April 20, 2021**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2021-113: ADOPT CITY OF ONTARIO 2021-2022 BUDGET

DATE: April 15, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2021-113, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2021-2022, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2021-2022.

SUMMARY:

The attached Resolution #2021-113 is a resolution to adopt and appropriate the annual budget for 2021-2022, impose the taxes upon taxable property, and categorize the taxes imposed for the fiscal year 2021-2022.

BACKGROUND:

The purpose of this agenda item is to adopt and appropriate the budget, impose taxes upon taxable property, and categorize the taxes imposed.

CURRENT SITUATION:

The City of Ontario Budget Committee held public hearings on March 9, 10 and 11, 2021, and approved the 2021-2022 annual budget. The budget presented has two changes from the Budget Committee recommendations. The new airport pickup was removed from the budget, a donation was added for the fairgrounds and the remaining was added to contingency. The required public hearing notice was published in the Argus Observer. The City Council will hold a public hearing on April 20, 2021, giving the citizens an opportunity to comment on the annual budget for 2021-2022.

ANALYSIS:

- A. **STRATEGIC PLAN** The budget presented for approval was based on the priorities set within the strategic plan.

- B. **FINANCIAL** The City Council will adopt and appropriate the annual budget in the amount of \$51,231,048.
- C. **TIMING** The budget is required to be approved on or before June 30, 2021.
- D. **POLICY/LEGAL** A budget is required to be approved per ORS 294.

ALTERNATIVES:

A. Take No Action - The council could take no action on this matter, if a budget is not approved by June 30, 2021 the city would not be able to receive property taxes and spend money as of July 1, 2021.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2021-113.

ATTACHMENTS:

1. Resolution #2021-113 Adopting 2021-2022 Budget



RESOLUTION #2021-113

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2021-2022

- WHEREAS,** The City of Ontario Budget Committee held advertised public hearings on March 9, 10 and 11, 2021 to review the proposed budget; and
- WHEREAS,** The Budget Committee approved a revised budget to review by the Ontario City Council; and
- WHEREAS,** The Ontario City Council having held an advertised public hearing on April 20, 2021, wishes to adopt the approved budget as recommended.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Ontario City Council hereby adopts the annual budget for Fiscal Year 2021-2022 in the total of \$51,231,048 now on file at Ontario City Hall.

BE IT RESOLVED that amounts for the annual budget for the fiscal year beginning July 1, 2021, and for the purposes shown below are hereby appropriated as follows:

001 - GENERAL FUND	Appropriated Budget 2021-2022
Administration	\$535,334
Administrative Overhead	413,980
City Council	28,359
Non-Departmental Appropriations	379,015
Business Registrations	1,100
Cemetery	206,775
Community Development	192,607
Finance	254,736
Fire	1,884,340
Police Reserve	2,625
Code Enforcement	151,348
Parks	339,707
Police	4,171,983
Technology	193,641
Capital Outlay	618,650
Interfund Transfers	3,730,818
Contingencies	175,650
TOTAL REQUIREMENTS.....	\$13,280,668
* <i>Unappropriated Ending Fund Balance</i>	<i>\$1,700,000</i>

002 – MARIJUANA ENFORCEMENT FUND	Appropriated Budget 2021-2022
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Public Safety – Marijuana Enforcement

Personnel Services	\$30,000
TOTAL REQUIREMENTS.....	\$30,000

010 - GRANT FUNDS	Appropriated Budget 2021-2022
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Grants	\$152,500
TOTAL REQUIREMENTS.....	\$152,500

027 – BUILDING FUND	Appropriated Budget 2021-2022
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Building Program

Personnel Services	\$165,070
Materials & Services	33,666
Interfund Transfers	2,209
Contingencies	192,519
TOTAL REQUIREMENTS.....	\$393,464

030 - CAPITAL PROJECTS FUND	Appropriated Budget 2021-2022
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Special Projects	\$1,000
Public Works – Utility Capitalization Fee	865,000
E. Idaho Avenue	68,704
Park Improvements	4,000
W. Idaho Ext	118,977
Fire Apparatus	1,450,000
Downtown Attraction	8,513
SRCI Wastewater	500,000
SRCI Water	10,875
Contingencies	2,758,828
TOTAL REQUIREMENTS.....	\$5,785,897

031 - SDC FUND	Appropriated Budget 2021-2022
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System Development Charge Projects	\$539,542
TOTAL REQUIREMENTS.....	\$539,542

045 - STREET FUND	Appropriated Budget 2021-2022
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Street Maintenance	\$6,048,299
TOTAL REQUIREMENTS.....	\$6,048,299

050 - TRUST FUNDS	Appropriated Budget 2021-2022
Chamber of Commerce	\$183,695
OSS Mitigation	153,290
Visitors & Convention Bureau	290,489
TOTAL REQUIREMENTS.....	\$627,474
* <i>Unappropriated Ending Balance</i>	<i>\$188,412</i>

055 - RESERVE FUNDS	Appropriated Budget 2021-2022
Insurance Claims	\$113,974
Bike Path and Trails	\$420,000
Emergency Equipment	140,637
Public Safety	339,294
Public Works	210,000
PERS Side Account	2,148,689
Economic Development Infrastructure	93,733
GC Sinking	600
Interfund Transfers	484,280
Contingencies	1,215,200
TOTAL REQUIREMENTS.....	\$5,166,407

060 - REVOLVING LOAN FUND	Appropriated Budget 2021-2022
Economic Development loans	\$339,021
TOTAL REQUIREMENTS.....	\$339,021

105 - WATER FUND	Appropriated Budget 2021-2022
<i>Water Treatment</i>	
Water treatment operations	\$2,226,121
Capital Outlay	3,946,612
Debt Service	272,974
Interfund Transfers	322,539
Contingencies	1,323,217
TOTAL REQUIREMENTS.....	\$8,091,463

110 - SEWER FUND	Appropriated Budget 2021-2022
<i>Wastewater Treatment</i>	
Wastewater treatment operations	\$2,079,674
Capital Outlay	5,133,630
Debt Service	243,231
Interfund Transfers	314,963
Contingencies	2,102,738
TOTAL REQUIREMENTS.....	\$9,874,236

115 - STORM SEWER FUND	Appropriated Budget 2021-2022
<i>Storm Sewer</i>	
Storm sewer operations	\$93,616
Capital Outlay	210,00
Interfund Transfers	10,493
Contingencies	149,336
TOTAL REQUIREMENTS.....	\$463,445

120 – AIRPORT FUND	Appropriated Budget 2021-2022
<i>Ontario Municipal Airport</i>	
Airport operations	\$201,632
Capital outlay	232,000
Transfers	5,000
TOTAL REQUIREMENTS.....	\$438,632

Total Appropriations, All Funds	\$51,231,048
*Total Unappropriated and Reserve Amounts, All Funds	\$1,888,412
TOTAL ADOPTED BUDGET	\$53,119,460

IMPOSING THE TAX

BE IT RESOLVED THAT THE Ontario City Council hereby imposes the taxes provided for in the adopted budget at the of \$4.8347 per \$1,000 of assessed value for operations, and that these taxes are hereby imposed and categorized for tax year 2021-2022 upon the assessed value of all taxable property within the district.

CATEGORIZING THE TAX

BE IT FURTHER RESOLVED that the Ontario City Council categorizes the taxes as follows:

General Government Limitation		Excluded from Limitation
General Fund	\$4.8347 / \$1,000	\$0.00

EFFECTIVE DATE: Effective July 1, 2021.

PASSED AND ADOPTED by the City Council of the City of Ontario this 20th day of April, 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 20th day of April, 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
April 20, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2786-2021: AMENDING TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001; CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS, AND DECLARING AN EMERGENCY (*PLANNING ACTION 2020-01-02CPAMD*)**

DATE: April 15, 2021

PROPOSED MOTION:

APPROVAL:

1. I MOVE THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE THE FINDINGS OF FACTS AS OUTLINED IN ATTACHMENT 1 FOR THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE; AS SET FORTH IN PLANNING ACTION 2020-01-02 CPAMD.

2. I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2786-2021, AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. THE FOLLOWING CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS. SET FORTH BY PLANNING ACTION 2020-01-02CPAMD. ON FIRST READING BY TITLE ONLY, AND DECLARING AN EMERGENCY.

3. I MOVE THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2786-2021, AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. THE FOLLOWING CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS. SET FORTH BY PLANNING ACTION 2020-01-02CPAMD, AND DECLARING AN EMERGENCY.

DENIAL:

I MOVE THAT THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE, AS SET FORTH IN PLANNING ACTION 2020-01-02 CPAMD, BE DENIED BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATED HEREIN (ATTACH FINDING).

SUMMARY:

In 2019, Oregon legislators approved House Bill 2001 (HB 2001), requiring Oregon cities with a population over 10,000 to amend their municipal codes by the summer of 2021 with the following specifics:

- a) Meet the “middle housing” (duplex) needs within their zoning regulations.
- b) Address infrastructure deficiencies related to otherwise buildable residential land.

When Planning Action 2020-01-02CPAMD-ZCA is approved, the municipal code will have been amended to appropriately meet the requirements of HB 2001.

BACKGROUND:

Ontario has grown more slowly than projected in our 2007 Housing Needs Analysis. Concurrently, cities in nearby Idaho counties (e.g. Fruitland) are experiencing high population growth. As it now stands, our city limits keep adequate buildable land supplies to meet long-term housing needs. Yet, Ontario continually struggles to attract development for a larger range of housing options for our residents. Our housing demand consistently remains high, but comparable housing production remains low.

The city has been labeled as “rent burdened.” 29% of all rental households here will pay over half of their respective incomes on rent. Without the types of housing in demand by these middle-income households, economic development gets stifled by continuously low housing production. We have seen business ventures reject Ontario as an investment opportunity; one reason being the lack of housing choices.

In an effort to address our housing needs, the city has received a grant from the Oregon Department of Land Conservation and Development (DCLD). In cooperation with the Portland contractors Winterbrook Planning, we are in the process of evaluating the effectiveness of Ontario’s existing housing programs. We are also seeking options to increase the supply of housing for all income levels.

As a necessary step, we propose to revise and amend our city’s zoning ordinances, in order to meet the local housing objectives. This proposal will conform with the Oregon Legislative Assembly Enrolled House Bill 2001 (HB 2001) on duplex housing provisions, which carries with it a June, 2021 deadline.

State Law requires an Ordinance be adopted by the local governing body (i.e. Ontario City Council) to accomplish code changes via adoption of a city ordinance.

CURRENT SITUATION:

PLANNING ACTION 2020-01-02 CPAMD-ZCA: A request for amended changes to Title 10A – Substantive Zoning Regulations of the Ontario Municipal Code of the City of Ontario, Oregon; in accordance with the provisions of Oregon Revised Statutes and the ordinances from which these development standards derive; codified under Title 10 of the city code. Duplex code audit/amendments and statutory requirements will revise zoning ordinances to meet local housing objectives that comport with HB 2001 duplex provisions. These amendments shall comply with accessory dwelling unit requirements (ORS 197.312) and requirements for siting of manufactured homes on individual lots (ORS 197.314).

As proposed, the amended code changes would:

- Amend Title 10A Substantive Zoning Regulations of the Ontario Municipal Code of the City of Ontario, Oregon
- Conform city codes to updated Oregon housing laws, including compliance with accessory dwelling unit requirements (ORS 197.312) and requirements for siting of manufactured homes on individual lots (ORS 197.314)
- Adjust and simplify housing definitions, such as “dwelling,” “ADU,” “apartment,” “cottage cluster,” “duplex,” “manufactured home,” “attached,” “single-family dwelling,” etc.
- Simplify the options and availability, in regard to manufactured housing
- Recognize where state statutes allow for certain dwellings within the city’s various zoning codes
- Meet local housing objectives that comport with HB 2001 duplex provisions before statutory deadline of June 30, 2021.

On May 22, 1985, Oregon Land Conservation and Development Commission (LCDC) acknowledged the City of Ontario's Comprehensive Plan.

The plan was then revised in April and May 1988 when the implementing sections and policies supporting the plan were severed from the original document. The City received its periodic review notice on August 31, 1988 and was granted a six months extension on February 6, 1989.

On January 30, 1990 the city received notice from LCDC of the acceptance and termination of the periodic review order. This new revision would better reflect the intent of the Statewide Planning Goals, as well as combine those segments left in the severed 1985 plan.

In 2007, the City made substantial amendments to the Ontario Comprehensive Plan to address the implications of new population and employment projections, and the Ontario Urbanization Study.

In May of 2020, the Ontario City Council approved resolution 2020-119, supporting the DLCD awarded Planning Assistance grant; to assist in the Ontario Housing Needs Analysis and municipal code changes.

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1 FINDING OF FACTS BY WINTERBROOK PLANNING GROUP MADE A PART HEREOF:

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

Conclusion: All criteria and standards applicable to a change in municipal code have been met. A request for the code amendments may be recommended for approval or denial by the Planning Commission to the City Council, if all applicable decision criteria and standards are able to be met through appropriate review.

This request presented to the Planning Commission infer the criteria and standards have been met in order for the request to be recommended for approval.

Conditions of Approval: (List Conditions)

1. NONE

In January of 2021 at a Public Hearing the Planning Commission made a recommendation to approve the findings of fact presented under planning action 2020-01-02-CPAMD-ZCA and a motion to recommend to the City Council to approve the code changes.

After the Public Hearing staff received comments back from the Fair Housing Council of Oregon with concerns about some of the code changes. Staff consulted with City Legal Council and made some changes to the code amendments to insure compliance with State Law.

On April 12, 2021 the amended findings of facts was present to the Planning Commission and the Planning Commission approved the updated findings of facts and sent a favorable recommendation to the City Council to approve the finds and code changes.

Ordinance 2786-2021 if approved by the Council will update the codes as recommended by Planning Action 2020-01-02 CPAMD-ZCA.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is consistent with the City Council Strategic Plan by providing land use codes allowing for affordable housing to the City of Ontario.
- B. **FINANCIAL** DLCD provided a grant to aid in the development of these codes and the City Council approved a budget amount as matching funds for these code changes as well as other changes to the City Code.
- C. **TIMING** These code changes must be met before June 30, 2021.

- D. **POLICY/LEGAL** The recommended Code amendments attached herein are in Compliance with House Bill 2001 (HB 2001).

ALTERNATIVES:

1. The City Council could table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.
2. Deny the action by determining it is not in the best interest of the public to make the changes to the codes.

RECOMMENDATION:

Staff recommends the City Council approve the action.

ATTACHMENTS:

1. Attachment 1 - Findings
2. ATTACHMENT 2- Proposed changes
3. Ordinance 2786-2021-LAS Revision4_D3

ATTACHMENT 1
Revised Findings of Facts
Planning Action 2020-01-02CPAMD-ZCA

ONTARIO HB 2001 & HB 2003 UPDATES

Winterbrook Planning | January 25, 2021

Statewide Planning Goal 10 Housing – Context

Goal 10 and its implementing rule (OAR 660-008) require that cities plan for a variety of housing types and densities to meet the housing needs of all income levels. To determine needed housing, cities must prepare a “housing needs analysis” based on a 20-year population projection, and plan and zone sufficient buildable land within its urban growth boundary to meet long-term housing needs over the 20-year planning period. A “buildable lands inventory” is required to determine whether a city has sufficient “capacity” to meet its 20-year housing needs. Local zoning regulations must permit needed housing under “clear and objective” standards.

Needed Housing Statutes

Since the 1980’s, state law (ORS 197.296-314) and the Goal 10 rule (OAR 660 008) have specified “needed housing types” that must be allowed by cities within UGBs under clear and objective standards. These “needed housing types” include (ORS 197.303):

- Detached single-family housing
- Attaching single-family housing (row houses)
- Multi-family housing
- Government assisted housing
- Manufactured dwelling parks
- Manufactured dwellings on individual lots zoned for single-family use
- Farm worker housing

The proposed amendments comply with Goal 10 because they provide for three additional needed housing types under clear and objective standards:

- An accessory dwelling unit (ADU) on a lot with an existing single-family residence (ORS 197.
- A duplex on a lot zoned that is zoned for detached single-family use residential use (ORS 197.758)
- An attached single-family dwelling (rowhouse or townhouse) on a lot zoned for single family residential use (ORS 197.303)

The proposed amendments also replace the City’s existing manufactured home overlay zone (which allows a manufactured home on any lot that allows a single-family residence) by adding manufactured homes as a permitted use in the City’s three residential zones. The amendments make it clear that a manufactured home is permitted outright on any lot zoned for detached single-family residential use – subject to statutorily authorized placement standards.

Collectively, these housing options provide for a wider range of affordable housing opportunities under clear and objective standards for existing and future Ontario residents. The amendments also substantially increase allowed densities in Ontario’s three residential zoning districts. For these reasons, the amendments comply with Statewide Planning Goal 10 (Housing) and OAR Chapter 660 Division 0008 (Housing).

Ontario Urbanization Study (2006-07)

In 2006, Ontario had a population of 11,427. In 2007, ECONorthwest (with Winterbrook Planning and in coordination with Malheur County) prepared 20-year and 50-year population projections.

- Ontario's 2026 population projection was 15,692 – an increase of 4,265 people or 37%.
- Ontario's 2056 population projection was 24,185 – an increase of 12,760 people or 112%

ECONorthwest also prepared 20- and 50-year housing needs analyses and 20- and 50-year buildable lands inventories. The Urbanization Study also determined employment and public land need and supply. The Urbanization Study served as the factual basis for expanding the Ontario UGB and establishing a 2056 “urban reserve” area outside the UGB.

Ontario and Malheur County adopted the Urbanization Study. This study provided the factual basis for establishing a new urban growth boundary and urban reserve area. As part of this process, Winterbrook prepared a more usable and much shorter Comprehensive Plan, revised plan designations and zoning, and a new city-county growth management agreement intergovernmental agreement to manage growth and development within the UGB and URA. The adopted plan and code were supported by DLCD and acknowledged by the Land Conservation and Development Commission (LCDC).

Residential Land Need

With respect to housing, the Urbanization Study determined that the city (a) had enough buildable, residentially zoned land within its UGB to meet 20-year residential land needs, but (b) would need to expand its UGB and zone more residential land to meet 2056 housing needs. The amended Ontario Zoning Ordinance text and map ensured a sufficient supply of needed housing would be allowed under clear and objective standards in Ontario's three residential zones.

In 2007, the City updated Table 14-4 to show overall land need and supply through 2026. **Table 14-4 shows a surplus of 34.5 buildable residential acres.**

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

Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	242.9	254.1	(11.2)
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)

New State Housing Statutes and Rules

In 2007, the Urbanization Study projected that Ontario would grow to 15,692 people by 2026 at compounded annual growth rate of 1.5%. This population growth rate was based largely on two assumptions, first, that Ontario would attract substantial employment growth, and second, that Ontario would achieve a greater share of the Treasure Valley region's population growth. These assumptions have not yet come to pass – but continue to be critical City and County policy goals.

Population Projections

In 2013, the Oregon Legislature changed state law (ORS 195.033) to require that city and county population projections be determined by the Portland State University Center for Population Research (CPR), rather than by counties in coordination with their cities.

- The CPR estimates Ontario's current (2019) population at 12,207.
- The CPR projection for the Ontario UGA is based largely past city growth trends.
 - Since Ontario has not grown substantially since 2007, CPR estimates Ontario's 2040 population will be only 12,246 – an increase of 39 people over the next 20 years.
 - The CPR projection is 3,446 less than the City's adopted 2026 population projection.
- This CPR population increase would require about 21 additional housing units over the next 20 years.
 - Winterbrook estimates that Ontario has approximately 600 buildable residential acres remaining within its acknowledged UGB.
 - If needed housing were to develop at 3.9 dwelling units per buildable acre, the City would need only five buildable acres – or approximately one percent of the residential buildable land supply within the UGB.
 - The residential buildable land supply remains sufficient to accommodate the housing needs of the 15,692 people (3,485 additional people) projected to live within the Ontario UGB in 2007.

To address rising housing costs and to use land more efficiently, state law was amended in 2019 to require cities to allow "accessory dwelling units" (ADU's) on lots with a single-family residence. Responding to the huge gap between housing costs and household income across the state, the 2019 Oregon Legislature enacted HB 2001. HB 2001 (ORS 197.758) requires "medium cities" (like Ontario) to amend housing needs analyses and allow duplexes under the same standards as single-family detached housing. Local implementation of this statute has the effect of significantly increasing allowable densities in Ontario's RS-50 and RD-40 zones. As noted below, the proposed zoning ordinance amendments meet requirements for duplexes on lots zoned for single-family residential uses in medium cities and ADU's on lots with single-family homes.

Ontario's Housing Grant

In early 2020, Ontario received a DLCD grant to amend the Ontario Zoning Ordinance to comply with HB 2001. The grant also included funds to revise the housing needs analysis and buildable lands inventory, including measures designed to increase housing production in Ontario. The City selected Winterbrook Planning to work with a technical advisory committee (TAC) appointed by the Mayor to prepare code amendments, the HNA and the BLI, and housing production measures.

Code Audit

In September 2020, Winterbrook worked with Community Development Director Dan Cummings and DLCD Housing Specialist Sean Edging to conduct a code audit and prepare draft amendments to the Ontario Zoning Ordinance to address HB 2001 requirements by allowing duplexes on lots that allow detached single-family uses.

The proposed code amendments now allow duplex dwellings on individual lots in zones that allow single-family detached dwelling dwellings on individual lots.

In the process of auditing the zoning ordinance, Winterbrook made two important observations:

- (1) That existing overlay zone provisions for allowing a manufactured home on any lot in the city zoned to allow a detached single-family use were not obvious to the casual code reader and lacked clarity;
- (2) That the zoning ordinance did not allow for an ADU on any lot with a detached single-family dwelling, subject to clear and objective design and siting standards, as required by ORS 197.312(5)(a).

Although not within the original work scope, Winterbrook recommended:

- (a) That manufactured homes be included as a permitted use in residential zones that allow detached single-family dwellings on individual lots – subject to siting standards found in ORS 197.307(8) and 197.314(4); and
- (b) That ADU's be permitted as an accessory use in all residential zones with an existing detached single-family residence.
- (c) That if a lot already has a duplex, the city does not need to allow an ADU, and similarly, if a lot already has a house and an ADU, the city does not need to allow a duplex. (OAR 660-046)

Housing Needs Analysis

Winterbrook is in the process of preparing a revising housing needs analysis and buildable lands inventory. Allowing a wider range of housing types and densities in existing residential zones will provide more opportunities to meet affordable housing needs over the next 20 years.

Although Ontario is only required to plan and zone enough land to accommodate 21 new dwelling units over the 20-year planning period to accommodate 39 additional people, the City has reason to believe that actual residential growth be greater. In addition to a recent uptick in single-family and duplex residential development in the city, Ontario recently approved 70 apartment dwellings to meet the needs of low- and middle-income households. The City is also in the process of converting a nursing home to provide low- and middle-income apartment units. Moreover, the City is considering additional measures to increase local housing productivity. Thus, the City continues to believe that it is reasonable to plan for substantial increase in population growth within the existing UGB– with the firm understanding that such planning cannot be used to justify a UGB expansion.

Recognizing the wisdom of planning for the efficient use of residentially zoned land within the Urban Growth Area, the HNA will recommend policies for allocation of residential zones when land is annexed to the City to ensure that Ontario has sufficient land planned and zoned for residential use to meet the needs of all income groups in the community – should growth within the existing UGB outpace the City's official population projection. As part of the HNA, the City is likely to adopt other measures to encourage housing production for all income levels.

Public Comments

With a positive recommendation from the Ontario TAC and support from DLCD, the Ontario planning commission held a public hearing to review the draft housing code amendments. The amendment proposal was modified somewhat in response to comments from the Fair Housing Council and Housing Land Advocates – while continuing to allow a range of relatively affordable “middle housing” options (attached and detached single-family housing, accessory dwelling units, duplexes, and manufactured homes on individual lots) under clear and objective standards in all three of the City’s residential zones. The revisions will be presented under Old Business at the Planning Commission Meeting of April 12, 2021, allowing for public comments and a public hearing before the City Council is tentatively scheduled for April 20, 2021.

Statutory Code Audit and Proposed Code Amendments

The following code changes address state requirements that require:

- (a) A duplex be allowed on a lot subject to the same development standards as a detached single-family dwelling (HB 2001);
- (a) An accessory dwelling unit (ADU) be allowed on a lot that has only one existing single-family dwelling (ORS 197.312(5));
- (b) Rowhouses (attached single-family) will be allowed on individual lots at about the same density as duplexes (ORS 197.303(1)); and
- (c) A manufactured home be allowed on any lot zoned to allow a detached single-family residence (ORS 197.303) – subject to statutory design standards (ORS 197.314.(1)).

