

**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, AUGUST 10, 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: Sam Baker \_\_\_\_ John Kirby \_\_\_\_ Ken Hart \_\_\_\_ Michael Braden \_\_\_\_  
Eddie Melendrez \_\_\_\_ VACANT \_\_\_\_ Mayor Riley Hill \_\_\_\_

**2) PLEDGE OF ALLEGIANCE**

This Agenda was posted on August 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](http://www.ontariooregon.org).

**3) MOTION TO ADOPT THE AGENDA**

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

**5) CONSENT AGENDA**

- A) Minutes:  
City Council 06-29-2021  
City Council 07-06-2021

**6) NEW BUSINESS**

- A) Resolution #2021-130: A Resolution to Appropriate Funding for the Traffic Analysis of East Idaho Street  
B) Parks Committee Recommendation for Improvements at Lanterman Park  
C) Parks Committee Recommendation for Improvements at Beck Kiwanis Park  
D) IT Services Agreement  
E) Requests for Appointment to City Boards: Diversity Advisory; Airport; Code Enforcement Review

**7) PUBLIC HEARING**

- A) Ordinance #2792-2021: Amending the City of Ontario Zoning Map from Single Family Residential (RS-50) to Planned Development Residential (PD) for a Property Known as Tax Lots 3200 and 3500 on Tax Map 18S47E09CC and Streets Adjacent Thereto  
B) Resolution #2021-126: City Council to Declare Certain Real Property, Being a Portion of the Property Known as the Sunset Drive Water Tank Property, as Surplus Land and No Longer Needed for Public Use and Approving the Sale of Said Real Property  
C) Resolution #2021-128: City Council Approving the Sale of Real Property, Lot 5 Stelling Subdivision

**8) DEPARTMENT HEAD UPDATES**

- A) Public Works: Quarterly Report

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; (d) Labor Negotiations; (e) 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 (l) 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 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

**9) DISCUSSION ITEMS**

- A) State Park Land Acquisition for Tater Tots Trail
- B) ARPA Budget
- C) Parks Committee Report - Adam Brown
- D) PERS Assumed Rate of Return
- E) Water Sampling Information
- F) Storm Drain and Street Sweeping

**10) HAND-OUTS**

- A) Monthly Department Stats:
  - Police
  - Code Enforcement
  - Fire & Rescue
  - Public Works
- B) Packet: V&C Board 08/05/2021 w/July 1, 2021 Minutes
- C) Minutes:
  - SREDA 08-03-2021
  - County Court 07-07-2021; 07-12-2021

**11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

**12) EXECUTIVE SESSION**

- A) ORS 192.660(2)(h)

**13) ADJOURN**





## CITY COUNCIL MEETING MINUTES

### June 29, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 29, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Sam Baker, John Kirby, Michael Braden, Freddy Rodriguez, Eddie Melendrez, and Ken Hart.

Members of staff present in person or by call-in were Adam Brown, Peter Hall, Terry Leighton, Larry Sullivan, and Laura Reyes.

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 June 28, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website [www.ontariooregon.org](http://www.ontariooregon.org).

KIRBY moved, BAKER seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

### PUBLIC COMMENT

*Mike McLaughlin: Thank you, Mr. Mayor. I'm the retired Mayor of Vale, Oregon, six terms, twelve years, also am on the board of Euvalcree. I still sit on the Regional Solutions, help out with the Drexel Foundation, and on the board of RDI, so I'm just here to ask for your letter of support for our Turnkey Project that we're attempting to do. I kind of want to remind you that the funds that are flowing right now through the CARES Act are kind of a one-time thing. I know that these funds will be available occasionally next year, but we have this opportunity to have this facility for the citizens of Ontario for people that are transitioning and trying to keep them off the streets from becoming homeless. So, I'm hoping that you have a chance to hear Gustavo Morsels, our Executive Director, has been here. Norma Ramirez is here. I want to remind you that we are an organization of Ontario, so Norma's a high school graduate from Vale; Gustavo Morales is a high school graduate of Ontario, so we are from here. The whole board is from around here. This facility, if you don't act on it now, I'm not really sure when another opportunity like this will come along for the City of Ontario. We've talked about who we're going to serve. We've talked about the foster program a little bit. Our board was very reluctant to get into the foster program, and if we do get into that, we'll have lots of supervision there. But, lots of the other organizations that we're just at the tip, so right now we're at the acquisition phase. We're trying to attempt to get this building so that we can get it for the community of Ontario. We'll have a better working plan as we go forward on who we're going to be interacting with, who we're going to be serving, how we'll be doing that, so right now, all I'm asking for is a letter of support from this Council so that we can go forward and hopefully procure this property for the citizens of Ontario, but also for Malheur County. I have a funny feeling that the Snake River Correctional Facility is one of them. There are so many other agencies that we haven't even considered yet that may need space for transitioning people, either coming to our community or, especially right now when we're just coming off this pandemic and so many people are being either evicted from their rentals or having trouble paying their mortgage. This is a typical facility for them to be able use that transition. For people who are just coming off unemployment or having difficulties there, so again, I'm hoping that you all consider this, and I thank you again for your time and consideration. Thank you very much. I'll take any questions if you have them.*



Councilor Hart stated this was not meant to be a “gotcha” questions, but had he seen an operating budget for this facility?

Mr. McLaughlin: *I have seen an operating budget for the facility. So, I am the Treasurer of the organization, and I can tell you that we are in very good financial position right now to take on this huge project. We have the money, we have the money in the budget, and we have the connections to get money if we are need of it in the future. We have connections to the Ford Family Foundation, to many funders that are looking to do this. I'd also point out that there are a lot of other cities that are looking at the same thing. Eugene, Salem, Portland, are also looking at these facilities and you guys have seen the map of where these other turnkey projects are going. I just think this is a perfect opportunity for the City of Ontario to procure this hotel and use it for many different purposes, things that we haven't even thought about yet. I hope I answered that a little bit. You know, I also serve on the budget board at Treasure Valley Community College with Mr. Hart, so I know that you're a newly elected board member, so congratulations. Again, any other questions that I can answer. Again, I'm just a board member but I am privy to a lot of a lot of the internal working documents of the organization.*

Councilor Braden asked if he could describe the site selection process; why did they chose that Red Lion Hotel?

Mr. McLaughlin: *It's been in disarray for a number of years. So, Gustavo made that connection, looking into that property there. There's not a lot of other properties that lend itself to being behind right now, so that's kind of why. The Red Lion is in need of a new vendor, so that's kind of why that selection was made there. It's never, just like with the tiny house project that you guys did, I have a piece of property on River Street that I offered up for the tiny house. That was one of the selection processes. Of course, my property wasn't chosen, but it's very difficult when we had our public hearing and we pretty much had 50-50. I kind of kick myself for not showing up because then it would have been 17 for and 17 against. As you know, if you can get to a 50%, that's pretty good with the public. Most of the time when we had public meetings in Vale, they were not very well attended. Certain subject matters bring out the public and I think this is one of them.*

Gustavo Morales: *I have been appreciative of the City Council's support to be responsive to the opportunity that existed through tedious information gathering. There are challenges and hurdles that we will have to overcome if this project were to move forward. Given some of the earlier feedback that we've been able to gather, I anticipate a certain outcome; however, if this opportunity and this project were to move forward, we would be very appreciative to help support and strategize both with the business sector of our community, who I anticipate is the sector that provides the greatest level of concern. At the public hearing, one of the things that was apparent is there is a recognition that this need is high, and that something needs to be done. Given the context, the location, and the area, there's a lot of concern for the financial implications if the project were to move forward both for the businesses and for the city. As we move forward with our committee, our organization strives in keeping a strong level of integrity, but also maintaining strong posture, striving for economic opportunities, and more importantly striving for a strong community that's able to advocate for itself and generate a safe space and a safe environment for us to be able to raise our children. As we're balancing the cause benefits, or the risk assessments, however you want to look at it, whether you're a committee member, a politician, or a simple businessman, the investment into a child's future always outweighs the initial investment that may have been lost from the \$65K that the city, which we mentioned, and we said...the initial investment pays itself ten times over, if not more in a long term contributor to our economy. I urge the City Council, as we look forward, we will work to be responsible to identify and address any and every solution to make this work. However, we've already created contingencies to moving forward other projects and other solutions that may help benefit the communities who are also most affected. Regardless of today's decision outcome, I just wanted to say thank you to the City Council for indulging us with evaluating and pursuing the option of this opportunity.*

**OLD BUSINESS****Project Turnkey**

KIRBY moved, RODRIGUEZ seconded, **THE CITY OF ONTARIO DOES NOT ENDORSE EUVALCREE'S OPPORTUNITY TO FUND THE PURCHASE OF THE RED LION HOTEL.**

Mayor Hill verified Councilor Kirby's motion as being THE CITY COUNCIL DOES NOT PROVIDE A LETTER OF ENDORSEMENT FOR PROJECT TURNKEY. Was that correct?

Councilor Kirby stated he had concerned about this project from the start. The Council had been provided a timeline, and they'd seen proposals from other organizations before, but this proposal was surrounded by secrecy. Euvalcree met with the City Manager and Community Development Director in March, but they wanted confidentiality. They continued to meet – following the calendar – up through May, still keeping the site confidential. Early in June, the Council was approached by a representative of Euvalcree, Norma, and during public comments, not an item on the Agendas, they were asked to consider making this endorsement. Under normal circumstances, when working with organizations who wanted to have a collaborative effort on a piece of the community, there would be months of notice. It presented to him as an era of secrecy, which did not benefit the community or the valley. What was hard, because of new Oregon legislation, this was an issue that would be in their faces. The city would be forced to act on this, but that day alone he'd been contacted by people who worked for different social groups, some at the state level, who told him not to move forward with this project. Part was because Euvalcree had a history of not being a team player, and other reasons were that as a Council they would lose the TOT funds, which funded the Chamber of Commerce, the Four Rivers Cultural Center, and it was unclear about police or public works. Euvalcree said they were making contact with the neighbors, but in fact none was contacted. There were neighbors at the meeting the other night and no one received contact. Euvalcree had no memos of understanding with any of the organization s that would be impacted by this movement. It appeared they would be funding something with no plan. He did not believe it would be in the best interest of the city to operate that way. A standard had been set for how the city moved and worked, and that was to be collaborative. They might take some heat for what was now being mandated by the state for homeless individuals, but this project would cripple whatever they were going to do. He would be supporting the motion to not support the project.

Councilor Rodriguez stated Councilor Kirby's statement should have raised some concerns to everyone, including Mr. McLaughlin. He assumed the outline of events and seemingly rushed manner of an unplanned approach, would make anyone think twice. At the hearing held last week held by Euvalcree, he was unaware that a vote would occur. It was his recollection was that more voted against having the facility. The majority of those no in favor, spoke, gave their names, businesses, and reasons as to why they were opposed. When those in favor were to be counted, the majority said nothing. Some Euvalcree staff were counted as favorable votes. That was a manipulated vote. It was overwhelmingly obvious that a majority of the community, especially those who brought in revenue, voiced a deep concern for the project, backed up by credible reasons. That's why he would be voting to not support the project.

Mayor Hill stated he also attended the meeting and thanked Euvalcree for making an effort to attempt to take advantage of funds were available and to bring them to our community. That was not an easy task. What he gathered from the meeting was a lack of financial operating plan, or an unwillingness to share one if it existed. A management plan was vague and not in place, no security plan; there was no plot plan even though they had been told there would be a playground on site; the remodel plan was vague; there was an unrealistic opening date of 30 days while doing an operating plan; there was no chance or time to figure out what the remodel costs would be; and in the financial plan the city had been told they would be able to retain whatever TOT loss occurred, or property tax, but in view of not having a financial operating plan and knowing it was going to occur, that was in jeopardy, taking from one group and giving to another group. That's what he gleaned from the public hearing, and things that had been expressed to him by several people both at the meeting and away from it.



Councilor Melendrez stated he didn't like the way the proposal was presented to the Council. It was rushed, asking them for a quick decision without enough information; however, he believed it could be something good for the community, and the community needed it for the youth - the at-risk kids, the homeless youth, the transitional youth, or families. He would be supporting the program.

Councilor Braden stated the plan was not presented to the Council where they felt they could have a final sign off, saying it would be a success or a failure, but he viewed it as Euvalcree wanted to use state funds to run a project that benefited the community. He believed the need existed; he'd seen it in this community for many years. He wanted to provide the letter of endorsement. It was the right thing to do for this community. Euvalcree would figure it out. It wasn't laid out for the Council to see now, but they were a credible organization.

Councilor Kirby stated his motion was that the Council NOT endorse, so it would be a yes vote to carry the motion.

KIRBY moved, RODRIGUEZ seconded, **THAT THE CITY OF ONTARIO DOES NOT ENDORSE EUVALCREE'S OPPORTUNITY TO FUND THE PURCHASE OF THE RED LION HOTEL.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-no; Melendrez-no; Hill-yes. Motion carried 5/2/0.

**ADJOURN**

HART moved, BAKER seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-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 July 13, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, July 13, 2021, in the Council Chambers of City Hall. Council members present were Riley Hill, Ken Hart, John Kirby, Eddie Melendrez, Michael Braden, Sam Baker, and Freddy Rodriguez.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Terry Leighton, Steven Romero, Al Cablay, Paul Woods, Jason Cooper, James Swank, David Walters, Casey Walker, Todd Harnden, Adam Clinton, and Chris Bolyard.

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 July 9, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website [www.ontariooregon.org](http://www.ontariooregon.org).

BAKER moved, HART seconded, to amend the Agenda to add Executive Session ORS 192.660(2)(e). Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BAKER moved, HART seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

### SPECIAL ACTION

Steven Romero, Police Chief, gave special recognition to Sgt. Jon Esplin, Officer Casey Walker, Officer Brian Cook, Officer Todd Harnden, and Officer Adam Clinton.

Lt. Jason Cooper read the actions for the individuals.

### PRESENTATION

#### **Speed Boat Races** *(Presentation attached)*

Ron Dillon presented.

Adam Brown, City Manager, stated it was staff's recommendation to lease the property to Mr. Dillon for \$1,000 and let him bring the event to Ontario.

Councilor Hart stated many discussions had been held about this site, including homelessness, and the golf course site had been mentioned there. He had been told that the FAA would never allow the placement of anything next to the airport. To have the airport personnel now ask to have something right next to the airport, that just blew him away. It was frustrating to be told one thing by several people, but now it was okay. He'd like some consistency on what they were being told about different things.



Mayor Hill wanted some statistics, a written proposal, and some financial information. He was in total support of bringing new things to Ontario. He agreed, too, that Councilor Hart's question needed to be answered.

Mr. Brown stated the answer to Councilor Hart's question was that housing was not allowed. If there was something that happened on the airport, all the proceeds went to the airport fund. The city could not make money off the airport and use it in the general fund. The specific question about housing, something the Mayor was currently working with our congressman on, was about the homeless. Other activities, they were working through the master plan. The closer it got to the runway, the more aeronautical they wanted it to be, but also recent legislation came out that some of the property that had not been attached to the airport and acquired by airport funds, it might not be under the same restrictions. The golf course property was acquired through the county. That meant there was the possibility of doing other things there.

Mayor Hill stated for them to make a decision with no information except a quick presentation, that was hard for him to move forward. He'd like some statistics and get some answers.

John Breidenbach, Ontario Chamber of Commerce, stated his support for the project.

HART moved, BAKER seconded, **TO TABLE THIS ISSUE TO THE NEXT COUNCIL MEETING.** NO VOTE.

Mayor Hill asked if waiting the two weeks until the next meeting would be too long.

Mr. Dillon: *It's unfortunate that you haven't seen, I thought that you got all the information in the packet, but I can certainly expand on that. I guess I need to, it seems like it would be appropriate for you to have the full packet and be able to go through that and then if you need me to drill deeper, I can easily do that.*

Mayor Hill stated the Council needed to see a written proposal and financial information.

Councilor Melendrez concurred; they needed further information.

Mr. Dillon: Absolutely. Getting you more information is not a problem at all. I think given the two weeks, I'll confer with Chris, but I don't know how we can do anything at this point this fall with another two-week delay. But, as I stated in my opening, that's not, it's not the end of the world if we can't do something this fall. We had hoped for a perfect scenario where the planets would have all lined up and we could have done that, but the chances are very high now that we won't actually be able to do an event until spring of 2022, but that's fine. I appreciate your caution; I appreciate your hesitancy to just jump on this thing. I get it and we absolutely can address the insurance and liability concerns, which are logical for a municipality to have, and the financials. Again, there's some pretty good financials there, but we can go as deep into that as you need us to go, Mr. Mayor. And I want to add that I did have a very good conversation yesterday with the gentleman who runs the hemp operation out there. His name's on my list here, but the Vale football, Dave Eyler, very nice gentleman. Because he is a lessee that you have out there, and I thought, my gosh, I need to have a conversation with him, he said, I like it, but I'm concerned about security, so we've addressed lightly in this report, and we can go deeper with it on some fencing and possibly having a security guy.

Restated Motion:

HART moved, BAKER seconded, to **TABLE THIS ISSUE TO THE NEXT MEETING TO GET MORE CONCRETE INFORMATION FROM THE DEVELOPER.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

**PUBLIC COMMENT**

Freddy Rodriguez, Ontario: *This comment comes from six-year Ontario citizen Freddy Rodriguez. We recently endured and digested Ontario's first recall ever, one stemming from a scorned citizen and a group of shameless, self-serving, credibility seeking followers. I, as a citizen, have the best insight on all of this. This citizen lived all of it, yet only one single fellow Council member reached out to me to ask me my side. The rest took your own glorified point of view on something you all knew nothing about. To this citizen, that kind of behavior of refusing to seek all sides before making a vote carries almost no dignity and is in no way, shape, or form fitting of an elected official. Only one of you up there will receive a vote from me shall you ever decide to run for another four years. For all other seats, I will seek to vote for and campaign for all new Council-people. I will vote no for anyone associated to the liars and the Ontario Epstein click. As to you all filling my vacant seat: I urge you to take a step that has eluded you all until now - look at all sides before making a decision. Ask the community. It's easy, but you all act like it's impossible. Ask the community. If you learn anything from this public comment hopefully it is this: you all need to seek more community input and implement its influences in your decision making. It's called representation, not I can do it better. Prove to the community they are in control and have a voice. Be community, not self-serving. Open your ears, not so much the mouths.*

Jackson Fox, Ontario, stated: *Honorable Mayor and Council, I rise to ask the Council a few questions. Last week in the Malheur Enterprise, it was a very long article about weed ordinances and other ordinances. The City Manager said he has the power to waive or reduce fines. My question on this matter is where in the notices to the people that got these fines, do they find this out? And did the fines and liens essentially for, excuse me, it appears the fines and liens essentially forced the sale of 627 Fortner Street. Did the city collect on the liens and fines of that property? This is one of the properties ordinance Officer Brockett mentioned in his complaint against the Police Chief Romero. Did the City Manager inform the Council of this complaint? And was this investigated and has the Council seen a copy of the investigation? I thank you Council for your time. I know you'll get back to me within the seven-day period for answers. I appreciate it. Thank you.*

**NEW BUSINESS****Resolution #2021-122: Security Grant Program**

Peter Hall, Assistant City Manager/HR Manager, presented

HART moved, BAKER seconded, **THE CITY COUNCIL APPROVE RESOLUTION 2021-122, A RESOLUTION ADOPTING THE GRANT GUIDELINES AND APPLICATION FOR THE ONTARIO SECURITY GRANT PROGRAM.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

**Resolution #2021-123: Bid Award for 2020 Sanitary Sewer Project and CDBG Project Budget Amendment**

Paul Woods, City Engineer, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-123: A RESOLUTION TO AWARD IMCO GENERAL CONSTRUCTION, INC. THE CONSTRUCTION CONTRACT FOR THE 2020 SANITARY SEWER PROJECT AND TO APPROPRIATE ADDITIONAL FUNDS FOR THE PROJECT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

**Approval of the Purchase of the 2021 VACTOR Truck**

Al Cablay, Public Works Director, presented.

HART moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE THE PURCHASE OF A 2021 VACUUM TRUCK (VACTOR) AS A REPLACEMENT OF THE 2010 VACUUM (VACCON) TRUCK.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.





**Negotiations with Ontario Rural Fire Protection District**

Adam Brown, City Manager, presented.

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE AN EXTENSION OF THE AGREEMENT WITH THE RURAL FIRE PROTECTION BOARD AND APPOINT RILEY HILL TO BE THE COUNCIL PARTICIPANT IN THE NEGOTIATIONS WITH THE ONTARIO RURAL FIRE PROTECTION DISTRICT.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

**New Waterline to Serve Treasure 200 Parcel and Other Future Customers**

Mayor Hill recused himself from the action as there was a Conflict of Interest and had the Council President run this action.

Paul Woods, City Engineer, presented.

Mayor Hill stated the upgrade included the change from an 8" water line to a 12" water line, which would accommodate the Treasure 200 down the road. The city was asking for an easement, which he would grant. He had asked the general contractor who was doing the work to deal directly with the engineers, not through him, for the upgrade costs. He was being completely transparent and wanted this as clear as possible.

Councilor Rodriguez asked if this development was similar to the others that were by the freeway?

Mayor Hill stated no, this was for single-family houses, open to the market to purchase.

Councilor Rodriguez asked if it was low income.

Mayor Hill stated it was not. It was a standard subdivision that would be open to the public to purchase lots.

Councilor Rodriguez asked if he would consider it low-income housing?

Mayor Hill stated he would not.

Councilor Rodriguez asked the difference between the cost effectiveness to build low-income housing and instead to build middle income housing? Something that would be more appealing to middle income families. Was it that much of a difference? Which was more cost effective?

Mayor Hill stated if the government had their hand in, it increased the cost substantially.

Councilor Rodriguez asked why they saw more low-income housing being developed, instead of middle-income, or even higher.

Mayor Hill stated he could not answer that, except this was a low-income community with the lowest income in any county in the State of Oregon. With current building costs, to get much needed housing, they had to get government assistance because everyone wanted to live in Idaho because of lower income tax, lower property tax, lower power rates, etc.

BRADEN moved, HART seconded, **THE CITY COUNCIL CONSENT TO ADJUSTING THE UTILITY CAPITALIZATION FUND (UCF) TO ADDRESS UPSIZING APPROXIMATELY 750LF OF WATERLINE FROM 8" TO 12" THROUGH THE SUNSET SUBDIVISION AND INSTALL APPROXIMATELY 50 LF OF NEW WATER MAIN TO SERVE THE TREASURE 200 PROPERTY IN THE FUTURE. THE ESTIMATED BUDGET ADJUSTMENT IS UP TO \$50,000.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.





**2021-2023 Intergovernmental Agreement for Regional Hazardous Materials Emergency Response Team Services**

Terry Leighton, Fire Chief, presented.

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL AUTHORIZE THE FIRE CHIEF TO SIGN AMENDMENT NO. 1 TO IGA-551-19 TO OSFM AGREEMENT #IGA-300114397 FOR THE BIENNIAL 2021-2023 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE OFFICE OF STATE FIRE MARSHAL.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

**DEPARTMENT HEAD UPDATES****Police: Quarterly Report** *(Document attached)*

Steven Romero, Police Chief, presented.

Mayor Hill stated he had heard from the Priest at the Catholic Church with concerns related to the homeless population. There were things that probably drew them to the area, such as the food bank, the Little Red House, and overall increased homelessness.

Chief Romero stated he spoke with Father Joseph and directed staff to do more canvassing of the area. It was private property, and if asked, the homeless would be removed.

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

Terry Leighton, Fire Chief, presented.

**DISCUSSION ITEMS****Land Acknowledgement Statement** *(Document attached)*

Adam Brown, City Manager, presented. Councilor Melendrez had requested this be brought forward on behalf of a member of the Parks Committee. He spoke with some colleagues across the state about this issue, and to garner some background and information on it. The Parks Committee member asked the Council to consider doing this. This was a statement that was read, he believed, with their organization. The person who asked was with the Friends of the Owyhee, and at their meetings it was read. He drafted it for the Ontario Parks Committee. The Parks Committee was uncomfortable doing it without first getting feedback from the Council.