Code Section	Revised Code Text in Legislative Format	Commentary
CHAPTER 10A-03 DEFINITIONS		
10A-03-74 DWELLING	Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code. Dwelling unit types are defined below.	<i>The definitions of “dwelling” and “dwelling unit” are combined for simplicity. All dwellings must either be constructed to building safety codes, except for manufactured dwellings which are constructed to federal (HUD) standards. Types of dwelling units are listed immediately below. Several new definitions are suggested. Most are based on statutory or state administrative rule definitions.</i>
10-03-74-A NEW: DWELLING, ACCESSORY UNIT (ADU)	An interior, attached, or detached dwelling unit that is used in connection with and is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is (a) 900 square feet or less and (b) less than the primary single-family dwelling on the lot or parcel. (See also duplex dwelling definition.)	<i>New definition of accessory dwelling unit consistent with ORS 197.312 to meet statutory requirement that ADU’s be allowed as of right on lots with one detached single-family dwelling. (Definition allows the ADU to be a manufactured home reflects statutory definition for accessory dwelling unit – adapted to Ontario conditions.) In a sense, an ADU is a duplex dwelling that is</i>

		<i>smaller than (accessory to) the primary dwelling – whereas a duplex dwelling is a primary use on a lot zoned to allow a detached single-family dwelling.</i>
10-03-74-B NEW: DWELLING, APARTMENT	A residential structure with three or more dwelling units that share common walls, floors or ceilings. • A “tri-plex” is a three-unit apartment. • A “four-plex” is a four-unit apartment. • A “courtyard apartment” is centered around a common courtyard of at least 30 feet in width.	<i>This definition is based on the existing definition of multi-family dwelling found in 10-03-77. The definition of multi-family dwelling below (draft 10-03-74-F) has been broadened to include three or more dwelling units of any type on a lot or parcel.</i>
10-03-74-C NEW: DWELLING, COTTAGE CLUSTER.	A grouping of four to eight small, detached dwelling units on a lot or parcel with: (a) a common courtyard of at least 30 feet in width, (b) a footprint of 900 square feet per unit or less, and (c) a gross floor area of 1,800 square feet per unit or less.	<i>New definition for cottage cluster, a type of multi-family housing that consists of small single-family detached homes, on a single lot, with a common courtyard. Small homes of 400 square feet or less may be approved if construction to the Oregon Small Home Specialty Code. (Definition reflects State Statute – adapted to Ontario conditions.)</i>
10-03-7674-D DWELLING, DUPLEX	A residential building-of any configuration containing two dwelling units, including two common wall or ceiling units. (See also ADU definition.)	<i>Revised definition distinguishes between a duplex dwelling (two primary dwellings on a lot), an attached single-family dwelling (one dwelling connected unit on a lot), and an accessory dwelling unit (a unit that is smaller than and therefore accessory to the primary dwelling on a lot). See related definitions.</i>
10A-03-75-74-E DWELLING, MULTI-FAMILY	A group of three or more dwelling units of any type and in any configuration on a lot or parcel. designed for or occupied by more than two (2) families living independently of each other.	<i>Revision includes all housing types except manufactured dwellings. This change allows flexibility to develop any type of site-built housing based on market demand.</i>
10A-03-75-74-F DWELLING, SINGLE- FAMILY, ATTACHED.	A row of two or more adjoining dwelling units, each of which is separated from the others by one or more unpierced walls extending from the ground or roof. Such dwellings are often known as townhouses. where each dwelling unit is located on an individual lot and shares at least one common wall with an adjacent unit. (Also known as a “rowhouse” or “townhouse”).	<i>This change recognizes that attached single-family dwellings typically are located on separate lots which allows greater opportunity for affordable homeownership. (Definition reflects State Statute – adapted to Ontario conditions.)</i>
10A-03-78-74-G DWELLING, SINGLE FAMILY, DETACHED	A residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit.	<i>Revision simplifies definition.</i>

10-A-03-134 NEW: MANUFACTURED DWELLING	A residential trailer, mobile home or manufactured home. “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 445 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.	<i>Definition from ORS 446.003 Definitions</i>
10-A-03-134-B NEW: MANUFACTURED DWELLING SPACE OR LOT	Any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.	<i>Definition from ORS 446.003 Definitions</i>
10-A-03-134-C MANUFACTURED HOME	A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.	<i>Latest definition from ORS 446.003 Definitions. Note that HUD’s Manufactured Housing Construction and Safety Standards have been amended since 1976, when “manufactured homes” were first required to meet HUD standards.</i>
10-A-03-134-C NEW: MOBILE HOME	A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.	<i>Definition taken from ORS 446.003 Definitions Note that manufactured dwelling parks is a broad definition that includes parks for manufactured homes and mobile homes.</i>
10-A-03-134-D NEW: RECREATIONAL VEHICLE	A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.	<i>New definition taken from ORS 174.101(3). Under state law, local governments must allow recreational vehicles in RV Parks or Manufactured Dwelling Parks to function as permanent residences.</i>
10-A-03-134-E NEW MANUFACTURED DWELLING PARK	Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel or any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same	<i>definition from ORS 446.003 Definitions and replaces the definition “for mobile home park” found in 10-A-03-137 which reads “A plot of ground upon which two or more mobile homes are parked within 500 feet of one another on a lot, tract, or</i>

	ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City of Ontario or Malheur County consistent with state subdivision law.	<i>parcel of land under the same ownership or control, the primary purpose of which is to rent space or keep space for rent to any persons for a charge or fee paid, or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such persons.”</i>
10-A-03-134-F NEW DWELLINGS, NEEDED HOUSING TYPES	“Needed housing” includes the following housing types when permitted under clear and objective standards in the underlying residential zoning district: (a) Detached single-family housing; (b) Accessory dwelling units (ADU’s); (c) Attached single-family housing; (d) Manufactured homes on individual lots planned and zoned for single-family use; (e) Duplexes; (f) Multiple family housing; (g) Manufactured dwelling parks; (h) Government assisted housing; (i) Housing for farmworkers.	<i>New definition for “needed housing types” includes housing types identified in ORS 197.303(1), ORS 197.758(2) and 197.312(5).</i> <i>Since the Ontario Zoning Ordinance does not discriminate against or have special standards for approval of government assisted and farmworkers housing, such housing is allowed under clear and objective standards by the Ontario Zoning Ordinance.</i> <i>Note that needed housing types are described as “housing” or in the plural (e.g., duplexes). In the case of detached and attached single-family dwellings, duplexes and manufactured homes outside of manufactured dwelling parks, only one dwelling type is permitted outright on a lot or parcel in the RD-50 and RD-40 zones. For example, both zones allow a duplex on a lot or parcel outright – but not two duplexes.</i>

CHAPTER 10A-11 - RS-50, SINGLE-FAMILY RESIDENCE ZONE

10A-11-01 - PURPOSE.	To provide and maintain residential areas of predominantly owner-occupied single-family detached and attached dwellings, duplex dwellings, and manufactured homes on individual lots at relatively high densities for these housing types.	<i>Revision includes duplexes and manufactured homes as required by ORS 197.758(2) and 197.312(5). Oregon law does not allow cities to regulate dwelling unit tenure (ownership vs. rental). However, homeownership is encouraged by allowing both single-family detached</i>
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		<i>and attached dwellings. (See space limits table below.)</i>
10A-11-05 - PRINCIPAL PERMITTED USE.	The following principal uses as defined herein are permitted as of right in the RS-50 Zone subject to the provisions of this ordinance: 1. A single-family detached or attached dwelling. 2. A manufactured home subject to design standards. 3. A duplex dwelling if there is no ADU on the lot. 4. Home occupations meeting the standards herein. 5. A family day-care provider. 6. Parks and recreation facilities, public. 7. Horticulture and the growing of field crops or hay. 8. A residential care facility housing not more than eight clients. 9. Adult foster care for not more than five patrons. 10. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.	<i>Revision adds a duplex dwelling and a manufactured home to be placed on a 5,000 square foot lot in the RS-50 zone, under the same standards required for a detached single-family residence, as required by HB 2001. The revision also allows attached single-family dwellings at the same density as duplex dwellings (one unit per 2,500 square feet.)</i> <i>See space limits table below.</i>
10A-11-10 - CONDITIONAL USES.	The following are permitted conditionally in the RS-50 Zone: 1. Private stables, corrals and paddocks which meet the standards set forth in RS-80 Zone. 2. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility. 3. Duplex dwelling as defined herein.	<i>Revision removes duplex as a conditional use as required by HB 2001 which requires "clear and objective" approval standards for duplexes.</i>
CHAPTER 10A-13 - RD-40, DUPLEX RESIDENCE ZONE		
10A-13-RD-05 Principal Permitted Uses	The following principal uses as defined herein are permitted as of right in the RS-50 Zone subject to the provisions of this ordinance: 1. A single-family detached or attached dwelling. 2. A manufactured home subject to design standards. 3. A duplex dwelling if there is no ADU on the lot.	<i>Revision adds a duplex dwelling and a manufactured home to be placed on a 5,000 square foot lot in the RS-50 zone, under the same standards required for a detached single-family residence, as required by HB 2001. The revision also allows attached single-family dwellings at the same density as duplex dwellings (one unit per 2,500 square feet.)</i>

	- Home occupations meeting the standards herein. - Family day-care provider. - Parks and recreation facilities, public. - Horticulture and the growing of field crops or hay. - A residential care facility housing not more than eight clients. - An adult foster care for not more than five patrons. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.	<i>See space limits table below.</i>
10A-13-10 - CONDITIONAL USES.	The following uses are permitted conditionally in the zone: - Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility. Up to two additional multiple-family dwellings (containing not more than four dwelling units on a lot or parcel. , or not more than four single-family dwellings, attached, or two-family structures, attached, or any combination thereof. - Rooming house as defined herein.	<i>Revision allows duplexes and manufactured homes as required by ORS 197.758(2) and 197.312(5). Oregon law does not allow cities to regulate dwelling unit tenure (ownership vs. rental). However, homeownership is encouraged by allowing both single-family detached and attached dwellings. (See space limits table below.)</i>

CHAPTER 10A-19 - R-MH, MANUFACTURED HOME RESIDENCE ZONE

	The following principal uses as defined herein are permitted as of right in R-MH Zone subject to the provisions of this ordinance: - Single-family detached, attached and duplex dwellings constructed to RD-40 Zone standards. - Home occupations meeting the standards herein. - Manufactured or mobile home parks. - Manufactured or mobile home subdivisions.	<i>Revision includes single-family attached duplex dwellings as permitted uses. Duplexes must be allowed outright per HB 2001. Attached single-family dwellings provide a homeownership option on smaller lots. See Space Limits Table below.</i>
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CHAPTER 10A-21 - R-MHO, MANUFACTURED HOME RESIDENCE OVERLAY ZONE

PURPOSE 10A-21-01	To provide an overlay zone designed to apply concurrently with residential zones that to allow, manufactured homes on random single development sites.	<i>The manufactured home overlay zone is no longer necessary because the RS-50, RD-40 and RM-10 zones are amended to allow a manufactured home that meets ORS 197.307(8) design standards to be approved on lots in all residential zones where a single-family detached home is allowed outright.</i>
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CHAPTER 10A-25 RESIDENTIAL ZONES, SPACE LIMITS TABLE AND MANUFACTURED HOME STANDARDS

10A-25-01 - PURPOSE AND APPLICABILITY.	The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.	<i>Revisions in the table below result in the same area requirement for duplexes and manufactured homes as single-family detached dwellings. The revisions also allow single-family attached (row houses on smaller individual lots) to be constructed at the same density as duplexes in Ontario's residential zones.</i>
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Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
Maximum height in feet	38	38	None	
Minimum lot size site area per dwelling unit in square feet				<i>The proposed change addresses minimum lot sizes required for detached and attached single-family and duplex dwelling types. The change is necessary because HB 2001 and its administrative rule focus on dwelling</i>

Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
				<i>units allow on lots and parcels.</i>
Single-family detached and duplex dwellings, and manufactured homes on individual lots. ADU's are not subject to space limitations but must meet other applicable zoning standards.	5,000	4,000	5,000	<i>HB 2001 requires that duplexes be allowed under the same development standards as detached single-family dwellings. The existing 4,000 square-foot standard is applied on a per unit basis, requiring 8,000 sq. ft. for a duplex in the duplex zone. ORS 197.307 identifies manufactured homes on lots zone for single-family use as a "needed housing type"</i>
Duplex	5,000	3,000	3,000	<i>HB 2001 requires that local governments allow duplex dwellings subject to the same development standards as single-family detached dwellings.</i>

Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
Single-family attached dwelling s	5,000 2,500	3,000 2,250	2,000	Single-family attached housing provides an option for home ownership on smaller lots than typically required for single-family detached units. Since duplexes are allowed on lots of 4,000 to 5,000 sq. ft. (2,000 to 2,500 sq. ft. per unit) it makes sense to allow single-family rowhouses (attached single-family) on lot sizes typical of rowhouse developments.
Multi-family (3+) Minimum lot area required for each additional dwelling unit (3+)	N/A	3,000 2,000	1,000	Up to four units (two more than allowed as of right) are allowed in the RD-40 zone through the conditional use process. To create a gradual transition from RD-40 to RM-10, we recommend decreasing the minimum area for units 3 and 4 in the RS-40 zone from

Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
				3,000 sq. ft. to 2,000 sq. ft.
Minimum yard and lot coverage requirement in feet (setback)				
Front yard or any yard with primary entrance	15	15	15	<i>Revision takes into consideration the siting of duplexes on corner lots.</i>
Front Yard with Rear Parking	10	10	10	<i>This standard encourages parking in the rear of a lot, which reduces the visual impact of higher density housing from the street.</i>
Side yard*	7	5	5	<i>“*” prevision allows exemptions for single-family attached (rowhouses).</i>
Rear yard**	10	10	10	<i>“**” prevision allows exemption for parking with alley access.</i>
Minimum lot width in feet	50	50	50	<i>No change.</i>

Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
Minimum lot width in feet for attached single family (row house) dwellings	25	22.5	20	<i>To allow the potential for owner-occupied attached single-family (rowhouses) we recommend allowing narrower lot widths for this type of housing. Note that this change is not required by statute – but does allow more opportunity for single-family home ownership.</i>
Maximum lot coverage for above ground structures	60%	70%	80%	<i>New standard to ensure that buildings do not dominate the site, to encourage two-story structures that minimize impervious surface area, and adequate open areas for light, air and recreation.</i>
Maximum dwelling units per gross acre***	14	18	31	<i>This is a new calculation based on information in the table above.</i>

Item Regulated	Residential Zones			Commentary/Findings
	RS-50	RD-40	RM-10	
				<i>The formula for determining gross density assumes that 20% of the site will be dedicated for public right-of-way and that the first two units consume 5000 square feet. There are no minimum density requirements.</i>

* Side yard requirement reduced to zero where single-family dwellings are attached.

** Parking allowed in rear yard with alley access.

*** Assumes 20% public ROW dedication.

10A-25-02 Manufactured Home Placement Standards

Any manufactured home placed in the RS-50, RD-40 or RM-10 Zone shall:

The following placement standards apply to manufactured homes located outside manufactured or mobile home parks: (a) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. (b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.	<i>Commentary</i> <i>Manufactured home placement standards are authorized by ORS 197.207(8). These siting standards ensure reasonable compatibility between the manufactured home sited on an individual lot, and surrounding dwellings.</i> <i>Standards (a) – (c) are taken verbatim from the Chapter 10A-21 Manufactured Home Residence Overlay. This overlay zone is no longer necessary because manufactured homes are listed as permitted uses in the RS-50, RD-40 and RM-10 zones.</i>
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(c)The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width. (d)The manufactured home may be required have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority. To make this determination, the Community Development Director shall evaluate residential dwellings within 100 feet of the subject lot; if most of these homes are characterized by a specific type or color of exterior siding or roofing materials, then the manufactured home may be required to have similar colors and materials. (e)The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010 (Definitions for ORS chapter 455). (f)The manufactured home shall have a carport constructed of like materials. The Community Development Director may require the manufactured home to have a garage constructed of like materials if most of the homes within 100 feet of the subject lot have garages. (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a manufactured home and the lot upon which it is sited may be	<i>Standards (d) – (g) are consistent with manufactured home siting standards authorized by ORS 197.307(8). To ensure that standards (d), (f) and (g) are applied in a clear and objective manner, the standard sets the analysis area and a requirement that most (51% or greater) of the homes in the analysis area be considered.</i> <i>The manufactured home must meet all dimensional standards found in the “space limits” table and manufactured dwelling place limit standards (a) – (f).</i>
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required to meet any development standard, architectural requirement or minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.	
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The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:		Commentary <i>This table is no longer needed because minimum site/lot area requirements are addressed in the table above.</i>
Single-family detached dwelling	4,000	
Two or more family dwelling	6,000	
Single-family attached dwellings	6,000 initial project	

Chapter 10A-53 ACCESSORY USES AND STRUCTURES		
10A-53-10 - ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED	Permitted accessory uses and structures include but are not limited to the following: 1. Private garages, parking lots, loading docks and driveways. 2. An accessory dwelling unit provided that the ADU shall: (a) Not exceed 900 square feet and must be smaller than the primary single-family dwelling; (b) Not be permitted if two dwelling units already exist on a lot or parcel. (c) Have a gabled roof with a 3:12 pitch or greater with asphalt shingles <u>or</u> have a roof that matches the roof style and color of the existing single-family dwelling on the site. (a) Have horizontal wood-based siding <u>or</u> have siding that matches the existing single-family dwelling on site.	<i>Revision allows ADU's on all lots that contain a detached single-family dwelling. This revision applies to City zones and URA zones, as required by state statute. Clear and objective design and siting standards are provided as allowed by state statute. These standards ensure a minimum level of compatibility between the primary single-family dwelling and the ADU and allow for usable outdoor space</i>

	(b) Have a patio or porch of at least 60 square feet or at least 200 square feet of usable outdoor open space.	<i>for the occupants of the ADU.</i>
10A-57-60 - OFF-STREET PARKING AND LOADING REQUIREMENTS		
10A-57-65 - APPLICABILITY, INTERPRETATION.	5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. Exception: except that the required parking for a single-family, duplex dwellings and ADU's structure may shall have a single access unless an additional access is approved by the Community Development Director. controlled by the single-family occupants.	<i>Revision allows duplexes the same access exceptions as single-family dwellings, limits access to public street and allows the community development director to make an exception where warranted.</i>
10A-57-65 - APPLICABILITY, INTERPRETATION.	9. Required parking spaces shall not be a required front yard except that both spaces for a single family residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard. Parking spaces shall not be allowed in a front yard except in front of an approved garage or carport or where approved by the Community Development Director for single-family and duplex dwellings.	<i>Revision applies the same standard for duplexes and single-family dwellings related to required parking spaces may be allowed within front yard setbacks. To maintain an attractive street appearance, parking would not be allowed in front yards between the primary residential building or buildings and a public street. However, the Community Development Director has the discretion to exemptions to this standard.</i>
10A-57-75 - PARKING SPACES REQUIRED, GROUP A USES.	USE 1. Dwelling, single-family or duplex. 2. Dwellings, duplex or multi-family.	<i>Revision creates the same parking requirements for duplexes as single-family dwellings (2 spaces).</i>
ONTARIO COMPREHENSIVE PLAN - PLAN CLASSIFICATIONS		
Plan Classification	Purpose	Commentary
Low Density Residential An average of 7-14 or fewer less	To provide areas suitable for single-family and duplex residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.	<i>Revision includes duplexes in plan purpose and recognizes that existing zoning allows more than 7 dwelling</i>

dwelling units per acre.*		<i>units per acre. Note that the term “average” does not imply a minimum density standard but recognizes the possibility that duplexes and ADU’s can substantially increase permitted residential density.</i>
NEW: Medium Density Residential An average of 8-18 dwelling units per acre.*	To provide areas suitable for single family detached, manufactured homes, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.	<i>This is a new classification that corresponds with to the RD-40 zone. Note that the term “average” does not imply a minimum density standard but recognizes the possibility that duplexes and ADU’s can substantially increase permitted residential density.</i>
High Density Residential An average of 8- 31 or more or more dwelling units per acre.*	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.	<i>Existing RD-10 zone allows up to 31 dwelling units per gross acre. Note that the term “average” does not imply a minimum density standard.</i>

***Assumes 20% public ROW dedication.**

ATTACHMENT 2

Section 1. Ontario City Code Section 10A-03-74 is hereby amended by adding that portion that is underlined and deleting the portion lined out and Sections 10A-03-74.1 through 10A-03-74.3 are hereby added to Chapter 10A-03 ("Definitions") of Title 10A of the Ontario City Code:

CHAPTER 10A – 03 DEFINITIONS **10A-03-74 DWELLING**

Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code; provided, however, that the following are not dwellings:

1. Transient accommodations;
2. Institutional care facilities such as hospitals, hospices, rest homes and homes for the aged.

10A-03-74.1 DWELLING, ACCESSORY UNIT (ADU)

An interior, attached, or detached site-built dwelling unit that is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is

- a) 900 square feet or less and
- b) less than the primary single-family dwelling on the lot or parcel.
(see also Duplex Dwelling definition)

10A-03-74.2 DWELLING, APARTMENT

A structure with three or more site-built dwelling units that share common walls, floors or ceilings.

- A "tri-plex" is a three-unit apartment
- A "four-plex" is a four-unit apartment
- A "courtyard apartment" is centered around a common courtyard of at least 30 feet in width

10A-03-74.3 DWELLING, COTTAGE CLUSTER

A grouping of four to eight small, site-built detached dwelling units on a lot or parcel with

- a) a common courtyard of at least 30 feet in width,
- b) a footprint of 900 square feet per unit or less, and
- c) a gross floor area of 1,800 square feet per unit or less.

Section 2. Ontario City Code Section 10A-03-75 is hereby amended by renaming to 10A-03-74.4 and adding that portion that is underlined and deleting the portion lined out:

10A-03-~~75~~74.4 DWELLING, SINGLE- FAMILY, ATTACHED

A row of two or more adjoining site-built dwelling units, each of which is separated from the others by where each dwelling unit is located on an individual lot and shares at least one common or more unpierced wall s-extending from the ground or roof. with an adjacent unit (also Such dwellings are often known as townhouses or "rowhouse").

Section 3. Ontario City Code Section 10A-03-76 is hereby amended by renaming to 10A-03-74.5 and adding that portion that is underlined and deleting the portion lined out:

10A-03-7674.5 DWELLING, DUPLEX

A residential building of any configuration containing two dwelling units or two single-family dwellings attached including two common wall or ceiling units. (see also ADU definition).

Section 4. Ontario City Code Section 10A-03-77 is hereby amended by renaming to 10A-03-74.6 and adding that portion that is underlined and deleting the portion lined out:

10A-03-7774.6 DWELLING, MULTI-FAMILY

~~A dwelling designed for or occupied by more than two (2) families living independently of each other. Such a group of three or more dwelling units of any type and in any configuration on a lot or parcel is and characterized by having living units which share common walls and/ or floors and/or ceilings.~~

Section 5. Ontario City Code Section 10A-03-78 is hereby amended by renaming to 10A-03-74.7 and adding that portion that is underlined and deleting the portion lined out:

10A-03-7874.7 DWELLING, SINGLE FAMILY, DETACHED

A residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit.

Section 6. Ontario City Code Section 10A-03-134 is hereby amended by renaming to 10A-03-74.8 and adding that portion that is underlined and deleting the portion lined out:

10A-03-134 MANUFACTURED HOME

~~A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence. A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.~~

10A-03-134 .1 MANUFACTURED DWELLING

A residential trailer, mobile home or manufactured home. "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 445 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

10A-03-134.2 MANUFACTURED DWELLING SPACE OR LOT

Any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

10A-03-134.3 MOBILE HOME

A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

10A-03-134.4 RECREATIONAL VEHICLE

A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.

10A-03-134.5 MANUFACTURED DWELLING PARK

Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel or any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City of Ontario or Malheur County consistent with state subdivision law.

10A-03-134.6 DWELLING, NEEDED HOUSING TYPES

"Needed housing" includes the following housing types when permitted under clear and objective standards in the underlying residential zoning district:

- (a) Detached single-family housing;
- (b) Accessory dwelling units (ADU's);
- (c) Attached single-family housing;
- (d) Manufactured homes on individual lots planned and zoned for single-family use;
- (e) Duplexes;
- (f) Multiple family housing;
- (g) Manufactured dwelling parks;
- (h) Government assisted housing;
- (i) Housing for farmworkers.

CHAPTER 10A-11 RS – 50, SINGLE-FAMILY RESIDENCE ZONE

Section 7. Ontario City Code Section 10A-11-01 Purpose is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-11-01 PURPOSE.

To provide and maintain residential areas of predominantly ~~owner-occupied~~ single-family detached and attached dwellings, duplex dwellings and manufactured homes on individual lots at relatively high densities for ~~this type of these~~ housing types.

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice since March 12, 1989, the effective date of the 1988 Amendments of the Federal Fair Housing Act, it has been a matter of law. Those amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single-family dwelling.

Section 8. Ontario City Code Section 10A-11-05 Principal Permitted Use is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-11-05 PRINCIPAL PERMITTED USE.

The following principal uses are permitted as of right in the RS-50 Zone:

1. A Single-family detached or attached dwellings.
2. A manufactured home subject to design standards.
3. A duplex dwelling if there is no ADU on the lot.
4. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.

- ~~45.~~ Home occupations meeting the standards herein.
- ~~56.~~ ~~A~~ family day-care provider.
- ~~67.~~ Parks and recreation facilities, public.
- ~~78.~~ Horticulture and the growing of field crops or hay.
- ~~89.~~ A residential care facility housing not more than eight clients.
- ~~910.~~ Adult foster care for not more than five patrons.
- 11. Oxford Houses as defined by the Federal Fair Housing Act of the 1988 Amendments.

Section 9. Ontario City Code Section 10A-11-05 Principal Permitted Use is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-11-05 PRINCIPAL PERMITTED USE.

The following principal uses are permitted as of right in the RS-50 Zone:

- 2. A Single-family detached or attached dwellings.
- 2. A manufactured home subject to design standards.
- 3. A duplex dwelling if there is no ADU on the lot.
- 4. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.
- ~~45.~~ Home occupations meeting the standards herein.
- ~~56.~~ ~~A~~ family day-care provider.
- ~~67.~~ Parks and recreation facilities, public.
- ~~78.~~ Horticulture and the growing of field crops or hay.
- ~~89.~~ A residential care facility housing not more than eight clients.

CHAPTER 10A-13 RD-40, DUPLEX RESIDENCE ZONE

Section 10. Ontario City Code Section 10A-13-05 The following principle uses as defined herein are permitted as of right in the RD-40 Zone subject to the provisions of this ordinance:

10A-11-10 CONDITIONAL USES.

The following are permitted conditionally in the RS-50 Zone:

- 1. A single-family detached or attached dwellings.
- 2. A Manufactured home subject to design standards.
- ~~2 3.~~ ~~A duplex dwelling if there is no ADU on the lot-a defined herein.~~
- 4. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.
- ~~85.~~ Home occupations meeting the standards herein.
- ~~3-6.~~ Parks and recreation facilities, public.
- ~~47.~~ Horticulture and the growing of field crops or hay.
- ~~58.~~ Residential care facility housing not more than eight clients.
- ~~6 9~~ Day care center as defined herein or family day care provider.
- ~~7 10~~ Adult foster care for not more than five patrons.

Section 11. Ontario City Code Section 10A-13-10 Conditional Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-13-10 CONDITIONAL USES

The following uses are permitted conditionally in the zone:

1. Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility.
 2. Up to two additional ~~M~~multiple-family dwellings containing not more than four dwelling units, on a lot or parcel. ~~or not more than four single family dwellings, attached, or two family structures, attached, or any combination thereof.~~
- (3 through 11 remain as is)

CHAPTER 10A-19 R-MH, MANUFACTURED HOME RESIDENCE ZONE

Section 12. Ontario City Code Section 10A-19-05 Principal Permitted Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

~~10A-17~~19-05 PRINCIPAL PERMITTED USES

The following principal uses as defined herein are permitted as of right in the R-MH Zone subject to the provisions of this ordinance:

1. Single-family detached, attached and duplex dwellings constructed to RD-40 Zone standards.
- (2 to 6 remain as written)

Section 13. Ontario City Code Section 10A-21 is removed in its entirety.

~~CHAPTER 10A 21 R – MHO, MANUFACTURED HOME RESIDENCE OVERLAY ZONE~~

CHAPTER 10A – 25 RESIDENTIAL ZONES, SPACE LIMITS TABLE

Section 14. Ontario City Code Section 10A-25-01 Purpose and Applicability is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-25-01 PURPOSE AND APPLICABILITY

The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.

Item Regulated	Residential Zones		
	RS-50	RD-40	RM-10
Maximum height in feet	38	38	None
Minimum <u>lot size</u> site area <u>per dwelling unit</u> in square feet			
Single-family detached <u>and duplex dwellings,</u> <u>and manufactured homes on individual lots.</u> <u>ADU's are not subject to space limitations but</u> <u>must meet other applicable zoning standards.</u>	5,000	4,000	5,000

Duplex	5,000	3,000	3,000
Single-family attached <u>dwellings</u>	5,000 <u>2,500</u>	3,000 <u>2,250</u>	2,000
Multi-family Minimum lot area required for each additional dwelling unit (3+)	X <u>N/A</u>	3,000 <u>2,000</u>	1,000
Minimum yard <u>and lot coverage</u> requirement in feet (setback)			
Front yard <u>or any yard with primary entrance</u>	15	15	15
<u>Front Yard with Rear Parking</u>	<u>10</u>	<u>10</u>	<u>10</u>
Side yard *	7	5	5
Rear yard **	10	10	10
Minimum lot width in feet	50	50	50
<u>Minimum lot width in feet for attached single family (row house) dwellings</u>	<u>25</u>	<u>22.5</u>	<u>20</u>
<u>Maximum lot coverage for above ground structures</u>	<u>60%</u>	<u>70%</u>	<u>80%</u>
<u>Maximum dwelling units per gross acre***</u>	<u>14</u>	<u>18</u>	<u>31</u>
* Side yard requirement reduced to zero where single-family dwellings are attached. ** Parking allowed in rear yard with alley access. *** Assumes 20% public ROW dedication.			

10A-25-02 Manufactured Home Placement Standards

Any manufactured home placed in the RS-50, RD-40 or RM-10 Shall:

The following placement standards apply to manufactured homes located outside of manufactured or mobile home parks:

- (a) The manufactured home shall be multi-sectional and enclosed a space of not less than 1,000 square feet.
- (b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- (c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
- (d) The manufactured home may be required have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority. To make this determination, the Community Development Director shall evaluate residential dwellings within 100 feet of the subject lot; if most of these homes are characterized by a specific type or color of exterior siding or roofing materials, then the manufactured home may be required to have similar colors and materials.
- (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010 (Definitions for ORS chapter 455).
- (f) (f)The manufactured home shall have a carport constructed of like materials. The Community Development Director may require the manufactured home to have a garage constructed of like materials if most of the homes within 100 feet of the subject lot have garages.
- (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a manufactured home and the lot upon which it is sited may be required to meet any development standard, architectural requirement or minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:

Single family detached dwelling	4,000
Two or more family dwelling	6000
Single family attached dwellings	6,000 initial project

Note: All minimum dimensions are subject to adequate provision for other space-using requirements of this Title. In some cases, innovative building design may be required to use a minimum size lot.

CHAPTER 10A – 53 ACCESSORY USES AND STRUCTURES

Section 15. Ontario City Code Section 10A-53-10 Accessory Uses or Structures, Specifically Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–53–10 ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED

Permitted accessory uses and structures include but are not limited to the following:

1. Private garages, parking lots, loading docks and driveways.
2. An accessory dwelling unit provided that the ADU shall:
 - (a) Not exceed 900 square feet and must Not exceed 900 square feet and must be smaller than the primary single-family dwelling;
 - (b) Not be permitted if two dwelling units already exist on a lot or parcel.
 - (c) Have a gabled roof with a 3:12 pitch or greater with asphalt shingles or have a roof that matches the roof style and color of the existing single-family dwelling on the site.
 - (d) Have horizontal wood-based siding or have siding that matches the existing single-family dwelling on site.
 - (e) Have a patio or porch of at least 60 square feet or at least 200 square feet of usable outdoor open space.
- ~~2~~ 3 A structure for storage incidental to a permitted use, provided no such structure accessory to a residential building shall exceed 150 square feet gross floor area, and further provided, no structure accessory to any other type of principal building may have a ground coverage exceeding ten percent of the ground coverage of such principal building.
- ~~3~~ 4 Child's playhouse, gazebo, pavilion or similar structure.
- ~~4~~ 5 Tennis or other game courts accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, providing any fixed lighting shall be so arranged that beams will not fall on adjoining property.
- ~~5~~ 6 Swimming pool and bathhouse accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, provided

such pool is fenced to control access and any lighting is arranged so that beams will not fall on adjoining property.

~~6~~ 7 Fallout and storm shelters.

~~7~~ 8 Outdoor storage, not in the front yard, of a boat or recreational vehicles, provided no boat or recreational vehicle shall be used for living, sleeping or housekeeping and further provided the boat or recreational vehicle is in usable condition or actively in the process of reconditioning.

~~8~~ 9 Building management offices, clubhouses, laundry houses and the like when associated with a housing complex.

~~9~~ 10 Vending machines other than newspaper vending machines not visible from a street are allowed in multi-family residential, commercial and industrial zones.

~~10~~ 11 Solar or wind energy collectors and associated heat storage units.

~~11~~ 12 Decorative fountains or sculpture.

~~12~~ 13 Signs as authorized by the sections on signs of this Title or in the provisions of a zone.

CHAPTER 10A-57-60 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 16. Ontario City Code Section 10A-57-65 Applicability, Interpretation is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-57-65 APPLICABILITY, INTERPRETATION

The following provisions shall be used in interpreting the applicability of parking and loading provisions:

Section 1 through 4 remain the same

5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. ~~Exception: ,except that the required parking for a single-family, duplex dwellings and ADU's structure may~~ shall have a single access unless an additional access is approved by the Community Development Director. controlled by the single-family occupants.

Sections 6 through 8 remain the same

9. ~~Required parking spaces shall not be allowed in a required front yard except that both spaces in front of an approved garage or carport or where approved by the Community Development Director for a single-family and duplex dwellings. residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard.~~

Section 17. Ontario City Code Section 10A-57-75 Parking Spaces Required, Group A Uses Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-57-75 PARKING SPACES REQUIRED, GROUP A USES

All uses of land or buildings enumerated under group A shall provide off street parking and loading, as specified, on the same development site as such use or building and the parking space shall have convenient and unobstructed pedestrian access across the development site to a principal entrance to the building or use.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Dwelling, single-family <u>or duplex</u> .	Two	None
2. Dwellings, duplex or multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.

(REMAINING OF THE GROUP TABLE STAYS THE SAME (3 TO 15))

Section 18. Ontario City Code Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

TITLE 10 – COMPREHENSIVE PLAN

THE PLAN Plan Classifications

The land use element of Ontario's Comprehensive Plan is intended to provide a general guide to the future use of land within the City and its urban growth boundary. In addition to the goals, policies, and recommendations, the land use element consists of a map, indicating the proposed location, intent and pattern of the various defined land uses relating to the orderly physical development of Ontario.

The land use plan is based on the existing land use pattern and its relationship to such factors and natural land features; accessibility with respect to the existing and proposed transportation network; the nature, amount and direction of projected future growth; the location with respect to existing and proposed public facilities and utilities; relationship to nuisance factors, and the desirability of the location for future major uses.

The land use classifications are indicated on the Plan for the area within the City of Ontario. The City applies the following designations: two Residential; one Industrial; one Commercial; one Manufactured Housing Park, and one Manufactured Home Overlay. More specific separation of the uses within each plan classification are defined by the zoning map and related ordinance provisions.

Plan Classification	Purpose
Low Density Residential An average of <u>7–14</u> or less dwelling units per acre. *	To provide areas suitable for single family <u>and duplex</u> residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.

Plan Classification	Purpose
Medium Density Residential <u>An average of 8–18 dwelling units per acre. *</u>	<u>To provide areas suitable for single family, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.</u>
High Density Residential <u>An average of 8–31 or more dwelling units per acre.</u>	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.
Commercial	To provide areas suitable and desirable for retail, whole-sale <u>wholesale</u> , service, office, tourist and their similar commercial activities which are needed by the City and surrounding areas. Zone classification between commercial activities.
Industrial	To provide areas suitable and desirable for those activities that are involved in processing or reprocessing materials and/or resources. These activities are needed to maintain or improve the City's economy and employment. Industrial areas are generally located where services and transportation improvements are available, and development is compatible with surrounding area uses. Zone classifications will be used to differentiate between heavy and light industrial activities.
Public Facilities	To indicate areas desired to be used for existing or anticipated public uses such as schools and other local public, State or Federal activities or facilities.
<u>* Assumes 20% public ROW dedication.</u>	

Section 19. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 20. This ordinance shall become effective 30 days after passage or upon the effective date of any ballot measure or ordinance that has the effect of repealing Section 3-23-1, whichever is later.



ORDINANCE #2786-2021

AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE TO COMPLY WITH THE ZONING REQUIREMENTS OF HOUSE BILL 2001 CONCERNING THE ZONING OF DUPLEXES, ACCESSORY DWELLING UNITS, AND THE SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS THROUGH PLANNING ACTION 2020-01-02CPAMD-ZCA, AND DECLARING AN EMERGENCY

- WHEREAS,** The City of Ontario has received a grant from the State of Oregon Department of Land Conservation and Development (DLCD); to address housing needs, encourage economic development, and improve residential development that meets the needs of Ontario households; and
- WHEREAS,** Ontario will complete an updated housing needs analysis and buildable lands inventory, assisted by several Technical Advisory Committee meetings throughout the year; and
- WHEREAS,** The 2007 Ontario Urbanization Report was the most recent housing needs analysis, buildable land inventory, and comparison of residential land need and supply. These results were included in the Ontario Comprehensive Plan; and
- WHEREAS,** Both the Comprehensive Plan and Oregon Statewide Planning Goal 10 (as implemented by OAR 660-016-008) call for facilitation to residential development, via these requested amendments to Title 10 City Municipal Code; and
- WHEREAS,** Amendments to ORS 197.312 and 197.314 by House Bill 2001, enacted in 2019, require changes in the Ontario Municipal Code, which this ordinance is intended to address.
- WHEREAS,** HB 2001 requires Oregon cities over 10,000 to (a) amend zoning regulations to meet “middle housing” (duplex) needs, and (b) address infrastructure deficiencies related to otherwise buildable residential land; and
- WHEREAS,** State Law requires an ordinance be adopted by the local governing body (i.e. Ontario City Council) to accomplish code changes via adoption of a city ordinance; and
- WHEREAS,** Having given notice required by law, to the Oregon Department of Land Conservation and Development (DLCD), and to the Ontario City Council, the above findings have met the criteria of the Ontario Municipal Code; and
- WHEREAS,** Oregon law requires that the ordinance changes required by House Bill 2001 be enacted before July 1, 2021, which requires that this ordinance be enacted with an emergency clause.

Now, Therefore, the City of Ontario ordains as follows:

Section 1. Ontario Municipal Code Section 10A-03-74 of Chapter 3 of Title 10A is hereby amended by adding that portion that is underlined.

10A-03-74 DWELLING

Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. Except for manufactured dwellings as defined in ORS 446.003, all dwelling units shall be constructed to conform to the Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code, or the Small Home Specialty Code; provided, however, that the following are not dwellings:

1. Transient accommodations;
2. Institutional care facilities such as hospitals, hospices, rest homes and homes for the aged.

Section 2. The following definitions in Sections 10A-03-74.1, 10A-03-74.2 and 10A-03-74.3 are hereby added to Chapter 10A-03 ("Definitions") of Title 10A of the Ontario Municipal Code as follows:

10A-03-74.1 DWELLING, ACCESSORY UNIT (ADU)

An interior, attached, or detached site-built dwelling unit that is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is

- a) 900 square feet or less and
- b) less than the primary single-family dwelling on the lot or parcel.

(see also Duplex Dwelling definition)

10A-03-74.2 DWELLING, APARTMENT

A structure with three or more site-built dwelling units that share common walls, floors or ceilings.

- a) "tri-plex" is a three-unit apartment
- b) "four-plex" is a four-unit apartment
- c) "courtyard apartment" is centered around a common courtyard of at least 30 feet in width

10A-03-74.3 DWELLING, COTTAGE CLUSTER

A grouping of four to eight small, site-built detached dwelling units on a lot or parcel with

- a) a common courtyard of at least 30 feet in width,
- b) a footprint of 900 square feet per unit or less, and
- c) a gross floor area of 1,800 square feet per unit or less.

Section 3. Ontario Municipal Code Section 10A-03-75 is hereby renumbered as 10A-03-74.4, and amended by adding that portion that is underlined and deleting the portion lined out:

10A-03-7574.4 DWELLING, SINGLE- FAMILY, ATTACHED

A row of two or more adjoining site-built dwelling units, each of which is separated from the others by where each dwelling unit is located on an individual lot and shares at least one common or more unpierced wall s extending from the ground or roof. with an adjacent unit (also Such dwellings are often known as townhouses or "rowhouse").

Section 4. Ontario Municipal Code Section 10A-03-76 is hereby renumbered as 10A-03-74.5, and amended by adding that portion that is underlined and deleting the portion lined out:

10A-03-76~~74.5~~ DWELLING, DUPLEX

A residential building of any configuration containing two dwelling units or two single-family dwellings attached including two common wall or ceiling units. (see also ADU definition).

Section 5. Ontario Municipal Code Section 10A-03-77 is hereby renumbered as 10A-03-74.6 and amended by adding that portion that is underlined and deleting the portion lined out:

10A-03-77~~74.6~~ DWELLING, MULTI-FAMILY

A dwelling designed for or occupied by more than two (2) families living independently of each other. Such a group of three or more dwelling units of any type and in any configuration on a lot or parcel is and characterized by having living units which share common walls and/or floors and/or ceilings.

Section 6. Ontario Municipal Code Section 10A-03-78 is hereby renumbered as 10A-03-74.7:

10A-03-78~~74.7~~ DWELLING, SINGLE FAMILY, DETACHED

A residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit.

Section 7. Ontario Municipal Code Section 10A-03-134 is hereby renumbered as 10A-03-74.8 and amended by adding that portion that is underlined and deleting the portion lined out:

10A-03-134~~74.8~~ MANUFACTURED HOME

~~A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence. A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.~~

Section 8. The following definitions in Sections 10A-03-134.1, 10A-03-134.2, 10A-03-134.3, 10A-03-134.4, 10A-03-134.5 and 10A-03-134.6 are hereby added to Chapter 10A-03 ("Definitions") of Title 10A of the Ontario City Code as follows:

10A-03-134 .1 MANUFACTURED DWELLING

A residential trailer, mobile home or manufactured home. "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 445 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

10A-03-134.2 MANUFACTURED DWELLING SPACE OR LOT

Any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

10A-03-134.3 MOBILE HOME

A residential structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

10A-03-134.4 RECREATIONAL VEHICLE

A vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.

10A-03-134.5 MANUFACTURED DWELLING PARK

Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel or any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City of Ontario or Malheur County consistent with state subdivision law.

10A-03-134.6 DWELLING, NEEDED HOUSING TYPES

"Needed housing" includes the following housing types when permitted under clear and objective standards in the underlying residential zoning district:

- (a) Detached single-family housing;
- (b) Accessory dwelling units (ADU's);
- (c) Attached single-family housing;
- (d) Manufactured homes on individual lots planned and zoned for single-family use;
- (e) Duplexes;
- (f) Multiple family housing;
- (g) Manufactured dwelling parks;
- (h) Government assisted housing;
- (i) Housing for farmworkers.

Section 9. Ontario Municipal Code Section 10A-11-01 of Chapter 11 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-11-01 PURPOSE.

To provide and maintain residential areas of predominantly ~~owner-occupied~~ single-family detached and attached dwellings, duplex dwellings and manufactured homes on individual lots at relatively high densities for this type of these housing types.

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice since March 12, 1989, the effective date of the 1988 Amendments of the Federal Fair Housing Act, it has been a matter of law. Those amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single-family dwelling.

Section 10. Ontario Municipal Code Section 10A-11-05 of Chapter 11 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-11-05 PRINCIPAL PERMITTED USE.

The following principal uses are permitted as of right in the RS-50 Zone:

1. A Single-family detached or attached dwellings.
2. A manufactured home subject to design standards.
3. A duplex dwelling if there is no ADU on the lot.
4. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.

- ~~45.~~ Home occupations meeting the standards herein.
- ~~56.~~ ~~A~~ Family day-care provider.
- ~~67.~~ Parks and recreation facilities, public.
- ~~78.~~ Horticulture and the growing of field crops or hay.
- ~~89.~~ ~~A~~ residential care facility housing not more than eight clients.
- ~~910.~~ Adult foster care for not more than five patrons.
11. Oxford Houses as defined by the Federal Fair Housing Act of the 1988 Amendments.

Section 11. Ontario Municipal Code Section 10A-11-10 of Chapter 11 of Title 10A is hereby amended by adding that portion that is underlined and deleting that portion that is lined out:

10A-11-10 CONDITIONAL USES.

The following are permitted conditionally in the RS-50 Zone:

1. Private stables, corrals and paddocks which meet the standards set forth in RS-~~80~~50 Zone.
2. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility.
- ~~3.~~ Duplex dwelling as defined herein.
43. Schools or seminaries, public or private.
54. Churches.
65. Day care center with 13 or more children or if not in a private home.
- ~~76.~~ Cemeteries and crematoria when located in or on property adjacent to a cemetery.

Section 12. Ontario Municipal Code Section 10A-13-05 of Chapter 13 of Title 10A is hereby amended by adding that portion that is underlined and deleting that portion that is lined out:

10A-13-05 PRINCIPAL PERMITTED USE.

The following principle uses as defined here in are permitted as of right in the RD-40 zone subject to the provisions of this ordinance:

1. A single-family detached or attached dwellings.
2. A Manufactured home subject to design standards.
- ~~2 3.~~ ~~A~~ Duplex dwelling if there is no ADU on the lot ~~a defined herein.~~
4. An ADU accessory to an existing detached single-family dwelling unit, if there is no duplex on the lot.
- ~~85.~~ Home occupations meeting the standards herein.
- ~~3-6.~~ Parks and recreation facilities, public.
- ~~47.~~ Horticulture and the growing of field crops or hay.
- ~~58.~~ Residential care facility housing not more than eight clients.
- ~~6 9~~ Day care center as defined herein or family day care provider.
- ~~7 10~~ Adult foster care for not more than five patrons.

Section 13. Subsection (2) of Ontario Municipal Code Section 10A-13-10 Conditional Uses, is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-13-10 CONDITIONAL USES

The following uses are permitted conditionally in the zone:

1. Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility.
2. Up to two additional Mmultiple-family dwellings containing not more than four dwelling units, on a lot or parcel. ~~or not more than four single-family dwellings, attached, or two-family structures, attached, or any combination thereof.~~

3. Rooming house as defined herein.
4. Hotel, bed and breakfast, as defined herein.
5. Residential care facility.
6. Nursing home (day care center).
7. Museums, concert halls, auditorium and similar cultural facilities.
8. Cemeteries and crematoria when located in or on property adjacent to a cemetery,
9. Fair, rodeo or stadium grounds on sites of more than three acres and operated by public or publicly sponsored nonprofit agencies.
10. Churches.
11. Schools or seminaries, public or private.

Section 14. Ontario Municipal Code Section 10A-17 in Chapter 19 of Title 10A was misnumbered when it was enacted. That Section is renumbered as 10A-19-05 in Chapter 19 of Title 10A and is hereby amended by adding that portion that is underlined:

10A-1719-05 PRINCIPAL PERMITTED USES

The following principal uses as defined herein are permitted as of right in the R-MH Zone subject to the provisions of this ordinance:

1. Single-family detached, attached and duplex dwellings constructed to RD-40 Zone standards.
2. Home occupations meeting the standards herein.
3. Manufactured or mobile home parks.
4. Manufactured or mobile home subdivisions.
5. Day care center or family day care provider.
6. Offices, manager's quarters, laundry rooms, recreation rooms, park and playground areas, and other structures customarily associated with or required in manufactured or mobile home parks, except that manufactured home sales and repair enterprises and other commercial enterprises are not permitted.

Comment [MB1]: Text not in the Winterbrook table. Keep it? Or remove it?

Section 15. Ontario Municipal Code Section 10A-21 is deleted.

Section 16. Ontario Municipal Code Section 10A-25-01 is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-25-01 PURPOSE AND APPLICABILITY

The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.

Item Regulated	Residential Zones		
	RS-50	RD-40	RM-10
Maximum height in feet	38	38	None
Minimum <u>lot size</u> site area per dwelling unit in square feet			

Single-family detached and duplex dwellings, and manufactured homes on individual lots. ADU's are not subject to space limitations but must meet other applicable zoning standards.	5,000	4,000	5,000
Duplex	5,000	3,000	3,000
Single-family attached dwellings	5,000 <u>2,500</u>	3,000 <u>2,250</u>	2,000
Multi-family Minimum lot area required for each additional dwelling unit (3+)	X N/A	3,000 <u>2,000</u>	1,000
Minimum yard and lot coverage requirement in feet (setback)			
Front yard or any yard with primary entrance	15	15	15
Front Yard with Rear Parking	<u>10</u>	<u>10</u>	<u>10</u>
Side yard *	7	5	5
Rear yard **	10	10	10
Minimum lot width in feet	50	50	50
Minimum lot width in feet for attached single family (row house) dwellings	<u>25</u>	<u>22.5</u>	<u>20</u>
Maximum lot coverage for above ground structures	<u>60%</u>	<u>70%</u>	<u>80%</u>
Maximum dwelling units per gross acre***	<u>14</u>	<u>18</u>	<u>31</u>

* Side yard requirement reduced to zero where single-family dwellings are attached.

** Parking allowed in rear yard with alley access.

*** Assumes 20% public ROW dedication.

10A-25-02 Manufactured Home Placement Standards

Any manufactured home placed in the RS-50, RD-40 or RM-10 Shall:

The following placement standards apply to manufactured homes located outside of manufactured or mobile home parks:

- (a) The manufactured home shall be multi-sectional and enclosed a space of not less than 1,000 square feet.
- (b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- (c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
- (d) The manufactured home may be required have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority. To make this determination, the Community Development Director shall evaluate residential dwellings within 100 feet of the subject lot; if most of these homes are characterized by a specific type or color of exterior siding or roofing materials, then the manufactured home may be required to have similar colors and materials.
- (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010 (Definitions for ORS chapter 455).
- (f) (f)The manufactured home shall have a carport constructed of like materials. The Community Development Director may require the manufactured home to have a garage constructed of like materials if most of the homes within 100 feet of the subject lot have garages.
- (g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a manufactured home and the lot upon which it is sited may be required to meet any development standard, architectural requirement or minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

~~The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:~~

Single family detached dwelling	4,000
Two or more family dwelling	6000
Single family attached dwellings	6,000 initial project

Note: All minimum dimensions are subject to adequate provision for other space-using requirements of this Title. In some cases, innovative building design may be required to use a minimum size lot.

Section 17. Ontario Municipal Code Section 10A-53-10 Accessory Uses or Structures, Specifically Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-53-10 ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED

Permitted accessory uses and structures include but are not limited to the following:

1. Private garages, parking lots, loading docks and driveways.
2. An accessory dwelling unit provided that the ADU shall:
 - (a) Not exceed 900 square feet and must Not exceed 900 square feet and must be smaller than the primary single-family dwelling;
 - (b) Not be permitted if two dwelling units already exist on a lot or parcel.
 - (c) Have a gabled roof with a 3:12 pitch or greater with asphalt shingles or have a roof that matches the roof style and color of the existing single-family dwelling on the site.
 - (d) Have horizontal wood-based siding or have siding that matches the existing single-family dwelling on site.
 - (e) Have a patio or porch of at least 60 square feet or at least 200 square feet of usable outdoor open space.
- ~~2~~ 3 A structure for storage incidental to a permitted use, provided no such structure accessory to a residential building shall exceed 150 square feet gross floor area, and further provided, no structure accessory to any other type of principal building may have a ground coverage exceeding ten percent of the ground coverage of such principal building.
- ~~3~~ 4 Child's playhouse, gazebo, pavilion or similar structure.
- ~~4~~ 5 Tennis or other game courts accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, providing any fixed lighting shall be so arranged that beams will not fall on adjoining property.
- ~~5~~ 6 Swimming pool and bathhouse accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, provided such pool is fenced to control access and any lighting is arranged so that beams will not fall on adjoining property.
- ~~6~~ 7 Fallout and storm shelters.