Regarding a land acknowledgement statement, he had a few quotes to share: *"It is important to understand the longstanding history that has brought you to reside on the land, and to seek to understand your place within that history. Land acknowledgements do not exist in a past tense, or historical context: colonialism is a current ongoing process, and we need to build our mindfulness of our present participation."* and *"When we talk about land, land is part of who we are. It's a mixture of our blood, our past, our current, and our future. We carry our ancestors in us, and they're around us. As you all do."* Mary Lyons

Parks Committee member Sammy Castonguay stated *a single proclamation to stand on record was very good. Or a simple, sleek, and honorable statement written to be read before each meeting in the Council Chambers would be great.*

Mr. Brown stated in speaking with other City Managers across Oregon, some advice was that if you are going to do a land acknowledgement statement, don't just take one that others used, meet with the tribes, because it's not about you looking good, it's about what you are going to do to respect the land and improve the human condition as the current steward of the land.

Some options available to them were to accept a proposed statement such as Mr. Castonguay had produced; not take what someone else wrote but go engage in conversations with indigenous populations that previously lived in



our area to create a statement; Have a standing statement, without recitation; Have a statement recited in meetings; Create a meaningful proclamation based on conversations with indigenous populations; or take no action.

Councilor Melendrez stated he liked option #2, to engage in conversations with the indigenous population to hear what they'd like. To be clear, was he suggesting reading the proclamation just once?

Mr. Brown stated that was just one alternative.

Councilor Rodriguez asked if this was only for meetings for the Parks Committee?

Mr. Brown stated that was for the Council to determine. It would be more appropriate for the Council to decide, rather than a committee.

Councilor Rodriguez stated this was respectable and commendable, and appropriate for Friends of the Owyhee, but to have the Parks Committee do so was outside of their realm. He struggled as to why the Parks Committee brought this to Council.

Councilor Rodriguez asked Councilor Melendrez if any other issues had been discussed at the Parks Committee meetings, like different oaths or pledges. What led the committee to believe this was the pledge or oath that was most appropriate.

Councilor Melendrez stated he had no knowledge of that. He was not on that committee. He was basing this off when Mr. Castonguay had appeared before Council making this request of the Council. His understating was that it would start with the Council, to acknowledge the indigenous people, and he was good with that, and would like them to discuss.

Councilor Braden stated this was an intriguing topic. That the city didn't have a land acknowledgment of the people who were on this land before this was an organized, incorporated city. Mr. Castonguay asked the Council to consider implementing this on their own. It was interesting, and whether they wanted to adopt one or not, there was good recommendations on how to gather verbiage to develop some type of recognition statement. Did the Council want to direct staff to create something for a proposal before Council?

Councilor Kirby this was a political time, and something like this could be used against the city. If it came to power or fish, he'd vote for power every time. To promote something like this would put a fence around them and cause them to be politically emasculated so they could not participate in the political process.

#### **Planning Proposal for East Idaho Traffic Study**

Adam Brown, City Manager, presented. Consensus to fund a traffic study.

#### **Marijuana Fund Projections** *(Document attached)*

Adam Brown, City Manager, presented.

For the 2020-2021 budget, which concluded June 30<sup>th</sup>, staff had budgeted, before really knowing the money the city would receive, had budgeted \$1.1M, but after going through the budget, there had been two quarters of funding received from the state, and it was growing faster with every dispensary that opened. They were looking at \$750K a quarter in revenue. With that number, staff did a post budget forecast, estimating the receipt of \$3M for 2021-2022. The actual year to date in 2021 was \$2,129,072, with one quarter to collect. The last quarter was \$627K, so if that next quarter was similar, they'd end up around \$2,756,364 for the year. That was approximately \$250K below the projections. That would also apply to the next fiscal year.

Councilor Hart asked for a summary. How much was budgeted, and how much did they actually expect to receive in the 2021-2022 fiscal year.



Mr. Brown stated they had budgeted \$3M, and it would be more like \$2.5M to \$2.6M.

Councilor Hart stated that would result in a \$400-500K shortfall. Staff could decide what would be paid for, or not, and he wasn't sure that was something the Council wanted to give staff the authority to do. How would that normally be addressed?

Mr. Brown stated staff would not make those decisions; they'd provide the Council options and recommendations. The Leadership Team would meet and discuss priorities in projects, and which could maybe be pushed back. Those would all be back before Council, but they'd try not to have to cut anything with a high strategic priority for the Council. He anticipated bringing that back before Council in September.

#### **Dorian Drive Engineering Costs**

Mayor Hill stated this was because of those residents on Dorian Drive who spoke with the Council about the costs associated with finishing their section of street. On an idea by the City Manager, there was \$50K budgeted for drainage on Dorian, so take that \$50K and do engineering on Dorian so everyone there would know what they were responsible for if they wanted to do their portion. That type of work done privately was generally about 50% lower in costs.

Mr. Brown stated it had been discussed with the whole Public Works team, so if Council agreed, staff would prepare a proposal by Jacobs.

Consensus to move forward.

#### **EXECUTIVE SESSION**

#### **ORS 192.660(2)(e)**

An executive session was called at 8:12 p.m. under ORS 192.660(2)(e) to discuss real property. Council returned to regular session at 8:25 p.m.

#### **HAND-OUTS**

#### **Minutes:** *(Attached)*

Public Works Committee: 05/11/2021

County Court: 06/16/2021; 06/23/2021

SREDA: 07/06/2021

#### **Monthly Department Stats** *(Attached)*

Fire & Rescue, Public Works, Code Enforcement, Police: June 2021

#### **SREDA** *(Attached)*

Agenda 07/06/2021; Report 07/06/2021; 2021 Snapshot

#### **Packet:** *(Attached)*

V&C Board Meeting 07/01/2021 w/06/03/2021 Minutes

#### **CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

Councilor Hart gave a shout out to staff related to the SREDA meeting. Mr. Brown noted that the process that had originally agreed to related to filling the Executive Director's spot started out one way, and then shifted, and he appreciated Mr. Brown speaking out and ensuring the interests of the City of Ontario were taken into account, and making sure Ontario had seats at the table on when that position was appointed.



Councilor Rodriguez read a statement: *I want to take a moment to thank the community for the opportunity to serve, regardless of the recall. I was handed an opportunity; I made promises not to play nice with bullies or City Hall and well, that's why you all chose to recall me, but it does not change the fact that I myself stayed true to my promises to the community and stood fast with my convictions and that is something some of you flip-flopping sandals up here can't say. Regardless of being recalled, I did what I set out to. I know I made campaign promises to not make friends here at City Hall. Let me tell you, that is a hard task when you're faced with the realization that many of the staff are hard-working, extremely dedicated to community themselves, and humble as they come. To those big-hearted community driven City Hall staff, a big hug and thank you. You all are the real MVPs. I love you all. To our public safety sector, Just like I highlighted your importance to community well-being and positive examples during my campaign, I will say it again: the Ontario public safety sector, which is comprised of some of the most humble, compassionate, and community-minded individuals a community could ever hope to be the ones protecting us, is in my eyes the fibers which holds this community together. We are forever in your debt and hope that we as a community can continue to find ways to serve you all. To the countless community members who serve on all of the city committees and boards past and present, the level of dedication and commitment required to serve is in no way something to shrug your shoulders at. It takes grit to have your opinion heard, it takes heart to want good for everyone in your community and then go out and physically be accountable in their name, it takes very noble attributes to seek to be more like what our father set out to teach us to emulate. To you all, I thank you, praise you, and are forever worthy of my and everyone's love and appreciation. We are forever indebted to you all for the priceless contributions to our community progression you have rendered and continue to do so. Thank you. To the community who has helped me tremendously with feedback on an assortment of issues and concerns. The fact you all have gone out of your way to help me in this way was one of the biggest, if not the biggest, factor in my ability to serve the community which we don't hear or see here at council meetings ranting and raving and going over their three minutes, the community in which voter registration is at the lowest. The community which includes demographics which in many ways have never been represented or forgotten like what I witnessed in my short tenure at Serve Day. This community vein which I speak of deserves a voice just like how they helped me gain a voice. Empowered by their knowledge, I fought to give them that voice. To all of those community members who voiced their opinions to me and to those who are still fighting for a voice: you are the silenced majority and I want to say I am still here and cannot be silenced. I will continue to help you voice your views and concerns to city bodies as I always have. The only thing this recall has accomplished is strengthening my resolve. It has put me in a better and more effective position to serve you as my community. And to all those thinking you're going to come here next meeting to intimidate me as I come off the días, I won't be up here. I'll be down there in the audience and please don't get in my way as I'll be starting my new tenure as a highly vocal, politically critical citizen and will most likely be active that night. Be vocal, just don't be empty. In closing I'll say this: I have never lied about anyone on Council, past or present. You all recalled me for empty, baseless, and evidence-free accusations and then followed up by accusing me of being a homophobe and hater because I voiced the grave concerns about citizen's kids' safety around certain individuals. I did my part and reported it. When I asked Adam Brown what came of that and was told it was corroborated but no charges were being pressed, I took that as fact. If I am lying about that, then the lies I'm telling were put in my head by Chris Plummer and Adam Brown. How quick are you all to call them liars? Anyone? Didn't think so. You all just used me as a scapegoat to cover up the grotesque activities the upper echelons of Ontario seem to be doing and hiding. I'm not mad at you, just as Jesus was not mad at his people. Father, forgive them for they do not know what they do. I love you all. God bless, God speed, and go Denver Broncos!!*

#### ADJOURN

HART moved, BAKER 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:

\_\_\_\_\_  
Riley J. Hill, Mayor

#### ATTEST

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder





**AGENDA REPORT  
NEW BUSINESS  
August 10, 2021**

To: Mayor and City Council

FROM: Paul Woods, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-130: A RESOLUTION TO APPROPRIATE FUNDING FOR THE TRAFFIC ANALYSIS OF EAST IDAHO STREET**

DATE: July 30, 2021

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-130: A RESOLUTION TO APPROPRIATE FUNDING FOR THE TRAFFIC ANALYSIS OF EAST IDAHO STREET AND TO AWARD THE CONTRACT TO JACOBS ENGINEERING FOR PERFORMANCE OF THE WORK.**

**SUMMARY:**

The Mayor and Council requested staff bring forth a proposal to complete an updated traffic study of East Idaho Avenue to support congestion mitigation; potentially by constructing a new connection with Fruitland. This budget resolution and cost proposal for \$30,000 to conduct the East Idaho Avenue Traffic Study is for Council consideration.

**BACKGROUND:**

Traffic congestion on East Idaho Avenue is rapidly becoming more prevalent. The city has discussed the matter with ODOT and their latest analysis, based on a 2018 traffic study, is that East Idaho will function adequately for at least another 20 years. The city believes that there are factors not taken into consideration in the 2018 traffic study that will show a need to an additional connection across Interstate 84 and the Snake River between Ontario, Oregon and Fruitland, Idaho. The concept includes connecting SW 18th Avenue to West 1st Street with bridges over I-84 and the Snake River, and includes improvements to East Lane.

**CURRENT SITUATION:**

City Council requested staff to bring forward a proposal to update the traffic analysis on East Idaho Street. The analysis will assist in the pursuit of a potential federal RAISE planning grant as well as updating the city's impact fee for development on the East side of the city.

#### **ANALYSIS:**

- A. **STRATEGIC PLAN** The proposed scope of work is consistent with the goals of the City's Strategic Plan.
- B. **FINANCIAL** This item was not budgeted in the fiscal year budget. A budget resolution is attached with the \$30,000 funding from General Fund Contingency.
- C. **TIMING** Time is of the essence. The RAISE planning grant cycle may open as soon as the fall and the city desires to be in a strong position for a grant application. The Mayor has conducted significant outreach and letters of support from key congressional and state leaders are anticipated to support the grant.
- D. **POLICY/LEGAL** The study is consistent with the recently approved Transportation System Plan for the city.

#### **ALTERNATIVES:**

Without an updated traffic study, ODOT is unlikely to pursue funding for improvements to East Idaho or an alternative connection with Fruitland.

1. The Council could choose to take the funding from a different source.
2. The Council could choose to not update the traffic study which would make it unlikely to pursue funding for improvements to East Idaho or an alternative connection with Fruitland.

#### **RECOMMENDATION:**

Staff recommends the approval of Resolution #2021-130.

#### **ATTACHMENTS:**

1. TO Traffic Analysis SW 18th Connection-signed
2. Reso #2021-130 TRAFFIC STUDY

# MASTER AGREEMENT FOR PROFESSIONAL SERVICES

## TASK ORDER FORM

Effective Date \_\_\_\_\_ Task Order No. \_\_\_\_\_

**Task Order Name:** Traffic Analysis Services for East Idaho Avenue

### Description of Task Order

This Task Order is entered into on the effective date noted above pursuant to the "Master Agreement for Professional Services" between CITY OF ONTARIO ("Client") and JACOBS ENGINEERING GROUP INC. ("Engineer"), dated March 16, 2021 ("Agreement"). The Agreement is incorporated herein and forms an integral part of this Task Order.

### Services Authorized

Client authorizes Engineer to perform the Services described in Exhibit A attached hereto and incorporated herein.

### Pricing

\$30,000 Time and Expense on the basis of Engineer's cost, including overhead, plus 15 percent markup, of which will not be exceeded without prior written authorization from the City.

### Schedule

Services may commence on \_\_\_\_\_.

Services will cease by \_\_\_\_\_.

### Other

**CLIENT: CITY OF ONTARIO**

**JACOBS ENGINEERING GROUP INC.**

By: \_\_\_\_\_

By: \_\_\_\_\_

  
Digitally signed by  
Lena Gandiaga  
Date: 2021.08.02  
14:37:27-06'00'





## Task Order Proposal

1999 Bryan Street, Suite 1200  
Dallas, Texas 75201  
United States  
T +1.214.638.0145  
[www.jacobs.com](http://www.jacobs.com)

# Exhibit A: Proposal for City of Ontario Task Order Traffic Analysis Services for East Idaho Avenue

PREPARED BY: Heather Carroll, Senior Traffic Engineer

DATE: July 30, 2021

This Task Order is entered into on the effective date identified on the Purchase Order (PO) pursuant to the "MASTER AGREEMENT FOR PROFESSIONAL SERVICES" between CITY OF ONTARIO ("City") and JACOBS ENGINEERING GROUP INC. ("Engineer"), dated March 16, 2021 ("Agreement"). The Agreement is incorporated herein and forms an integral part of this Task Order.

### **Project Background**

Traffic congestion on East Idaho Avenue is rapidly becoming more prevalent. The City has discussed the matter with the Oregon Department of Transportation (ODOT) and ODOT's position, based on a 2018 traffic study, is that East Idaho will function adequately for at least another 20 years. The City believes that there are factors not taken into consideration in the 2018 traffic study that will show a need to an additional connection across Interstate 84 and the Snake River between Ontario, Oregon and Fruitland, Idaho. The concept includes connecting SW 18<sup>th</sup> Avenue to W 1<sup>st</sup> Street with bridges over I-84 and the Snake River, and includes improvements to East Lane.

### **Scope of Work**

The scope of this task order is to develop a traffic analysis report to assess vehicular capacity at intersections along E Idaho Avenue north of the new crossing and at select intersections created by or affected by the proposed crossing. The report will include a summary of existing capacity conditions as well as an estimate of forecasted traffic volumes and future capacity conditions to understand anticipated travel patterns between the two cities with and without the proposed bridge connection.

Traffic activities will include coordination with the Oregon Department of Transportation, the Idaho Transportation Department, City of Fruitland, and Malheur County.

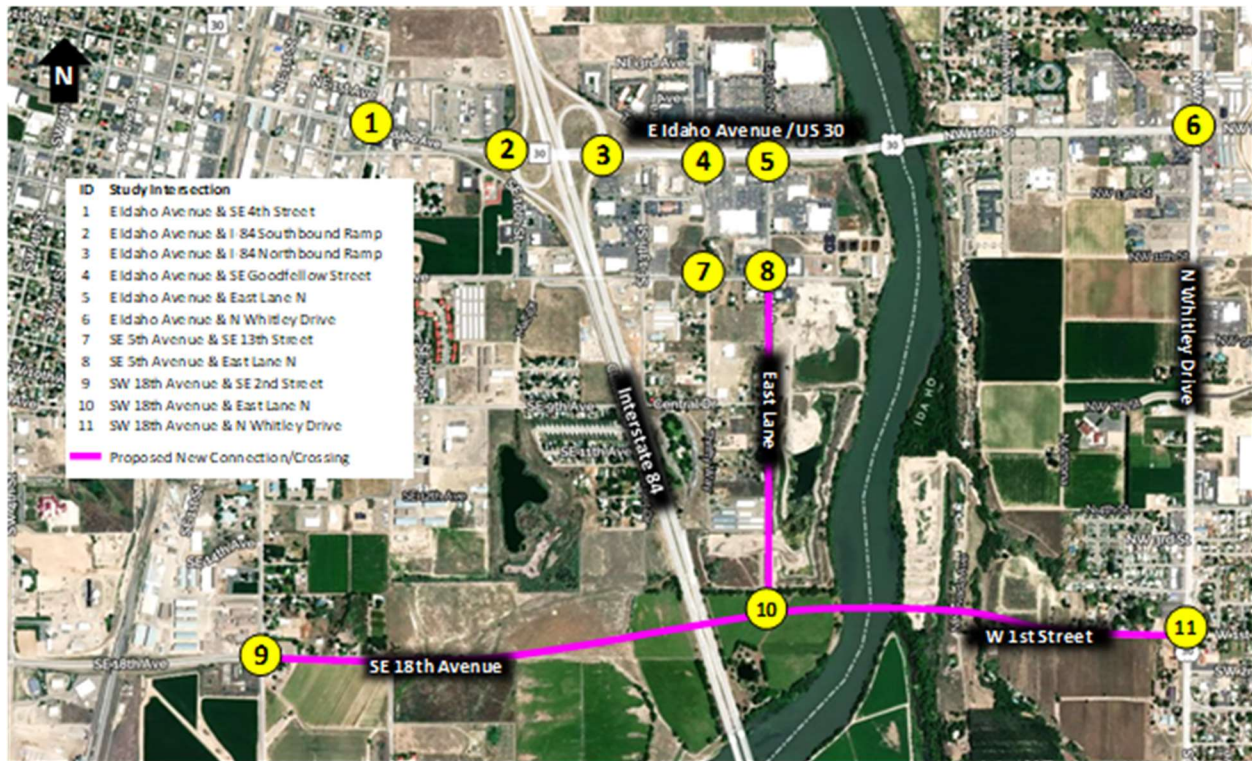


Figure 1. Study Area Intersections

### SUBTASK 1: Collect Data

#### Activities:

- Identify up to 11 street intersections to be analyzed, as approved by the City of Ontario. These locations will represent the intersections likely to be affected by traffic redistribution with the proposed SW 18<sup>th</sup> Avenue connection.
- Review existing plans and relevant studies for applicable data to be used in this traffic report, including:
  - o Current intersection volumes (including heavy vehicle percentages), lane geometry, and signal timing/phasing.
  - o Existing roadway conditions (including posted speed limit, presence of sidewalks, bike lanes, crosswalks, etc.).
  - o Existing and future land use and zoning maps
  - o Socioeconomic data including existing and future population and employment information
- Compare analysis volumes with pre-pandemic traffic levels (historic volumes collected pre-2020) to ensure current traffic levels are representative of typical conditions.

**Assumptions:**

- Roadway features and intersection geometry will be verified/confirmed using publicly available aerial imagery and street views (Google maps or similar). No field visits are anticipated for the data collection effort.
- Intersection signal timing/phasing plans will be provided by the City.
- Historic volumes will be provided by the City or ODOT.
- No safety data will be collected; no crash analysis will be conducted.
- ODOT to provide raw traffic count data for existing Traffic Capacity Analysis.
- Jacobs will engage subconsultant to conduct traffic counts to supplement existing information, up to \$1,000 for their services.

**SUBTASK 2: Intersection Analysis****Activities:****Existing Conditions (2021)**

- Develop traffic analysis network for the existing condition using the data collected in Subtask 1. Traffic analysis will be conducted using Synchro/SimTraffic version 11, and will be used as a basis of comparison for future traffic growth.
- Existing p.m. peak hour operations will be analyzed at the following locations:
  1. SE 4<sup>th</sup> Street/E Idaho Ave
  2. I-84 EB Ramp Terminal/E Idaho Ave
  3. I-84 WB Ramp Terminal/E Idaho Ave
  4. SE Goodfellow Street/E Idaho Ave
  5. NE East Ln/E Idaho Ave
  6. N Whitley Drive/E Idaho Ave

**Traffic Forecasting**

- Estimate traffic volumes for the future year No Build condition (2041) using historic volumes, land use and population forecasts, and input from the City and State DOTs regarding growth locations.
- Adjust roadway geometry at study intersections to include background projects and street network capacity enhancements that are anticipated to be constructed by 2041.

**No Build Condition (2041)**

- Analyze future year traffic conditions without the proposed bridge connection (No Build condition) using Synchro/SimTraffic version 11. Intersections analyzed for the existing condition will be analyzed for the No Build condition.

**Vehicle Trip Diversion**

- Estimate changes in origin-destination vehicle trip patterns across the Snake River with the proposed SW 18th Avenue bridge connection. Re-distribute vehicle trips from the existing US 30 bridge to the proposed bridge based on land use information provided by the City.

**Build Condition (2041)**

- Analyze future year traffic conditions with the proposed bridge connection (Build condition). Operations will be analyzed for the p.m. peak hour at the following locations:
  1. SE 4<sup>th</sup> Street/E Idaho Ave
  2. I-84 EB Ramp Terminal/E Idaho Ave
  3. I-84 WB Ramp Terminal/E Idaho Ave
  4. SE Goodfellow Street/E Idaho Ave
  5. NE East Ln/E Idaho Ave
  6. N Whitley Drive/E Idaho Ave
  7. SE 13<sup>th</sup> St/SE 5<sup>th</sup> Ave
  8. SE East Ln/SE 5<sup>th</sup> Ave
  9. SW 18<sup>th</sup> Ave/SE 2<sup>nd</sup> Lane
  10. SW 18<sup>th</sup> Ave/East Lane
  11. SW 18<sup>th</sup> Ave/ N Whitley Drive

**Assumptions:**

- Existing year of analysis is 2021. Forecast/future year of analysis is 2041.
- The p.m. weekday peak hour will be analyzed to capture the typical worst-case scenario for traffic operations (commute period). The peak hour will be determined based on hourly traffic volumes available from the City or ODOT.
- Intersection analysis results will be reported in terms of overall volume-to-capacity (V/C) ratio and average delay per vehicle in seconds.
- Future year background projects and street network capacity enhancements will be gathered from local transportation improvement programs or long-range plans and confirmed with the City prior to analysis.
- Proposed bridge lane geometry and conceptual design will be provided by the City.
- Traffic growth rates within the study area will be confirmed with the City prior to forecasting.

**SUBTASK 3: Review Meetings with City and Agency Stakeholders****Activities:****Kickoff Meeting**

- Attend project kickoff meeting with staff from the City of Ontario, Oregon Department of Transportation, Idaho Transportation Department, City of Fruitland, and Malheur County. Prepare and discuss traffic operations analysis methods and assumptions.

**Preliminary Results Meeting**

- Prepare and present draft traffic operations results for items described in Subtask 2. Obtain feedback and revise presentation.

**Assumptions:**

- Up to two (2) local Jacobs staff will attend meetings in-person in Ontario. Up to two (2) non-local Jacobs staff will attend meetings virtually.