- ~~7~~ 8 Outdoor storage, not in the front yard, of a boat or recreational vehicles, provided no boat or recreational vehicle shall be used for living, sleeping or housekeeping and further provided the boat or recreational vehicle is in usable condition or actively in the process of reconditioning.
- 8 9 Building management offices, clubhouses, laundry houses and the like when associated with a housing complex.
- 9 10 Vending machines other than newspaper vending machines not visible from a street are allowed in multi-family residential, commercial and industrial zones.
- ~~10~~ 11 Solar or wind energy collectors and associated heat storage units.
- ~~11~~ 12 Decorative fountains or sculpture.
- ~~12~~ 13 Signs as authorized by the sections on signs of this Title or in the provisions of a zone.

Comment [MB2]: Winterbrook table does not list #3-12. Remove them? Keep them?

Section 18. Ontario Municipal Code Section 10A-57-65 Applicability, Interpretation is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-57-65 APPLICABILITY, INTERPRETATION

The following provisions shall be used in interpreting the applicability of parking and loading provisions:

1. The parking and loading requirements for buildings and uses not set forth herein shall be determined by the Planning Official and such determination shall be based on the requirements for the most comparable building or use specified herein. Comparability shall be primarily based on the environmental operating characteristics and neighborhood compatibility of the buildings or uses.
2. When several uses occupy a single building or development site, the total required parking shall be the sum of the requirements of each use. However, the Planning Official may partially reduce such combined parking requirements if it is clearly evident that part of the usage will occur at different times, such as a church sharing parking with business offices, and such joint use if secured by contractual arrangements.
3. When building or use is constructed so that a choice of parking requirements could be made, the uses which requires the greater number of parking spaces shall govern.
4. Required parking or loading spaces shall be available for the parking of vehicles of residents, customers, patrons, service vehicles, delivery vehicles and employees only and shall not be used for storage, sale, repair or servicing of vehicles or materials.
5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. Exception: ,except that the required pParking for a single-family, duplex dwellings and ADU's structure may shall have a single access unless an additional access is approved by the Community Development Director. controlled by the single family occupants.

Comment [MB3]: Only #5 and #9 had changes. Include all the others in this document?

6. In the case of an existing structure being altered or enlarged and said alteration does not increase the use of the structure (with the exception of changing a non-conforming use and structure from vacant to occupied), nor be of a nature as to require additional parking and loading area, and the enlargement is of a minor nature meaning the area of the addition would require no more than six additional parking spaces, given the parking requirements of the use, additional parking space need not be provided except that the Planning Official has the authority to require the use or structure being altered or enlarged to provide additional parking and loading area up to the specified requirements of this Section if, in the judgment of the Planning Official, such additional parking and loading area is needed to address a public safety or traffic circulation problem.
7. Site plans showing the layout of required parking or loading facilities shall be a part of each application for a building permit.
8. In a shopping center development where parking cannot reasonably be assigned to individual uses, two square feet of gross parking lot shall be provided for each square foot of gross floor area in the buildings.
9. Required parking spaces shall not be allowed in a required front yard except that both spaces in front of an approved garage or carport or where approved by the Community Development Director for a single-family and duplex dwelling. ~~residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard.~~
10. On-street parking credits. In commercial zoning districts (C zones), the minimum requirement of off-street parking spaces may be reduced by the number of on-street parking spaces available along the street frontage of a proposed development site, provided these spaces are available for general public use at all times. Signs or other actions that limit general public use of the on-street spaces are prohibited.

The number of on-street parking spaces to be credited shall be determined by the City standards for the amount of uninterrupted curb needed for on-street parking spaces, for either parallel parking or angled parking as identified in Section 10A-57-100.

Section 19. Ontario Municipal Code Section 10A-57-75 Parking Spaces Required, Group A Uses Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-57-75 PARKING SPACES REQUIRED, GROUP A USES

All uses of land or buildings enumerated under group A shall provide off street parking and loading, as specified, on the same development site as such use or building and the parking space shall have convenient and unobstructed pedestrian access across the development site to a principal entrance to the building or use.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Dwelling, single-family <u>or duplex.</u>	Two	None

2. Dwellings, duplex or multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.
3. Boarding, rooming and lodging houses, bed and breakfast hotel	One for each bedroom	None
4. Doctor's offices, medical and dental clinics.	One space for each doctor and each employee, full or part-time on duty, plus one space for 300 square feet	None
5. Restaurants, taverns, bars, nightclubs, with or without dancing facilities.	One (1) for each four (4) fixed seats or where there are no fixed seats, one (1) space for each 50 square feet of gross floor area utilized for public space.	One
6. Retail stores and shops.	One for each 300 square feet gross floor area.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or fraction thereof.
7. Furniture, appliance sales or repair.	One for each 500 sq. ft. sales and repair space.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or major fraction thereof.
8. Funeral homes and mortuaries.	one for each three seats or one for each 50 sq. ft. of public space, whichever is the greater.	One for each hearse, ambulance or other non-passenger vehicle.
9. Real estate sales office	Two for the first 300 sq. ft. plus one for each additional 200 sq. ft. of office or public space.	None.
10. Small item service and repair shop.	One for each 200 sq. ft. gross floor area.	None.
11. Beauty and barber shop.	One for each 200 sq. ft. gross floor area.	None.
12. Automotive or machinery sales, garages	One for each 400 sq. ft. gross floor area.	One for each 5,000 sq. ft. gross floor area.
13. Bowling alleys.	Five for each lane.	None.
14. Roller and ice rinks, intensive sports and recreation buildings, dance halls.	One for each three fixed seats or one for each 100 sq. ft. of gross floor area or public space.	None.

Comment [MB4]: Only #1 and 2 have edits. Keep the entire table?

15. Banks, professional or general offices other than medical.	One for each 300 sq. ft. gross floor area.	None
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Section 20. Ontario Municipal Code Title 10 Comprehensive Plan has several introductory paragraphs, including a paragraph entitled “Plan Classifications” immediately below a heading entitled “THE PLAN”. The paragraph entitled “Plan Classifications” is hereby amended by adding that portion that is underlined and deleting the portion lined out:

TITLE 10 – COMPREHENSIVE PLAN

THE PLAN

Plan Classifications

The land use element of Ontario's Comprehensive Plan is intended to provide a general guide to the future use of land within the City and its urban growth boundary. In addition to the goals, policies, and recommendations, the land use element consists of a map, indicating the proposed location, intent and pattern of the various defined land uses relating to the orderly physical development of Ontario.

The land use plan is based on the existing land use pattern and its relationship to such factors and natural land features; accessibility with respect to the existing and proposed transportation network; the nature, amount and direction of projected future growth; the location with respect to existing and proposed public facilities and utilities; relationship to nuisance factors, and the desirability of the location for future major uses.

The land use classifications are indicated on the Plan for the area within the City of Ontario. The City applies the following designations: two Residential; one Industrial; one Commercial; one Manufactured Housing Park, and one Manufactured Home Overlay. More specific separation of the uses within each plan classification are defined by the zoning map and related ordinance provisions.

Plan Classification	Purpose
Low Density Residential An average of 7–14 or less dwelling units per acre. *	To provide areas suitable for single family <u>and duplex</u> residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.
<u>Medium Density Residential</u> An average of <u>8–18</u> dwelling units per acre. *	<u>To provide areas suitable for single family, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.</u>
High Density Residential An average of 8–31 or more dwelling units per acre.	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.
Commercial	To provide areas suitable and desirable for retail, whole sale <u>wholesale</u> , service, office,

Plan Classification	Purpose
	tourist and their similar commercial activities which are needed by the City and surrounding areas. Zone classification between commercial activities.
Industrial	To provide areas suitable and desirable for those activities that are involved in processing or reprocessing materials and/or resources. These activities are needed to maintain or improve the City's economy and employment. Industrial areas are generally located where services and transportation improvements are available, and development is compatible with surrounding area uses. Zone classifications will be used to differentiate between heavy and light industrial activities.
Public Facilities	To indicate areas desired to be used for existing or anticipated public uses such as schools and other local public, State or Federal activities or facilities.
* Assumes 20% public ROW dedication.	

Section 21. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 22. This ordinance shall become effective 30 immediately upon passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2021 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
PUBLIC HEARING
April 20, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2787-2021: A REQUEST BY THE CITY OF ONTARIO TO ADOPT THE ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE TRANSPORTATION SYSTEM PLAN AND AMEND TITLE 10 - COMPREHENSIVE PLAN, TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, AND TITLE 10C - SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT OF THE ONTARIO MUNICIPAL CODE TO IMPLEMENT THE ACTIVE TRANSPORTATION PLAN, AND DECLARING AN EMERGENCY (*PLANNING ACTION 2021-02-07-CPAMD*)**

DATE: April 15, 2021

PROPOSED MOTION:

A. APPROVAL

1. I MOVE THAT THE CITY COUNCIL ACCEPT THE PLANNING COMMISSION RECOMMENDATION TO APPROVE THE FINDINGS OF FACTS AS OUTLINED IN ATTACHMENT 1 FOR THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10 – COMPREHENSIVE PLAN, TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, AND TITLE 10C – SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT OF THE ONTARIO MUNICIPAL CODE; AS SET FORTH IN PLANNING ACTION 2021-02-07 CPAMD.

2. I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2787-2021 AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS. ON FIRST READING BY TITLE ONLY, AND DECLARING AN EMERGENCY.

3. I MOVE THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2787-2021, AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS, AND DECLARING AN EMERGENCY.

B. DENIAL

1. I MOVE THAT THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10 – COMPREHENSIVE PLAN, TITLE 10A – SUBSTANTIVE ZONING REGULATIONS, AND TITLE 10C – SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT OF THE ONTARIO MUNICIPAL CODE, AS SET FORTH IN PLANNING ACTION 2021-02-07 CPAMD, BE DENIED BY THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATE HEREIN (ATTACH FINDING).

SUMMARY:

The Active Transportation Update and East Idaho Avenue Refinement Plan (ATP) provides long-range guidance to ensure the City of Ontario has adequate planned transportation facilities to support planned land uses over the next 20 years. The ATP will update and refine the City's Transportation System Plan (TSP), adopted in 2006, and last amended in 2009.

When Planning Action 2021-02-07 CPAMD is approved, the ATP will be adopted as a refinement to the Comprehensive Plan, of which the ATP is a part, and the municipal code will have been amended to implement the ATP.

BACKGROUND:

The City of Ontario has been undergoing a planning process to comprehensively update the Active Transportation Plan as a refinement to the City's Transportation System Plan.

The City of Ontario has been undergoing a planning process to create the ATP. The ATP will strategically update the City's Transportation System Plan (TSP) – the transportation element of the City's Comprehensive Plan – with a focus on promoting active transportation modes such as walking, bicycling, and riding transit. The current TSP was adopted in 2006 under Ordinance #2560-2005, with refinements occurring in 2009 under Instrument #2627-2009 and 2630-2009 and in 2014 under Ordinance #2694-2014. The ATP will further refine the TSP to build on the City's successes while proposing active transportation improvements to better achieve community values related to mobility and safety.

The ATP identifies needs by pedestrian, bicycle, and transit modes through community feedback, technical analysis (i.e., level of stress and qualitative multi-modal analyses), and previous work by the City to develop Safe Routes to School networks. High priority transportation solutions proposed to address those needs include new and upgraded bicycle and pedestrian facility projects throughout the City. It also includes a refinement plan for the

East Idaho Avenue corridor that identifies corridor specific improvements to improve multi-modal connections to downtown and also provide streetscape enhancements.

CURRENT SITUATION:

Request: Approval of the following two proposed actions pertaining to adoption of the 2021 Active Transportation Plan.

1. Adoption of the 2021 Active Transportation Plan (ATP): Volume 1 by reference as a refinement of the Transportation System Plan under Comprehensive Plan
Transportation Objective 11 – Development of Refinement Plans
2. Ontario Planning and Zoning Development Standards to amend Section 10A-31-10 (Conditional Uses), Section 10A-31-30 (Special Use Limitations), Section 10A-57-55 (Landscape Performance Standards), Section 10A-57-75 (Parking Spaces Required for Group A Uses), Section 10A-57-80 (Parking Spaces Required; Group B Uses), Section 10A-57-210 (Design Standards), Section 10C-25.04 (Bicycle and Pedestrian Standards), and Section 10C-25.08 (Street Standards)

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1 FINDING OF FACTS BY ANGELO PLANNING GROUP MADE A PART HEREOF:

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

Conclusion: All criteria and standards applicable to a change in municipal code have been met. A request for the code amendments may be recommended for approval or denial by the Planning Commission to the City Council, if all applicable decision criteria and standards are able to be met through appropriate review. This request presented to the Planning Commission infer the criteria and standards have been met in order for the request to be recommended for approval.

Conditions of Approval: (List Conditions)

1. . NONE

On April 12, 2021 at a Public Hearing the Planning Commission approved the Finding of Facts outlined in the agenda report and sent a favorable recommendation to the City Council to approve the finds and approve Ordinance # 2787-2021.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is consistent with the City Council Strategic Plan by improving existing infrastructure and providing new or improving existing multi-modal facilities.
- B. **FINANCIAL** The Transportation Growth Management (TGM) program – a partnership between DLCD and ODOT – provided a grant to aid in the development of these codes and the City Council approved a budget amount as matching funds for these code changes as well as other changes to the City Code.
- C. **TIMING** Adoption of this action will become effective 30 days after approval by the Ontario City Council.
- D. **POLICY/LEGAL** The recommendations for this land use action are in compliance with Statewide Planning Goals.

ALTERNATIVES:

1. The City Council could table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.
2. The City Council could deny the action by determining it is not in the best interest of the public to recommend the changes.

RECOMMENDATION:

Staff recommends the City Council approve the action.

ATTACHMENTS:

1. Attachment 1 Code Statewide Planning Goal Consistency_edits
2. Attachment 2 Proposed Code Changes_edits
3. Attachment 3 Draft Ordinance
4. Attachment 4 Active Transportation PPlan
5. Ord #2787-2021-LAS Revision

ATTACHMENT 1. CONSISTENCY WITH STATEWIDE PLANNING GOALS

In accordance with ORS 197.225, local governments are required to adopt comprehensive plans and land use regulations in accordance with Statewide Planning Goals. The following is an analysis of the compliance with each Statewide Planning Goal.

Goal 1: Citizen Involvement

The proposed amendments are the result of the City of Ontario Active Transportation Plan process, which involved a number of public participation opportunities including:

- **Technical Advisory Committee (TAC)**, comprised of city staff, ODOT, and other local and regional agencies and transportation interests held a series of virtual meetings to provide input on project materials.
- **Stakeholder Advisory Committee (SAC)**, comprised of members of the TAC, as well as a combination of transportation, local property, and business stakeholders, held an initial virtual meeting to identify objectives, priorities, and opportunities for the planning process.
- **Three virtual open houses** held at different stages during project development to seek community feedback and direction.
- **Two in-person outreach efforts** were held at the Ontario Saturday Market where the project team spoke with a total of over 80 attendees.
- **Youth workshops** were conducted to involve high school and elementary students from the Four Rivers Community School.
- **One East Idaho Avenue stakeholder meeting** was held to identify improvements to better serve business customers, residents, and visitors.
- **A Joint work session with the Ontario Planning Commission hearing and Ontario City Council** was conducted on January 7, 2021 and was advertised and open to the public.
- **Hearings with the Ontario Planning Commission** conducted on April 12, 2021, advertised and open to the public **and Ontario City Council** conducted on April 20, 2021, advertised and open to the public.

A variety of methods were used to notify community members of these meetings and other opportunities to be involved in the project, including project mailings and information on the City and project Website. These activities represent a robust effort to engage community members in the planning process, consistent with the requirement of Statewide Goal 1.

Goal 2: Land Use Planning

The proposed draft ATP and amendments to Comprehensive Plan and Development Code support Goal 2 in the following ways:

1. The proposed amendments are consistent with Goal 2 given that they are based on the thorough analysis done in developing the ATP. This analysis is represented in the Baseline Transportation Assessment; Healthy Communities Impact Assessment; East Idaho Refinement Area Land Use Assessment; Transportation Solutions; Cursory Environmental Assessment; and Draft and Revised Design Concepts. All of these documents are available in the ATP appendices.
2. Development of the ATP and associated amendments involved a robust public process, as addressed in finding for Statewide Goal #1 above.
3. The primary goal of the ATP is to provide for an active transportation system that increases mobility for active transportation users by providing connections between different land uses within Ontario and to enhance safety, user-friendliness, and comfort for active transportation modes for all ages.
4. Proposed amendments to the Ontario Planning and Zoning Development Standards provide for active transportation modes such as walking, biking, and riding transit by revising street design standards consistent with the ATP; provide enhanced on-site pedestrian connections, building orientation requirements, and landscaping standards to enhance comfortable and safe environments for active transportation users; allow for more efficient use of parking; and allow for more mixed-use development opportunities.

Goal 3: Agricultural Lands, Goal 4: Forest Lands and Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

These goals are not applicable to the proposed zoning ordinance amendments.

Goal 6: Air, Water and Land Resources Quality

One of the ATP's goals is to mitigate the impacts of the East Idaho Avenue corridor on air, water, and land resource quality. This includes streetscape improvement designs that integrate sustainable stormwater management practices.

Goal 7: Areas Subject to Natural Hazards

A review of environmental resources, including hazardous areas such as areas subject to flooding or landslides, was conducted prior to developing design alternatives and selecting a preferred design. The review identified current conditions, opportunities, and constraints to inform design alternative analysis and identifying project improvements. Strategies and projects identified in the ATP and proposed code amendments will enhance stormwater management outcomes, thereby reducing potential flooding impacts.

Goal 8 Recreational Needs

Proposed facility improvement and amendments in the ATP and development code promote a variety of transportation connects and actions and initiatives to promote bicycling and walking within and through Ontario, including prioritization of projects that meet this objective. In addition, the ATP includes specific bicycle and pedestrian facility improvement projects that also will help encourage community members to walk and bike to a variety of destinations.

Goal 9: Economic Development

The ATP considered the location of and access to employment as a factor in prioritizing active transportation project improvements. The ATP would provide a variety of proposed improvements that would improve access to employment uses and provide enhanced mobility for active transportation users to access goods and services. The ATP will create multi-modal connections between downtown Ontario and the East Idaho Avenue commercial allowing better connections for residents and visitors and enhancing the economic vibrancy of the corridor. Allowing limited housing opportunities through the conditional use process is unlikely to significantly affect the supply of suitable commercial development sites within the UGB.

Goal 10: Housing

Goal 10 does not apply to the proposed ATP code amendments, although the ATP did consider the location of and access to housing and a variety of proposed code amendments in the ATP will improve multi-modal access to existing residential neighborhoods and residentially zoned land.

In response to concerns raised by the Fair Housing Council regarding Goal 10 requirements for “clear and objective standards,” the City offers the following findings.

1. The City’s comprehensive plan and zoning ordinance have been acknowledged by the Land Conservation and Development Commission as complying with Goal 10: Housing. Sufficient buildable land to accommodate needed housing types identified in the 2007 Housing Needs Analysis is provided in the city’s three residential zoning districts – based on the City’s acknowledged 2026 coordinated population projection and buildable lands inventory.
2. The City is in the process of adopting a new housing needs analysis and buildable lands inventory based on a much lower coordinated 2040 population projection provided by the Portland State University Center for Population Research. Thus, the City has more than sufficient buildable land in its residential zones to meet identified housing needs – without relying on commercial zones to meet housing needs.
3. Proposed amendments to the Ontario Zoning Ordinance would allow another option for high density residential and mixed use housing in the Heavy Commercial (C-2-H) zone through the discretionary conditional use process. The City fully recognizes that needed housing must be allowed under clear and objective standards on residential buildable land. But land in the C-2-H

zone is not considered buildable residential land.

4. Neither the consultants nor the city has projected the number of housing units that may be approved in this zone. For Goal 10 purposes, vacant, partially vacant and redevelopable land within in the C-2-H zone is not considered buildable residential land as defined in OAR 660-008-0005:

“‘Buildable Land’ means residentially designated land within the urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses.”

The City does not rely on the Heavy Commercial zone to accommodate “needed housing” within the meaning of ORS 197.303. The City has not designated the Heavy Commercial zone as a “mixed use zone” nor is the City relying on land within this zone to meet identified housing needs. Given the large supply of vacant and partially vacant residentially-zoned buildable land in the City (approximately 600 acres), it is unlikely that significant residential development will occur in the C-2-H zone.

5. Rather, buildable land within the Heavy Commercial zone is designated to meet the siting requirements of commercial and light industrial firms identified in the City’s 2007 Economic Opportunities Analysis. Thus, buildable land within the Heavy Commercial zone provides suitable sites needed to comply with Statewide Planning Goal 9: Economic Development. In fact, the acknowledged residential buildable lands inventory does not consider land in any commercial or industrial zone as suitable and available to accommodate “needed housing” identified in the 2007 HNA.
6. There is nothing in Goals 9, 10 or 12 that requires the City to allow housing in the Heavy Commercial zone under clear and objective standards. The City’s alternative would be to maintain the existing prohibition on housing in the C-2-H zone – and not to allow this discretionary housing opportunity through the conditional use process in the C-2-H zone.
7. However, the City does not understand how removing housing developments from the list of conditional uses in Section 10A-31-10 would detract from the broader Goal 10 objective of providing a variety of housing types and densities within the Ontario UGB.

In summary, the City is not relying on the C-2-H zone to meet its housing needs. The proposed amendments would simply allow the opportunity for a property owner to propose multi-family and mixed use housing through the conditional use process. Provided additional housing opportunities in the C-2-H zone allows for the possibility of additional housing near employment that furthers Goal 12 Transportation objectives. The expansion of housing opportunities is not inconsistent with Goal 10 and generally supports its purpose.

Goal 11: Public Facilities and Services

The proposed amendments are consistent with Goal 11 in recommending projects focused on improving existing facilities to maximize those public facility investments and keep development concentrated in the city's urbanized area, thus reducing the need to extend services outside the current urban area.

Goal 12: Transportation

The proposed amendments are consistent with Goal 12 in recommending improvements that provide more and safer transportation options. In large part, they build on existing transportation facilities, thus maximizing those investments, and help keep development focused on the city's existing urban area to reduce the need to extend services outside the current urban area.

Proposed amendments to the Ontario Development Code support recommendations in the ATP and are consistent with the Oregon Transportation Planning rule by promoting active transportation options for public health and affordability.

Goal 13: Energy Conservation

The proposed ATP policies support use of non-vehicular modes of transportation which support energy conservations goals. Similarly, implementation of bicycle, pedestrian, and transit improvements identified in the ATP will also support energy conservation goals.

Proposed amendments to the development code support more compact forms of housing which require less energy to heat and cool, also supporting energy conservation goals.

Goal 14: Urbanization

The proposed amendments are consistent with Goal 14 by encouraging focused investments in the City's existing urban area and downtown, thus increasing land use efficiency.

ATTACHMENT 2. PROPOSED CODE CHANGES

New language is provided in underline formatting and deleted language in ~~strikeout~~ formatting.

TITLE 10 – COMPREHENSIVE PLAN

[...]

GOAL 12: - TRANSPORTATION

10-12-4 - Objectives and Policies: Transportation, Roads, Streets, Alternative Modes

This Section establishes broad policy objectives that provide the context to make transportation investment decisions and to develop the existing and future transportation system within the City of Ontario Urban Growth Boundary.

[...]

(k) Transportation Objective 11 - Development of Refinement Plans

To develop refinement plans to the Transportation System Plan that more specifically address corridors, problems/issues, and sub-areas.

These refinement plans shall supersede the TSP if they are formally adopted by the Ontario City Council.

The policies to be used to implement Objective 11 - Development of Refinement Plans are as follows:

- 1) The City of Ontario has formally adopted the following refinement plans; East Ontario Traffic Study; East Ontario Commercial Area Traffic Study; Oregon 201 Corridor Refinement Plan; ~~and, the North Ontario Interchange Management Area Plan; and, the Ontario Active Transportation Plan.~~ These Plans shall supersede the TSP in their specific defined areas as applicable.
- 2) The City of Ontario shall proactively seek funding to develop further refinement plans as necessary to address specific transportation issues.
- 3) Refinement plans to the TSP shall be formally adopted by the Ontario City Council prior to officially superseding the TSP

TITLE 10 – SUBSTANTIVE ZONING REGULATIONS

[...]

CHAPTER 10A-31 – C-2-H, HEAVY GENERAL COMMERCIAL ZONE

10A-31-01 – PURPOSE.

To provide a zone to accommodate a wide range of retail, service and wholesale activities short of industrial usage.

10A-31-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-2-H Zone:

1. All principal uses allowed in the C-1 and C-2 commercial zones except ~~that~~ for dwellings. ~~Dwellings are prohibited. Existing~~ Unless approved as a conditional use, existing dwellings shall be treated as nonconforming uses subject to provisions contained within these standards for nonconforming uses.
2. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage;
3. Wholesale stores with stock;
4. Body, fender and paint shops, major automotive repair and automotive dismantling where all work is performed within a building, where all refuse and scrap parts are stored in closed containers, when possible, and screened from view at all points on any public or private property or street, and where all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
5. Farm store, farm equipment dealer;
6. Truck stop with transient motel;
7. Printing and publishing;
8. Petroleum bulk plant with no more than 150,000 gallons of above ground storage and with no more than 25,000 gallons in any one above ground tank; and
9. Mini-warehouses.

10A-31-10 - CONDITIONAL USES.

1. The following uses are permitted conditionally in the C-2-H Zone:
2. Utility facilities, other than distribution lines, necessary for the functioning of that utility;
3. Accessory uses and structures common to all zones as listed in Chapter 10A-53;
4. Marijuana retailer as provided in Chapter 10A-59;
5. Marijuana laboratory as provided in Chapter 10A-59;
6. Marijuana wholesaler as provided in Chapter 10A-59; and
7. Marijuana processor non-flammable as provided in Chapter 10A-59; and
8. Marijuana grow site medical as provided by State regulations and as provided in Chapter 10A-59.
9. Multi-family dwellings and dwellings above ground-floor of non-residential uses ("vertical mixed use") and on the bottom floor of any structure ("live/work units") subject to Section 10A-31-30.

[...]

10A-31-30 – RESIDENTIAL SPECIAL USE LIMITATIONS.