## SUBTASK 4: Prepare Memorandum

### Activities:

#### Develop DRAFT Technical Memorandum

- Summarizing findings for traffic analysis task items described in Subtask 2. Memo may include recommendations for operational improvements at study intersections.
- Describe benefits of proposed SW 18<sup>th</sup> Avenue bridge in terms of:
  - o Improved resiliency – The additional crossing of the Snake River provides an alternate route between Ontario and Fruitland should the existing bridge experience closures.
  - o Expanded non-motorized access – The proposed bridge provides opportunities for new pedestrian and bicycle facilities and connections between the two cities.
  - o Enhanced freight mobility – Additional capacity between industrial, retail, and residential land uses could improve mobility and increase efficiency for freight.
- Describe implementation strategies, including funding opportunities and construction phasing options.

#### Develop FINAL Technical Memorandum

- Obtain feedback and revise memorandum.

### Deliverables:

- PDF written technical memo with figures attached, no hard copies will be required.
- Native modeling data and raw traffic count data will not be required.

### Compensation:

**Project Fee for Engineering Design Services Not To Exceed \$ 30,000**



## RESOLUTION #2021-130

### A RESOLUTION TO APPROPRIATE FUNDING FOR THE TRAFFIC ANALYSIS OF EAST IDAHO STREET

- WHEREAS,** The City would like to update a traffic analysis on East Idaho Street in order to consider an additional connection with Fruitland; **and**
- WHEREAS,** ODOT won't consider the proposal based on the previous traffic studies and the City wishes to pay Jacobs to perform the study; **and**
- WHEREAS,** The City desires to modify the 2021-2022 General Fund budget in order to pay the necessary expenditures.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Ontario City Council, to approve the following adjustment to the fiscal year 2021-2022 budget:

| Line Item           | Item Description         | FY 21-22 Budget | Amount of Change | Adjusted Budget |
|---------------------|--------------------------|-----------------|------------------|-----------------|
| <b>GENERAL FUND</b> |                          |                 |                  |                 |
| 001-004-871000      | Operating Contingency    | \$ 175,650      | (\$30,000)       | \$145,650       |
| 001-004-719296      | East Idaho Traffic Study | \$ -            | \$30,000         | \$30,000        |

**EFFECTIVE DATE:** Effective immediately upon passage.

**PASSED AND ADOPTED** by the City Council of the City of Ontario this 10<sup>th</sup> day of August 2021, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this 10<sup>th</sup> day of August, 2021.

---

Riley J. Hill, Mayor

ATTEST:

---

Tori Barnett, MMC, City Recorder





**AGENDA REPORT  
NEW BUSINESS  
August 10, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

**SUBJECT: PARKS COMMITTEE RECOMMENDATION FOR IMPROVEMENTS AT  
LANTERMAN PARK**

DATE: July 16, 2021

---

**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL APPROVE THE LETTER REQUESTING THE ADDITION OF A SAND VOLLEYBALL COURT AT LANTERMAN KIWANIS PARK, AMENDING THE PARKS MASTER PLAN TO ADD THE LETTER AS AN ADDENDUM TO THE PLAN, AND APPROVING THE USE OF THE SERVICE CLUB PARK MATCH PROGRAM IN AN AMOUNT NOT TO EXCEED THE \$10,000 RESERVE.**

**SUMMARY:**

The Parks Committee has forwarded a request with a recommendation for improvements to Lanterman Kiwanis Park.

**BACKGROUND:**

The local Kiwanis Club submitted a request to the Ontario Parks Committee to add a sand volleyball court to Lanterman Kiwanis Park. The layout and design are attached.

**CURRENT SITUATION:**

At their July meeting the Parks Committee approved a recommendation to the Ontario City Council to add a sand volleyball court to the Lanterman Kiwanis Park facility. The volleyball court is proposed to be placed on the southwest corner of the park.

This was a citizen led petition to the Kiwanis Club. The Kiwanis Club had intended to build a futsal court, but the cost was too far out of the club's reach even with the city's matching program. The club recommended that the sand volleyball court be put in as a replacement for the futsal court. Local advocates and coaches have helped the Kiwanis Club with the design of the court.

### **ANALYSIS:**

- A. **STRATEGIC PLAN** This fits the City Council's Lifestyle Goal and Strategy to create more things to do. The Parks Master Plan noted an absence of volleyball courts in the city. With schools having teams both at the high school and college level in Ontario, staff believes it is warranted not only by the strategic plan and the Parks Master Plan, but by the sport within the community.
- B. **FINANCIAL** The Kiwanis Club intends to use their matching funds from the city to complete the volleyball court. The cost is expected to be around \$14,400. The Kiwanis Club has not used their \$10,000 match to date, so they will be able to match it dollar for dollar. They will use fundraising to meet their 50% obligation of \$7,200.
- C. **TIMING** The club would like to move forward with their fund raising efforts and want to make sure the City Council is amenable to adding this facility to the park.
- D. **POLICY/LEGAL** The Council approves the change to the Parks Plan. This letter would be added as an addendum to the 2018 Parks Master Plan.

### **ALTERNATIVES:**

Take No Action: The Kiwanis Club will not be able to move forward with the sand volleyball court without approval from the City Council.

### **RECOMMENDATION:**

Staff recommends approval of the letter requesting the addition of a sand volleyball court at Lanterman Kiwanis Park, amending the Parks Master Plan to add the letter as an addendum to the plan, and approving use of the Service Club Park Match Program in an amount not to exceed the \$10,000 reserve.

### **ATTACHMENTS:**

- 1. Letter\_PC\_Kiwanis Lanterman\_7 14 2021 (1)
- 2. Fwd\_ VOLLEYBALL SAND COURT INSTALLATION INFORMA...





# Kiwanis®

## ONTARIO, OREGON

City of Ontario Park Committee  
City of Ontario City Council  
Mayor Riley Hill  
444 SW 4th Ave  
Ontario, OR 97912

Kiwanis Club of Ontario  
PO Box 102  
Ontario, OR 97914

Dear Park Commission,

The Kiwanis Club of Ontario Park Committee is pleased to present this letter to the City Park Committee requesting matching funds to our Lanterman Park Improvement project in the amount of \$7,200 (see table below). The Kiwanis Parks subcommittee recently re-organized our Lanterman Park priorities and are planning a couple dates for the club volunteers to implement projects.

1. Survey of sprinklers with City
2. Begin a long-term plan to plant trees.
3. Add new playground equipment
4. Walking / Jogging Path
5. Centerpiece youth athletic attractant (Sand Volleyball Court)
6. Add another picnic shelter
7. Add new fencing
8. Install lighting around the park (City should put this in)
9. Sports field / Court improvement
10. Archway gates for signs. Eventually 2 gates.
11. Install a fountain / decorative monumental attractant TBD



# Kiwanis®

## ONTARIO, OREGON

| List Item                              | Kiwanis  | City    |
|----------------------------------------|----------|---------|
|                                        |          |         |
| 1. 10 trees and fixins                 | \$1,000  | \$1,000 |
| 2. Phase 1 Sand Volleyball Court       | \$3,000  | \$3,000 |
| 3. Path: sighting, preparation, gravel | \$2,000  | \$2,000 |
| 4. Athletic equipment                  | \$1,000  | \$1,000 |
| 5. Soccer Field improvements           | \$200    | \$200   |
|                                        |          |         |
| TOTAL                                  | \$7,200  | \$7,200 |
| Project Total                          | \$14,400 |         |

Thank you for your consideration. We look forward to hearing back from the committee to start these projects!

---

Guy Blair, President of the Kiwanis Club of Ontario

DATE

**From:** [Marc Berg](#)  
**To:** [Adam Brown](#)  
**Subject:** Fwd: VOLLEYBALL SAND COURT INSTALLATION INFORMATION - M Berg  
**Date:** Thursday, July 15, 2021 6:29:45 PM  
**Attachments:** [image.png](#)  
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**From:** Marc Berg <marc.berg@outlook.com>  
**Sent:** Tuesday, July 13, 2021, 12:54  
**To:** BOB KOMOTO; Castonguay Samuel  
**Cc:** Marc Berg  
**Subject:** VOLLEYBALL SAND COURT INSTALLATION INFORMATION - M Berg

Sorry for the delay. Here's some basic info for a sand volleyball court.

The recommended court size for outdoor is **9 meters** (29.5 ft) by **18 meters** (59 feet). That would be the standard size for playing in grass and in sand. The boundary line can be purchased and installed separately. For reference, an indoor court is 30ft by 60ft, and outdoor doubles for Olympic beach is 8 meters (about 26 ft) by 16 meters (52.5 ft); aka the "short court."

Outside of the court, an additional ten feet of sand past the boundary line around all sides (20 feet of serving space at the end lines) is recommended. The total area for sand (the playable area) that I'd recommend is **50ft by 100 ft of space**, which makes a 300 ft perimeter, and a **5,000 square ft area** being used in the park. With an estimated 2 feet of sand and gravel to be installed, there will be an estimated 10,000 cubic feet of soil to excavate, or **370 cubic yards**. Can anyone check my math...

SE 5th Street and SE 6th Ave



In looking at the park, my suggestion is to put the court on the west side. In looking at the park from above, notice the sprinklers are all laid out in a grid, spaced out by 50 feet. A court could fit right between six of those sprinklers. If they are too close to the court, they would need to be relocated, or adjusted to spray the grass and not the sand.

The dirt excavated for the sand pit will stay at the site. It can be built up to surround the court as a horseshoe-shaped grass boundary, for spectators to sit (and keep balls from rolling away). If that amount of sand is too high in price, the excavation could be done in a way that the outside boundary is dug only 12 inches deep, then the dirt removal will taper downwards to about 24 inches at the center of the court. I put in a call to a Ms. Hailey Dickerson with the "Covia Sand Plant" in Emmett (under new management?). I will try and get you a cost for sand by Thursday.

Here is a quick conceptual view, with the court in the southwest corner of the park, the fence on three sides, and the walkway at the edge of the street. The green mounds are the dirt piles in a horseshoe shape. The water source can be anywhere nearby.



Trees and landscaping can be added. Mostly, early morning and evening hours are the hardest to play in. Summer months put the sun at its highest angle in the daytime. Shade is wonderful, but the trees must be planted away from the sand. Any branches that grow out onto the court are more trouble than it's worth.

Fruitland has a grass court that is almost halfway covered by massive tree branches. You cannot use the court anymore until the city cuts the branches off. Trees outside of the fence on the west (or east) side of the court would be great for spectators who want to sit and watch under the shade. The mounded areas can be grass, or picnic tables, or seats, or anything you like.

Aside from the sand, there are a number of considerations for a volleyball court:

- Poles and net
- Drainage
- Landscape fabric
- Gravel
- Border from sand to grass
- Excavation work
- Relocating park sprinklers
- Fencing
- Lighting
- Spectators

- Walkway around the court
- Trees and landscaping
- Security
- Parking
- Competing activities
- Access to water

For now, the poles, the net, and the boundary line are the highest priority. The sand is only as good as the drainage and boundary that encloses it. Here are some other considerations:

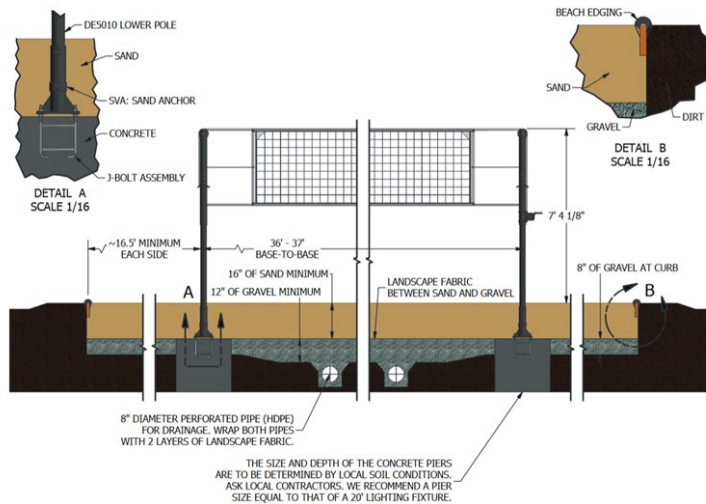
If Eastside Park is our only option, so be it. If you want my honest assessment, I do not actually know how successful sand volleyball will be at this location. Volleyball does tend to be of interest for a "higher income demographic." If this were Fruitland, it would be very successful. Yes, the sport is played all over the world and is one of the top Olympic sports. But I know that in Ontario, soccer reigns in the parks. Will people vandalize a sand court because it takes up room from soccer? I want to set you up for success.

However, there are lots of people who play volleyball. We will have a group who, once they know the location of a sand court, they will come regardless of where it is. As a teen, when I found a sand court, I would drive 20 minutes to play on the weekends. If you build it, they will come!

#### PLAN B

One consideration for your committee is to have the option to set this project up in various phases and test the neighborhood for interest. That would mean funding the infrastructure now, then adding amendments over time. In this location, if the desire is to install a court and encircle the park with a walking path, then start with the following:

- Lay out the location of the court.
- Install the walkway or sidewalk.
- Relocate sprinklers as needed.
- Add a water spigot or yard hydrant (more info below).
- Install a fence on the southwest corner of the park.
- Install volleyball posts, footings, and net.
- Lay out the sand boundary and construct a permanent perimeter (or edging) to separate the sand and grass.



The sand for the court could be a second phase. When it goes in eventually, the underground sprinklers should already be relocated outside of the court area. In Phase One, the two posts for the volleyball net could still be installed now, but it's up to you all whether you leave grass for the court. I believe TVCC is doing something similar.

That would be one way of having a volleyball court this summer, and save the sand installation for late Autumn or Spring. Depending on your funding, the sand could be purchased now and installed later.

Another consideration would be lights and seating, etc. If you have grant money or matching funds, you could start with purchasing sand, fencing, the net, the poles and underground anchors, drainage gravel, etc.

#### BSU Courts



I did get a lot of advice from what experts I could find, including a trip down to the Bosque State University campus. Their indoor coach helped spearhead the beach volleyball program a few years back. Their facility is shared by the team and by the students for various events and activities. Team practices and the NCAA matches take priority, but it can be used year-round, if desired.

Here are a few suggestions they made:

- Courts should always run in a North-South direction, with nets running East-West. That way, one team avoids sun in their eyes at early hours or near sunset.
- A water spigot is crucial, for washing of feet, getting a drink, or spraying down the sand on a hot day. I believe it's called a "yard hydrant" that stands about 2 or 3 feet above the ground. People will drink from it, so it would need to connect to city water. It could also connect to an outdoor shower if you like.



- A boundary divider around the court, between sand and grass, was another priority. It will keep weeds out and keep sand in. This was one amendment he prioritized. If the grass around the sand slopes slightly down towards the middle of the court, the water will then be able to percolate down to the drainage. Something solid, like a skinny cement wall or long pavers will work. That's the 50 ft by 100 ft boundary around the sand area.



- Landscaping fabric underneath the sand can be affixed to the sides, so that water draining into the sand will drain down through, but the sand will stay separated from the drainage gravel below the fabric. This can be purchased in rolls as big as 12 ft by 250 ft.

- Gravel should be 3/4 inch to 1 1/2 inch in size. Smoother is better, to keep the fabric from tearing. But cost will determine what is possible. I've also seen designs with drainage pipes at the bottom of the court, leading out to a lower area outside of the court space. If sand cannot drain, it will compact.

- Rain and snow will make the court less appealing to use. If you want, the net could come down after Thanksgiving and go up before Spring. Another contractor I spoke with thought that the dry weather may not require the drainage pipes. He also said to "lock up the net, because people do steal them."

- Masonry sand that is washed and not sharp will work, though one suggestion was to get 12 inches of "adequate" sand at the bottom the court, and buy higher-end sand for the top 8-12 inches.

- The excavated earth can act as a sloped viewing area. It will need to be seeded for grass, sprinklers angled to water, and accessible to mow. You could eventually add seating, benches, tree stumps as chairs, etc.

- Grass volleyball uses stakes to secure the boundary lines. Sand courts use these discs that get buried (in the picture). Either way, the boundary line is also moveable (i.e. not theft proof).



- We can buy high-end equipment, or find someone local to build what we need. Sports Imports is a good company. We bought indoor poles and nets when I coached at Payette. This is one of the quotes he sent me:

# sports imports

AT THE CENTER OF EVERY VOLLEYBALL CHAMPIONSHIP



PO Box 21040, Columbus, OH 43221 USA  
800.556.3198 Toll Free  
614-771-0246 Phone  
614-771-0750 Fax  
sportsimports.com | info@sportsimports.com

## QUOTATION:

To: Marc Berg,  
Ontario Community Development Center,  
458 SW 3rd Street  
Ontario, OR, 97914  
QB Account Number: ONOR6

## QUOTE NUMBER:

62761

## Sales Rep:

Neil Gilbert  
ngilbert@sportsimports.com

## Date:

2021-06-17 19:02:06

## Valid until:

08/31/2021

| Part #       | Product                                                                                                                                           | Qty | Unit Price             | Ext. Price |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------|------------|
| SVJ          | Sand Volleyball J Bolt                                                                                                                            | 2   | \$100.00               | \$200.00   |
| B2-Base Unit | Adjustable Base For Beach2 System                                                                                                                 | 2   | \$120.00               | \$240.00   |
| B2-SH w PW   | Beach2 Pulley Wheel Pole with HDNR-B Ratchet for Installation in Beach2 Base (SAFETY PADS RECOMMENDED TO MEET USA VOLLEYBALL SAFETY REQUIREMENTS) | 1   | \$795.00               | \$795.00   |
| B2-SH HP     | Beach2 Static Hook Collar Pole for Installation in Beach2 Base (SAFETY PADS RECOMMENDED TO MEET USA VOLLEYBALL SAFETY REQUIREMENTS)               | 1   | \$415.00               | \$415.00   |
| SVN-32K      | SVN-32 Beach Volleyball Net with a Kevlar Bottom Rope                                                                                             | 1   | \$415.00               | \$415.00   |
| SVP1-B       | Beach Volleyball Pole Padding (Black)                                                                                                             | 2   | \$280.00               | \$560.00   |
| CBM2-B       | 2" Beach Court Boundary Line Markers - Black                                                                                                      | 1   | \$105.00               | \$105.00   |
|              |                                                                                                                                                   |     | Subtotal:              | \$2,730.00 |
|              |                                                                                                                                                   |     | Tax:                   | \$0.00     |
|              |                                                                                                                                                   |     | Shipping and Handling: | \$257.30   |
|              |                                                                                                                                                   |     | Total:                 | \$2,987.30 |

Sand Volleyball J Bolt (2) \$200  
Base Unit Adjustable Base (2) \$240  
Beach Pole with Ratchet \$795  
Static Hook Collar (the other pole) \$415  
Beach Volleyball Net \$415  
Pole Padding (2) \$560  
Beach Court Boundary Line Markers \$105  
Subtotal: \$2,730.00  
Shipping and Handling: \$257.30

Total: **\$2,987.30**

Sand will be the bigger purchase, as will the city excavation. Let me know what you all think. With so many options, you have lots of choices to make. I think it is better to discuss everything thoroughly, than to close your eyes and point at random items to purchase. Again, I want this to be successful, so I selfishly want a great looking volleyball court in town. I am free to come to the Thursday meeting as well.



Thanks,  
Marc Berg

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**From:** BOB KOMOTO <[robertkomoto@gmail.com](mailto:robertkomoto@gmail.com)>  
**Sent:** Friday, July 2, 2021, 13:11  
**To:** Castonguay Samuel  
**Cc:** Marc Berg; [marc.berg@outlook.com](mailto:marc.berg@outlook.com)  
**Subject:** Re: volleyball pit

Sammy,

I agree. Marc has worked on and with these courts and at this stage we really just need a handle on the costs to determine our direction.

Bob Komoto  
[robertkomoto@gmail.com](mailto:robertkomoto@gmail.com)  
Club Secretary

On Jul 2, 2021, at 1:08 PM, Sammy Castonguay <[scaston23@gmail.com](mailto:scaston23@gmail.com)> wrote:

Marc,

Great. I am familiar with that Unimin mine (basically a quarry) near Emmett; I used to tour there with my Caldwell-based TVCC students. Wonderful sand.

Given this info, I'm not sure there is a reason to meet with Mr. Gilbert now ... if you wanted to **give us both quotes and your opinions (by email)**, we can do our best to meet all the recommendations in our proposal while still hitting all the others. The Kiwanis Park Committee can review and approve ASAP, then the Kiwanis Board, and City committee that evening.

Bob, how does that sound?

Marc is the expert here and I think taking his suggestions as highest priority will ensure the project is as best as can be. We can worry about exact location in the Park *after* we get the funding, and maybe this fall we can fundraise specifically for the new gazebo to be next years project proposal. :)

Cheers! --sc

photo



**Sammy Castoguay**

Citizen, Earth

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[thismagickalearth.com](http://thismagickalearth.com)

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On Fri, Jul 2, 2021 at 12:45 PM Marc Berg <[marc.berg@ontariooregon.org](mailto:marc.berg@ontariooregon.org)> wrote:

Sammy/Bob,

I am available to meet with you before the 15<sup>th</sup> or on the morning of. Mr. Neil Gilbert from Sports Imports has provided some quotes and is available to sit in on a Zoom call, if you have questions for him. I will try and get some maps of Lanterman Park and the other city sites, where a sand court could potentially go. Volleyball is a cheaper solution for a city activity, in my opinion. We can also discuss options for grass, sand, or a combination.

As far as the timing, I think this year is fine for “breaking ground” on a sand court. I have some good examples I can show you, as well as bad ones. The worst thing to do would be to try and save money on the sand itself, only to end up with a gravel court that no one will use (Payette is one example).

The poles, nets, boundary lines, etc. can all be purchased from different vendors. Neil has a high-end quote and low-end quote. I can give you my opinions.

I did meet with the college coach from BSU. Lots of good advice. They purchased sand from a quarry in Emmett. I will try and get you a quote for that as well. The excavation and drainage could possibly be done by the public works folks (JACOBS) that the city has contracted with. I have a request in with our public works director. The sand itself is probably going to be the highest cost.

Let me know if you have any questions before the 15<sup>th</sup>.

Thank you,

Marc Berg - Planning Technician

Ontario Community Development Center

458 SW 3<sup>rd</sup> Street

Ontario, OR 97914  
541-881-3261 office  
541-709-1260 cell  
[Marc.Berg@ontario.oregon.org](mailto:Marc.Berg@ontario.oregon.org)

<image001.png>

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**From:** Sammy Castonguay <[scaston23@gmail.com](mailto:scaston23@gmail.com)>  
**Sent:** Thursday, July 1, 2021 2:45 PM  
**To:** Marc Berg <[marc.berg@ontariooregon.org](mailto:marc.berg@ontariooregon.org)>  
**Cc:** ROBERT KOMOTO <[robertkomoto@gmail.com](mailto:robertkomoto@gmail.com)>  
**Subject:** Re: volleyball pit

Marc,

I've CC'd Bob here too, to all be on the same page.

Yes, there are TWO park committee meetings on the 15th. At 7:45 am, the Kiwanis Club Park Committee meets and we would LOVE to have a presentation of your figures there. Then that evening is a City of Ontario Park Committee meeting, which you have already been to. That committee has no oversight to plan projects, only give the final approval. Kiwanis would like to entertain the placement of a volleyball court at Lanterman, our current priority park, as a replacement to the previously proposed (but cost prohibitive) futsal court. We realize the lack of shade, but in our priority list is a second gazebo shelter and we are seeking approval for tree and vegetation planting.

From my point of view, it would be best for you to hand us a final figure of what you think would work best as a functional start and is attainable this fall / next spring. I will take that figure and plug it into our existing Lanterman Project 2021 grant match proposal to the City committee (on the night of the 15th) for approval.

We were previously seeking a ~\$4000 match, but we have another ~\$2k in Lanterman funds that are undesignated plus we can adjust from other line items to make up the cost of your proposal.