The following special use standards shall apply to residential buildings in the C-2-H zone in addition to any conditions or limitations that may be required by this code or applied through the conditional use process.

1. All apartments and mixed use buildings that allow ground floor residential uses shall have at least 10 dwelling units.
2. All residential and mixed use buildings shall provide an accessible front entrance on the street-facing ground floor façade.
3. As shown on Figure 10A-33.07a, buildings with commercial uses on the ground-floor – and residential uses above or behind the ground floor commercial use – shall provide transparent window and door glazing on that together cover a minimum of:
 - a. Half the length of the ground-level street-facing facade, and
 - b. Half the wall area of the ground-level street-facing façade.

[...]

CHAPTER 10A-57 – GENERAL PROVISIONS

[...]

10A-57-55 - LANDSCAPING, PERFORMANCE STANDARDS.

All landscaping required by this Title shall comply with the following performance standards:

1. 65 percent minimum of the required six percent of the development site area landscaping shall be green and growing and shall be irrigated. This required coverage does not include the anticipated mature overhead canopies of new trees. The area of trees counted toward the minimum coverage shall be the canopy areas of new trees and existing trees at the time of planting. Permanent landscaping shall be irrigated by means of an underground system; planters or boxes may be irrigated by daily manual watering with no permanent system. Plans shall be submitted with any required permit information that show the amount of landscaping in square feet that is required for the lot; the amount of landscaping proposed and the location of what is proposed; and, a description of the type of irrigation system. All required landscaping shall be continuously maintained in a neat, clean, healthy and growing condition. Landscaping that is not maintained is a violation of this Code and a property owner may be subject to enforcement under the provisions of Title 10A and any other applicable City Code, and Oregon Law.
2. Required landscaping shall be distributed so that all non-driveway street frontages are landscaped, including in Industrial Zones, even if the area so used exceeds six percent of the total area required, including Industrial Zones. All of the required area cannot be satisfied by the use of remote and otherwise unusable portions of the development site.
3. Plantings used to screen a space frequently used by the public, such as a parking lot, shall have a combination of higher and lower growing species so as to provide for sight clearance at exits; for visual separation from the street, and for openings to allow police surveillance from the street.

Landscaping required by this Title shall comply with the following additional standards for new commercial uses and multi-family dwellings:

4. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. A list of acceptable trees, shrubs, and ground covers is available at the Public Works Department. The Public Works Director shall be responsible for maintaining this list. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants and related materials shall be based on the following standards and guidelines:
 - a. Use plants that are appropriate to the local climate, exposure, and water availability. A list of these plants is available from the Public Works Department. The presence of utilities and drainage conditions shall also be considered.
 - b. Plant species that do not require irrigation once established (drought tolerant) are preferred over species including grass lawn that require irrigation.
 - c. All planted areas shall have minimum two-inch depth of bark mulch or other moisture-retentive organic or mineral mulch.

- d. Trees shall be not less than two-inch caliper for street trees and 1.5-inch caliper for other trees at the time of planting. Trees to be planted under or near high-voltage power lines shall be selected so as to not conflict with power lines at maturity.
 - e. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
 - f. Shrubs shall be spaced in order to provide the intended screen or canopy cover within two years of planting.
 - g. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than 50 percent at maturity. The City may reduce this standard by one-half in areas under the canopy of existing trees to be preserved by the project. Ground cover plants shall be planted from one-gallon containers, minimum.
 - h. Bark mulch, stone aggregate, or other decorative stone material shall be used to cover non-planted landscape areas, but these non-planted areas shall cover not more than 35 percent of any individual landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
 - i. Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.
 - j. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard. Protect the root zones of existing trees to remain from construction activities.
 - k. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
 - l. Evergreen plants shall be used where a sight-obscurating landscape screen is required.
 - m. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have the capability to exceed the height of and not interfere with the function or operation of screened storage and equipment, based on the projected height and circumference of the plant species at maturity.
 - n. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
 - o. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are fully established and able to grow on their own. Provide supplemental irrigation as needed after establishment to ensure plant health, depending on plant species and environmental conditions.
5. All of the following standards shall be met for parking lots with six (6) or more spaces, in addition to the requirements of paragraph 4 above. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.
- a. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped.

Such landscaping shall include canopy trees distributed throughout the parking area. At a minimum, one tree per 10 parking spaces shall be planted over and adjacent to the parking area.

- b. All parking areas with more than 12 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 10 contiguous parking spaces. Landscape islands shall have dimensions of not less than 48 square feet of area (not including curbs) and no dimension of less than six feet, to ensure adequate soil, water, and space for healthy plant growth.
- c. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than two feet from any such barrier, and not less than four feet from any such barrier (except bollards) at the front of a parking stall.
- d. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

6. Landscaping located at the corner of a lot abutting a street intersection will meet the Vision Clearance standards of Section 10A-57-15 of this code.

7. Applicant is required to submit a Landscape plan showing the location of all required landscaping and a table listing plants proposed, as well as a table showing compliance with the green and growing requirements.

[...]

10A-57-75 - PARKING SPACES REQUIRED, GROUP A USES.

All uses of land or buildings enumerated under group A shall provide off street parking and loading, as specified, on the same development site as such use or building and the parking space shall have convenient and unobstructed pedestrian access across the development site to a principal entrance to the building or use.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Dwelling, single-family or duplex.	Two	None
2. Dwellings, multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.
3. Boarding, rooming and lodging houses, bed and breakfast hotel	One for each bedroom	None
4. Doctor's offices, medical and dental clinics.	One space for each doctor and each employee, full or part-time on duty, plus one space for 300 square feet	None
5. Restaurants, taverns, bars, nightclubs, with or without dancing facilities.	One (1) for each four (4) fixed seats or where there are no fixed seats, one (1) space for each 50 square feet of gross floor area utilized for public space.	One

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
	<u>One space per 200 sq. ft. of gross floor area.</u>	
6. Retail stores and shops.	One for each 300 <u>400</u> square feet gross floor area.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or fraction thereof.
7. Furniture, appliance sales or repair.	One for each 500 sq. ft. sales and repair space.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or major fraction thereof.
8. Funeral homes and mortuaries.	one for each three seats or one for each 50 sq. ft. of public space, whichever is the greater. <u>One space per 300 sq. ft.</u>	One for each hearse, ambulance or other non-passenger vehicle.
9. Real estate sales office	Two for the first 300 sq. ft. plus one for each additional 200 sq. ft. of office or public space. <u>One space per 500 sq. ft.</u>	None.
10. Small item service and repair shop.	One for each 200 <u>300</u> sq. ft. gross floor area.	None.
11. Beauty and barber shop.	One for each 200 <u>300</u> sq. ft. gross floor area.	None.
12. Automotive or machinery sales, garages	One for each 400 <u>1,000</u> sq. ft. gross floor area.	One for each 5,000 sq. ft. gross floor area.
13. Bowling alleys.	Five for each lane. <u>One per 300 sq. ft.</u>	None.
14. Roller and ice rinks, intensive sports and recreation buildings, dance halls.	One for each three fixed seats or one for each 100 sq. ft. of gross floor area or public space.	None.
15. Banks, professional or general offices other than medical.	One for each 300 sq. ft. gross floor area.	None

10A-57-80 – PARKING SPACES REQUIRED, GROUP B USES.

All uses of land or buildings enumerated under group B shall provide off street parking and loading on the same development site as such building or use for all customers or patrons frequenting the establishment and said parking space shall have convenient and unobstructed pedestrian access across said development site to a principal entrance to the building or use; however, that portion of the parking requirement that may be attributed to employees may be provided within 400 feet of the use or building.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Hotel, apartment, hotel, motel, club with guest rooms.	One 0.75 for each unit plus one space for each employee on the largest shift.	One space for any development of over 20 units
2. Hospitals and rest homes.	One for each three beds plus one for each doctor and employee on the largest shift. One per 300 sq. ft.	One space for the first 40,000 sq. ft. GFA plus one space for each additional 150,000 sq. ft. or major fraction.
2a. Day care center, family day care.	Two for each 12 children, or one space for each five elderly or disabled persons, plus one for each employee.	
3. College fraternities or sororities, dormitories.	One for each bedroom.	None.
4. Clubs, organization halls.	One for each 100 square feet of assembly space plus one for each employee.	None.
5. Single occupancy office buildings of 10,000 square feet and up.	One for each 500 square feet of gross floor area. (GFA)	One for the first 10,000 sq. ft. GFA plus one for each added 40,000 sq. ft. or major fraction.
6. Wholesale store with stock on site.	One for each 400 <u>1,000</u> square feet GFA	One for the first 6,000 sq. ft. GFA plus one for each added 20,000 sq. ft. or major fraction.
7. Warehouses.	Four for the first 5,000 sq. ft. GFA plus one for each additional 5,000 sq. ft. GFA or major fraction.	Two for the first 5,000 sq. ft. GFA plus one for each added 10,000 sq. ft. or major fraction.

[...]

10-57-210 – DESIGN STANDARDS.

The design features below are required for development and redevelopment in the commercial zones (C zones) under the following conditions:

1. Upon any new development of property;
2. Upon any redevelopment of property that expands the floor area of the principal structure by 20 percent or more. This does not apply to accessory structures;
3. Upon the approval of any change in use of any residential, commercial or industrial structure or property that increases estimated trip generation by more than 50 peak hour trips over the existing use, according to the latest edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual; or
4. Where the rebuilding or replacement of the building is the direct result of a casualty loss, and exceeds 60 percent of the total value of the building prior to the casualty loss.

[...]

6. Large-Format Developments. Plans for new developments, or any phase thereof, with a total ground floor area of all buildings greater than 40,000 square feet, including land divisions, shall meet all of the following standards in subsections (a) through (g), below. The City may approve adjustments to the standards pursuant to Chapters 10B-30 and 10B-40.
- a. The site plan or preliminary subdivision plan, as applicable, shall comply with the street connectivity standards of Section 10C-25.03. The plan approval shall bind on all future phases of the development, if any, to the approved block layout.
 - b. Except as provided by subsection (e) through (g) below, the site shall be configured into blocks with building pads that have frontage onto improved streets meeting City standards and shall contain interior parking courts and with interconnected pedestrian walkways.
 - c. Walkways shall connect the street right-of-way to all primary building entrances, and shall connect all primary building entrances to one another, including required pedestrian crossings through interior parking areas, if any, in accordance with Section 10C-25.04. The City may condition development to provide facilities exceeding those required by Section 10C-25.04, including a requirement for lighting, stairways, ramps, and midblock pedestrian access ways (e.g., to break up an otherwise long block) to ensure reasonably safe, direct, and convenient pedestrian circulation.
 - d. Buildings placed at a block corner shall have a primary entrance oriented to the block corner. That entrance shall be located within 40 feet of the corner and shall have a direct and convenient pedestrian walkway connecting to the corner sidewalk.
 - e. All buildings shall orient to a street, pursuant to subsection 10A-57.210(1). Where it is not practical to orient all buildings to streets due to existing parcel configuration or a similar site constraints, buildings may orient to a “shopping street” providing, at a minimum, on-street parking (parallel or angled parking), 8-foot sidewalks (which shall include a four-foot zone for street trees and furnishings such as benches and other street furniture), and pedestrian-scale lighting.
 - f. Each building that is proposed as orienting to a shopping street shall comply with the orientation standards of Section 10A-57.210(1) in reference to the shopping street and shall have at least one primary entrance oriented to the shopping street.
 - g. All other provisions of this Code apply to large-format developments.

[...]

TITLE 10C – SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT

[...]

CHAPTER 10C-25 – TRANSPORTATION STANDARDS

[...]

10C-25.04 – BICYCLE AND PEDESTRIAN STANDARDS

[...]

10C-25.04.002 – Bicycle and Pedestrian Circulation and Access Requirements for Site Plans

Required elements for a site plan shall include the design and location of bicycle parking and bicycle and pedestrian circulation elements such as accessways, walkways, and transit facilities. The following shall be included in the site plan:

- (a) Bicycle parking. The development shall include the number and type of bicycle parking facilities required in the off-street parking and loading Section of this Title. The location and design of bicycle parking facilities shall be indicated on the site plan.
- (b) Pedestrian access and circulation. ~~Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.~~ Development shall conform to all of the following standards for pedestrian access and circulation:
 - (1) Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, adjacent trails, public parks, and open space areas, if any, and to all future phases of the development, as applicable.
 - (2) Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - (a) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - (b) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - (c) The walkway network connects to all primary building entrances, consistent with the building design standards of Section 10A-57-210 and, where required, Americans with Disabilities Act (ADA) requirements.
 - (3) Vehicle/Walkway Separation. Except as required for crosswalks, per subsection (4) below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 - (4) Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged but may be approved for lesser used crosswalks not exceeding 24 feet in length.

(5) Walkway Width and Surface. Walkways, including access ways required for subdivisions, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide.

(6) Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four] feet in width, except that concrete walkways a minimum of six] feet in width are required in commercial developments and where access ways are required for subdivisions. The City may also require six-foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four] feet.

(c) All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.

[...]

10C-25.08 - STREET STANDARDS

Planter strips shown on any figure, a through k, may be waived at the discretion of the Director of Public Works.

Figure 10C-25.08a - Principal Arterial and Five-Lane Minor Arterial

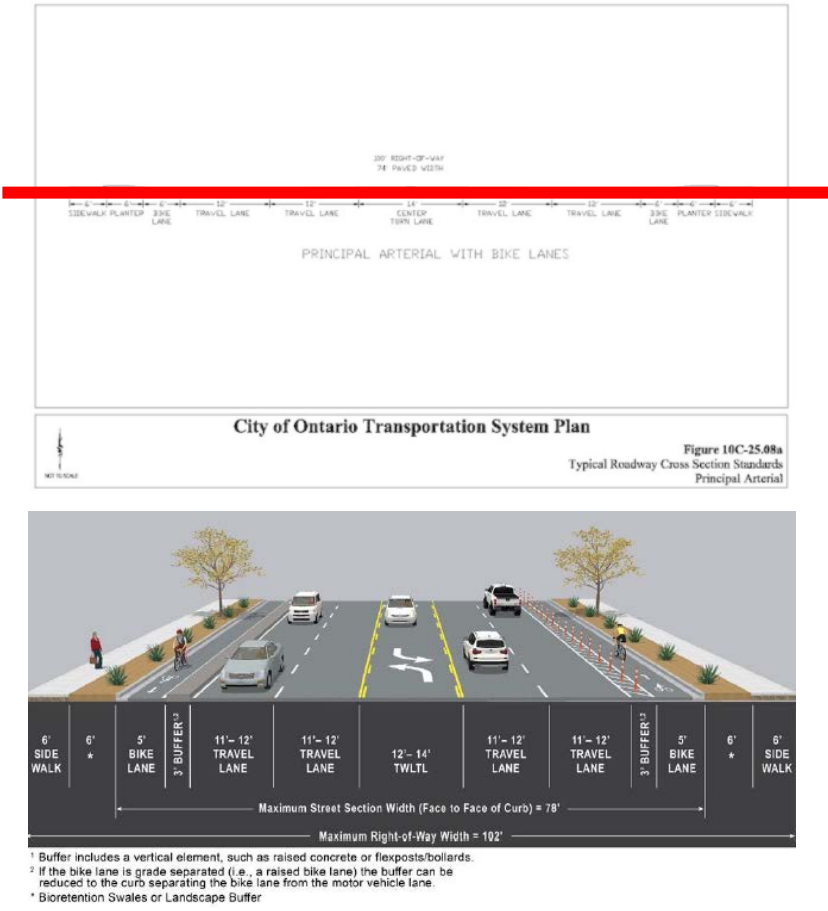


Figure 10C-25.08b - ~~Minor Arterial~~ Principal Arterial and Five-Lane Minor Arterial Shared Use Path Option

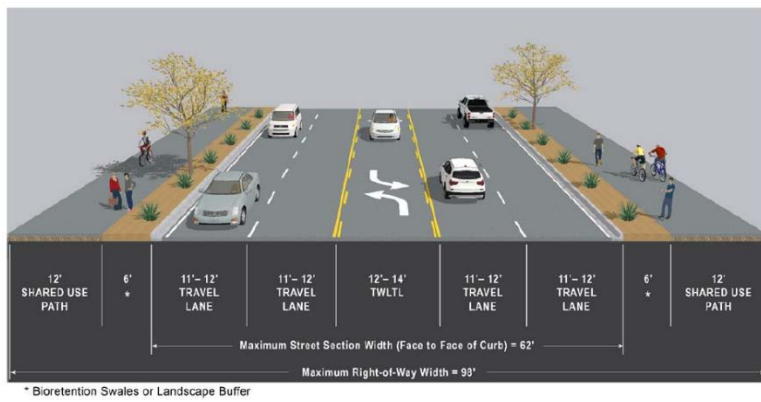
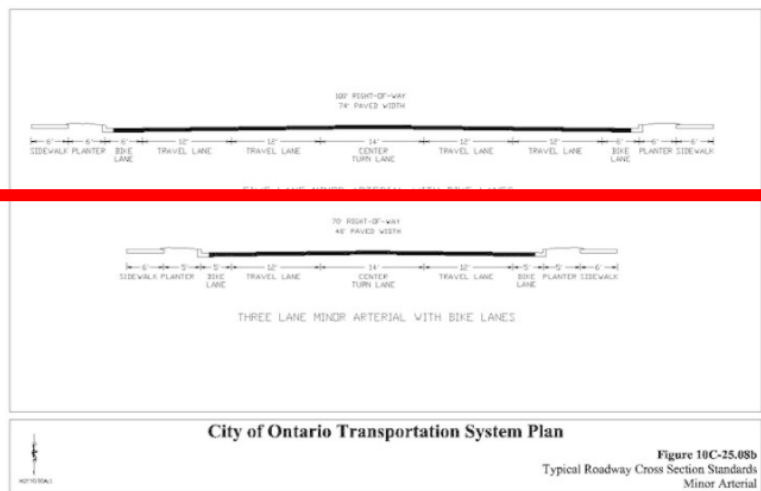


Figure 10C-25.08c – Three-Lane Minor Arterial

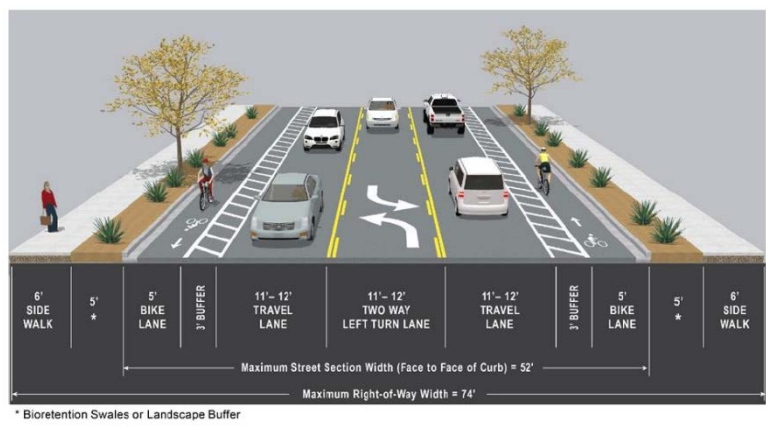


Figure 10C-25.08c Figure 10C-25.08d – Three-Lane Collector

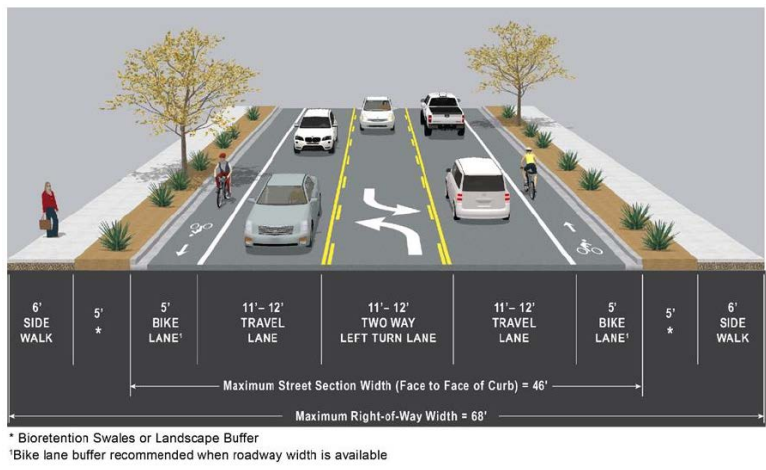
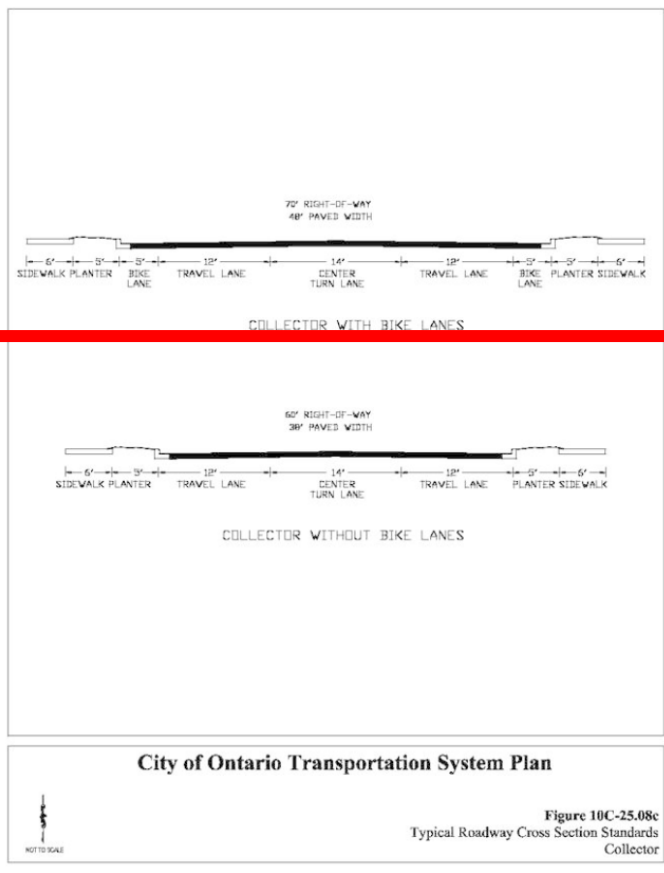


Figure 10C-25.08d Figure 10C-25.08e - Neighborhood Collector, >2% grade

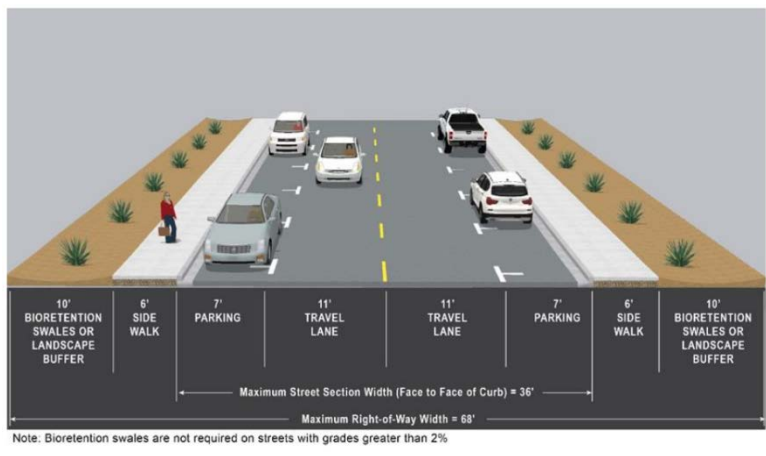
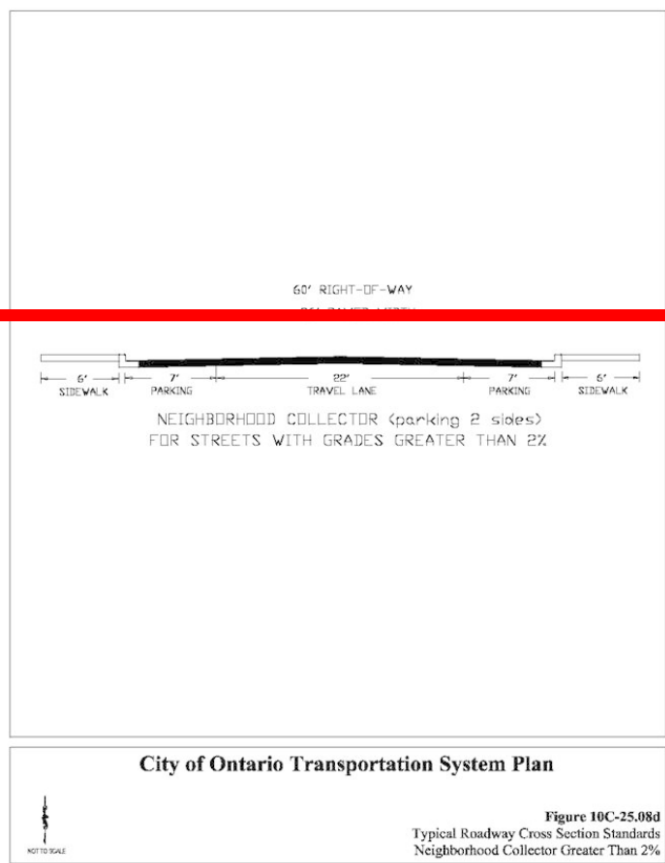
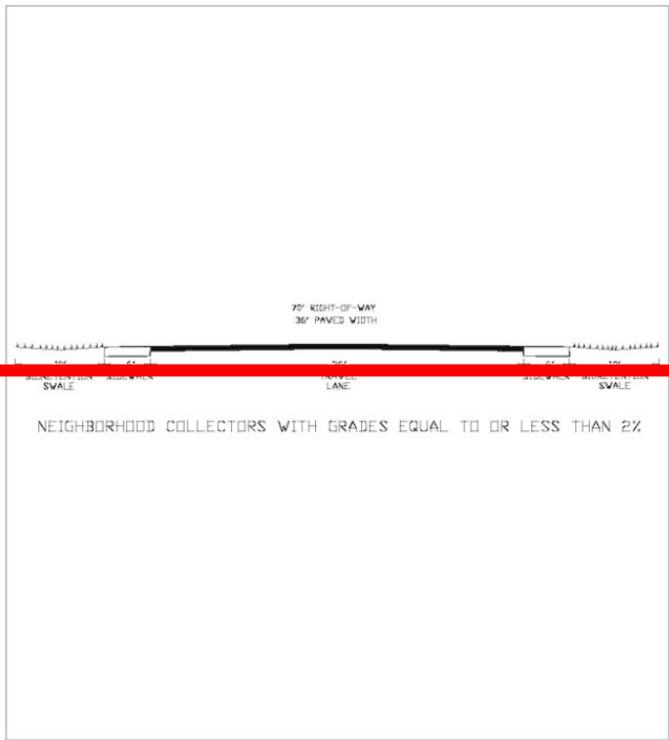


Figure 10C-25.08e Figure 10C-25.08f - Neighborhood Collector, <2% grade with Bike Lanes



City of Ontario Transportation System Plan

Figure 10C-25.08e
Typical Roadway Cross Section Standards
Neighborhood Collector Equal to or Less Than 2%

NOT TO SCALE

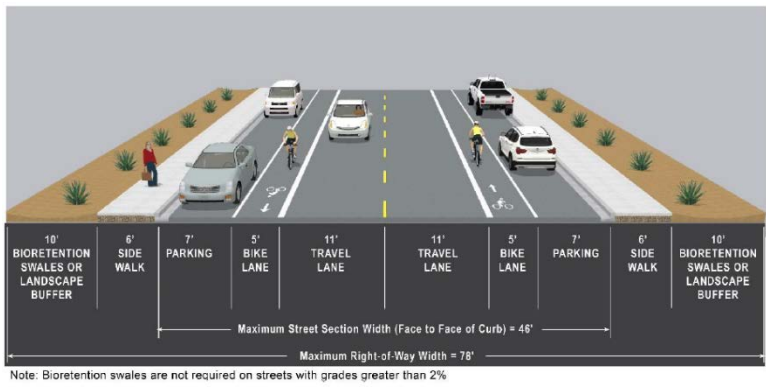
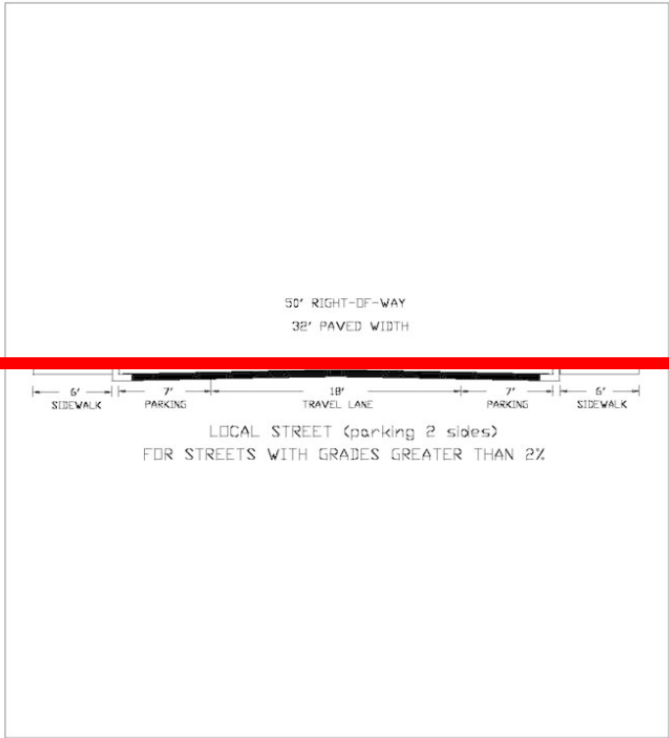


Figure 10C-25.08f Figure 10C-25.08g - Local Street, >2% grade (With Optional Bikeway Designation)



City of Ontario Transportation System Plan

Figure 10C-25.08f
Typical Roadway Cross Section Standards
Local Street Greater Than 2%

NOT TO SCALE

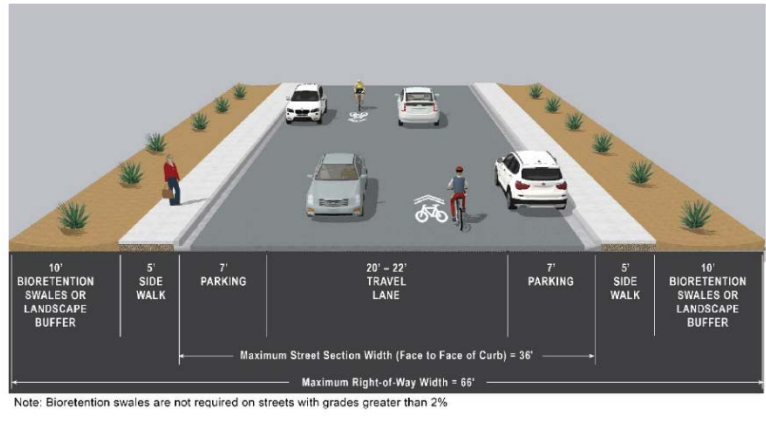
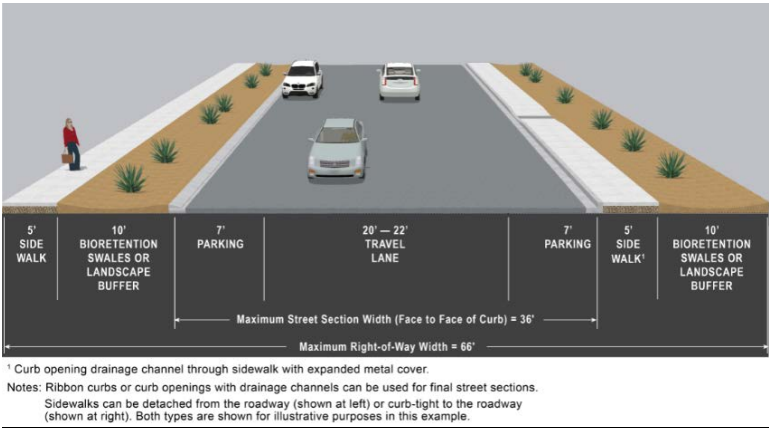
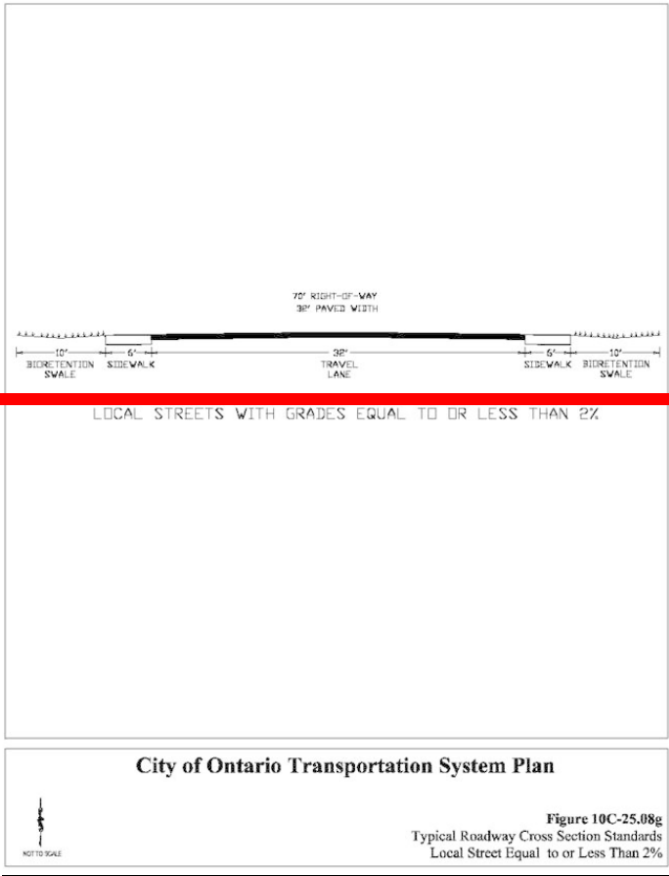


Figure 10C-25.08g Figure 10C-25.08h - Local Street, <=2% grade



[remove Figure 10C-25.08h]

~~Figure 10C-25.08h~~ Skinny Local Street, >2% grade

[remove Figure 10C-25.08i]

~~Figure 10C-25.08i~~ Skinny Local Street, <2% grade

[Remove "Figure 10-25.08j" from figure]

~~Figure 10C-25.08j~~ Figure 10C-25.08i Cul-de-sac turnaround

[No changes to the figure]

~~Figure 10C-25.08k~~ Figure 10C-25.08j - Alley cross section

[No changes to the figure]

~~Figure 10C-25.08l~~ Figure 10C-25.08k - Multi-purpose trail

[No changes to the figure]

~~Figure 10C-25.08m~~ Figure 10C-25.08l —S Oregon Street from W Idaho Avenue to 1st Avenue

[No changes to the figure]

~~Figure 10C-25.08n~~ Figure 10C-25.08m —Depot Row (SW 3rd Avenue from S Oregon Street to Depot)

[No changes to the figure]

~~Figure 10C-25.08o~~ Figure 10C-25.08n —SE 5th Avenue Railroad Crossing

[No changes to the figure]

~~Figure 10C-25.08p~~ Figure 10C-25.08o —Diagonal Parking

[No changes to the figure]

ATTACHMENT 3. DRAFT ORDINANCE APPROVING CODE CHANGES

ORDINANCE #2787-2021

AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS.

- WHEREAS,** The purpose of a local ATP, according to the Transportation Planning Rule, is to “establish a system of transportation facilities adequate to meet identified local transportation needs consistent with regional ATPs and adopted elements of the State ATP;” and,
- WHEREAS,** Recent growth, coupled with growth anticipated over the 20-year planning horizon, places demands on the City’s transportation system that necessitate an evaluation of the City’s active transportation needs, services and facilities; and,
- WHEREAS,** The City received funding from Oregon Department of Transportation (ODOT) to create a local ATP under State-wide Planning Goal 12 (Transportation); and
- WHEREAS,** ODOT contracted with Kittelson and Associates, Inc., a suitably qualified transportation engineering firm, to prepare an ATP and to conduct a public process, which included the formation of stakeholder and technical advisory committees, and hosting of three virtual public open houses, and additional community engagement events and activities; and
- WHEREAS,** The Project Advisory Committee, elected officials, and other interested parties participated in these outreach events and provided input on a draft Active Transportation System Plan; and
- WHEREAS,** Having given notice required by law, to the Oregon Department of Land Conservation and Development (DLCD), and to the Ontario City Council, the above findings have met the criteria of the city municipal code.
- WHEREAS,** The public hearing before City Council was conducted on April 20 to consider all public testimony on the matter. A Staff Report was presented and incorporated into the record. At the close of that public hearing, there being a quorum present, the City Council moved unanimously to approve proposed amendments to adopt the City of Ontario Active Transportation Plan.

NOW, THEREFORE, the Common Council for the City of Ontario ordains as follows:

Section 1. Findings. The City of Ontario hereby adopts as findings of fact the above recitals and the documents entitled Staff Report attached hereto as Exhibit “A”, the document entitled Ontario Active Transportation System Plan, attached hereto as Exhibit “B”, and amendments to the Ontario

Comprehensive Plan and development code entitled Ontario Planning and Zoning Development Standards, attached hereto as Exhibit "C".

Section 2. Order. The City of Ontario hereby adopts the proposed City of Ontario Active Transportation System Plan, including appendices, attached as Exhibit "B" and any amendments to the City of Ontario Comprehensive Plan, attached hereto as Exhibit "C", and incorporated herein as fully set forth.

Section 3. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 4. Effective date. The effective date is 30 days following adoption

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of ____, 2021 by the following vote:

AYES:

NAYS:

EXCUSED:

ABSTAINED:

ABSENT:

APPROVED by the Mayor this ____ day of ____, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Attachments:

- Exhibit A: Staff Report
- Exhibit B: City of Ontario Active Transportation Plan
- Exhibit C: Ontario Planning and Zoning Development Standards Amendments

ATTACHMENT 4. ACTIVE TRANSPORTATION PLAN

Link to File: <https://app.box.com/s/o5uhz8glth6umlwm09hie4o0duekpshh>



ORDINANCE #2787-2021

AN ORDINANCE ADOPTING THE CITY OF ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN; AND TO AMEND THE ONTARIO PLANNING AND ZONING DEVELOPMENT STANDARDS, AND DECLARING AN EMERGENCY

- WHEREAS,** The purpose of a local ATP, according to the Transportation Planning Rule, is to “establish a system of transportation facilities adequate to meet identified local transportation needs consistent with regional ATPs and adopted elements of the State ATP;” and,
- WHEREAS,** Recent growth, coupled with growth anticipated over the 20-year planning horizon, places demands on the City’s transportation system that necessitate an evaluation of the City’s active transportation needs, services and facilities; and,
- WHEREAS,** The City received funding from Oregon Department of Transportation (ODOT) to create a local ATP under State-wide Planning Goal 12 (Transportation); and
- WHEREAS,** ODOT contracted with Kittelson and Associates, Inc., a suitably qualified transportation engineering firm, to prepare an ATP and to conduct a public process, which included the formation of stakeholder and technical advisory committees, and hosting of three virtual public open houses, and additional community engagement events and activities; and
- WHEREAS,** The Project Advisory Committee, elected officials, and other interested parties participated in these outreach events and provided input on a draft Active Transportation System Plan; and
- WHEREAS,** Having given notice required by law, to the Oregon Department of Land Conservation and Development (DLCD), and to the Ontario City Council, the above findings have met the criteria of the city municipal code; and
- WHEREAS,** The public hearing before City Council was conducted on April 20, 2021 to consider all public testimony on the matter. A Staff Report was presented and incorporated into the record. At the close of that public hearing, there being a quorum present, the City Council moved unanimously to approve proposed amendments to adopt the City of Ontario Active Transportation Plan; and
- WHEREAS,** Oregon law requires that the ordinance changes to the ATP must be enacted before July 1, 2021, which requires that this ordinance be enacted with an emergency clause.

NOW, THEREFORE, the City of Ontario ordains as follows:

Section 1. Findings. The City of Ontario hereby adopts as findings of fact the above recitals and the documents entitled Staff Report attached hereto as Exhibit “A”, the document entitled Ontario Active Transportation System Plan, attached hereto as Exhibit “B”, and amendments to the Ontario Comprehensive Plan and development code entitled Ontario Planning and Zoning Development Standards, attached hereto as Exhibit “C”.

Section 2. Order. The City of Ontario hereby adopts the proposed City of Ontario Active Transportation System Plan, including appendices, attached as Exhibit “B” and any amendments to the City of Ontario Comprehensive Plan, attached hereto as Exhibit “C”, and incorporated herein as fully set forth.

Section 3. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 4. Effective date. This ordinance shall be effective immediately upon passage

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of ____, 2021 by the following vote:

AYES:

NAYS:

EXCUSED:

APPROVED by the Mayor this ____ day of ____, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Attachments:

- Exhibit A: Staff Report
- Exhibit B: City of Ontario Active Transportation Plan
- Exhibit C: Ontario Planning and Zoning Development Standards Amendments



**AGENDA REPORT
OLD BUSINESS
April 20, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: TRANSITIONAL HOMELESS SHELTER

DATE: April 14, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ALLOW THE TRANSITIONAL HOUSING SHELTER TO STAY IN OPERATION THROUGH THE END OF THE FISCAL YEAR (JUNE 30, 2021) AND PROCEED WITH THE LAND ACTION NEEDED TO MAKE IT A PERMANENT SITE FOR YEAR ROUND TRANSITIONAL HOUSING.

SUMMARY:

For the second year in a row a temporary winter transitional housing shelter has been run by Community in Action. After two years of learning, Community in Action is requesting that the shelter be allowed to stay open through the end of the fiscal year when their funding runs out. Additionally, they would like the Council to consider making this a year round operation conditional upon their funding, which would require the city to proceed with a land action designating the site as such.

BACKGROUND:

The first transitional winter shelter began in 2019, but did not get under operation until the end of March 2020. They only had one month of operation. The city's public works site on North Oregon was used as the first trial site. Through public feedback and Council action, the site was moved to its current site where the land owner has provided the property free of rent. The shelter was able to be moved because of the modularity of the units; however, some costs and in-kind services were needed to re-establish the site.

This past winter the shelter was able to open by Christmas Eve. Different from the past year, the team assisting with the project included some faith based members of the community and other public members not affiliated with any of the other organizations involved. The team met weekly over the past four-plus months solving problems as they arose.

Some of the adjustments made have included installing more exterior lighting and a Ring camera system that not only allows video recoding, but remote two-way communication with anyone who is on the site unauthorized.

This particular site is intended for persons who are temporarily experiencing homelessness and who have a high probability of moving into a more permanent supportive housing alternative within 90 days. They meet with a case worker each week. They have a plan that they must adhere to so long as they stay. Several occupants have been removed from the units for non-compliance with either their plan or the rules agreed upon for their occupancy of the shelters.

CURRENT SITUATION:

I have continued as part of the team at the City Council's direction. The team has four months of operational experience over a two year period. Additional investment is desired to be put into the property; however, it would not want to be done without a designation of the site being a more permanent site for transitional housing.

Community in Action held a neighborhood meeting to allow public feedback. They hand delivered flyers advertising their own public meeting on Friday, April 16 and the City Council's consideration on April 20 by canvassing the neighborhood. Community in Action will report on their community feedback and also supply a presentation for the meeting on the successes and challenges of the trial periods.

There are two requests for the Council to consider. First is the continuation of the shelter at the current site through the end of the year which is when Community in Action's current funding runs out. Second is for city staff to move forward with the land use action that would allow this transitional shelter to stay in this space and operate year round.

ANALYSIS:

- A. **STRATEGIC PLAN** The City Council has prioritized being involved in providing a solution to homelessness.
- B. **FINANCIAL** The city has provided some financial support as well as in-kind services such as moving the shelters and providing some leveling and base material at the new site. The city gave \$5,000 to the operations of the shelter and will be paying for the camera system that was installed at the new site.

Costs to change the shelter sites have run at approximately \$20,000-\$30,000.

- C. **TIMING** Community in Action and the supporting team have been collecting results and outcomes to present to the City Council for consideration of the continued operation. The current agreement is for operations to cease on April 30. The residents of the shelters were told and understood that condition when they were allowed occupancy.

The transitional shelter will continue to have a 90-day limit per occupancy. The goal is to move the individuals or families into permanent supportive housing.

- D. **POLICY/LEGAL** The City Council has to declare one of these sites as a homeless services facility. It can operate on a temporary basis, but if it is to continue to operate year round and in consecutive years, the City Council must initiate the process to designate it as such.

ALTERNATIVES:

Take No Action: If no action is taken, the occupants will be moved out on April 30, 2021.

RECOMMENDATION:

Staff recommends allowing the transitional shelter to remain open through the end of the funding cycle and for the Council to ask staff to begin the process of designating this a more permanent site for transitional homeless sheltering.

ATTACHMENTS:

None



**AGENDA REPORT
NEW BUSINESS
April 20, 2021**

To: Mayor and City Council

FROM: Peter Hall, Human Resources Manager
Kenneth Monson, Technology Specialist
Sheri Smith, OPD Office Manager/IT Supervisor

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-111: BID AWARD FOR TECHNOLOGY BACKUP SERVICES**

DATE: April 13, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-111, A RESOLUTION REQUESTING TO AWARD TECHNOLOGY BACKUP SERVICES TO MICRO TECHNOLOGY SYSTEMS, INC FOR ONE YEAR AT A RATE OF \$2,946 PER MONTH AND A ONE-TIME ONBOARDING FEE OF \$4,600.

SUMMARY:

Information technology backup and support services are being sought to meet the increasing use and demands from City Hall without increasing personnel costs from hiring an additional employee.

After receiving no bids from the initial invitation for proposals, staff worked with representatives from Xerox and Micro Technology Systems, Inc. to find a services solution.

BACKGROUND:

City Council approved \$30,000 in the fiscal year 2020-2021 budget for backup and support services for the Information Technology Department. The specific purpose of these services is to provide backup services to the IT Specialist should vacation or sick time be taken. Additionally, the services would provide support and resources for other IT projects.

The city sent out an invitation for proposals for technology backup and support in November 2021. Although no bids were initially received, two companies came into contact with the city and worked with staff to submit proposals.

CURRENT SITUATION:

Micro Technology Services will provide 15 support hours per month with unused hours rolling

into the following month. These hours can be used for projects or to cover for sick or vacation time on an as-needed basis. Additionally, MicroTech will provide services from the TechCare Protection Suite (Antivirus Protection, Internet Security, etc.), site monitoring, and local server backup. The agreement from MicroTech would span for one year, at which time, the agreement would be re-visited.

Xerox offers blocks of hours to be purchased based on the level of expertise required. Staff requested additional information regarding the same services offered by MicroTech; however, Xerox officials did not respond to this request.

ANALYSIS:

- A. **STRATEGIC PLAN** IT provides internal services which are not listed specifically in the strategic plan; however, these services are a vital part of city functions.
- B. **FINANCIAL** MicroTech charges \$4,600 for a one-time onboarding. This includes installation of remote monitoring software, antivirus software, internet security software, and backup software. Onboarding will also include documentation of our network and systems, a network audit findings report, and a network findings meeting.

The TechCare Protection Suite will be billed at \$930 per month, site monitoring at \$115 per month, and local server backup at \$175 per month. The 15 hours of care will be billed at \$115 per hour or \$1,725 per month.

Initial set up fees and the 2 two months of the contract will fall under FY 20-21 with costs totaling \$10,492. The remaining 10 months of the agreement will last through FY 21-22 totaling \$29,460.

It is important to note that the City will save approximately \$6,000 in FY 21-22 by eliminating the need for it's antivirus licenses.

Xerox's pay-as-you-go model would be billed based on purchase quantity and the level of expertise required. Service costs outside of work hours were not provided after staff requested them. 10-49 hours are billed at \$135 per hour. 50-99 hours are billed at \$130 per hour. 100+ hours are billed at \$125 per hour. A desktop technician is billed at 0.5 units per hour, project manager at 0.75 units per hour, engineers at 1.0 units per hour, and senior engineers at 1.5 units per hour.

The number of hours provided during the year could range from 160 to 480.

- C. **TIMING** Either agreement would begin May 1, 2021.
- D. **POLICY/LEGAL** There are no policy/legal implications.

ALTERNATIVES:

Not Award - The council can take no action and not award a contract for IT services. City staff believes this would continue to expose the risk level that currently exists without any backup IT service provider. Having a private sector backup service allows us to provide depth without adding employees and legacy costs.

RECOMMENDATION:

Staff recommends awarding the bid to Micro Technology Systems based on the broader level of service provided.

ATTACHMENTS:

1. Services Agreement_MicroTech
2. Services Agreement_Xerox
3. IFB_Vendors_Technology Backup_11 2 2020
4. Res 2021-111 Bid Award for IT Backup and Support

Micro Technology Systems, Inc.
TechCare Services Agreement

This Agreement is made this 13th day of April, 2021, by and between MicroTechnology Systems, Inc. (MicroTech), with its principal place of business at 125 E. 50th St., Garden City, Idaho, 83714, and **City of Ontario** (Client), with its principal place of business at **444 SW 4th Street, Ontario, Oregon, 97914**.

The Parties agree as follows:

1. Term. The effective date of this Agreement will be **May 1, 2021** and shall be for an initial term of twelve (12) months, unless otherwise terminated earlier as provided herein. Thereafter, this Agreement shall automatically renew for an additional term for twelve (12) months on each and every anniversary date of this Agreement, unless either party provides the other with written notice thirty (30) days prior to the end of the then existing term of their intent to terminate this Agreement.

2. Services.

(a) TechCare Services. MicroTech shall provide the services described on Schedule 1 which is attached to this Agreement and incorporated herein (collectively the “TechCare Services”).

(b) Charges and Rates for Service. The charge for TechCare Services during the Term of this Agreement shall be those set forth on Schedule 1-A – TechCare Service Schedule of Charges. MicroTech may increase its monthly service rate or hourly rate by up to ten percent (10%) on each anniversary date of this Agreement with a 30-day notice.

3. Additional Services. In addition to the TechCare Services, MicroTech shall provide any additional services set forth on Schedule 2 – Additional Services Schedule of Charges which is attached to this Agreement and incorporated herein. Additional Services and Licensing fees are resold from third party vendors and costs are subject to change.

4. Regular Business Hours. Services covered under this Agreement will be performed during regular business hours, which are defined as Monday through Friday, between 8:00 AM and 5:00 PM Mountain Time, unless otherwise defined herein. Services performed outside the definition of regular business hours (“Extended-hour services”) will be invoiced to Client at the designated hourly rate listed in Schedule 1-A.

5. Cancellation. Client and/or MicroTech may cancel this Agreement for any reason upon thirty (30) days advanced written notice, at any time during the first one hundred and twenty (120) days from the effective date of this Agreement. Thereafter, this Agreement may be terminated only as follows.

(a) Termination by Client.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has breached any term of this Agreement. If Client determines that MicroTech has breached any term of this Agreement, Client shall first provide written notice to MicroTech of such breach of this Agreement (Notice of Breach). Thereafter, MicroTech shall have fifteen (15) days from date of receipt of the Notice of Breach to meet with Client and attempt to cure such breach. If after such fifteen (15) day period Client in its sole discretion does not believe that the breach has been cured, Client at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Client may terminate this Agreement at any time for no reason by providing MicroTech with thirty (30) days prior written notice that it is terminating this Agreement. If Client elects to terminate this Agreement pursuant to this Section 5(a), Client shall within thirty (30) days of the Termination Notice pay

to MicroTech fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-half. I.e: Early Termination fee will be 50% of the remaining contracted services.

(b) Termination by Microtech.