If we can secure the funds and you think a Fall installation is do-able (we will really be relying on your expertise for the installation), I'd like to propose to the Kiwanis Club that we do a "Labor Day" work party at Lanterman with an October (maybe on 23rd for Bob's Bday!?! , JK, I'll be out of town) "celebration day" as a mini-fundraiser for the club's park fund. Maybe a V-ball tournament?  
However, if a spring installation is better, we can move all that to May Day and

Memorial Day (though my day job demands a lot of my attention in the spring months).

Bob, Marc ... what do you think about all of this?

Marc, if you would like to present figures and a plan to Bob and I well before the Kiwanis Park Committee meeting ... that might shorten the meeting as Im pretty sure the whole Committee and Board are ready to approve the project already. Even a video using a screen capture, or zoom meeting, of you explaining your figures would be efficient ... just to not hinge everything on that meeting.

Cheers! --sc



**Sammy Castoguay**

Citizen, Earth

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On Thu, Jul 1, 2021 at 2:17 PM Marc Berg <[marc.berg@ontariooregon.org](mailto:marc.berg@ontariooregon.org)> wrote:

Hello! Yes, I have some figures and some research. I did hear from Bob. There is a parks meeting on July 15<sup>th</sup>. I will present the information there. Would you like to discuss things before then?

Thank you,

Marc Berg - Planning Technician  
Ontario Community Development Center  
458 SW 3<sup>rd</sup> Street  
Ontario, OR 97914  
541-881-3261 office  
541-709-1260 cell  
[Marc.Berg@ontario.oregon.org](mailto:Marc.Berg@ontario.oregon.org)

<image001.png>

**From:** Sammy Castonguay <[scaston23@gmail.com](mailto:scaston23@gmail.com)>

**Sent:** Thursday, July 1, 2021 7:44 AM

**To:** Marc Berg <[marc.berg@ontariooregon.org](mailto:marc.berg@ontariooregon.org)>

**Subject:** volleyball pit

Marc,

Hello! I hope you are well! Can we find a time next week to discuss volleyball pit costs etc?

Im not sure if Bob Komoto has already contacted you ... I've been in and out of town. He will catch me up this morning if needed.

Cheers! --sc



**Sammy Castonguay**

Citizen, Earth

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**AGENDA REPORT  
NEW BUSINESS  
August 10, 2021**

To: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: **PARKS COMMITTEE RECOMMENDATION FOR IMPROVEMENTS AT BECK  
KIWANIS PARK**

DATE: July 16, 2021

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL ACCEPT AND APPROVE THE LETTER REQUESTING THE ADDITION OF A DISC GOLF COURSE AND DOG RUN TO BECK KIWANIS PARK AND AMEND THE PARKS MASTER PLAN BY ADDING THE LETTER AS AN ADDENDUM TO THE PLAN.**

**SUMMARY:**

The Parks Committee has forwarded a request with a recommendation for improvements to Beck Kiwanis Park.

**BACKGROUND:**

The local Kiwanis Club submitted a request to the Ontario Parks Committee to add a disc golf course and dog run to Beck Kiwanis Park. The layout and design are attached.

**CURRENT SITUATION:**

At their July meeting the Parks Committee approved a recommendation to the Ontario City Council to add a disc golf course and dog run to the Beck Kiwanis Park facility. The dog run is proposed to be behind the tennis courts. The disc golf course will take up most of the east side of the park.

**ANALYSIS:**

- A. **STRATEGIC PLAN** This fits the City Council's Lifestyle Goal and Strategy to create more things to do. Dog parks have been added to Lanterman and Lions Park. They have become very popular and widely used. Disc golf courses are also very popular and draw people in from a large area to play. Disc golf experienced an increase in play of 33% from 2019 to 2020.

- B. **FINANCIAL** The Kiwanis Club is not asking for any money to support these projects. They will be fund raising to add these amenities.
- C. **TIMING** The club would like to move forward with their fund raising efforts and want to make sure the City Council is amenable to adding these facilities to the park.
- D. **POLICY/LEGAL** The Council approves the change to the Parks Plan. This letter would be added as an addendum to the 2018 Parks Master Plan.

**ALTERNATIVES:**

Take No Action: The Kiwanis Club will not commence fund raising without approval from the City Council.

**RECOMMENDATION:**

Staff recommends approval of the letter requesting the addition of a disc golf course and dog run to Beck Kiwanis Park and amending the Parks Master Plan to add the letter as an addendum to the plan.

**ATTACHMENTS:**

- 1. Letter\_PC\_Kiwanis Disk Golf\_7 14 2021 (1)
- 2. Design\_Kiwanis Club\_Beck Park Disc Golf and Dog Run\_8 10 2021



# Kiwaniis<sup>®</sup>

## ONTARIO, OREGON

Kiwaniis Club of Ontario  
PO Box 102  
Ontario, OR 97914  
April 15, 2021

City of Ontario Park Committee  
City of Ontario City Council  
Mayor Riley Hill  
444 SW 4<sup>th</sup> Ave  
Ontario, OR 97912

Dear City of Ontario officials,

The Kiwanis Club of Ontario is proud to sponsor the parks within the city and to guide a Master Plan for each. As there is currently no Master Plan for Beck-Kiwanis Park, we are writing this letter to the City Park Committee to voice our approval of the addition of a Frisbee Disc Golf Course and Dog Park to the grounds.

In May of 2019 representatives from the amateur and professional frisbee golf community in the Treasure Valley held a successful tournament at the park in order to advocate for the expansion of Ontario's recreational opportunities. The group collaborated with the then-president of Kiwanis, Matt Sorensen, to test the design concept of the course and to garner public support of low-cost recreational activities and destinations in Ontario. The Kiwanis Park Committee had not yet formed, and these plans were further delayed by the COVID-19 pandemic. At this time Jeremy Fletcher, a local advocate for free recreational opportunities in Ontario who arranged the tournament in 2019, would like to raise funds in order to install the necessary frisbee golf baskets in the park over the summer of 2021.

Kiwanis hereby give approval of Mr. Fletcher's fundraising pursuits and basket installation as a project we see as complementary to our development goals for Beck-Kiwanis. The Kiwanis is not requesting or using any funding currently, as we are continuing our focus on Lanterman Park.

Thank you for your consideration and for your service to the community,

Guy Blair, President  
Kiwaniis Club of Ontario







**AGENDA REPORT  
NEW BUSINESS  
August 10, 2021**

To: Mayor and City Council

FROM: Peter Hall, Assistant City Manager/HR Manager

THROUGH: Adam J. Brown, City Manager

**SUBJECT: IT SERVICES AGREEMENT**

DATE: August 4, 2021

---

**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL ACCEPT THE PROPOSED AGREEMENT WITH MICRO TECHNOLOGY SYSTEMS, INC. FOR TECHCARE SERVICES FOR FOUR MONTHS AT A RATE OF \$8,850 PER MONTH WITH A ONE TIME ONBOARDING FEE OF \$4,600.**

**SUMMARY:**

With the recent vacancy of the IT Specialist position, the city must find a short-term IT solution for services. The city began an agreement with MicroTech in July for backup IT services. They have begun their onboarding process and agreed to submit a new proposal which fully covers IT services for four months. This proposal would allow the city to either hire a new IT Specialist or contract services out full-time.

**BACKGROUND:**

In May 2021, City Council awarded Micro Tech with a bid for technology backup services. The budget for backup services was approved for FY 20-21 and again for 21-22 to provide assistance to the IT department during absences as well as to have some redundancy in our systems. Micro Tech began onboarding in July when the IT Specialist position was vacated. Their agreement with the city was for one year.

Before leaving, the IT Specialist was able to onboard Micro Tech who is now providing full IT services to the city in the absence of the position. They have submitted a proposal for a four-month agreement to provide full IT services.

Staff are preparing a recruitment for the vacant IT position. Filling this position may be difficult. Many cities, including Umatilla, Hermiston, Milton-Freewater, La Grande, Astoria, and Monmouth contract out IT services. The rarity of on-site IT personnel can be attributed to the lower costs of contracting services and the depth of experience and knowledge that comes

with those services.

**CURRENT SITUATION:**

The city must enter into an agreement with Micro Tech to ensure that IT services continue. These services are essential to all city operations. Public safety services are especially dependent upon IT support.

A recruitment process for the vacant position is being prepared.

**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** The original agreement with Micro Tech was for a one-time onboarding fee of \$4,600 and a monthly payment of \$2,946.

The updated agreement includes the \$4,600 one-time onboarding fee of the original agreement and a monthly payment of \$8,850. Over the four month agreement, this will cost \$40,000.

The budgeted monthly cost of the IT Specialist position, fully burdened is \$7,660. There is approximately \$115,000 left in the IT budget for payroll and professional services.

- C. **TIMING** For IT services to continue, the agreement should be made as soon as possible.
- D. **POLICY/LEGAL** There are no policy/legal implications.

**ALTERNATIVES:**

The Council may choose not to act.

**RECOMMENDATION:**

Staff recommends entering into a services agreement with Micro Tech for a four-month period.

**ATTACHMENTS:**

1. City of Ontario TechCare Complete Services Agreement

**Micro Technology Systems, Inc.**  
**TechCare Services Agreement**

This Agreement is made this 29th day of July, 2021, by and between MicroTechnology Systems, Inc. (MicroTech), with its principal place of business at 125 E. 50<sup>th</sup> St., Garden City, Idaho, 83714, and **City of Ontario**, with its principal place of business at 444 SW 4<sup>th</sup> Street, Ontario, Oregon, 97914.

The Parties agree as follows:

1. Term. The effective date of this Agreement will be **August 1, 2021** and shall be for an initial term of four (4) months, unless otherwise terminated earlier as provided herein.

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) Additional Services. In addition to the TechCare Services, MicroTech shall provide any additional services set forth on Schedule 1-A which is attached to this Agreement and incorporated herein.

3. Charges and Rates for Service. The charge for TechCare Services during the Term of this Agreement shall be those set forth on Schedule 2 – Schedule of Charges. MicroTech may increase its hourly rate by up to ten percent (10%) on each anniversary date of this agreement with a 30-day notice sent to client.

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 available at no additional charge.

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. Ie: 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. Ie: 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. 50<sup>th</sup> 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

*Bill Mogensen*

By: Bill Mogensen

Its: Account Manager

CLIENT

By: \_\_\_\_\_

Its: \_\_\_\_\_



Schedule 1  
**TechCare Services**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><b>Remote Monitoring and Reporting</b></p> <ul style="list-style-type: none"> <li>• Agent Provided by third party vendor</li> <li>• Agents send selected data back to management console</li> <li>• Console monitored by MicroTech</li> <li>• Reports configured to send to Client</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p style="text-align: center;"><b>Patch Management</b></p> <p>Patch Management for Microsoft software provided in one of three ways:</p> <ul style="list-style-type: none"> <li>• Third party vendor remote monitoring tools</li> <li>• Microsoft Windows Server Update Services</li> <li>• Windows updates services on local systems</li> </ul>                         |
| <p style="text-align: center;"><b>Antivirus Monitoring &amp; Threat Hunting</b></p> <p>Antivirus / threat hunting software agent provided by third party vendor(s). Systems monitored through third party management console for:</p> <ul style="list-style-type: none"> <li>• Virus pattern file updates</li> <li>• Virus system scan completion</li> <li>• Virus activity reporting</li> <li>• Malicious hacking activity</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                       | <p style="text-align: center;"><b>DNS Protection Services</b></p> <p>DNS Protection agent provided by third party vendor. Systems monitored through third party management console for:</p> <ul style="list-style-type: none"> <li>• Protects users against known malicious websites</li> <li>• Provides web &amp; content filtering</li> <li>• DNS reporting</li> </ul> |
| <p style="text-align: center;"><b>Backup Monitoring</b></p> <ul style="list-style-type: none"> <li>• If service selected by client, local backup provided by Windows backup application or Third-Party Vendor <ul style="list-style-type: none"> <li>◦ Backup success or failure monitored by MicroTech through remote monitoring console</li> </ul> </li> <li>• If service selected by client, remote offsite online backup services provided by Third Party Vendor <ul style="list-style-type: none"> <li>◦ Backup encryption provided by Third Party Vendor</li> <li>◦ 30 file version history</li> <li>◦ Daily synchronization with offsite servers</li> <li>◦ Backup success or failure monitored by MicroTech through remote monitoring console</li> </ul> </li> </ul>                                                                                 |                                                                                                                                                                                                                                                                                                                                                                          |
| <p style="text-align: center;"><b>TechCare Support Hours</b></p> <p>Included as part of the TechCare Services are unlimited 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).</p> |                                                                                                                                                                                                                                                                                                                                                                          |
| <p style="text-align: center;"><b>TechCare Services Exclusions</b></p> <p>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:</p> <ol style="list-style-type: none"> <li>1) Installation and implementation / configuration of new hardware, operating systems, or software.</li> <li>2) Upgrades to existing hardware, operating systems, or software.</li> <li>3) Training on hardware, operating systems, or software.</li> <li>4) Removal of existing hardware, operating systems, or software.</li> </ol>                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                          |

Schedule 1-A

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Schedule 2  
Schedule of Charges

Number of servers covered – 18

Number of PC's covered – 44

Scheduled Onsite Visits – none

Monthly Service Fee -- \$8,850.00

One-time setup / onboarding service fee -- \$4,600.00

Additional future services

- Additional servers covered add \$200.00 per month each
- Additional PC's covered add \$55.00 per month each

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 per hour, or b) an agreed upon flat rate.

# Committee/Council Liaison Appointments - 2021

| Committee                                  | Term Expires | Current Member | Applicant-Interested         | Appointed   |
|--------------------------------------------|--------------|----------------|------------------------------|-------------|
| <u>Airport</u> [4 year term]               |              |                |                              |             |
| Public Member (Alternate)                  | 12/23        | Vacant         | Bill Hager<br>Brianna Lemmon | <hr/> <hr/> |
| <u>Audit</u> [Perpetual term]              |              |                |                              |             |
| <u>Budget</u> [4 year term]                |              |                |                              |             |
| <u>Business Loan Fund</u> [Perpetual term] |              |                |                              |             |
| <u>Code Enforcement Review Ad Hoc</u>      |              |                |                              |             |
| Public Member                              |              | Vacant         | Maggie Wood                  | <hr/>       |
| Public Member                              |              | Vacant         | Ann Schiemer                 | <hr/>       |
| Public Member                              |              | Vacant         | Gabriele Astle               | <hr/>       |
| Public Member                              |              | Vacant         |                              | <hr/>       |
| <u>Diversity Advisory</u> [3 year term]    |              |                |                              |             |
| Public Member                              | 12/22        | Vacant         | Billy Carter                 | <hr/>       |
| <u>Marijuana Ad Hoc</u>                    |              |                |                              |             |
| <u>Parks</u> [3 year term]                 |              |                |                              |             |
| <u>Planning Commission</u> [4 year term]   |              |                |                              |             |
| <u>Public Works</u> [3 year term]          |              |                |                              |             |
| <u>V&amp;C</u> [3 year term]               |              |                |                              |             |

Airport: 1st Monday each month, 6:00 p.m. @ City Hall

Audit: As needed @ City Hall

Budget: As needed @ City Hall

Business Loan Fund: As needed @ City Hall

Code Enforcement Review Ad Hoc: As needed, Evenings @ City Hall

Diversity Advisory: 3rd Wednesday each month, 5:30 p.m., @ City Hall

Marijuana Ad Hoc: As needed, Evenings @ City Hall

Parks: 3rd Thursday each month, 6:30 p.m. @ City Hall

Planning: 2nd Monday each month, 6:00 p.m. @ City Hall

Public Works: 3rd Tuesday each month, 3:00 p.m. @ City Hall

V&C: 1st Thursday each month, 7:00 a.m. @ Chamber Office



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7/23/21

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# CITY OF ONTARIO

## REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario – City Recorder**  
**444 SW 4th St., Ontario, OR 97914**  
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: HAGER Bill E  
Last First Middle Initial

HOME ADDRESS: 1495 Grandview Park Rd Id 83660  
Street City Zip Code

TELEPHONE: Cell 208 401 4381 bill.hager42@icloud.com  
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

1. Airport 2. 3.

Community Activities/Civic Organization/Boards/Committees:

| Activity / Organization:      | Length of Service | Position (s) Held: |
|-------------------------------|-------------------|--------------------|
| <u>EAA, SSA</u>               | <u>10 years</u>   | <u>Vice Pres</u>   |
| <u>Vice Pres - Op Manager</u> | <u>2 years</u>    | <u>Op Manager</u>  |

Employment:

Retired  
Current Employer: Position: Dates of Employment:

Education:

2 year College, A+P mechanic, Commercial Pilot

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

I own a hanger on the Ontario Airport + 5 Aircraft  
I would like to help educate youth aviation thru glider program  
Additional Information you feel may be helpful in considering your request for appointment:  
I intend to help with decision making regarding Airport

Bill Hager  
Signature:

July 13, 2021  
Date:

Submit

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08-06-2021  
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## CITY OF ONTARIO REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**  
**444 SW 4th St., Ontario, OR 97914**  
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Lemmon Brianna R  
Last First, Middle Initial  
HOME ADDRESS: 13780 Levendi Dr Caldwell, ID 83607  
Street City Zip Code  
TELEPHONE: (714) 292-8936 (c) briannarlemmon@gmail.com  
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Airport Committee  
1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Position (s) Held:

### Employment:

Treasure Valley Community College Lead Flight Instructor Dec 2020-current  
Current Employer: Position: Dates of Employment:

### Education:

Bachelors in American Studies, Minor in Spanish from California State University, Fullerton.

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

I work at the airport and want to be involved in helping it grow & prosper for personal and community use!

Additional Information you feel may be helpful in considering your request for appointment:

Lemmon  
Signature:

August 4, 2021

Date:

Submit

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7-6-21 12:40

# CITY OF ONTARIO

## REQUEST FOR BOARD OR COMMISSION APPOINTMENT

**Mail or personally deliver to:** *City of Ontario -- City Recorder*  
*444 SW 4th St., Ontario, OR 97914*  
*(541) 889-3232 FAX (541) 889-7121*

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

**NAME:** Schiemer Elizabeth "Ann"  
Last First Middle Initial

**HOME ADDRESS:** 1176 Locust Way Ontario 97914  
Street City Zip Code

**TELEPHONE:** 541-709-7036 schiemerann53@gmail.com  
Home, Work, Cell, or Business (Include Area Code) E-mail Address

**Name of Board, Committee, or Commission for appointment requested:**

Code Enforcement  
1. 2. 3.

**Community Activities/Civic Organization/Boards/Committees:**

| Activity / Organization:                       | Length of Service | Position (s) Held: |
|------------------------------------------------|-------------------|--------------------|
| <u>Malheur Co Republican Central Committee</u> | <u>25+ yrs</u>    | <u>VP/Sec</u>      |
| <u></u>                                        | <u></u>           | <u></u>            |
| <u></u>                                        | <u></u>           | <u></u>            |

**Employment:**

|                   |                                            |                      |
|-------------------|--------------------------------------------|----------------------|
| <u>Oregon DHS</u> | <u>Employment Related Daycare Provider</u> | <u>10/18-Present</u> |
| Current Employer: | Position:                                  | Dates of Employment: |

**Education:**

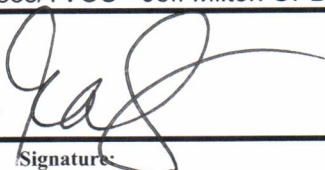
Portland State University - BS Criminology and Criminal Justice - 270 hours/3.67gpa

**Please indicate why you are requesting appointment to this Board (s) /Commission (s):**

40yrs as P&C Ins Agent inspecting properties for insurance coverage. Desire to see improvement in Ontario's declining appearance.

**Additional Information you feel may be helpful in considering your request for appointment:**

Code Enf classes/TVCC - Jeff Milton OPD, Retired; Interned with Judge Terry Thompson, Mal Co Justice Court.

EA Schiemer  
  
Signature:

July 6, 2021

Date:

Submit

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07/23/2021



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# CITY OF ONTARIO

## REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**  
**444 SW 4th St., Ontario, OR 97914**  
 (541) 881-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Astle Gabriele —  
Last First Middle Initial

HOME ADDRESS: 682 NW 14<sup>th</sup> St. Ontario 97914  
Street City Zip Code

TELEPHONE: 208-405-1712 skiowhee@yahoo.com  
Home, Work, Cell or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Code Enforcement Review Ad Hoc Committee  
 1. 2. 3.

Community Activities/Civic Organization/Boards/Committees:

Citizens on Patrol 2 years Secretary  
Activity / Organization Length of Service Position (s) Held:

Employment:

Retired Position: Dates of Employment:  
Current Employer:

Education:

College

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

Would like to see a cleaner city

Additional Information you feel may be helpful in considering your request for appointment:

Gabriele Astle  
 Signature:

July 20, 2021  
 Date:

Submit

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with Blue Ballpoint



RECEIVED

6/25/21  
B6

## CITY OF ONTARIO REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: **City of Ontario -- City Recorder**  
444 SW 4th St., Ontario, OR 97914  
(541) 889-3232 FAX (541) 889-7121

*Maggie*

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Wood Margaret E.  
Last First Middle Initial  
HOME ADDRESS: 746 Butler Blvd Ontario 97914  
Street City Zip Code  
TELEPHONE: 208-230-4221 McKwood@gmail.com  
Home, Work, Cell, or Business (Include Area Code) E-mail Address

Name of Board, Committee, or Commission for appointment requested:

Code Enforcement Ad-hoc

Community Activities/Civic Organization/Boards/Committees:

| Activity / Organization: | Length of Service  | Position (s) Held:                |
|--------------------------|--------------------|-----------------------------------|
| <u>Developer</u>         |                    |                                   |
| <u>COP Coordinator</u>   | <u>6 1/2 years</u> | <u>Coordinator</u>                |
| <u>Old Rec. Board</u>    | <u>10 yrs.</u>     | <u>Member</u>                     |
| <u>CAC, OPD Board</u>    | <u>14 years</u>    | <u>Member</u>                     |
| <u>Employment: SAR</u>   | <u>7 years</u>     | <u>Member</u>                     |
| <u>Boys Girls Club</u>   | <u>1 year</u>      | <u>Founding Board Member</u>      |
| <u>Retired</u>           |                    | <u>1st Fundraiser Coordinator</u> |
| Current Employer:        | Position:          | Dates of Employment:              |

Education:

BA + 110.5 graduate credits

Please indicate why you are requesting appointment to this Board (s) /Commission (s): I have an interest in reviewing code enforcement Programs To help Provide a tangible and fair solution to Ontario's code.

Additional Information you feel may be helpful in considering your request for appointment: Through my COP experience I gained knowledge of some of the problems of citizens and the city's problems concerning code enforcement in Ontario.

Margaret C. Wood  
Signature:

June 17, 2021  
Date:

Submit

Reset

| Activity                             | Length        | Position                                                                   |
|--------------------------------------|---------------|----------------------------------------------------------------------------|
| 4RCC                                 | 15 yrs.       | Director of Plays<br>Musicals & Revues                                     |
| Old School, Payette                  | 2+ years      | Director of Plays<br>& Revues                                              |
| Malheur Family & Child<br>Commission | 6 years       | Working Member                                                             |
| OC Schools District                  | Several Times | Superintendent &<br>High School Principal<br>Selection Committee<br>Member |
| Hospice Volunteer                    | 3 3/4 years   | Volunteer                                                                  |



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08-05-2021

# CITY OF ONTARIO

## REQUEST FOR BOARD OR COMMISSION APPOINTMENT

**Mail or personally deliver to:** *City of Ontario -- City Recorder*  
*444 SW 4th St., Ontario, OR 97914*  
*(541) 889-3232 FAX (541) 889-7121*

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

**NAME:** Carter Billy C  
Last First, Middle Initial

**HOME ADDRESS:** 582 NW 15th St Ontario 97914  
Street City Zip Code

**TELEPHONE:** 208-739-8624 bilcart2@msn.com  
Home, Work, Cell, or Business (Include Area Code) E-mail Address

**Name of Board, Committee, or Commission for appointment requested:**

Diversity Advisory Committee  
1. 2. 3.

**Community Activities/Civic Organization/Boards/Committees:**

| Activity / Organization:                        | Length of Service | Position (s) Held:       |
|-------------------------------------------------|-------------------|--------------------------|
| <u>Treasure Valley College Foundation Board</u> | <u>8 yrs</u>      | <u>Board member</u>      |
| <u>Ontario Elks Lodge</u>                       | <u>25 yrs</u>     | <u>Trustee, PER</u>      |
| <u>Ontario Chamber of Commerce</u>              | <u>15 yrs</u>     | <u>Past Board member</u> |

**Employment:**

|                           |                                |                      |
|---------------------------|--------------------------------|----------------------|
| <u>8C School District</u> | <u>Instructional Assistant</u> | <u>August 2019</u>   |
| Current Employer:         | Position:                      | Dates of Employment: |

**Education:**

Bachelor of Science Degree, MBA Candidate.

**Please indicate why you are requesting appointment to this Board (s) /Commission (s):**

To utilize my experience and background to support the mission and success of the City's goals toward diversity.

**Additional Information you feel may be helpful in considering your request for appointment:**

I am a progressive, responsible, energetic, innovated professional administrator and leader.

Billy C. Carter

Signature:

August 4, 2021

Date:

Submit

Reset





**AGENDA REPORT  
PUBLIC HEARING  
August 10, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2792-2021: AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO**

DATE: July 16, 2021

---

**PROPOSED MOTION:**

**A: APPROVAL:**

**1).I MOVE THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE THE FINDINGS OF FACTS WITHIN THE STAFF REPORTS AND ESTABLISHED BY THE PLANNING COMMISSION AND HEREBY APPROVES AND ESTABLISHES THE CONDITION OF APPROVAL RECOMMENDED BY THE PLANNING COMMISSION.**

**2).I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2792-2021 AN ORDINANCE AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO.**

**IF A UNANIMOUS DECISION:**

**I MOVE THAT THE CITY COUNCIL WAIVE A SECOND READING OF ORDINANCE 2792-2021, AN ORDINANCE AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO.”**

**B: DENIAL:**

**I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD), AS SET FORTH IN ACTION 2021-03-11RZ BE DENIED, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH AS FOLLOWS: (NEED TO ESTABLISH FINDINGS FOR DENIAL).**

**SUMMARY:**

The applicants/owner owns a parcel, known as Tax Map 18S4709CC, tax lot 3200 AND 3500, and are currently zoned Single Family Residential (RS-50). To develop the property into an affordable housing development for Seniors 55+ and Military Veterans in a private secure setting, shown on the preliminary plans on Attachment #5 and Attachment #6, Applicant is requesting the property be rezoned to Planned Development Residential (PD).

**BACKGROUND:**

The applicant is also the owners of the two tax lots known as Tax Lot 3200 and 3500 and has been working with the City of Ontario to plan an affordable housing development for senior citizens 55+ and military veterans who either would like to own or lease a smaller affordable home with small and manageable lots, as well as the possibility of providing duplex structures for those who want to rent only. This request for rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from Single Family Residential (RS-50) to Planned Development (PD) Residential within the City Limits of the City of Ontario. There have been no recent Planning Commission actions on this property in the past 20+ years that could be found in the planning records other than a city-wide Comprehensive Plan update in 2007 and the Hearings Officer approval of the property line adjustment under Planning Action 2020-08-34PLA which the owner decided not to follow through on.

**CURRENT SITUATION:**

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 and a planned development is an approved zoning under the comprehensive plan and is recognized as a much needed type of development to meet housing needs.

**Rezone**

Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA.

In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

The zoning map amendment is in conformance with statewide planning goals and guidelines. The zoning map amendment is in conformity with the acknowledged comprehensive plan. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a

single property or small group of properties. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

**Findings:**

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

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the rezone is still for a residential and the same number of acres.

There is a small effect to Statewide Planning Goal 10 (Housing) as the property is already zoned residential and the new zone is a residential zone, while it does add a few dwelling units to the Housing Needs Analysis (HNA) because of the density of the PD zone. The change will help in the affordable Housing needs of Ontario. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The rezone is in conformance with the acknowledged plan as the property is currently a residential zone and the requested zone is for residential use. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

There has been no mistake made the rezone is due to a change in market conditions and the need to the affordable housing needs across Oregon. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

There is huge need for more affordable housing in Ontario and the surrounding area is all residential use, so granting this rezone would not be grant a special privilege. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

The size of the parcel allows for development of at least 30 new affordable housing units. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The property fronts onto Alameda Drive which is a public street with public utilities available as well as an emergency access onto SW 12th Street which also allows for connectivity to public utilities. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

There will be no change in the type of use as the existing zone is a residential use and the new zone is a residential use as well, therefore there will be no adverse effects upon the surrounding properties due to dust, noise or other ecology effects.

**Summary Conclusions: Based on the findings above:**

The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. CRITERION IS MET

The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. CRITERION IS MET

The applicant states in finding 3, that there has been a change in market conditions with the need for affordable housing across America as well as in Ontario. Therefore, there is a change in market condition, and demonstrates that this criterion is met. CRITERION IS MET

As noted in applicant's finding 4, rezoning from a residential zone to another residential zone would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same type of use as the surrounding area. CRITERION IS MET

As noted in the findings 5, the subject properties sizes are adequate to demonstrate consistency with this criterion as shown in the preliminary plan attached as Attachment #5. CRITERION IS MET

As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. CRITERION IS MET

The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of

noise or other discharges of dust or odor into the air is uncommon in a residential zone.  
CRITERION IS MET

**Final Conclusion: ALL CRITERIA ARE MET**

**SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION**

A request a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “Findings:” and “Conclusion:” for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval. At a Public Hearing in front of the Ontario Planning Commission the Commission heard public testimony on Planning Action 2021-03-11RZ and at the end of the testimony made a motion to table the action for further testimony from the proponents until the July 12, 2021 Planning Commission Meeting. On July 12, 2021 the Planning Commission continued the Public Hearing for Planning Action 2021-03-11RZ and heard further testimony from the proponents and opponents and at the end of the hearing made a motion the accept the finding of facts and made a recommendation to the City Council to approve the action with conditions of approval as outlined in the reports and the attached Ordinance #2792-2021.

**ANALYSIS:**

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for affordable housing and will allow for future development of the city meeting it potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the project can move forward with the subdivision phase of the project.
- D. **POLICY/LEGAL** 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 consistent with the Comprehensive Plan.

A rezone must be done by an ordinance and the City Council is the final authority for approving a city ordinance.

**ALTERNATIVES:**

The City Council could table the action until a time certain if more information is needed to make a decision.



**RECOMMENDATION:**

Staff recommends that the City Council approve and adopt the findings of facts and condition of approvals and approve Ordinance #2792-2021 the rezone from Single Family Residential (RS-50) to Planned Development Residential (PD) of the subject property.

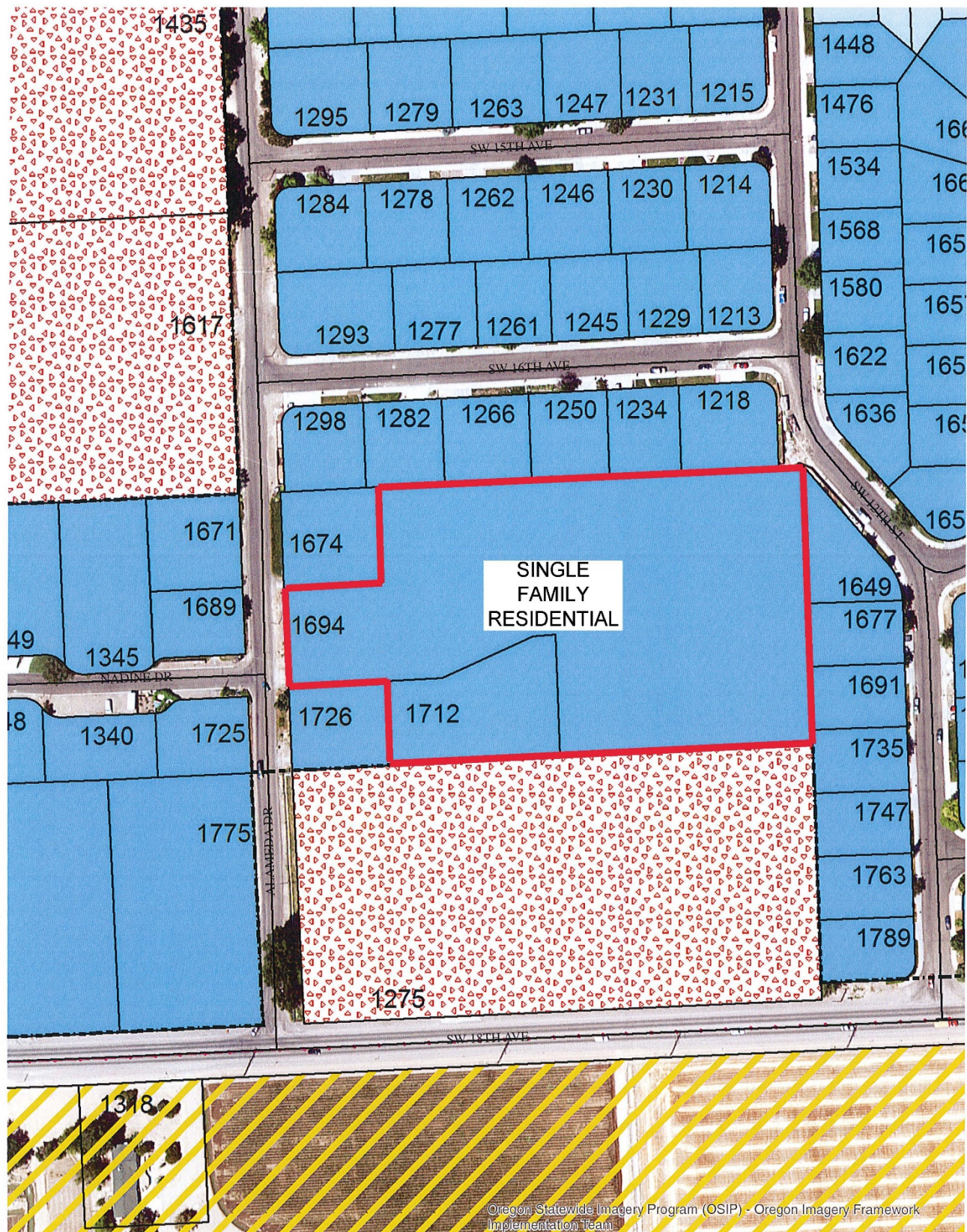
**ATTACHMENTS:**

1. Attachment 1 Parcel Before Rezone
2. Attachment 2 Parcel After Rezone
3. Attachment 3 Parcel Rezone Tax Map
4. Attachment 4 Parcel Rezone Description
5. Attachment 5 Preliminary Plan
6. Attachment 6 Updated Street Plan
7. Attachment 7 owner comments
8. Attachment 8 Kenny King Letter Against
9. Attachment 9 SREDA Letter FOR
10. Attachment 10 Purple Heart FOR
11. Attachment 11 Housing Task force FOR
12. Attachment 12\_06-14-2021\_Planning\_Commission minutes
13. Attachment 13\_07-12-21 PC Meeting-Draft
14. Attachment 14\_Ord #2792-2021
15. Attachment 15\_Opponent Letter\_Krasznavolgyi



# Attachment "1"

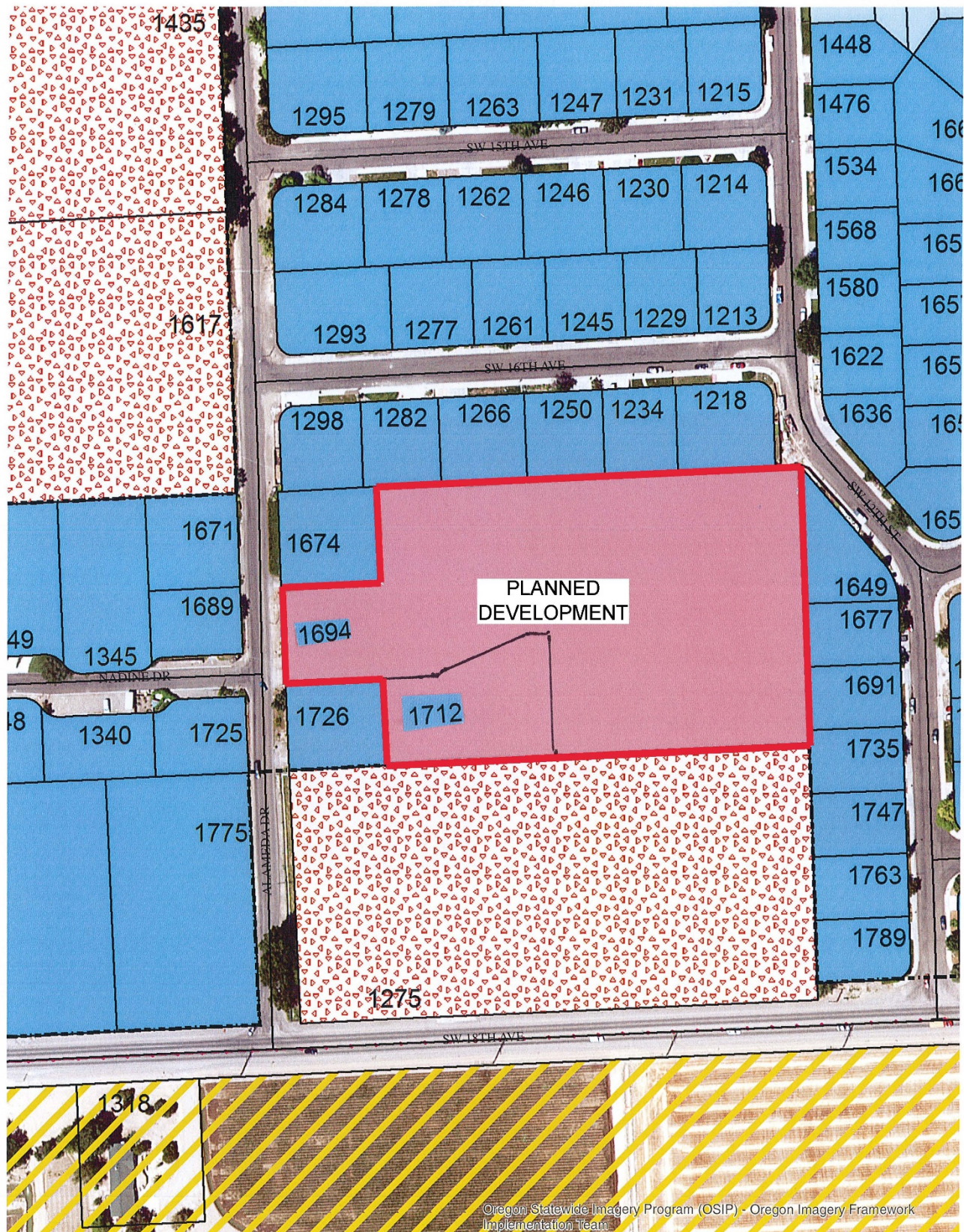
## Parcels Before Rezoning





## Attachment “2”

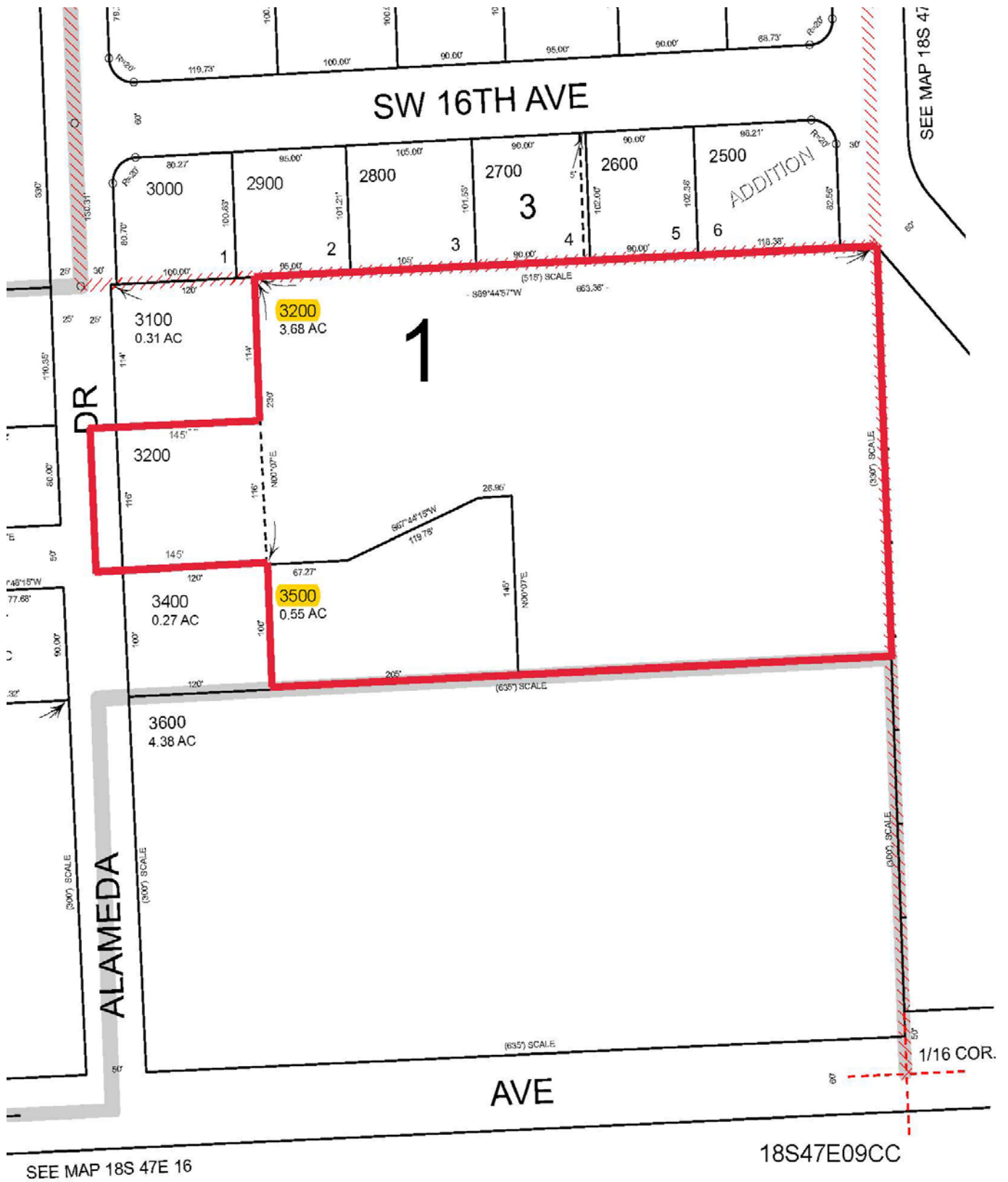
### Parcels After Rezoning





# Attachment "3"

## Rezone Parcel Map



# Attachment “4”

## Rezone Parcel Description

Land in the City of Ontario, Malheur County, Oregon, as follows:

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

Sec. 9: N1/2SE1/4SW1/4SW1/4,

**EXCEPTING THEREFROM** the following two parcels:

**Parcel No. 1 (Tax Lot 3400):**

Beginning at the Southwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence North 100 feet;

Thence East 145 feet;

Thence South 100 feet to the South boundary thereof;

Thence West 145 feet to the Point of Beginning.

**Parcel No. 2 (Tax Lot 3100):**

Beginning at the Northwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence South 114 feet;

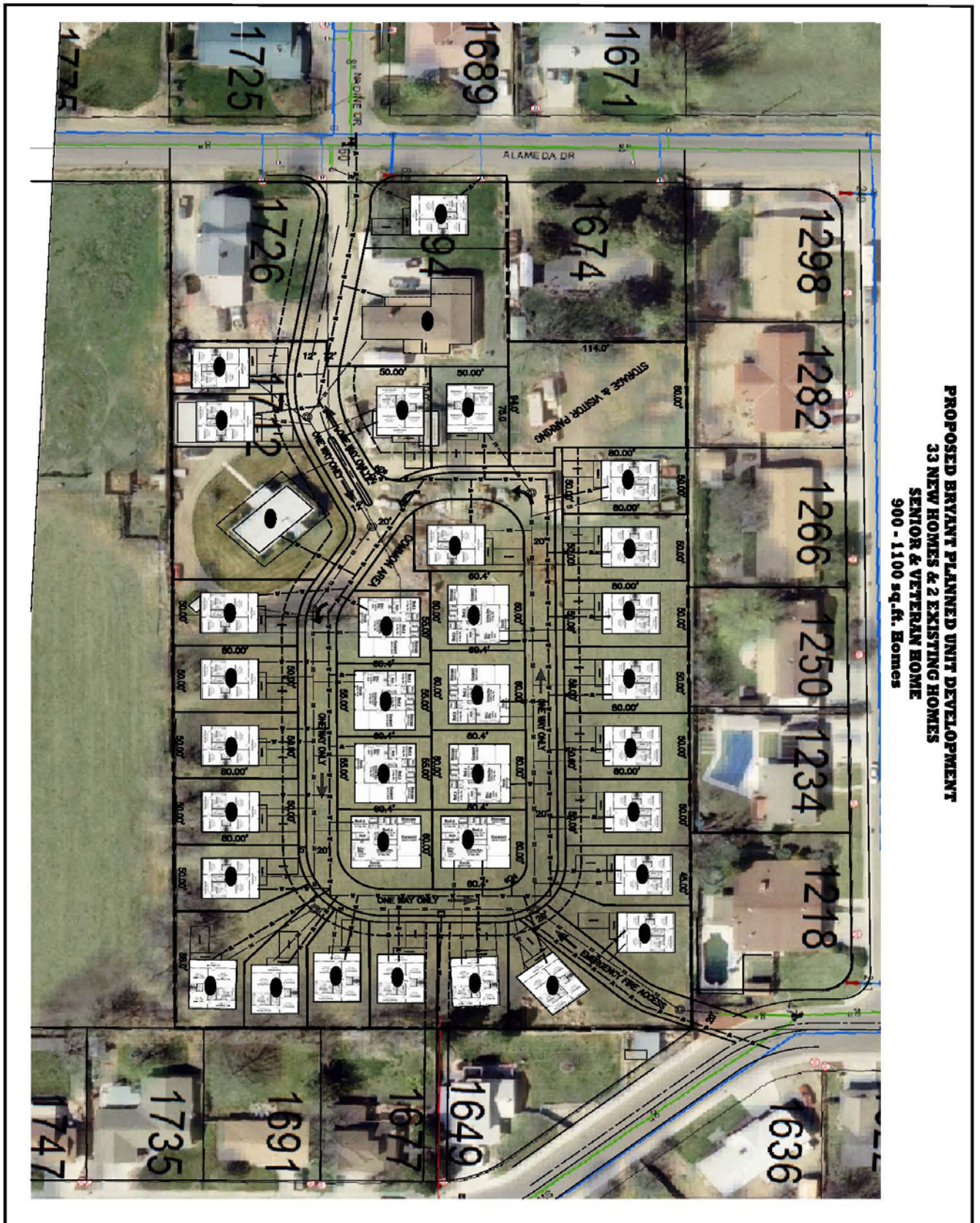
Thence East 145 feet;

Thence North 114 feet to the North boundary thereof;

Thence West 145 feet to the Point of Beginning.