(i) Termination for Cause. “Termination for cause” shall be defined to mean that MicroTech has determined a problem or issue with Client or Client’s IT systems that is obstructing Microtech from effectively performing services as defined in Schedule 1, Schedule 1-A, and Schedule 2. If Microtech determines termination for cause is necessary, Microtech shall first provide written notice to Client of such problem or issue (Notice of Obstruction). Thereafter, Client shall have fifteen (15) days from date of receipt of the Notice of Obstruction to meet with Microtech and attempt to cure such problem or issue. If after such fifteen (15) day period Microtech in its sole discretion does not believe that the obstruction has been cured, Microtech at its sole and exclusive remedy may terminate this Agreement.

(ii) Termination at Will. Microtech may terminate this Agreement at any time for no reason by providing Client with thirty (30) days prior written notice that it is terminating this Agreement. If Microtech elects to terminate this Agreement pursuant to this Section 5(b), Microtech shall within thirty (30) days of the Termination Notice pay to Client fifty percent (50%) of the remaining balance that would have been due under this Agreement calculated as follows: the number of months remaining in the Term of this Agreement measured from the first day of the month of the date of the Notice of Termination through the scheduled termination date of this Agreement, multiplied by the total amount Client would have paid MicroTech per month under this Agreement for the remaining Term, multiplied by one-half. I.e: Early Termination fee will be 50% of the remaining contracted services

6. Disclaimers.

(a) Causes Beyond MicroTech’s Control. MicroTech shall provide standard information technology computer networking or infrastructure support. MicroTech shall not be liable for failure to provide those services if such failure is due to any cause or condition beyond MicroTech’s control.

(b) No Warranty for Error-Free Service. MicroTech does not warrant the uninterrupted or error-free operation of any of Client’s machines or software products.

(c) Limit of Responsibility. MicroTech makes every attempt to safeguard and protect client data from damage, loss, or altered files. Because of events that can occur that are beyond MicroTech’s control, due to hardware and software failures, and acts of third parties, MicroTech is not responsible for damaged, lost, or altered client data.

(d) Limited Warranty. MicroTech warrants to Client that, during the term of this Agreement, MicroTech will perform the Services in a professional and workmanlike manner (the “Limited Warranty”). In the event of any breach of the Limited Warranty that is reported to MicroTech during the term of this Agreement, MicroTech’s sole obligation and Client’s sole right and remedy for such breach shall be the re-performance by MicroTech of the services that were not performed in a professional and workmanlike manner, unless such re-performance of the services by MicroTech fails to correct such breach within fifteen (15) days, in which case the Client may, after providing written notice to MicroTech in accordance with Section 5(a)(i) above, terminate this Agreement for cause. Notwithstanding the foregoing, the failure to correct or replace hardware devices and/or software programs that were not provided by MicroTech; and/or the delayed timeframe by suppliers of replacement hardware devices/components and/or software programs that are delayed through no fault of MicroTech shall not be deemed to be a breach of the Limited Warranty.

(e) Services As Is. Except for the limited warranty expressly described above, all services, software, and products provided to client under this agreement are provided on an “as is” basis and without any express, implied, statutory, or other warranties of any kind whether oral or in writing, or arising by usage of trade or course of dealing. Without limiting the generality of the foregoing, MicroTech disclaims any and all implied warranties (including, without limitation, any implied warranties of merchantability, fitness for a particular purpose, and non-infringement). The Limited Warranty provided hereunder extends only to Client and Client’s permitted assigns.

(f) No Warranty for Third Party Products. Client acknowledges that Client may purchase, lease or license certain products, programs, software, equipment, services, or hardware from third parties associated with Client’s informational technology systems (“Third Party Products”), some or all of which may be recommended by MicroTech. Further, Client acknowledges that MicroTech, as part of its TechCare Services may purchase, lease or license Third Party Products. MicroTech shall not be responsible to Client for any damage or loss resulting from such Third Party Products for, including but not limited to, transmission or communication errors, use or failure of hardware or equipment, use or failure of software, failure of delivery or courier services, or for any act, error, omission, or circumstance associated with such Third Party Products beyond MicroTech’s reasonable control. Further, MicroTech shall have no obligation or responsibility under this Agreement for the use of any Third Party Products regardless if MicroTech recommends, installs or monitors such Third Party Products.

(g) Force Majeure. Neither party shall be in default for failing to perform under this Agreement (other than a failure to make payment when due or to comply with restrictions upon the use of the products and services) if such failure arises out of any act, event, or circumstance beyond the reasonable control of such party, whether or not predicted or foreseeable. The party so affected will resume performance as soon as reasonably possible.

(h) Disclaimer. Except as provided in this Agreement and any related agreements, MicroTech specifically disclaims any and all warranties of any kind, express, implied or statutory, including, but not limited to, any WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

7. Limitations on Damages. Under no circumstances shall MicroTech be liable for any losses or damages that are not brought to its attention by client in writing within thirty (30) days of the event giving rise to the alleged liability, and no action arising out of the agreement may be brought by client more than one (1) year after the occurrence of the event giving rise to the alleged liability. MicroTech shall not be liable for any incidental, consequential, special, indirect, delay, economic or property damages whatsoever (including any damages for loss of profits, data or goodwill, business interruptions, damaged or corrupted data, or other commercial, economic, or pecuniary loss) arising out of or relating to this agreement, even if MicroTech was advised of the possibility of such damage. In no event shall MicroTech’s aggregate liability for damages under this agreement (regardless of the form of action, whether in contract, tort, strict liability or otherwise) exceed the amount paid by client for services during the twelve (12) months immediately prior to the claim giving rise to the alleged damages.

8. Proprietary Information.

(a) Safeguards of Client Information. All information related to Client’s business which is required to be submitted by Client to MicroTech pursuant to this Agreement shall be safeguarded by MicroTech to the same extent that MicroTech safeguards information relating to its own business. If, however, such information is publicly available, already known by MicroTech, or is rightfully obtained from third parties, MicroTech shall bear no responsibility for its disclosure, inadvertent or otherwise.

(b) Safeguards of MicroTech Information. Client shall safeguard all proprietary MicroTech information as it would its own. MicroTech’s proprietary information includes this Agreement and any other documents from MicroTech that are identified as MicroTech’s proprietary information.

9. MicroTech Obligations. MicroTech shall perform all services which it agrees to perform pursuant to this Agreement in a workmanlike manner consistent with industry standards. If MicroTech breaches the provision, its sole obligation shall be to re-perform the services in question promptly and properly.

10. Attorney's Fees. If either party defaults or initiates any legal action under this Agreement (including appeal), the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

11. Non-Solicitation. Neither party shall hire or solicit for hire or engage as an independent contractor or employee of the other during the term of and for one year after the termination of this Agreement, without the express written consent of the other party. If Client breaches this Section 11, Client agrees to pay MicroTech within thirty (30) days of hiring the MicroTech employee an amount equal to 28% of the employee's first year salary.

12. Invoicing. TechCare Services agreement will be invoiced at the end of each month for agreement services provided in the following month. Terms are net twenty (20) days on all invoices. Services provided above, or in addition to, the hourly allotment will be invoiced at time of service. All invoices will be mailed to the Client address listed in paragraph 1 of this Agreement. In the event that the billings address changes, the Client agrees to notify MicroTech in writing within thirty (30) days of effect at the following address:

MicroTechnology Systems, Inc.
125 E. 50th St.
Garden City, ID 83714

13. Late Fee Charges. In the event MicroTech has not received payment in full for the charges under this Agreement when due, a service charge shall be added to the amount due in an amount equal to one and one-half percent (1 ½ %) per month.

14. Successors and Assigns. This Agreement may be assigned by either party and shall be binding upon the successors and assigns of the parties.

15. Choice of Law. This Agreement will be interpreted in accordance with the laws and statutes of the State of Idaho and each party specifically agrees to the application of such laws to such party and his rights, duties, obligations and agreements, hereunder or arising out of the subject matter hereof.

16. Attachments. Every attachment or schedule attached and referred to in this Agreement is hereby incorporated in this Agreement.

The appropriate authorized signatures below indicate acceptance of this Agreement.

MICROTECH

CLIENT

Bill Mogensen
Print Name

Print Name

Bill Mogensen

Signature

Signature

Account Manager

Title

Title

4/13/2021

Date

Date

Schedule 1
TechCare Services

Remote Monitoring and Reporting • Agent Provided by third party vendor • Agents send selected data back to management console • Console monitored by MicroTech • Reports configured to send to Client	Patch Management Patch Management for Microsoft software provided in one of three ways: • Third party vendor remote monitoring tools • Microsoft Windows Server Update Services • Windows updates services on local systems
Antivirus Monitoring & Threat Hunting Antivirus / threat hunting software agent provided by third party vendor(s). Systems monitored through third party management console for: • Virus pattern file updates • Virus system scan completion • Virus activity reporting • Malicious hacking activity	DNS Protection Services DNS Protection agent provided by third party vendor. Systems monitored through third party management console for: • Protects users against known malicious websites • Provides web & content filtering • DNS reporting
Backup Monitoring • If service selected by client, local backup provided by Windows backup application or Third Party Vendor ◦ Backup success or failure monitored by MicroTech through remote monitoring console • If service selected by client, remote offsite online backup services provided by Third Party Vendor ◦ Backup encryption provided by Third Party Vendor ◦ 30 file version history ◦ Daily synchronization with offsite servers ◦ Backup success or failure monitored by MicroTech through remote monitoring console	
TechCare Support Hours Included as part of the TechCare Services are TechCare hours (“TechCare Hours”). TechCare Hours are charged each month for performing regular maintenance, troubleshooting, user requests, or ongoing support for information technology hardware, software, or line of business applications existing on Client’s systems, including but not limited to items such as Microsoft server and desktop operating systems, Microsoft productivity software, antivirus software, backup software, other third party software, infrastructure hardware, and line of business applications. Line of business applications is to include but not limited to, accounting or industry software. Support services can be delivered remotely (not on premise) or on-site (on premise). If in any month Client exceeds the TechCare hours or for matters not included in TechCare Hours, Client shall be charged at rate specified in schedule of charges. Remote support TechCare Hours are billed in fifteen-minute increments; onsite support TechCare Hours are also billed in fifteen-minute increments with a one (1) hour minimum.	
TechCare Services Exclusions Certain projects are excluded from TechCare Services and are not part of TechCare Hours; those projects excluded are additions, changes, or removal from existing operating/software systems on the network. Some examples include but are not limited to: 1) Installation and implementation / configuration of new hardware, operating systems, or software. 2) Upgrades to existing hardware, operating systems, or software. 3) Training on hardware, operating systems, or software. 4) Removal of existing hardware, operating systems, or software.	

Schedule 1-A
TechCare Service Schedule of Charges

Monthly TechCare Hours

- Monthly rate for monthly block hours -- **\$1,725.00** per month
- Monthly rate for monthly hours block is based on **15** support hours per month.
- Block Hourly rate is **\$115.00**
- Monthly rate for site administration is **\$115.00** (1 hour non- useable)
- Extended support hours charged at time plus one half to monthly hour allotment
- Remote support hours billed in 15-minute increments
- Onsite support hours, 1 hour minimum and 15-minute increments thereafter
- Travel billed in 15-minute increments
- Monthly hours not used roll into the following month through the term of This Agreement
- Monthly hours not used through the term of This Agreement expire upon the anniversary date and have no dollar value. Hours will not be refunded.

Scheduled Onsite Visits – No Scheduled Onsite Time

One time setup / onboarding service fee – **\$4,600.00**

Additional future services

- Additional hours used over allotted hours will be billed at the current time and material rate.
- Additional extended support hours will be billed at the current time and material rate + ½ per hour

Projects

- Projects will be proposed on an individual basis based on a) estimated number of hours to complete and will be billed at a determined hourly rate, or b) an agreed upon flat rate.

Schedule 2
Additional Services Schedule of Charges

TechCare Essentials Protection Suite Nodes

- **\$10.00** per node per month
- Antivirus agents provided by third party
- Advanced threat hunting agent provided by third party
- DNS Protection Services provided by third party
- Remote monitoring agents provided by third party

Backup Software Licensing Rates – Optional

Shadow Protect local backup agents provided by Storage Craft

- Shadow Protect server license -- **\$44.00** per server per month

Microsoft Office 365 Accounts

- Microsoft Office 365 accounts resold through Pax8
- Hosted Exchange -- **\$4.00** per account per month
- Business Basic -- **\$5.00** per account per month
- Business Standard -- **\$12.50** per account per month
- Business Premium -- **\$20.00** per account per month

Listed Fees above

- Additional Services and Licensing fees listed on this page are resold from third party vendors and costs are subject to change.

Xerox IT Services NetKare Contract

What is NetKare?

NetKare provides customer access to Xerox IT Services technical break/fix skill sets to support their IT needs, purchased in “unit blocks” (10-unit minimum purchase.)

- One-unit minimum charge on all calls
- Billed in quarterly increments thereafter
- Units charged dependent on skill set utilized (see modifiers below)
- Can be used for project-based services (dollar value, not unit)

By purchasing unit blocks in advance, Xerox IT Services provides a discounted fixed rate (off T&M) and a monthly NetKare usage report for review. NetKare used for project-based work will be deducted at dollar value, not unit count.

Purchase Quantity	Unit Cost	Desktop Technician	Project Manager	Engineer	Senior Engineer
10 -49	\$135.00				
50 - 99	\$130.00	Billed @ 0.50 U	Billed @ 0.75 U	Billed @ 1.0 U	Billed @ 1.5 U
100 +	\$125.00				

What is Time and Materials Pricing?

Xerox IT Services T&M offerings provide customers access to our technical skill sets to support their IT infrastructure. T&M rates include the following caveats:

- Flat hourly rate with a two-hour minimum charge
- Billed in quarterly increments after the first 2 hours
- The rate is dependent on skill set utilized
- Rates do not include parts

Time and material pricing does not include the discount to hourly rates available with NetKare units.

How do I Request Service?

Phone: 1-877-XEROXIT

Email: XIT-Dispatch@xerox.com

Desktop Technician	Project Manager	Engineer	Consultant
\$95.00	\$175.00	\$200.00	\$275.00

What are the Available Operating Hours and SLAs?

Xerox IT Services’ technical resources are available between 8:00AM and 5:00PM Monday through Friday (except holidays.) After hours and weekend support is available by request and pending engineer availability – overtime charges will apply. We will guarantee an engineer will reach out to the ticket’s point of contact within 4 hours of ticket creation to

Xerox IT Services NetKare Contract

arrange next steps. We cannot guarantee any SLAs on issue remediation with or without a NetKare contract. Best effort will be utilized to schedule ticketed work at the earliest possible date.

Engineer Service Tiers (Example Services and Products)

Desktop Tech (T1):	PC (desktop and laptop) peripheral and printer support including break-fix, upgrades, software installation and patching Other PC/client related business needs Staging and non-technical labor
Project Manager:	Project management and coordination efforts of Xerox IT Services' resources sub-contractors and 3rd party vendors client-based augmentation available project planning risk assessments scheduling quality management
Engineer (T2):	Server installation Microsoft Exchange/Server VEEAM Symantec Backup Allworx O365 migrations Watchguard UTM appliances Basic Networking VMware ESXi/Horizon Hyper V Active Directory Barracuda Archiving/Web/Backup ASA 5506 Simplivity Hyper Converged Solutions Data migration (cloud/SAN) Aruba switching Controller-less wireless APs Meraki switching and firewalls Azure Cloud based technologies SAN implementations (3PAR/MSA/EqualLogic) Disaster Recovery (SRM/VEEAM/Zerto Brocade IPX
Consultant (T3):	Advanced Routing and Switching Brocade VDX Cisco and Microsoft Advanced Unified Communication & Collaboration WAN and LAN design and implementation Advanced Security solutions (FirePower/Palo Alto) Security design and implementation (Edge/ISE/ClearPass) Telepresence/CMS/TMS (Cisco) Controller-based wireless technology

Terms and Conditions

- All work will be completed remotely unless service remediation forces on premise work. Travel time will bill at same engineering rates per hour if greater than 30 miles from Xerox IT Services offices.
- Research time, troubleshooting, and RCA will be billed at same hourly rate as service.
- All open tickets that carry over a month end will be billed in full and a new ticket created for the next month.
- Service requests that exceed a client's NetKare balance will bill at T&M rates.
- A signature or email approval upon work complete will close the service call.

Approval Authority	
Company Name:	Units Purchased:
POC Name:	Ph#:
Signature:	Date:



Bid Number: 11-2020-01
444 SW 4th St.
Ontario, OR 97914

Invitation for Proposals

Bid for Technology Backup and Support

BID INFORMATION

Proposal Title:..... Bid for Technology Backup and Support
Soliciting Department: Technology
Proposal Number: 11-2020-01
Proposal Issue Date: November 2, 2020
Proposal Due Date:..... November 27, 2020
Proposal Due Date Time: 3:00 pm
Proposal Opening Location: City Council Chamber
Proposals to be delivered to: Sheri Smith
444 SW 4th Street
Ontario, OR 97914

PURPOSE

The purpose of this invitation for bid is to retain an entity to support the City of Ontario Technology Department in various projects and to provide backup to the Technology Specialist during leave. Duties include technical backup for the Technology Department and project support.

BACKGROUND

The City is seeking backup for the position of Technology Specialist to provide redundancy and ensure the city employee has flexibility to take vacation and sick leave as necessary without losing IT support for the City.

PROPOSAL SPECIFICATIONS

Definitions and Abbreviations:

City – The City of Ontario which includes each department of the City (e.g. the Ontario Technology Department).

Contractor - The selected bidder will be referred to as the contractor.

Issuing Office: **Ontario Technology Department**

Sheri Smith
444 SW 4th St.
Ontario, OR 97914
541-881-3238

Proposal Scope:

Location: The City is requesting technical support for all facilities; this includes City Hall, Airport, Community Development Center, Cemetery, Water Treatment Plant, Wastewater Treatment Plant, City Shop, and Fire Station 2.

Work to be Done: The City is looking for technical backup and occasional project support.

Service Level Expectation: The expectation of the awarded bidder is to be familiar with all technical aspects and responsibilities of the City Technology Department. Services will include providing necessary assistance in the event the City Technology Specialist is on leave or requires additional guidance beyond their knowledge.

The bidder is also expected to provide up to 40 hours of time to work on projects at the direction of the Technology Specialist and Technology Supervisor each month.

Contracted employees should have technical knowledge related to Ubiquiti, Sophos UTM, Microsoft Windows Server, Microsoft Windows 10, Microsoft Office 365, HP Enterprise, pfSense, Apple iOS, VMware ONE.

City assets include 8 interconnected sites, 1 data center with 5 hosts/16 guest vms, 15 switches, 12 wireless access points, 5 edge firewalls, 15 P2P wireless radios, 80 end users, 30 iOS mobile devices.

Contracted employees will be required to become CJIS certified to have access to the Police Department.

The proposal should include a project cost estimate for use in putting together a financial proposal.

The physical location of City Hall is 444 SW 4th Street, Ontario, OR 97914.

Start Date: It is hoped that contracted services will begin as early as December 1, 2020. Services can begin after award of contract by the Ontario City Council and execution of the contract.

Length of Contract: The contract will expire on June 30, 2021 and be re-evaluated based on available funding.

Equipment: Contractor must provide basic hand tools and ladders or lifts.

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 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 Technology Supervisor. Proposals must include an original and 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 supporting technology infrastructure and user support.

Experience – Describe your level of experience working in supporting technology infrastructure and user support.

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.

Case Resolution – Please provide evidence of response time for answering calls for service and minimizing network outages.

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
- Case Resolution

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 counsel.

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 – Technology Backup and Support 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	\$	
2021	\$	
Hourly Rate for out-of-scope maintenance	\$	

Signature of Authorized Representative

Date



RESOLUTION #2021-111

A RESOLUTION REQUESTING TO AWARD TECHNOLOGY BACKUP SERVICES TO MICRO TECHNOLOGY SYSTEMS, INC FOR ONE YEAR AT A RATE OF \$2,946 PER MONTH AND A ONE-TIME ONBOARDING FEE OF \$4,600.

- WHEREAS,** The City of Ontario continues to experience an increase in dependency on information technology services; and
- WHEREAS,** Cybersecurity threats continue to rise worldwide; and
- WHEREAS,** The city has limited staff and resources to match the increasing demands; and
- WHEREAS,** The city FY 20-21 and FY 21-22 budgets appropriate \$30,000 each for technology backup services; and
- WHEREAS,** the City wishes to award the bid to Micro Technology Systems, Inc. for technology backup services at a rate of \$2,946 per month and a one-time onboarding fee of \$4,600.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to award technology backup services to Micro Technology Systems, Inc.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 20th day of April 2021, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 20th day of April 2021.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
April 20, 2021**

To: Mayor and City Council

FROM: Al Cablay, Public Works Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **APPROVE AGREEMENT: OREGON DEPARTMENT OF TRANSPORTATION/ODOT
PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE
AGREEMENT**

DATE: April 14, 2021

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE ODOT'S PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY COUNCIL.

SUMMARY:

All Public Works agencies in Oregon are eligible to enter into this same five-(5) year agreement with ODOT. Public Works agencies who opt-in to participate can at any time and by written notice cancel their participation in the program. The mutual aid agreement allows Public Works agencies to obtain immediate response and assistance from other Public Works agencies. This agreement can be used as documentation to maximize the City's reimbursement efforts in the case of emergency actions.

BACKGROUND:

ODOT Maintenance and Operations staff indicate that approximately a third of the current agreements from Oregon Public Works agencies have their agreements approved by their City Council. The remaining two-thirds have the review conducted by the Public Works agencies with those agreements signed by either the City Manager or Public Works Director.

CURRENT SITUATION:

According to ODOT's records, the following cities have current agreements:

Baker City
Burns
Pendleton

Vale

It is unknown if La Grande and Nyssa are in the process of approving their agreements.

ODOT's records show the last time Ontario signed this agreement was in 2013 and it was not executed by either the Public Works Director, City Manager or Mayor.

ANALYSIS:

- A. **STRATEGIC PLAN** By approving this agreement and participating in this effort the community enhances two of the five Strategic Goals. Desirability: by providing mutual aide in the event of an emergency, as both business and residents are given a high sense of security. Lifestyle: by having available resources secured in the event of an emergency the community is assured of sustaining its present quality of life.
- B. **FINANCIAL** None.
- C. **TIMING** This agreement is required to be renewed every five years from the date of execution and contingent upon ODOT's outreach efforts.
- D. **POLICY/LEGAL** This process is consistent with current recommended practice involving review and approval of inter-agency agreements.

ALTERNATIVES:

A. Approve staff recommendation to approve the ODOT Agreement.
Authorize the City Manager to sign agreement on behalf of the City Council.

B. No Action.
No approval and forego entering into this agreement.

C. Disagree with staff recommendation and direct staff appropriately.
Approve agreement with the Mayor to execute the Agreement.

RECOMMENDATION:

Staff recommends the City Council approve the agreement, and authorize the City Manager to execute the document on their behalf.

ATTACHMENTS:

- 1. 2020-12-30 ODOT_EmergRespCoopAssistAgreement
- 2. PWC Agenda_4.13.2021



Oregon

Kate Brown, Governor

Department of Transportation
Maintenance & Operations Branch
455 Airport Rd. SE, Bldg K
Salem, OR 97301
Phone: (503) 986-7915
Fax: (503) 986-3055

December 30, 2020

Dear Public Works Director:

Your jurisdiction's participation in the Oregon Public Works Emergency Response Cooperative Assistance Agreement is up for renewal. The agreement is valid for five years from the date you sign it. Your agency's commitment to the agreement has either expired or will expire shortly.

The mutual aid agreement:

- Enables public works agencies to support each other during an emergency.
- Provides the mechanism for immediate response for requests and offers of mutual aid.
- Sets up the documentation needed to seek maximum reimbursement possible.

Public works agencies in Oregon may sign the agreement or cancel their participation as they wish. The Oregon Department of Transportation (ODOT) maintains the list of all parties to the agreement. Any agency may cancel its participation by giving written notice and submitting it to the addresses listed below.

To renew or cancel your agency's participation in the agreement, email the completed signature page to:
Emergency.Operations@odot.state.or.us

If you would prefer to mail the signature page, please send it to:
Emergency Operations, PWA
ODOT Maintenance and Operations Branch
455 Airport Road, SE Bldg. K
Salem, OR 97301

If you have any questions about the agreement, please call Christina LeClerc, ODOT Statewide Emergency Operations Manager, at (503) 986-4488.

Sincerely,

Luci Moore
State Maintenance Engineer

OREGON PUBLIC WORKS EMERGENCY RESPONSE

COOPERATIVE ASSISTANCE AGREEMENT

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (5), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 402.010 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
 - 1) Maximum liability shall not **exceed** the cost of repair or cost of replacement, whichever is less.
 - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
 - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.

- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be

considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Maintenance and Operations Branch shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
 - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
 - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

11. Non-exclusive

This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON
DEPARTMENT OF TRANSPORTATION



December 30, 2020

Luci Moore
Statewide Maintenance Engineer

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

Agency

County, Oregon

Authorized Representative

Date

Designated Primary Contact:

<u>Office:</u>	<u>Contact:</u>	<u>Phone Number:</u>
_____	_____	_____

Emergency 24 Hour Phone Number:	Fax Number:
_____	_____

E-mail address (if available):

MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.



PUBLIC WORKS COMMITTEE AGENDA
CITY OF ONTARIO OREGON
TUESDAY, APRIL 13, 2021, 3:00 PM, MT
[Zoom Link](#)

1) **CALL TO ORDER**

Roll Call: Bernie Babcock _____ Pat Woodcock _____ Jackson Fox _____
Scott Wilson _____ Jake Galeener _____

City Council Ex-Officio _____ City Manager _____
PW Director _____ City Engineer _____

This Agenda was posted on April 6, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

2) **MOTION TO ADOPT MINUTES**

A) March 9, 2021

3) **ELECTION OF OFFICERS**

A) Chairman
B) Vice-Chairman
C) Secretary

4) **OLD BUSINESS**

A) Mission, Purpose & Role

5) **NEW BUSINESS**

A) Traffic Issues Alameda Elementary
B) Public Invited to Review Plans - ODOT News Release: Online open house begins 3/29/21 for U.S. 30 Snake River (Ontario) Bridge

6) **DISCUSSION ITEMS**

A) Oregon PW Emergency Response Cooperative Agreement

7) **HAND-OUTS**

A) PWC Minutes March 09, 2021
B) Public Invited to Review Plans - ODOT News Release: Online open house begins 3/29/21 for U.S. 30 Snake River (Ontario) Bridge
C) Oregon PW Emergency Response Cooperative Agreement

8) **CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

9) **ADJOURN**

The City Council may recess/adjourn to Executive Session under ORS 192.666(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (c) Labor Negotiations; (d) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (k) Labor Negotiations.