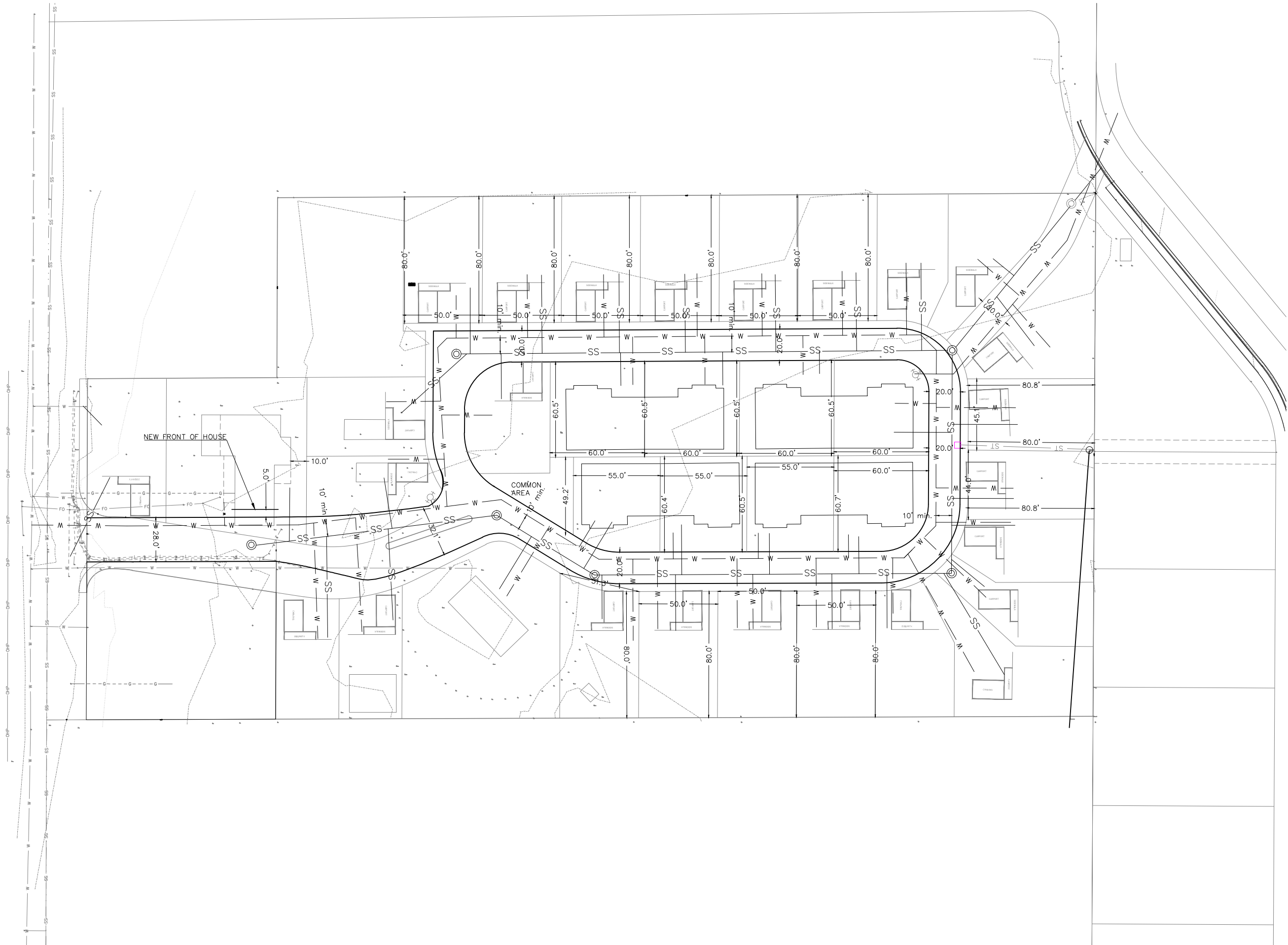
# Attachment "5"

## Preliminary Plan

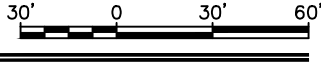




c:\users\jmw\desktop\ontario sub.dwg  
J. Ward  
Thursday, July 1 2021 at 12:16 PM



PLAN VIEW -



| REVISIONS |      | DESCRIPTION |  |
|-----------|------|-------------|--|
| NO.       | DATE | BY          |  |
|           |      |             |  |
|           |      |             |  |
|           |      |             |  |
|           |      |             |  |

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## ONTARIO VETERANS AND OVER 55 SUBDIVISION

CONSTRUCTION DOCUMENTS

CINDY BRYANT

|               |                |
|---------------|----------------|
| PROJECT NO.:  | PR21-0361      |
| DESIGNED BY:  | T. GRENZ       |
| DRAWN BY:     | T. GRENZ       |
| DWG QC BY:    | J. WARD        |
| DESIGN QC BY: | J. CHRISTENSEN |

SITE PLAN

SITE PLAN

C1.01

SHEET #####



## Attachment 7 owner comments

Dan,

Please find the plan attached with the road straightened out. I will continue to work with the engineers to make the interior streets 30 foot with the 5ft sidewalk to help accommodate the traffic.

I will be following the Federal HUD laws and particularly the HOPA of 1995 to ensure all of the proper steps are taken to ensure the 55+ status of the inhabitants of the properties. The CCR's will be enforced by myself and the HOA that is created as the subdivision fills and the lot owners become voting members with a president and council who has the normal control of a 55+ subdivision.

As mentioned, the only reason I am going to this trouble is to try and bring a much needed smaller footprint subdivision to this community. By having as many lots as possible to fit these smaller sf homes is the only way to make the cost of the underground work.

Bryant Planned Unit Development

June 7, 2021

Planning and Zoning Administrator  
Ontario Community Development Center  
458 SW 3rd Street  
Ontario, Oregon 97914

To Whom it May Concern:

My name is Kenny King and my wife's name is Marissa King, we do not support this Bryant Planned Unit Development. We have lived at 1649 SW 12th Street since January 2017. Our tax lot number is 8000. This is a letter to explain the interactions we've had with the pasture property, tax lots 3200 & 3500 since January of 2017, and to express our concerns with the potential rezoning of these lots, per the Bryant plans available at City Hall.

In spring 2017, I noticed white top weeds growing in the pasture. I went knocking on doors of residences around the pasture to see if the owners would be able to take care of those weeds before they started infringing on our property. The owner of tax lot 3500 said the owner of the pasture lived on lot 3200. The owner at lot 3200 said that her husband was working in mining and was very busy when home. I volunteered to spray 2-4D broadleaf killer on the weeds and she said that would be fine.

On 4/13/2018, lot 3200 was sold for \$150,000. Cindy, the new owner of lot 3200, knocked at our door and asked about adding a sewer drain and road access through our property. She said that she would like to build a shop with plumbing on the property at the residence for lot 3500. Cindy offered to trade a new section of fence delineating the "easement" she wanted for the road and plumbing. We told her we were not interested in giving up any of our property, through easement, trade, exchange, or sale. She insisted that it was only a small portion of the corner of our lot, and she would be more than happy to match the style of fence we liked. We expressed again that we were not interested in her proposal. Later that year, I asked for permission to spray 2-4D on their pasture to keep the white top weeds at bay. They agreed.

Since these first couple of friendly interactions with the new owner of lot 3200 in 2018, they have not tried to communicate with us directly. Surveyors have come by our house on two different occasions to measure our property and or shed on our property. Additional indirect

communication included a UPS driver delivering a package to our son. The driver knocked 3at the door, handed the package to our son, and then he asked to speak to me. The UPS driver spoke with me for approximately 15 minutes, attempting to convince us to sell a portion of our property to the owners of lot 3200, and we should talk to their realtor. The driver gave me Britney Mills phone number as a contact for the realtor. I assured the UPS driver that we were happy with our property and fence the way it was.

The proposal to rezone lots 3200 and 3500 from City Single Family Residential to City Planned Development Residential was likely their agenda from the start. Truth and honesty is very important to us when building relationships with new people, especially neighbors. The above listed interactions with lot 3200 owners and even others acting on their behalf, have left me feeling distrust.

We are in support of affordable housing for seniors and veterans in Ontario Oregon. However, we do not support Bryant Planned Unit Development, due to the following issues and concerns:

- How will this plan include a 20 foot road for fire emergency access when the existing fences are 16 feet apart? The minimum gate access is 20 feet according to Appendix D of the International Fire Code.
- When I measure a sidewalk and curb it comes out to 5 feet. Will this access have sidewalks per Ontario, Oregon Municipal Codes 8-3-1 through 8-3-12 for pedestrian safety?
- We are concerned that to make these plans feasible, property from lots 8000, 3400 and/or 2500 would need to be included. None of said property owners have agreed to give up any of our land for the project.
- Have tax lots 3200 and 3500 been proposed to be rezoned in the past, and if so, what was the outcome of those Planning Commission decisions?
- The city intends to bring sewer through between lot 8000 and 8100 which will sever enough roots of our 40' tall trees and other establish landscaping to kill them. These trees life and atmosphere of these trees in my yard is priceless to me.

Thank you for your consideration of our questions and concerns and we look forward to learning more about the proposed rezoning.

Sincerely, Kenny King



June 7, 2021

To the City of Ontario

RE: Housing for Veteran's and senior 55+ project

The Snake River Economic Development Alliance (SREDA) fully supports Cindy Bryant's housing project for Veteran's and Senior 55+ project and believe it should be a high priority in our community.

The lack of available homes for veterans and seniors is a vast need that our region has not been able to fulfill. Ontario is the ideal location for this type of project and we are excited to see interest in moving forward with it.

Please let me know if you have any questions. Thank you for your consideration of this project.

Sincerely,

*Kit Kamo*

Kit Kamo  
Executive Director





257 W Grand Island Dr  
Eagle, ID 83616  
Ph: 208 841-8448  
[mophidaho@gmail.com](mailto:mophidaho@gmail.com)  
<https://www.facebook.com/mophidaho>

**Subject: 55+ Ontario Subdivision**  
**ATTN: Cindy Bryant**

**Dear Cindy**

**I am the Commander of the Department of Idaho Military Order of the Purple Heart of the USA. (MOPH). The Military Order of the Purple Heart Idaho Department & Chief Joseph Chapter 509 would support projects that will help seniors and veterans that are on a fixed income.**

**We understand that the lots would be small to provide a low monthly overhead and that would divide the total cost of the infrastructure (utilities and streets) for there to be as many lots as possible on the property keeping most sized at about 50x80.**

**The MOPH is greatly in favor to creating affordable homes for Seniors and Veterans in a small safe environment in a rural community like Ontario. By giving Seniors and Veterans a choice, the following benefits would be achieved.**

- **Giving local inhabitants a choice that will provide this type of living.**
- **A private subdivision so the streets can be monitored and controlled by the residents.**
- **Small affordable square footage homes.**
- **Homes focused on Energy efficiency.**
- **A very small yard to care for.**
- **Keeping fixed incomes in mind.**
- **There will be minimal CCR's controlled by the residents.**

**Ned M. Barker – Commander**

**Cc: Robert Pelcher**

To: The Ontario Planning Commission,

Letter of support for **2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.**

The Malheur United For Housing Task Force believes that all people in Malheur County should be able to access safe, attainable housing options and supportive services suitable to their needs. To that end the Task Force commits to supporting attainable, sustainable, and inclusive housing options for the wellbeing of all community members.

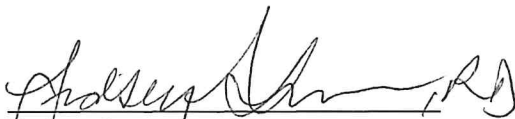
As housing and costs of other goods and services continue to rise in the county and across the nation; seniors, veterans, and others on fixed incomes struggle to maintain their housing and remain in the communities where they want to live.

Cindy Bryant's proposal to create modestly sized, owner-occupied homes in a neighborhood catering to those 55 and older would strike directly at these housing struggles. Helping those on fixed incomes to obtain a great home that is in keeping with their needs at a new stage in life, at an affordable price is exactly what this community needs.

The undersigned members of the Malheur United for Housing Task Force support the developer's request for an upzoning of the property that this subdivision is proposed to be built on to allow for greater density of housing. The ability to place more homes on this property will not only ensure that prices remain affordable for those who need this housing but will also help create a proof of concept for this type of subdivision to be replicated across Eastern Oregon.

As people across the state are struggling with homelessness, housing instability, and the lack of safe and affordable homes; this development would help ensure that some of Ontario's most important residents will be able to have a place to call their own as they enter the next phases of their lives.

Sincerely,



Lindsay Grosvenor, RD  
Coordinator  
Nutrition Oregon Campaign Ontario HUB



Tom Greco,  
Pastor  
Ontario Community Church



Clayton Crowhurst,  
Housing Developer  
Northwest Housing Alternatives





## ONTARIO PLANNING COMMISSION MEETING MINUTES

### Monday, June 14<sup>th</sup>, 2021

The scheduled meeting of the City of Ontario Planning Commission on June 14<sup>th</sup> was called to order at 6:00 pm in the Council Chambers of Ontario City Hall. Planning Commission members present included: Chairman Ralph Poole, Vice-Chairman Max Twombly, Commissioner John Hall, Commissioner James Grissett, Commissioner Blu Fortner, and Commissioner John Breidenbach. Commissioner Cydney Cooke was absent.

Members of staff present in person: Mr. Dan Cummings (Community Development Director), Ms. Marcy Siriwardene (Building Official), Mr. Marc Berg (Planning Technician), and Ex-Officio Adam Brown (City Manager). City Council Ex-Officio Eddie Melendrez was in attendance via Zoom.

The meeting was video recorded and is digitally stored with the City of Ontario. The meeting agenda was posted on the city website. Copies of the reports and meeting agenda are available at the City Community Development Center, or on the city website [www.ontariooregon.org](http://www.ontariooregon.org).

### MEETING ATTENDEES

|                   |                                |                    |
|-------------------|--------------------------------|--------------------|
| Ralph Poole       | Chairman                       | In attendance      |
| Max Twombly       | Vice-Chairman                  | In attendance      |
| John Hall         | Commissioner                   | In attendance      |
| James Grissett    | Commissioner                   | In attendance      |
| Cydney Cooke      | Commissioner                   | Absent             |
| Blu Fortner       | Commissioner                   | In attendance      |
| John Breidenbach  | Commissioner                   | In attendance      |
|                   |                                |                    |
| Adam Brown        | Ex-Officio                     | In attendance      |
| Eddie Melendrez   | Ex-Officio                     | Attending via ZOOM |
| Dan Cummings      | Community Development Director | In attendance      |
| Marcy Siriwardene | Building Inspection Official   | In attendance      |
| Marc Berg         | Planning Technician            | In attendance      |
|                   |                                |                    |
| Mr. Kenny King    | Resident                       | In attendance      |
| Ms. Linda DeBoer  | Resident                       | In attendance      |
| Mr. Kevin Aleman  | Resident                       | In attendance      |
| Mr. Craig DeBoer  | Resident                       | In attendance      |
| Mr. Don Ray       | Resident                       | In attendance      |
| Mr. Paul Gehrman  | Resident                       | In attendance      |

### MEETING AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Motion to Adopt the Agenda
- 4) Public Comments
- 5) Approval of Minutes
  - A) May 10, 2021 Meeting Minutes



- 6) Old Business
- 7) New Business
- 8) Public Hearing
  - A) ACTION 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.
  - B) ACTION 2021-03-13AZ: A REQUEST BY PAUL AND STACEY GEHRMAN FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) TO ALLOW CONNECTION TO CITY SERVICES. AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3.
- 9) Hand-outs/Discussion Items
- 10) Executive Session
- 11) Comments from Commissioners
- 12) Adjourn

Tonight's agenda was posted on the city website. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website [www.ontariooregon.org](http://www.ontariooregon.org).

#### **CALL TO ORDER**

Chairman Ralph Poole called the meeting to order and introduced newly appointed planning commission member, Mr. James Grissett. Chairman Poole asked for a roll call and led everyone in the Pledge of Allegiance.

#### **MOTION TO ADOPT AGENDA**

Chairman Poole asked for a motion to adopt the agenda. Commissioner Hall moved, seconded by Commissioner Twombly, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1.

#### **PUBLIC COMMENT**

Chairman Poole asked for public comment. He specified they were setting aside some time for any request to speak on either of the planning actions, so that public comment would be heard during the public hearing portion of the meeting.

#### **APPROVAL OF MINUTES**

Chairman Poole asked for any additions of corrections to the meeting minutes of May 10, 2021.

Commissioner Breidenbach moved, seconded by Commissioner Hall, **TO APPROVE THE MEETING MINUTES AS PRESENTED**. Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1.

#### **OLD BUSINESS**

Chairman Poole asked staff if there was any old business to cover in the meeting. Mr. Cummings answered there was no previous business to cover.



**OPEN PUBLIC HEARING**

Chairman Poole opened the meeting to the public. The rules of a public hearing were explained. Chairman Poole asked if there were any objections to this planning commission's jurisdiction on either item on the agenda. A resident in the audience (Mr. Kenny King) asked how the jurisdiction worked and at what point he could speak on the first agenda item.

Chairman Poole explained that as a planning commission, this group would pass any decisions made onto the Ontario City Council, who then would have the ultimate responsibility of deciding these planning action items. There were no objections to Planning Commission jurisdiction and no disclosures, no ex-parte contact.

Chairman Poole asked if there were any reason for abstentions. No abstentions made.

Chairman Poole announced they would move to the staff report. Chairman Poole explained the procedures.

Mr. Dan Cummings, Community Development Director, presented to the commission.

The first item to discuss was **Planning Action 2021-03-11RZ**.

**AGENDA REPORT  
PUBLIC HEARING**

June 14, 2021

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

**SUBJECT: ACTION 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.**

DATE: December 7, 2020

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**PROPOSED MOTION:****A. APPROVAL:**

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD AS SET FORTH IN ACTION 2021-03-11RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.
2. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD, AS SET FORTH IN ACTION 2021-03-11RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

**B. DENIAL:**

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM CRS-50 TO PD, AS SET FORTH IN ACTION 2021-03-11RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

### **SUMMARY**

The applicants/owner owns a parcel, known as Tax Map 18S4709CC, tax lot 3200 AND 3500, which said tax lots are currently zoned Single Family Residential (RS-50) and to develop the property into an affordable housing development for Seniors 55 and older and Military Veterans in a private secure setting as the preliminary plan shows on Attachment #5.

### **BACKGROUND**

The applicant is also the owners of the two tax lots known as Tax Lot 3200 and 3500 and has been working with the city of Ontario to plan an affordable housing development for senior citizens 55 years of age or older and military veterans who either would like to own or lease a smaller affordable home with small and manageable lots, as well as the possibility of providing duplex & triplex structures for those who want to rent only.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from Single Family Residential (RS-50) to Planned Development (PD) Residential within the City Limits of the City of Ontario.

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007 and the Hearings Officer approval of the Property line adjustment under Planning Action 2020-08-34PLA which the owner decided not to follow through with the adjustment.

### **CURRENT SITUATION**

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 and a planned development is an approved zoning under the comprehensive plan and is recognized as a much needed type of development to meet housing needs.

#### **A. Rezone**

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



- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

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

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the rezone is still for a residential and the same number of acres.

There is a small effect to Statewide Planning Goal 10 (Housing) as the property is already zoned residential and the new zone is a residential zone, while it does add a few dwelling units to the Housing Needs Analysis (HNA) because of the density of the PD zone. The change will help in the affordable Housing needs of Ontario.

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

The rezone is in conformance with the acknowledged plan as the property is currently a residential zone and the requested zone is for residential use.

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

There has been no mistake made the rezone is due to a change in market conditions and the need to the affordable housing needs across Oregon.

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

There is high need for more affordable housing in Ontario and the surrounding area is all residential use, so granting this rezone would not be grant a special privilege.

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

The size of the parcel allows for development of at least 30 new affordable housing units space.

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

The property fronts onto Alameda Drive, which is a public street with public utilities available, as well as an emergency access onto SW 12<sup>th</sup> Street, which also allows for connectivity to public utilities.

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

There will be no change in the type of use as the existing zone is a residential use and the new zone is a residential use as well, therefore there will be no adverse effects upon the surrounding properties due to dust, noise, or other ecological effects.

**Summary Conclusions - Based on the findings above:**

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.

**CRITERION IS MET**

- b. The finding 2 above, show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.

**CRITERION IS MET**





- c. The applicant states in finding 3, that there has been a change in market conditions with the need for affordable housing across America as well as in Ontario, and demonstrates that this criterion is met.

**CRITERION IS MET**

- d. As noted in applicant's finding 4, rezoning from a residential zone to another residential zone would not be considered as the granting of a special privilege for a single property or group of property owners, as it is providing for the same type of use as the surrounding area.

**CRITERION IS MET**

- e. As noted in the findings 5, the subject property sizes are adequate to demonstrate consistency with this criterion as shown in the preliminary plan attached as Attachment #5.

**CRITERION IS MET**

- f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided.

**CRITERION IS MET**

- g. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone.

**CRITERION IS MET**

**Final Conclusion: ALL CRITERIA ARE MET**

### **SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION**

A request for a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "**Findings:**" and "**Conclusion:**" for each criterion. **All** the criteria and standards must be met, in order for the request to be recommended for approval.

The above Summary and Findings of facts are presented to the Commission for consideration to adopted and/or amend as needed.



**ANALYSIS:**

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for affordable housing and will allow for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the project can move forward with the subdivision phase of the project.
- D. **POLICY/LEGAL** 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. A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

**ALTERNATIVES:**

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the rezone from Single Family Residential (RS-50) to Planned Development Residential (PD) of the subject property.

**ATTACHMENTS:**

- 1. Attachment 1 Property Before Rezone
- 2. Attachment 2 Property After Rezone
- 3. Attachment 3 Parcel Rezone Tax Map
- 4. Attachment 4 Rezone Description
- 5. Attachment 5 Preliminary Plan

**OPEN TO QUESTIONS**

Mr. Cummings asked that the commission read the letter submitted prior to coming to any decision.

Chairman Poole asked if there were any questions from the commission on Mr. Cummings report.

Commissioner Breidenbach asked if these were for veterans and what size of lots would be here.

Mr. Cummings replied 50ft by 80 ft, close to RS-50 zoning size and homes 800 – 1,200 sq ft.

Commissioner Hall asked if the (northeast corner) roadway will be gravel or paved.



Mr. Cummings replied gravel at minimum, enough to hold 55,000 lbs (designed to hold firetruck apparatuses). The roadway will be gated and locked, with only the Ontario Fire Department having access.

Commissioner Hall asked if there was an issue with emergency vehicles using that entryway.

Mr. Cummings showed the location on the map on the screen and reiterated that this entrance is a public right-of-way (ROW). The 30 feet of ROW was platted when the adjacent subdivision was designed. The assumption was that SW 12<sup>th</sup> Street would run directly south into SW 18<sup>th</sup> Ave. When Springbrook subdivision was developed, the location of 12<sup>th</sup> St was moved east, in order to build houses. The city missed that they needed to keep enough ROW space for a regular street connection. For the size of development, the amount of traffic does not require a full-size street on the northeast corner. The fire chief is happy if emergency vehicle can get through.

Vice-Chairman Max Twombly asked about parking.

Mr. Cummings replied there would be no on-street parking in this development. Each lot will have two parking spaces (single car garage and a parking space in front). Some senior residents may not have two vehicles, but one does not know for sure. His recommendation to the property owner was to provide overflow. The covenants, conditions, and restrictions (CC&R's) will need to meet all the requirements set up, e.g., specify the parking.

Chairman James Grissett asked about veteran status. Is it the initial plan to allow veterans to purchase, or will it specifically state somewhere a purchase must be by a military veteran? Will this be part of a homeowner's association?