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 888-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.



Airport Quarterly Report

April 6th, 2021



Agenda

- Airport Master Plan
- Based Aircraft updates
- Current Challenges
- Economic Quarterly Report



Airport Master Plan

A quick background and what does this mean for the City?

So, what's in an Airport Master Plan

Typically, there are seven major chapters within a Master Plan. Other chapter's may be included, should the need be presented.

Chapter One – Inventory

Chapter Two – Forecast

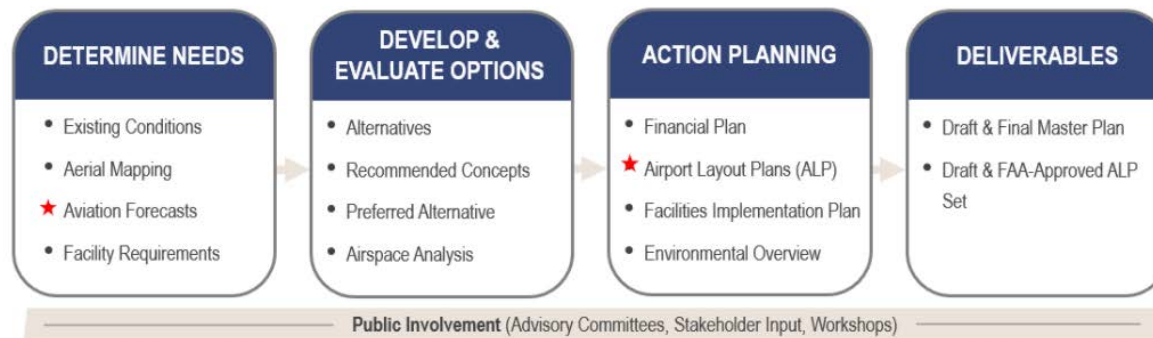
Chapter Three – Facility Requirements

Chapter Four – Alternatives

Chapter Five – Preferred Alternatives

Chapter Six – Implementation & Financial Study

Chapter Seven – Airport Layout Plan

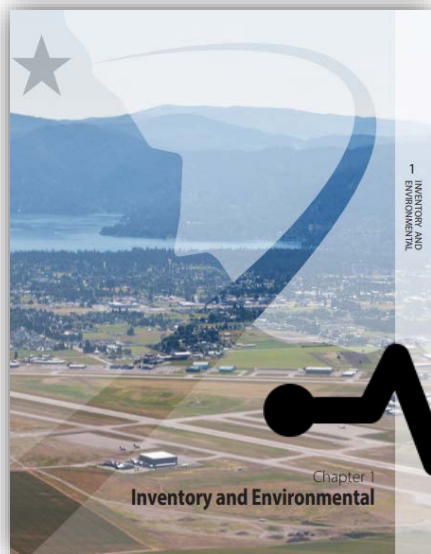


★ Requires FAA Approval



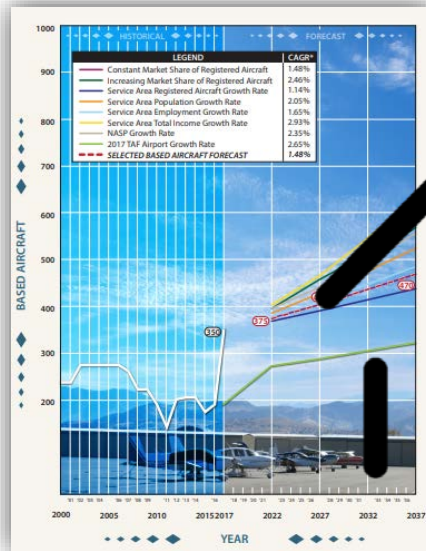
Chapter One - Inventory

- An inventory chapter is a current snapshot of an airport, or rather the airport's current pulse. No forecasting, nor recommendations shall be made during this benchmarking effort.



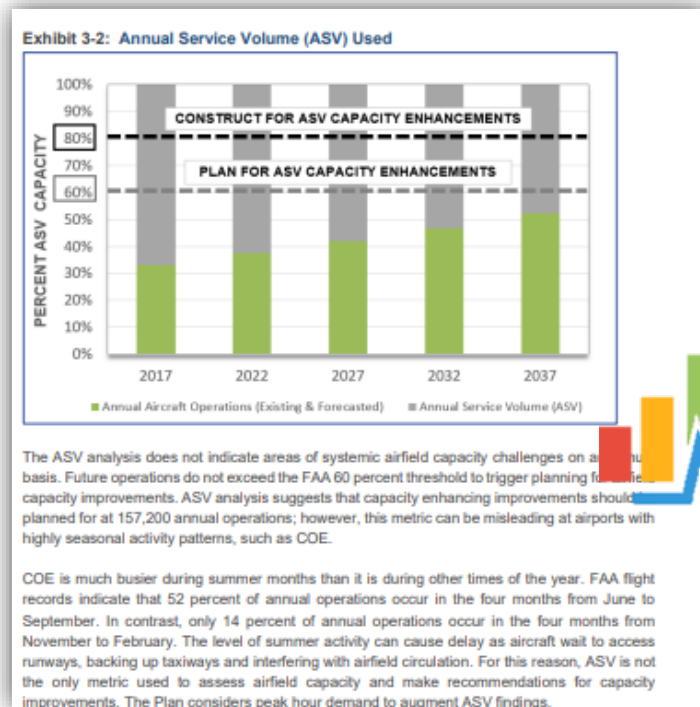
Chapter Two - Forecast

- The forecast process allows for the Airport and general public to better understand where the airport is headed over the next 20 years. These forecasts include based aircraft, operations, peaking characteristics, critical design aircraft and fleet mix.



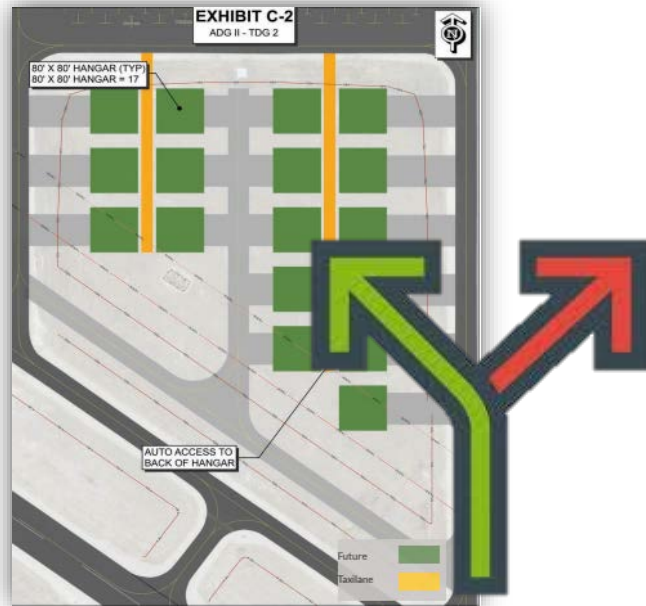
Facility Requirements

- The facility requirements take the inventory snapshot and essentially perform a gap analysis on what facilities the airport would need if the selected forecast and peaking characteristics are achieved.



Alternatives and Preferred Alternatives

- These chapters take the forecast and facility requirements and offer solutions to the needs created. The airport, and its key stakeholders will select a preferred alternative to explore in more detail.



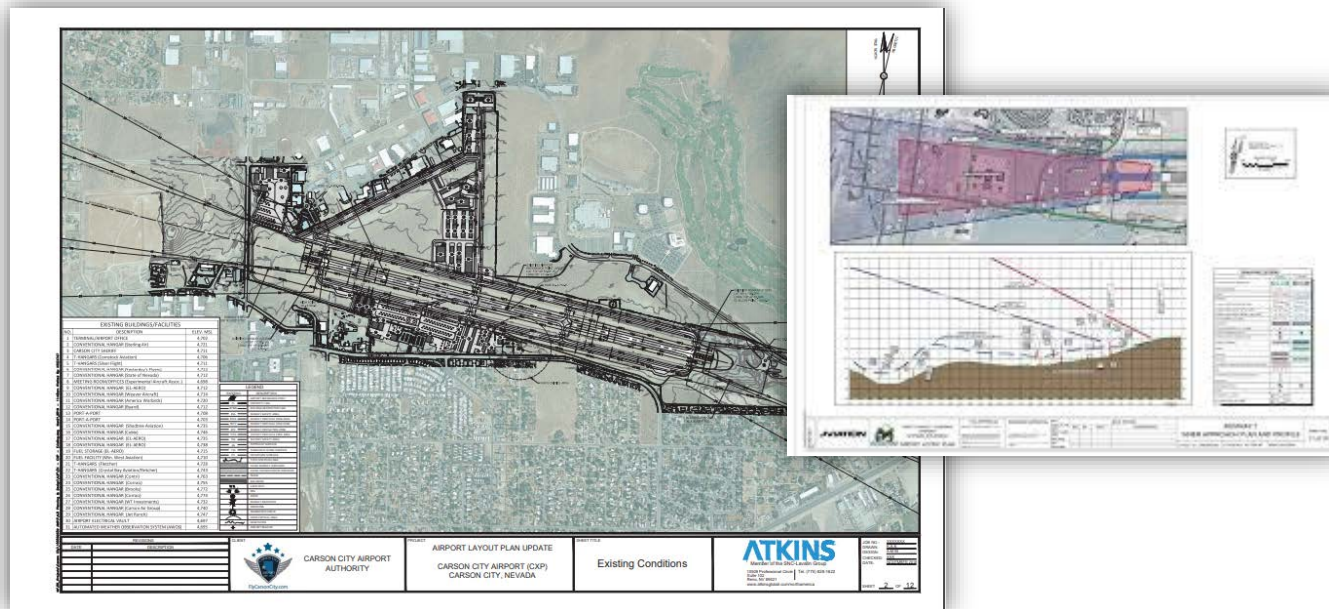
Implementation and Financial Study

- This chapter reviews planned capital projects, in conjunction with the FAA Capital Improvement Plan (CIP). The airport's potential revenues and expenses are described in order to understand the financial feasibility and commitment of the upcoming projects for the Airport Sponsor.



Airport Layout Plan

- The Airport Layout Plan is a drawing set that depicts the current airport facilities and proposed developments based upon the previously determined aviation demand forecast, facility requirements, and selected alternatives. This chapter describes each drawing included in the set



Based Aircraft Updates

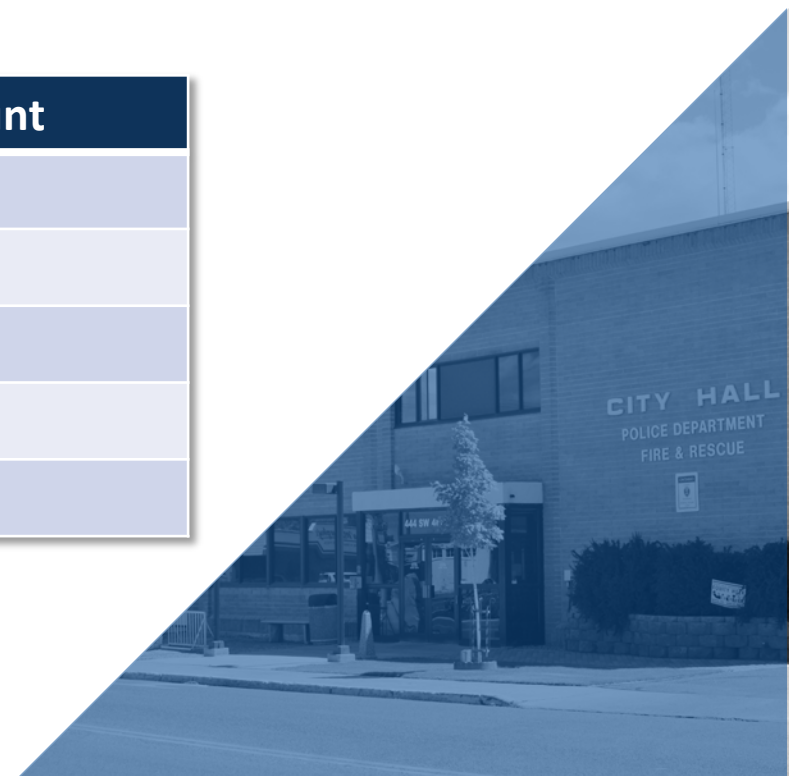
What's changed and how does this affect our City?

Based Aircraft Growth



In quarter one, the Airport completed an analysis of it's based aircraft count. The final count went from ~50 to ~100. This figure places us in the top ten for the state, and second only to Bend for Airports east of the Cascades. Additionally, it would put us 4th in the state of Idaho behind Nampa, Caldwell and Coeur d'Alene.

Airport (State)	Based A/C Count
Caldwell (ID)	418
Nampa (ID)	253
Bend (OR)	233
Coeur d'Alene (ID)	211
Ontario (OR)	97



Based Aircraft Growth

Over the years, a number of studies have been completed regarding based aircraft at ONO. Though wide ranging, historical forecasts were considerably more accurate. What changed? Yes, the financial crisis of 2008 impacted the outlook of the Airport, but what was not accounted for was the treasure valley boom and the role Ontario would play. This is our moment.

Forecast and Year	2020 Based A/C Count
1978 Master Plan	145
1989 OAD Forecast	80
1992 Master Plan	89
2007 TO Engineers ALP Update	108
2017 OAD State System Plan	39
2020 FAA Terminal Area Forecast	32



Current Challenges

Issues currently impacting the Airport

Current Challenges

Currently, unauthorized airport access, fuel flowage, and soil contamination are our largest challenges.



Unauthorized Airport Access



Below are the areas of consistent concern and consideration.



Unauthorized Fuel Flowage

As related to 3-9-9 Aviation Fuel Provisions, unauthorized fuel flowage is a safety and sustainability concern for the Airport. Not only does the City miss out on an important financial boost from a flowage fee, but the City is placed at risk due to the lack of a spill and pollution plan.

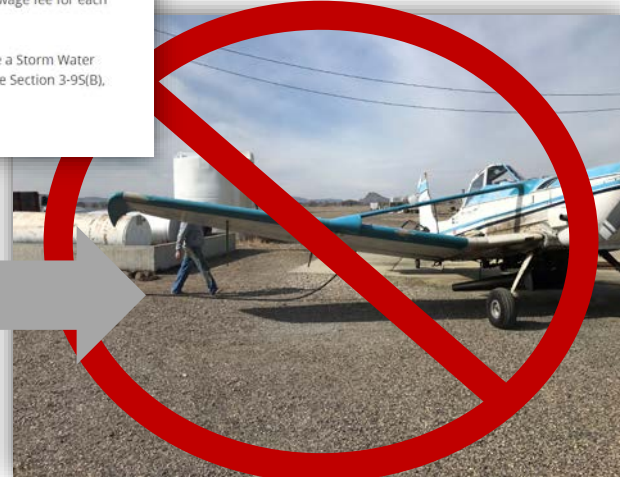
3-9-9 Aviation Fuel Provisions

(A) Fuel Service. Aviation fuel shall be sold on the Airport only by a fixed base operator. No other fuel deliveries will be allowed on the Airport, without prior City approval.

(B) Fuel Flowage Fee. An operator licensed to sell or use fuel on the Airport shall return to the City a fuel flowage fee for each gallon of fuel delivered to said Airport. The fuel flowage fee will be set by the City.

(C) Any person or entity delivering, storing or dispensing fuel on the Ontario Municipal Airport shall prepare a Storm Water Pollution Control Plan in accordance with the standards and provisions as set forth on Ontario Municipal Code Section 3-95(B), subsections 9 and 10.

(Ord. 2360, 8-21-95)



Soil Contamination

Last Fall, a soil contamination study was conducted with respect to aerial application areas of airport property. A small portion of the Airport was found to be contaminated. The Airport is actively working with the parties involved to ensure the mitigation of the contamination.



Economic Quarterly Report

An overall snapshot of Q1

Fuel Flowage Fee

In Q1, the Airport was able to recover from 2020. It should be noted that Q1 is typical our lowest quarter. For example, in spite of 2020 being greatly impact by the global pandemic, the month of September brought in **\$3,400** in flowage fees, alone.

2020 Q1	2021 Q1
\$746.27	\$1427.03

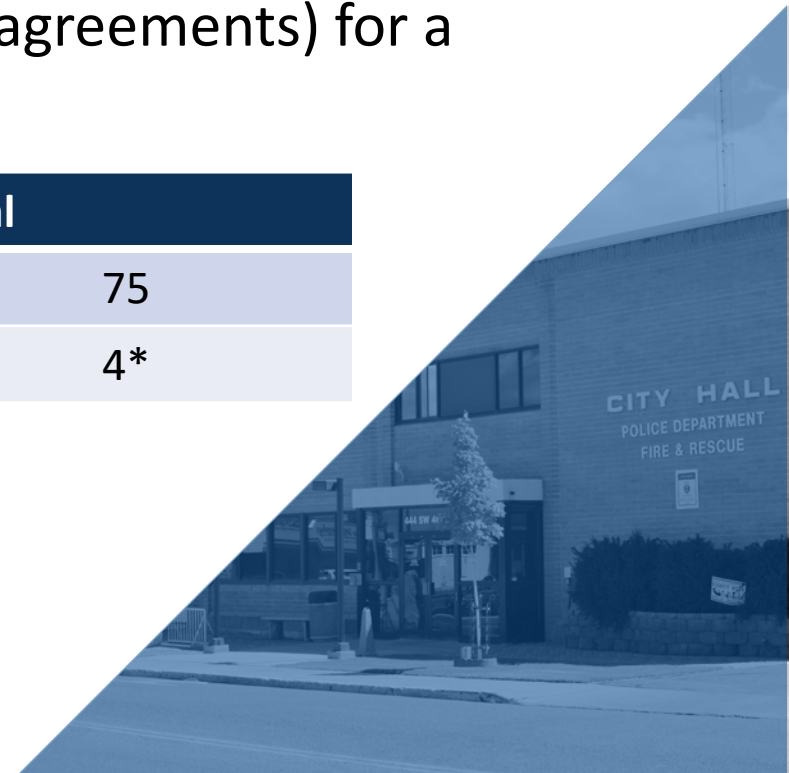


Land Lease and Commercial Usage Agreements

While typically collected on an annual basis, the impact of land leases and commercial usage agreements are vital to the sustainability of the Airport. Additionally, these agreements are growing. Q1 has seen four new land lease agreements, and one new commercial usage agreements. Currently, the Airport is formalizing its process for commercial usage (non-land lease agreements) for a more streamlined process.

Agreement Type	Fee Structure	Total
Land Lease	15.64 cents per square foot	75
Commercial Usage	\$1,000 annually	4*

**Some agreements are being formalized and number will grow*



Questions?



MALHEUR COUNTY COURT MINUTES

March 31, 2021

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 Ron Jacobs present. 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 # [2021-1341](#)

JUVENILE CRIME PREVENTION (JCP) PLAN

Juvenile Department Director Susan Gregory met with the Court and reviewed the draft 2021-2023 Juvenile Crime Prevention (JCP) Plan. The Plan was created in collaboration with community partners with input from local school staff and probation counselors. The goal is to continue to see positive outcomes to include fewer youth getting in trouble as evidenced by reduced referral rates. In 2020 there was a considerable decrease in referrals; COVID-19 is likely a partial cause for the decrease as youth were not in school and for the most part staying home. This however brings in new problems to the equation such as disconnect from school and society, mental health issues and likely increased substance use. An education component - learning pods - is being added in the hope that school "F" rates and attendance rates can be improved. The population served will be youth ages 10 to 17 who reside in Malheur county or whose family resides in Malheur county; they may be offenders or non-offenders. Each of the programs are verified as either effective evidence based, research based, and/or practice based prevention and intervention approaches that utilize the youth program quality principles, trauma-informed practices, and leverage developmental relationships. Programs were also verified as culturally appropriate, sexual orientation specific and gender identity specific. Programs include: Boys Council and Girls Circle, Boys & Girls Club of the Western Treasure Valley, System of Care/Wraparound Service, Learning pods, MRT (Moral Recognition Therapy) and Juvenile Administration funds to support local positive youth events and strategies. Commissioner Jacobs moved to approve the draft plan and the use of the funds for the programs as presented. Commissioner Hodge seconded and the motion passed unanimously.

FAIRGROUNDS GRANT APPLICATION

Fairgrounds Manager Lynelle Christiani met with the Court and explained that the Fair Board is applying for a grant from the Eastern Oregon Border Economic Development Board in an effort to obtain grant funds to hire an architect and/or engineer to develop a Master Plan for the fairgrounds property. The Court was supportive of the grant application. Commissioner Hodge moved to and sign a supplemental letter to go with the Fair Board's grant application. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2021-1342](#)

ROAD IMPROVEMENT AGREEMENT - FROERER FAMILY LIMITED PARTNERSHIP

County Counsel Stephanie Williams explained that the Planning Commission met last Thursday, March 25, 2021 and continued their hearing regarding the application for the Preliminary Arcadia Industrial Park Subdivision Plat to accommodate the Treasure Valley Reload Center. Staff and various attorneys (County Counsel, outside legal counsel hired by the County, and the Froerer's attorney) have been working with the Froerer family to work through the issues presented by Froerers. An agreement was reached on March 25, 2021 that resulted in the Froerer's withdrawing their objections to the matter. County Counsel individually spoke with the Court members and separately secured their signatures on the Agreement document. Commissioner Jacobs moved to approve Road Improvement Agreement between the Froerer Family Limited Partnership, Malheur County, and Malheur County Development Corporation, nunc pro tunc to March 25, 2021. Commissioner Hodge seconded and the motion passed unanimously. The Agreement concerns construction of an alternative farm use access road to mitigate for the closure of the private railroad-road grade crossing/intersection at Gem Avenue and Union Pacific Railroad Company. Up to \$100,000 will be paid to Alscott Farms LLC to acquire a needed easement; MCDC will design, construct and obtain all permits required for the roadway and pay up to \$300,000 for the actual, fair and reasonable costs, as determined by ODOT. The total amount paid by MCDC for the easement and roadway shall not exceed \$400,000. See instrument # [2021-1345](#)

Ms. Williams is currently assisting with various public records requests and has correspondence from ODOT regarding the \$400,000 that will be submitted as part of the County's response to the public records requests.

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #13-21 to Y1 Farms Inc for placement of a culvert across 11th Avenue West #515; and Crossing Permit #14-21 to Idaho Power Company to install a pole and transformer on Pioneer Road #917. Commissioner Jacobs seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

RIVER DEMOCRACY ACT

There was no discussion on this matter.

LETTER TO GOVERNOR

Commissioner Jacobs moved to approve submittal of a letter to Governor Brown requesting changes to the ranking and restrictions placed on the County due to COVID-19, nunc pro tunc to March 19, 2021. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-1344](#)

COMMITTEE VACANCIES

Judge Joyce is in conversation with someone about serving on the Budget Committee. The Compensation Board recently held their annual meeting.

LETTER OF SUPPORT - CITY OF VALE

Commissioner Jacobs moved to sign a letter of support for the City of Vale's grant application for wastewater treatment facility headworks improvements of their Willowcreek Lift Station. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-1343](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

April 7, 2021

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 Ron Jacobs present. County staff present was Administrative Officer Lorinda DuBois. 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 # [2021-1475](#)

GRANT APPLICATION RESOLUTION - ASSESSOR'S OFFICE

Assessor Dave Ingram met with the Court and presented a grant resolution for the Court's consideration. Commissioner Jacobs moved to approve Grant Application Resolution No. R21-11 for the Department of Revenue's County Assessment Function Funding Assessment (CAFFA) Program. Commissioner Hodge seconded and the motion passed unanimously. By approving the resolution, the County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application amount of \$1,145,472. See instrument # [2021-1474](#)

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of March 31, 2021 as written. Commissioner Hodge seconded and the motion passed unanimously.

CHECK REGISTER

Commissioner Hodge moved to approve the Accounts Payable book for January, February and March 2021. Commissioner Jacobs seconded and the motion passed unanimously.

AMENDMENT - IGA #159822

Commissioner Hodge moved to approve Eighteenth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Public Health Services (original IGA is recorded as instrument # [2019-3374](#)). Commissioner Jacobs seconded and the motion passed unanimously. Exhibit B Program Element #01 "State Support for Public Health is replaced in its entirety; Section 1 of Exhibit C of the Amended and Restated Agreement, entitled "Financial Assistance Award" for FY 21 is replaced in its entirety; and Exhibit J of the Amended and Restated Agreement entitled "Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200" is amended. A copy will be returned for recording.

EASOM PROPERTY

Commissioner Hodge noted he had received phone calls from neighbors regarding the Easom property located at 1337 Alameda Drive, Ontario. The Sheriff's Office and County staff have been working to compel the occupants to abate the public nuisances on the property. Ms. Williams explained that the County cleaned-up the property in the Fall of 2019 and currently has an approximate \$10,000 lien on the property for the costs and expenses incurred in abating the public nuisances on the property. The property is titled in the name of Irvin Easom, who is deceased; the estate has not been probated and a son of the deceased lives on the property (Cory Easom); another son (Cody Easom) lives in Boise. Additional bids have been obtained to clean-up the property again and/or build a fence in the right-of-way along the property. The property taxes are behind on the property but the County cannot foreclose for unpaid property taxes until the taxes are four years delinquent.

NATURAL RESOURCE MANAGEMENT

Judge Joyce noted that with the other Court members consensus he would send the County's Natural Resource Management ordinance to Senator Lynn Findley; consensus was to send the ordinance to Senator Findley.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.