Mr. Cummings replied regulations will need to be mandated, but this is just the planning phase. A public meeting like this one needs to set the parameters for the conceptual design, because the city does not enforce CC&R's after approval. Realigning a road is a minor issue at this stage. A final design is not typically done for a preliminary meeting like this one. The developer wants to provide for seniors, 55 years and older, military veteran status, disabled, etc. Any criteria (or none at all) can be recommended by the Planning Commission to City Council. Existing code is not too different for this zoning type of RD-40 (Malheur County Code O-RD: Duplex and Residential Zoning). The biggest difference is the private roadway presented.

Chairman Poole asked if there were any other communities like this in Ontario.

Mr. Cummings replied that several developments are "PD" (Malheur County Code O-PD: Planned Development). Mr. Cummings showed some examples of locations zoned O-PD on the city map. Many developments here in Ontario were designed by Mr. Cummings and his business, prior to working for the city. His recommendation was always to keep roads public. A private, gated community does not always work in this area. If the street were private, the developers would build the streets to meet city standards. This development will not have the option to start as a private road and later convert back to public. The existing design does not allow for the city to take it over, unless the road is widened and dedicated as a one-way street. Only two subdivisions in Ontario have been done this way.

Chairman Poole asked if, as a private road, the developer would be in charge of maintenance, street sweeping, snow removal, etc.

Mr. Cummings replied that the developer would be responsible for everything, if this is built as a private road. Everything except the water and sewer, as the city will have an easement for those. It is up to the homeowner's association to make sure lots are maintained.

Chairman Poole asked if our police department would continue to police an area like this.

Mr. Cummings stated that was correct.

Chairman Poole asked if it becomes an ordinance issue, does the city have the authority to enforce maintenance, i.e., fix potholes.



Mr. Cummings replied that this location is already within city limits. This development would have to abide by all the general ordinances. Weeds and potholes would be included. If the city stipulates that the road must be paved, the city would maintain the control of requiring it to be hard surface. Staff would support this being a gravel road.

Chairman Poole asked about the setbacks and if anything would be different from normal residential.

Mr. Cummings replied that the plan was to allow for 5-foot setbacks for high density, RD-40 (O-RD Duplex and Residential zone). In RS50 (O-RS Single Family Residential zone) setbacks would be 7 feet. These lots are big enough, but it would limit the size of the homes. The idea was to allow for the maximum number of homes in the development. In a planned development, they could use any design that the developer and the city feel is appropriate.

Commissioner Hall asked who would own the property, if it was set at 55 and older.

Mr. Cummings replied that the property owner planned on selling them. He used himself as an example, if a spouse passed away and he could not maintain such a large home, this would be an excellent opportunity. He could own the home, lease the property, and not worry about leaving it to next of kin. A life estate is one option the developer has considered several scenarios.

Commissioner Hall asked is he could buy several of them and “rent them out to 20-year-olds.”

Mr. Cummings replied that no, he could not. Because the CC&R’s would mean 20-year-olds could not be living there. It is not just who owns the home, but the age requirement would include those residing in the home.

An audience member asked Mr. Cummings a question.

Mr. Cummings reminded the audience that they would have an opportunity to ask questions later in the meeting.

Commissioner Fortner asked if a younger person like himself could buy the home and rent it to someone over the age of 55.

Mr. Cummings replied that it all depends on how the developer sets up the agreements. In speaking with the developer, her intention was to sell the lots to those over 55, that only those over 55 could be renting or residing or living there. The city could also set up the rules, by which the developer would have to abide. If a younger person was living there, they would be in violation (of the zoning ordinance) if someone was to bring it to the attention of the city. The CC&R’s determine the enforcement.

Commissioner Grissett ask if the HOA would also manage these regulations.

Mr. Cummings replied that an HOA would be mainly responsible for enforcement. As a city, the response would only be if the violation was brought to their attention. The HOA would be the first point of contact. If unresolved, the resident could then come to the city, would has the power to enforce that agreement.

Commissioner Grissett ask if there was any benefit or advantage to setting an age limit or describing this as an elderly community.

Mr. Cummings replied that the developer would need to respond to the question. Mr. Cummings feels, after two years of communication, the main reason is pressure from the financiers, who do not think there are enough seniors in the area who will purchase these homes. They are asking for more lots in this development. But the developer is determined to provide housing for veterans and residents over 55. The city would want to set those stipulations, if the only reason to approve the development was based on these criteria. Otherwise, the developer would need to come back with a different plan.

Commissioner Breidenbach mentioned he can only think of a few senior communities, all of which are in manufactured homes (trailer parks). He asked if these would be that same (or “stick-built”).



Mr. Cummings replied that yes, it was the plan not to use manufactured homes. The city cannot put that stipulation on, only the developer can.

Chairman Poole recommended that they close the staff meeting and any other questions from the commission be held until after proponents and opponents were allowed to address the commission. Additional questions could be addressed after they close the public hearing.

Vice-Chairman Twombly asked about the three existing homes represented in the map. Would the existing homes on the property be incorporated into the 55 and older housing? Will they be part of the same ownership?

Mr. Cummings replied that 1726 Alameda Dr was not part of the subdivision. 1712 Alameda Dr would be part of the subdivision. 1694 Alameda Dr would be planned as a "management home" for a live-in manager of the subdivision. The details would have to be specified.

Chairman Poole thanked Mr. Cummings and asked to hear from any proponents of the project.

### **PROPONENTS**

Chairman Poole asked if there were any proponents at the meeting who wished to address the commission. The rules for making public comments were explained.

There were no proponents in attendance who wished to speak to the commission this evening.

Mr. Cummings asked if the commission would begin the public comments (from opponents) with the letter written up by Ontario resident Mr. Kenny King and submitted for this meeting.

### **OPPONENTS**

Chairman Poole opened the meeting to hear from any opponents of the project. He asked if the letter submitted would be read into the record and if Mr. King would like to read the letter..

Mr. King declined, but wanted to address the commission afterwards.

Chairman Poole read letter from Mr. King (received by staff 6/9/21):

#### **Bryant Planned Unit Development**

June 7, 2021  
Planning and Zoning Administrator  
Ontario Community Development Center  
458 SW 3<sup>rd</sup> Street  
Ontario, Oregon 97914

To Whom it May Concern:

My name is Kenny King and my wife's name is Marissa King, we do not support this Bryant Planned Unit Development. We have lived at 1649 SW 12<sup>th</sup> Street since January 2017. Our tax lot number is 8000. This is a letter to explain the interactions we've had with the pasture property, tax lots 3200 & 3500 since January of 2017, and to express our concerns with the potential rezoning of these lots, per the Bryant plans available at City Hall.

In spring 2017, I noticed white top weeds growing in the pasture. I went knocking on doors of residences around the pasture to see if the owners would be able to take care of those weeds before they started infringing on our property. The owner of tax lot 3500 said the owner of the pasture lived



on lot 3200. The owner at lot 3200 said that her husband was working in mining and was very busy when home. I volunteered to spray 2,4-D broadleaf killer on the weeds and she said that would be fine.

On 4/13/2018, lot 3200 was sold for \$150,000. Cindy, the new owner of lot 3200, knocked at our door and asked about adding a sewer drain and road access through our property. She said that she would like to build a shop with plumbing on the property at the residence for lot 3500. Cindy offered to trade a new section of fence delineating the "easement" she wanted for the road and plumbing. We told her we were not interested in giving up any of our property, through easement, trade, exchange, or sale. She insisted that it was only a small portion of the corner of our lot, and she would be more than happy to match the style of fence we liked. We expressed again that we were not interested in her proposal. Later that year, I asked for permission to spray 2,4-D on their pasture to keep the white top weeds at bay. They agreed.

Since these first couple of friendly interactions with the new owner of lot 3200 in 2018, they have not tried to communicate with us directly. Surveyors have come by our house on two different occasions to measure our property and our shed on our property. Additional indirect communication included a UPS driver delivering a package to our son. The driver knocked at the door, handed the package to our son, and then he asked to speak to me. The UPS driver spoke with me for approximately 15 minutes, attempting to convince us to sell a portion of our property to the owners of lot 3200, and we should talk to their realtor. The driver gave me Britney Mills phone number as a contact for the realtor. I assured the UPS driver that we were happy with our property and fence the way it was.

The proposal to rezone lots 3200 and 3500 from City Single Family Residential to City Planned Development Residential was likely their agenda from the start. Truth and honesty is very important to us when building relationships with new people, especially neighbors. The above listed interactions with lot 3200 owners and even others acting on their behalf, have left me feeling distrust.

We are in support of affordable housing for seniors and veterans in Ontario Oregon. However, we do not support Bryant Planned Unit Development, due to the following issues and concerns:

- How will this plan include a 20 foot road for fire emergency access when the existing fences are 16 feet apart? The minimum gate access is 20 feet according to Appendix D of the International Fire Code.
- When I measure a sidewalk and curb it comes out to 5 feet. Will this access have sidewalks per Ontario, Oregon Municipal Codes 8-3-1 through 8-3-12 for pedestrian safety?
- We are concerned that to make these plans feasible, property from lots 8000, 3400 and/or 2500 would need to be included. None of said property owners have agreed to give up any of our land for the project.
- Have tax lots 3200 and 3500 been proposed to be rezoned in the past, and if so, what was the outcome of those Planning Commission decisions?
- The city intends to bring sewer through between lot 8000 and 8100 which will sever enough roots of our 40' tall trees and other establish landscaping to kill them. These trees life and atmosphere of these trees in my yard is priceless to me.

Thank you for your consideration of our questions and concerns and we look forward to learning more about the proposed rezoning.

Sincerely,      Kenny King





Chairman Poole invited the letter's author to address the commission.

Mr. Kenny King, Ontario resident, spoke to the commission:

"Thank you for all your consideration. Last Monday I walked around the community and talked to the neighbors. When I got to 1726, I spoke to her and her husband about why they backed out of the original project with the road designed into it. They have a similar situation where they felt pressured. I can't speak on their behalf. They did say that when the surveyors came in to survey their property, their property was five feet past their fence and in the driveway of Cindy's. There is easement there already because they have been using the road for years. I think it is strange that they are claiming this will be the plan, when there is no access."

Mr. King referenced the staff report, with how the road was to be built.

"If Cindy had been more honest in the beginning, there was a chance that I would be willing to deal property with her. The current plan is to go with private driveways around this entire lot, according to Dan. I understand that anything that we bring up in this meeting is a foundation for future lawsuits."

Mr. King referenced the Oregon Model Development Code (State of Oregon Transportation and Growth Management Program, 2015. *Model Development Code & User's Guide for Small Cities*, Edition 3.1 Volume II. <https://www.oregon.gov/lcd/TGM>) Chapter 4.3 - Land Divisions and Property Line Adjustments and Chapter 4.8 - Master Planned Developments.

"4.3 specifically says that land division and property line adjustments and I believe that A-K, the list on here, none of these list the land division or property adjustments by the city. None of these criteria meet this particular road in the back. Because it's either my property or this family's property that's going to be affected by it."

"I understand that the city has got easement? Is that the right term? Or right-of-way? So, this specifically says what that right-of-way can be used for by the city. Nowhere in this paperwork does it say that you can take right-of-way from a private individual that's been taking care of that land and give it to another private individual for a bigger driveway. That's essentially what Cindy is proposing here. She's saying that we need a firetruck to get in here. We're going to take this family's private land that they have been...it's been lotted that way since '72, I think. It's been a while since that fence line has been up."

Mr. King referenced the Bill of Rights Fifth Amendment to the U.S. Constitution. "We own land, and we have a right to land. For the city to take it and give it to someone else, just so a fire truck can drive down their driveway, seems wrong to me. Whether it's by my property or their property. One way or another, for the safety of possibly 70 people, who knows? How many houses are actually going to be built there?"

Chairman Poole asked the commission if they had any questions for Mr. King.

Chairman Poole asked "Which is your piece property, sir?"

Mr. King replied "1649. It's the triangle shaped, kind of a strange property."

Chairman Poole thanked Mr. King for his time.

Ms. Linda DeBoer, Ontario resident, spoke to the commission:

"My name is Linda DeBoer. I am the property owner next to Ken. I'm on 1677. There's a couple of things I just want to point out."

Ms. DeBoer left the podium and approached the screen displaying the map. She pointed out 33 houses for this project and located her house. She pointed out how close the buildings in the design proposal were to the right-of-way in question.



Ms. DeBoer mentioned a “PD” Planned Development can be lots of things. If this isn’t stated just for 55 and older, it could be business offices, churches museums, etc.

“We are really concerned about this little piece of property. Also, in PD Code 17.12.4 it says...I think this property is 3.8?...says it can be no less than 4 acres.”

“I also want to point on...you can’t park on the street according to how an individual would like to develop this.” Ms. DeBoer left the podium again and went to the screen to point at a property on the map. She referenced the northwest corner of the property. She asked about the three or four houses in the drawing on the far east side of the property.

“Why are these over here? She bought this property around 2017. I just kind of feel like...I wish we would have known what she really was thinking. Is she really trying to benefit the neighborhood? That’s all I can say for a time.”

Chairman Poole asked the commission if they had any questions for Ms. DeBoer.

Commissioner Grissett asked Ms. DeBoer “What are your thoughts if it is mandated 55 and older?”

Ms. DeBoer said “If it’s mandated 55 and older, I still have a problem with the amount of houses there. I really do. That’s a great deal in our neighborhood. I don’t know if it will change the value of our home. I just don’t really think this is the appropriate area to have this development. Housing? Yes.”

Ms. DeBoer mentioned she was a volunteer supervisor at the hospital. “I think they are going to be cramped. I think family life is important, too. I just don’t know if these small homes can accommodate them. Each of those homes on the outside are one bedroom. The ones on the inside are two bedroom.”

Ms. DeBoer asked how big each of the proposed houses would be. Mr. Cummings estimated about 1,000 sq ft.

“We just feel like the traffic...if there is a gate down there that’s going to be locked, fine. But, are you going to promise me that?”

Chairman Poole replied, “We can, if that is the decision of us and the city council.”

Chairman Poole gave an example on North Verde with a gate and a chain, only fire dept has access, which has been kept locked on both ends for the past three years. “It can happen.”

Ms. DeBoer asked if there was a time limit on this project. “Does she have to build this right away?”

Mr. Cummings said a time limit could be put on a project. He added that the purpose for a preliminary hearing like this is to find out what the property owner’s plans are and if they could move forward. Most subdivisions are typically 1-2 years. Some developers can go faster.

Ms. DeBoer said that “gated communities don’t usually work. When you have it changed to PD, she could change her mind and change these from 55 to apartments for 55. That changes this whole structure again.”

Chairman Poole thanked Ms. DeBoer for her time.

Mr. Kevin Aleman, Ontario resident, spoke to the commission:

“Hello everyone, My name is Kevin Aleman. I live in Ontario, at 1218 SW 16<sup>th</sup> Ave. It’s that house on far right with the pool.”

“We have been taking care of that piece of property for twenty years now. There has never been an issue.”

Mr. Aleman stated that the city has said that if they can keep that piece of property clean, they could do



something with it, maybe get the sidewalk finished. He has loved living there, until now, because of safety reasons.

Mr. Aleman stated that with the elderly there are a lot of concerns and responsibilities, with emergency vehicles coming through.

"Right now it's quiet. Potentially, these houses are really close. And so is ours. We could be the first town to get a firetruck in a pool. Sounds like a pretty crazy headline."

As a business owner, and house owner, and TVCC graduate, they worked with the city to put that fence up. Without any notice, other than Mr. King, they would not have known about the project.

"The city has not addressed this at all. She's about to change our neighborhood dramatically."

Mr. Aleman has concern for the school (Alameda Elementary), where they host a lot of recreational games.

"That's about to change if there is a new crime to take care of."

"I could buy a house, potentially, if my grandfather passes it to me. Now I'm the one living there."

Mr. Aleman gave the example of an older home owner who dies, passes the property on to a grandson, then a younger person is then living there. It will be a risk to Ontario to allow that to happen.

"That is the responsibility on the city of Ontario. If you are willing to take that risk and keep us safe, like we are now, keep the school safe, keep all those kids safe. Hopefully, not to get anyone into a situation where they are scared to live there."

"Our peace and quiet, it's going to change. The elderly go through a lot of accidents. It's common. I'm not judging them. I also love the elderly. The veterans, I love them. But it's all about location. 33 or 35 houses in one setting? Yeah, that sounds pretty wild, if you ask me."

Mr. Aleman was concerned about affordable housing. "Track records show that with affordable housing comes a lot of issues. Environments are changed, crime rates go up. It's just something that happens."

"Our house, the property we took care of, gladly...we were glad that we could stretch the fence there. We bought the home with the pool there. That's about to change. Without no warning, in fact, we were told we could do those things. I've lived there with my parents for over twenty years."

Mr. Aleman commented how small the houses would be for the elderly. He asked if an older person buys the house, passes away, then who will take care of that house? "These houses are a big unknown PD. The elderly are unknown. The future of Mr. Fortner businessman? Unknown. Me possibly living in one? Unknown. It's just one big unknown for the safety of our neighborhood, for the safety of the school. It might change our dynamic. It might change the city's dynamic, putting the responsibility on the city departments."

Chairman Poole thanked Mr. Aleman and asked the commission if there were any questions for him.

Mr. Craig DeBoer, Ontario resident, spoke to the commission 7pm

"Some of my concerns are: I'm all for supporting the military and those 55 and older. I know there are several spots in the City of Ontario where they have those facilities. My problem is, who is going to enforce this? For one, from what I understand, Cindy doesn't even live in Ontario...she does not live in Ontario, so she is not trying to better herself, as far as for the city itself. She's doing it on a financial gain, which, more power to her."

Mr. DeBoer referenced SW 12<sup>th</sup> Street, "We have enough trouble with speeding. And you tell me that you put a 55 or older, clear back in here by 1691, and he has somebody come and visit him or her, and they are going to park clear up here?"



"Who is going to enforce parking on the street? Who is going to help maintain those streets? Even though she is selling those lots, those homeowners are supposed to be able to take care of those lots. 55 and older? I don't know. There are issues there."

"We've lived in that spot 18 years. We bought it with the view, living basically in a country setting. That will be gone. What's the value of all these people's homes that have been established for years? What's it going to do to their property values? Is it going to tank them? Or is it going to go up? I don't look for mine to go up because I have 33 homes behind my house."

"There's a lot of concerns. We've never met this lady. Yet she tells us that everybody is onboard. B.S. They're not. There's a lot of unanswered questions here, that's getting pushed through with the simple vote of you guys."

Mr. DeBoer was concerned that if this project goes through, the developer could then come back and get the rules changed. "If things don't change, she can come back and have you guys get the rules changed, to start putting her daughter into one of these homes. Or someone that's younger than 55, into one of these facilities. What's to keep that from happening? There's just a lot of unanswered questions and a lot of real concerns that, I think, has been deceived through the public."

Chairman Poole thanked Mr. DeBoer.

Mr. Don Ray, Ontario resident, spoke to the commission:

Mr. Ray went to the screen and pointed out his residence. "I'm the senior person on this street. I've been there for 33 years, though we are getting ready to move. I will tell you this: Everybody along this street has paid for that fence. Any time there is a fence repair, never once has she offered to ever fix the fence that is falling down. We have footed the cost for all the fences."

Mr. Ray went back up to the map on the screen. "Where this is at over here, they decided to go in. This gentleman here, they had it gated out there. They just cut the lock, so they could go through and start cleaning up the property in there. In the 33 years I've lived there, they used to have a farmer there and everyone here can vouch for this, every year I would go out into that field and I would cut the thistles down, because they were eight feet tall. I've cut other stuff down so that I could keep it away from the fence. So right now, she is not maintaining anything."

Mr. Ray went back up to the map on the screen. "If you will notice all of these lots up there. The size on them, they are cutting every one of those lots in half and putting two houses on every lot. Just think about your subdivision up there, where you're from. What would happen?"

"This is a really nice area here. Like this other gentleman said, traffic has become so much more in the last years. You guys need to drive out here and see what this little road is here. It goes between these houses. The road doesn't amount to a whole lot. I don't know if we can bear a whole lot more traffic up there."

"As it is, right now, on 16<sup>th</sup>, we get our roads plowed once a year, when the snow comes; which is okay. But, what is going to happen when this all goes in."

Mr. Ray went back up to the map and pointed out the location of Pennington Drive, east of SW 12<sup>th</sup> Street. "33 houses is just so much. Pennington Drive is back in here. I doubt that there's 33 houses along that drive."

"This is a nice neighborhood. I want you guys to just think about what we're doing here. 55 and above is great. But those are awfully small houses. What is to prevent her from just putting double-wide trailers up there, and then just renting them out?"

Chairman Poole thanked Mr. Ray.



Mr. Paul Gehrman, Ontario resident, spoke to the commission:

"I'm not here for this, but I had a question. My name is Paul Gehrman and I'm a neighbor of Ralph's (Chairman Poole). If you turn that into a private road, the Ontario Police Department will not be able to help you with things like parking problems, in there. Or, people speeding in there, because it is a private road. If it's public, then they can enforce it. But they cannot enforce infractions there on a private road. They can take a DUI, or a reckless driver, and remove her. But outside of that, no. Just for your information. Thank you."

Chairman Poole thanked Mr. Gehrman and announced they would close the public hearing.

### CLOSE HEARING

Chairman Poole asked Mr. Cummings if he would like to address any other questions.

Mr. Cummings wanted to clarify some information on the development.

"Mr. King is under the impression that we are taking land from these people under this operation. We are not."

Mr. Cummings pointed out the existing property line on the map. He referenced the homeowner at 1218 SW 16<sup>th</sup> Ave. "I have met with him a couple of times. They came in to pull a building permit. That is when I did state to them that their fences were in city right-of-way. I did make a statement to them at the time saying, right now, we do not see that as a big issue. We're not going to come and make you take it down, until such time as we need the right-of-way."

Mr. Cummings referenced the right-of-way location on the map, between 1218 SW 16<sup>th</sup> Ave and 1649 SW 12<sup>th</sup> Street. "At this point, the city is saying that we need that section of right-of-way because they are going to require her to put the fire road in here."

Mr. Cummings pointed out that the planning commission can suggest to the city Fire Chief that the emergency access is not needed, and not put the emergency road in. "But, again, I have to agree with the Fire Chief. We would want a secondary, emergency access. We have the ability. We have a 30 foot right-of-way already there. Yes, these people have used that right-of-way for years. That fence was put in prior to these people buying it. No fault to them. They did not do the encroachment. But, it is an encroachment into city right-of-way."

Mr. Cummings added that the right-of way in question was already dedicated during the development of the subdivision, to the north of the property in question. "We are not asking to take any more ground from any adjacent owners at all, for that portion of the action. Yes, the improvements in the city's right-of-way would have to be removed to a certain extent, to get that access there."

Mr. Cummings asked if the council had any additional questions for him.

Commissioner Breidenbach asked about the size of the acreage, whether it was under four acres (as asked by Ms. DeBoer).

Mr. Adam Brown, City Manager, looked up the acreage and saw it listed as "just over four, for the two parcels."

Someone in attendance thought that the map showed the acreage as 3.86.

Mr. Cummings responded that, with the lots combined, tax lot #3200 being 3.68 acres, tax lot #3500 being .558 acres, makes a combined total of 4.238 acres. He showed on the map where the boundaries of the two lots were located.



Someone in attendance commented that the one house in question (1694 Alameda Dr) would not be a part of the proposed development.

Mr. Cummings clarified that the property within this proposed development belonged to the developer (tax lots #3200 and #3500); excluding the homes at addresses 1726 Alameda Dr and 1647 Alameda Dr.

Someone in attendance commented that there are two, regular sized homes existing in the location.

Mr. Cummings confirmed on the map the location of the two houses (1726 Alameda Dr and 1694 Alameda Dr) and that the developer's parents reside in one of them.

Someone in attendance commented that the "PD" would include the existing, bigger houses in the development; making 33 homes plus 2 existing houses.

Mr. Cummings confirmed this number was correct for the existing design proposal. He also clarified that each "house" was really counted as a lot. He also clarified that if the developer wished to build additional houses, they would have to come back through the public hearing process and present a proposal to get that change made.

Someone in attendance commented that they "missed that part."

Mr. Cummings explained that it would be under the same action for the Planning Commission to approve. "Whatever they set, if the Planning Commission does not set the age limit to 55, then it does not matter. She could let anybody live in there. But, that is the purpose of these public hearings."

Mr. Cummings also mentioned that the developer had the City Council meeting and tonight's meeting mixed up, that she would not be able to attend. He mentioned that this decision is up to the Planning Commission, and they could table the action for another time.

Commissioner Breidenbach asked about the letter submitted by Mr. King. Have these properties been previously considered for development?

Mr. Cummings's research only found one earlier action, when the property was originally annexed into the city limits and rezoned to the RS50 (O-RS Single Family Residential zone) as it is currently zoned. He does not know of any other actions proposed for this property. The only exception would be the property line adjustment approved and signed by the owners of 1726 Alameda Dr. He added that the homeowners changed their minds, so the adjustment was never finalized. He said that he did not know the reason as to why.

Commissioner Hall asked if Ontario has any other developments with only a twenty-foot roadway width.

Mr. Cummings did not believe Ontario had a development like this.

City Manager Brown if the development (NW 2<sup>nd</sup> Ave) behind the high school was an example.

Mr. Cummings said that NW 2<sup>nd</sup> Ave is a one-way street, but wider than 20 feet, because they wanted to allow parking on that street. The only parking at this development would be in a garage, on the side of the house, or the overflow parking.

Someone in attendance commented 33 houses would be a possible 66 vehicles in the development.

Commissioner Breidenbach asked about the staff report. Where would the sewer and water come in?

Mr. Cummings replied that the sewer and water would be an easement, coming in through the same right-of-way in the northeast corner. The easement would wrap around the street and service the individual houses. Homes on the west side of the property would tie into water and sewer from Alameda Dr. If approved, the developer would have the right to do so. The plan is that the majority of the houses will have water and sewer connected to SW 12<sup>th</sup> Street.





Mr. Cummings confirmed that this would be a private road. The only response that the city police would make is for emergencies and life-threatening situations. The city could enforce ordinance violations such as weeds but would not enforce parking on the street. That will be the responsibility of the HOA. But these houses are within Ontario city limits.

Commissioner Breidenbach asked about tabled actions. If this action was tabled, would the Planning Commission hold another full public hearing?

Mr. Cummings replied yes, it would be tabled to the next Planning Commission meeting.

Commissioner Fortner asked if the commission is able to mandate “stick built homes,” if they did not wind up with manufactured homes there.

Mr. Cummings replied that the laws of the State of Oregon does not allow a government agency to restrict manufactured homes. The governor has taken that right away from private developers, which is brand new for the state. That is also the case should the property be subdivided.

Commissioner Breidenbach commented that the issue of manufactured homes has been discussed a lot in the last year, with Oregon’s new law.

Commissioner Fortner asked if it is up to an HOA to enforce the parking, instead of law enforcement, how much power does an HOA have to enforce an ordinance?

Mr. Cummings felt they would only do as good as any HOA could. Before it is all finalized, the Planning Commission would see what all the requirements are. But he felt that you cannot say for sure how well an HOA will enforce policy.

Commissioner Grissett asked about the storm drain on the east side of the property (between 1649 and 1677 SW 12<sup>th</sup> St). Is that an existing storm drain, or will that be a new easement?

Mr. Cummings confirmed that the storm drain is existing. He had informed the property owner that, although he did not build the carport on the side of his property, that structure is encroaching on the city’s easement. It was constructed without a permit. If the city has to get into the easement, the homeowners will have to remove the carport at their own expense.

Commissioner Grissett asked if the storm drain goes on the back of the property line. He wanted to know about the tree that Mr. King had mentioned.

Mr. Cummings said that the trees within the easement could pose huge issues for the owner and the city. If the trees grow into the storm drain, cause damage, and possibly require the infrastructure to be replaced. Anything encroaching in the easement will need to be torn out.

Mr. Cummings added that the easement for the storm drain was platted with the subdivision. Every homeowner who purchased lots along the west side of SW 12<sup>th</sup> St will have a title policy and plat of those lots would have seen that easement. He said that situations like this should be in your title, with a copy of the plat showing the easement.

Comments from the audience are undecipherable.

Mr. DeBoer sitting in the audience said “If people come and work on your house and throw 40 sheets of paper at you and say this, this, and this, it really does not explain it, the title doesn’t explain it...we go to City Council, or to city planning and zoning and we’re told to come see you. We say that we are buying this, where is this property line, and okay these are already here. So, now, we didn’t do that. Yet, we’ve paid all that and evaluated our home, and taxes and property values. Now you’re telling us that all of this is going away over possibility of encroachment, and we’re just out S.O.L.”



Ms. DeBoer sitting in the audience asked if there was “a grandfather clause or anything like that.”

Chairman Poole responded to the audience that “No, not when those have already been titled and already been set up as a subdivision, there is a certain level of responsibility called Buyer Beware. That should be in your title report. I would go back and look at your title insurance.”

Chairman Poole asked that the commission continue their turn of asking questions.

Chairman Poole asked if, under the current zoning, would there be enough access to get in? Would there still be a requirement to put in a fire lane? Is there an estimate on how many homes could be built on the property under the current zoning? The scenario would mean full, standard roads, allowed for the access for police, etc.

Mr. Cummings estimated 20-25, because the Fire Chief may not require access through the right-of-way, though he likes a secondary access. The road size would require that they to tear down one of the existing houses. Mr. Cummings gave some possible design changes, considering that Ontario also has some new code amendments.

Chairman Poole pointed out to the public that the neighbors would have no say in a development, should the zoning stay as it is currently.

Mr. Cummings said that it would not even require a public hearing, as long as a developer met all the current code requirements.

Chairman Poole said “Public, please be aware that there could be as many as 25 homes going in there and you would have no say in what happens, period.” Only because it would be a planned development are residents being allowed to come in and participate in a public hearing.

Ms. DeBoer sitting in the audience asked if there was any reason the developer “can’t take out some of these homes and not make them so teeny tiny and right next to each other?”

Chairman Poole replied that it would be a matter of the Planning Commission and the City Council in making a decision. “That’s why we have it open to the public, so we can hear all those who might be opposed to that type of development.”

Commissioner Fortner asked “If we don’t change it to a planned development, then we could not mandate that it be 55 and older?”

Chairman Poole said “Correct.”

Commissioner Grissett added that the examples of crime, speed, all the concerns brought up would then be a real problem, because the city would have no mandate, nor would the citizens.

Someone in attendance commented that they went out and measured, and did not think the right-of-way was wide enough.

Mr. Cummings answered that the seeing the plat shows from property line to the corner of the street was platted at 30 feet.

Ms. DeBoer sitting in the audience asked if that included the sidewalk.

Mr. Cummings answered that there was no sidewalk planned there. If the commissioned wanted pedestrian access, the 20 foot road and a five foot walkway would still be under the 30 foot right-of-way width.

Chairman Poole said that in the essence of time, they would entertain a motion to table this action. He reiterated that the public hearing was closed.

## **MOTION TO TABLE ACTION**



Commissioner Fortner moved, seconded by Commissioner Hall, **TO TABLE THE PLANNING ACTION 2021-03-11RZ TO A FUTURE MEETING.**

Chairman Poole reminded the public that this action would again be opened up as a public hearing, allowing for any resident to again present.

Mr. Cummings requested that it be “tabled to a date certain” meaning that the date of the next meeting be included in the motion. The next Planning Commission meeting would be on Monday, July 12<sup>th</sup>.

Comments from the audience undecipherable.

Commissioner Breidenbach mentioned he wants to talk to the city Fire Chief about the access road.

Comments from the audience undecipherable.

Commissioner Fortner moved, seconded by Commissioner Hall, **TO TABLE THE PLANNING ACTION 2021-03-11RZ UNTIL THE JULY 12<sup>TH</sup> PLANNING COMMISSION MEETING.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Mr. Cummings wanted to thank all of the public who took the time to come to the meeting and participated. This is what helps the city know what works for our community.

Chairman Poole announced they would move to the next planning action. Chairman Poole explained the procedures.

The second item to discuss was **Planning Action 2021-03-13AZ.**

Chairman Poole asked for a staff report and allowed a moment for the audience to exit the council chambers.

Mr. Cummings presented to the commission.



**AGENDA REPORT****PUBLIC HEARING**

June 14, 2021

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

**SUBJECT: ACTION 2021-03-13AZ: A REQUEST BY PAUL AND STACEY GEHRMAN FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) TO ALLOW CONNECTION TO CITY SERVICES. AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3.**

DATE: May 10, 2021

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**PROPOSED MOTION:****A. APPROVAL:**

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) , AS SET FORTH IN ACTION 2021-03-13AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.
2. I MOVE THAT THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-03-13AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

**B. DENIAL:**

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-03-13AZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

**SUMMARY**

The applicant owns a parcel of land, known as 18S4705DB, tax lots 2000, 2100, 2102 and 2300. The applicants wish to annex and rezone the property into the City to connect to City Sanitary Sewer and water due to a failed septic system. The subject property is within 300 feet of the City Sanitary Sewer system and therefore under State regulations they are not allowed to repair their Septic



system and therefore must annex to connect to City services. This application, if approved, will result in the annexation of 2.72 acres, plus the right of way for NW 4th Avenue, adjacent to the lands, into the City and a rezone of the property from Urban Growth Area Residential (UGA-R) to City Single Family Residential (RS-50).

### **BACKGROUND**

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

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007.

### **CURRENT SITUATION**

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.

#### **A. Rezone**

1. *Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:*
  - a. *The zoning map amendment is in conformance with statewide planning goals and guidelines.*
  - b. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
  - c. *The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.*
  - d. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*



- e. *The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
- f. *The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
- g. *The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

**Findings of fact based on answers and information given in the application made a part hereof:**

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

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the existing property is zoned UGA Residential and the proposed zoning is Residential in conformance to the City Comprehensive plan and no changes are being requested.

The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The existing property is zoned UGA Residential and is proposed to be rezoned to City RS-50 Single Family Residential.

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

The rezone is in conformance with the acknowledged plan as the requested rezone is the same as the acknowledge Comprehensive plan, no change is requested.

The subject properties are currently zoned UGA Residential and the request is to rezone to the companion City RS-50(Single Family Residential) Zone that is the same zone as adjacent and nearby properties. The requested zone allows basically the same use as the UGA zone and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.

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

There is no mistake made, the requested zone is required due to annexation into City Limits and matches the planned zoning as per Comprehensive Plan.

The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.





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

This is not a granting of special privilege as the requested rezone is the same as the Comprehensive Plan and is requested of the annexation of the property into city limits.

This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. The property is residentially designated under the Comprehensive Plan so a residential zone is the most appropriate for the property.

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

The minimum parcel size in the requested RS-50 zone is 5,000 square feet, the property is 108,464 square feet, more or less. The property exceeds the minimum parcel size and can easily be development into smaller parcels.

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

The property fronts onto the city street Dorian Drive and city services are available within the right of way for Dorian Drive and can be extended into the property for connection of the existing home and future development of the property.

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

The zone change will not adversely affect the surrounding area as the current use is the same use as the proposed zone change which is a single-family dwelling.

Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Allowed uses under city residential zone designations are no more likely to produce dust, noise, etc., then those under the UGA residential zone.

#### **Summary Conclusions - Based on the findings above:**

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.



**CRITERION IS MET**

- b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.

**CRITERION IS MET**

- c. The applicant states in finding 3, that no mistake was made, that the requested zone is required due to annexation into City Limits and matches the planned zoning as per Comprehensive Plan. Therefore, there is no mistake made the findings demonstrates that this criterion is met.

**CRITERION IS MET**

- d. The applicant states in finding 4, that request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. The property is residentially designated under the Comprehensive Plan so a residential zone is the most appropriate for the property.

**CRITERION IS MET**

- e. As noted in the findings 5, the subject property exceeds the minimum parcel size of the requested zoning and is of adequate size for future development.

**CRITERION IS MET**

- f. As noted in the finding 6 above, the property is properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided.

**CRITERION IS MET**

- g. The applicant states in the finding 7 above, the zone change will not adversely affect the surrounding area as the current use is the same use as the proposed zone change which is single family dwelling. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone.

**CRITERION IS MET****Conclusion Rezone: ALL CRITERIA ARE MET****B. Annexation:**

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the*



*property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

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

**Findings of fact based on answers and information given in the application made a part hereof:**

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits.
3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential (RS-50), is consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and, by providing more residential lands in a highly developable area.

The property exceeds the minimum parcel size and can easily be development into smaller parcels.

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

**SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION**

A request for a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions



of approval, or not met; options and discussion are provided under “**Findings:**” and “**Conclusion:**” for each criterion. **All** the criteria and standards must be met in order for the request to be recommended for approval.

**ANALYSIS:**

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for residential use as well as allowing for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This has no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the lands can be developed and connected to city services.
- D. **POLICY/LEGAL** 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 consistent with the Comprehensive Plan.

An annexation and rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

**ALTERNATIVES:**

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from UGA-Residential to City Single Family Residential (RS-50) of the subject property.

**ATTACHMENTS:**

- 1. Attachment 1 Property Before Rezone
- 2. Attachment 2 Property After Rezone
- 3. Attachment 3 Area Map
- 4. Attachment 4 Rezone Description
- 5. Attachment 5 Parcel being rezoned to RM-10



Mr. Cummings was open to any questions.

Commissioner Breidenbach asked about the deferment.

Commissioner Fortner asked about the deferment.

Commissioner Grissett asked how much traffic was on that road.

Chairman Poole said quite a bit. He lives across the street from the property owners.

Commissioner Hall suggested not deferring.

Vice-Chairman Twombly asked about an LID.

Mr. Cummings explained about a Local Improvement District (LID).

Commissioner Hall asked about the property to the south.

Vice-Chairman Twombly asked about an open-ended deferment.

Mr. Cummings said the City Council has the option to set the timeframe.

Chairman Poole asked about procedures.

#### **PUBLIC COMMENT**

Chairman Poole closed the staff report and asked for public comment.

#### **PROPONENTS**

Chairman Poole asked if there were any proponents at the meeting who wished to address the commission.

There were no proponents in attendance who wished to speak to the commission this evening.

Ms. Stacie Gehrman, Ontario resident, spoke to the commission:

Ms. Gehrman explained the situation, pointing to the map on the screen.

City Manager Brown asked if she was interested in paying now or to defer?

Mr. Paul Gehrman, Ontario resident, spoke to the commission.

Chairman Poole asked if there were any other proponents.

#### **OPPONENTS**

Chairman Poole asked if there were any opponents at the meeting who wished to address the commission.

There were no opponents in attendance who wished to speak to the commission this evening.

Chairman Poole closed the public hearing and asked for questions to staff.



Chairman Poole confirmed that staff was asking the commission to decide upon annexation and rezone.

Vice Chairman Twombly asked about contractors.

Chairman Poole asked about the houses to the north, sitting up higher than the property in question.

Chairman Poole asked the commission for any further questions.

Chairman Poole closed the public hearing.

### **FINDING OF FACTS**

Chairman Poole requested a motion to accept the Finding of Facts

Vice Chairman Twombly moved, seconded by Commissioner Breidenbach, to **APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) , AS SET FORTH IN ACTION 2021-03-13AZ.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Commissioner Hall moved, seconded by Commissioner Breidenbach, **THAT THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-03-13AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Commissioner Breidenbach requested an additional motion, recommending to the City Council on this action, to defer the cost of any improvement requirements on this property, seconded by Commissioner Fortner.

Mr. Cummings mentioned that under deferment, it is the city who decides when that street needs to be done.

Commissioner Breidenbach amended his additional motion, **recommending to the City Council on this action, to defer the cost for any improvement requirements (on the street portion) for this property until adjacent properties are being developed**, seconded amended by Commissioner Fortner.

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

### **HAND-OUTS / DISCUSSION ITEMS**

Mr. Cummings said there are no hand-outs or discussion items, other than to remind the Planning Commission that they now have a meeting on July 12<sup>th</sup>.

Chairman Poole commented that a problem he sees is the commission dictating what a developer should build.

Mr. Cummings said in plan development, a commission can approve plans or request modifications.





**ADJOURN**

Chairman Hall asked if there is anything else to discuss.

Commissioner Fortner motioned, Vice Chairman Twombly seconded, **that the meeting be adjourned.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

The June 14<sup>th</sup> Planning Commission meeting adjourned.

**ACCEPTED:**

\_\_\_\_\_  
Ralph Poole  
Planning Commission Chairman

**ATTESTED:**

\_\_\_\_\_  
Marc Berg  
Ontario Planning Technician





## **PLANNING COMMISSION MEETING MINUTES**

**Monday, July 12, 2021**

### **CALL TO ORDER**

The Ontario Planning Commission was called to order at 6:00pm in the Council Chambers of City Hall. Commission members present were Chairman Ralph Poole, Cydney Cooke, John Hall, John Breidenbach, James Grissett. Max Twombly was excused and Blu Fortner was absent.

City Staff present were Dan Cummings, Community Development Director; Marcy Siriwardene, Building Official; and Marc Berg, Planning Tech. Adam Brown, City Manager, and Ex-Officio Eddie Melendrez were present.

The meeting was recorded and is on file at the City Community Development Center. The agenda for this meeting was emailed on or before July 2<sup>nd</sup>, 2021. Copies of the Agenda were available at the City Community Development Center.

Chairman Ralph Poole led everyone in the Pledge of Allegiance.

### **ADOPTION OF AGENDA**

John Hall moved, seconded by Cydney Cooke, to adopt the agenda as presented. Roll call vote: Cooke-yes; Fortner-out; Twombly-out; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes. Motion carried 5/0/2.

### **PUBLIC COMMENTS**

Chairman Poole addressed the audience and summarized the previous Planning Commission meeting. He asked for any public comments from the audience, anything not related to action 2021-03-11RZ. There were none.

### **ADOPTION OF MINUTES**

John Breidenbach moved, seconded by John Hall, to approve the adopt the June 14, 2021 minutes as presented. Roll call vote: Cooke-yes; Fortner-out; Twombly-out; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes. Motion carried 5/0/2.

### **PUBLIC COMMENTS**

Chairman Poole described the continuation of action 2021-03-11RZ.

Chairman Poole asked about ex-parte contact.

Mr. Adam Brown, City Manager, notified the commission that he had spoken to one of the affected property owners neighboring this development.

Chairman Poole asked if anyone had objections to the Ontario Planning Commission's jurisdiction in handling this issue, or to make a ruling.

There were no objections to the Planning Commission's jurisdiction.

Chairman Poole asked if there were any abstentions. No abstentions made from members present.

**PUBLIC HEARING: CONTINUATION OF ACTION 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING**

Mr. Dan Cummings, Community Development Director, presented an update on the project.

- An updated map was shown to reflect the concerns from the last meeting.
- The State of Oregon requires that duplexes be allowed on any lots zoned for residential. A duplex would require two lots.
- The developer will redesign the one-way street, to widen the road and shorten the lots.
- Emergency vehicle access will remain at northeast corner of the development.
- Staff recommended that, if approved, it would include Conditions of Approval.

**DISCUSSION**

Chairman Poole asked if the restriction of 55 and older was for the owner, or the resident living in the home.

Mr. Cummings said anyone can buy a lot, but the restriction would be for the resident living there.

Commissioner Hall asked about the street width.

Commissioner Breidenbach asked about the on-street parking.

Mr. Cummings reminded the commission there are two letters sent, to be read into the record.

Commissioner Cooke asked about the individual lots.

Mr. Cummings replied that someone could buy a lot, rent a lot, or let the developer build the house and rent it to someone 55 and older. They will provide as many options as possible.

Commissioner Cooke asked about an owner who wants to will the property to descendants.

Mr. Cummings clarified that anyone could inherit a home, but that owner must follow the same rules.

Chairman Poole asked if there were any additional comments or questions.

Chairman Poole asked if the developer would address the Planning Commission.

Public Testimony – Those signed up to speak during the public hearing:

- Ms. Krista Frahm, Ontario resident (opponent)
- Ms. Annah Tubbs, Ontario resident (proponent)
- Mr. Kenny King, Ontario resident (opponent)
- Mr. Craig DeBoer, Ontario resident (opponent)
- Mr. Derrick McKrola, Vale, OR resident (proponent)
- Mr. Michael and Ms. Diahann Derrick, Ontario residents (proponent)
- Mr. Jesse Christensen, Nampa, ID resident (proponent)
- Ms. Cindy Bryant, Bonney Lake, WA resident (proponent)

## **PROPONENTS**

Ms. Cindy Bryant, resident of Bonney Lake, WA, explained the details of her project.

Ms. Bryant answered questions from the Planning Commission.

Mr. Jesse Christensen, resident of Nampa, ID, asked if anyone had questions for him. He is the engineer on the development. He brought up snow storage and drainage.

Mr. Cummings answered the city can no longer put any stormwater into irrigation ditches.

Mr. Derrick McKrola, resident of Vale, OR, addressed the commission.

Chairman Poole read the two letters supporting the development.

*To: The Ontario Planning Commission,*

*Letter of support for 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.*

*The Malheur United For Housing Task Force believes that all people in Malheur County should be able to access safe, attainable housing options and supportive services suitable to their needs. To that end the Task Force commits to supporting attainable, sustainable, and inclusive housing options for the wellbeing of all community members.*

*As housing and costs of other goods and services continue to rise in the county and across the nation; seniors, veterans, and others on fixed incomes struggle to maintain their housing and remain in the communities where they want to live.*

*Cindy Bryant's proposal to create modestly sized, owner-occupied homes in a neighborhood catering to those 55 and older would strike directly at these housing struggles. Helping those on fixed incomes to obtain a great home that is in keeping with their needs at a new stage in life, at an affordable price is exactly what this community needs.*

*The undersigned members of the Malheur United for Housing Task Force support the developer's request for an upzoning of the property that this subdivision is proposed to be built on to allow for greater density of housing. The ability to place more homes on this property will not only ensure that prices remain affordable for those who need this housing but will also help create a proof of concept for this type of subdivision to be replicated across Eastern Oregon.*

*As people across the state are struggling with homelessness, housing instability, and the lack of safe and affordable homes; this development would help ensure that some of Ontario's most important residents will be able to have a place to call their own as they enter the next phases of their lives.*

*Sincerely,*

*Lindsay Grosvenor, RD – Coordinator Nutrition Oregon Campaign Ontario HUB*

*Tom Greco, Pastor - Ontario Community Church*

*Clayton Crowhurst, Housing Developer - Northwest Housing Alternatives*

*Military Order of the Purple Heart*

*257 Grand Island Dr, Eagle, ID 83616*

*Dear Cindy,*

*I am the Commander of the Department of the Idaho Military Order of the Purple Heart of the USA. The MOPH and Chief Joseph Chapter 509 would support projects that will help seniors and veterans that are on a fixed income.*

*We understand that lots would be small to provide a low monthly overhead and that would divide the total cost of the infrastructure (utilities and streets) for there to be as many lots as possible on the property keeping most sized at about 50x80.*

*The MOPH is greatly in favor to creating affordable homes for Seniors and Veterans in a small safe environment in a rural community like Ontario. By giving Seniors and Veterans a choice, the following benefits would be achieved.*

- Giving local inhabitants a choice that will provide this type of living.*
- A private subdivision so the streets can be monitored and controlled by the residents.*
- Small affordable square footage homes.*
- Homes focused on energy efficiency.*
- A very small yard to care for.*
- Keeping fixed incomes in mind.*
- There will be minimal CC&R's controlled by the residents.*

*Ned M. Barker - Commander*

## **OPPONENTS**

Chairman Poole asked if those were in the record. He asked if there were any questions on the letters.

Ms. Krista Frahm, resident of Ontario, shared some concerns. *"One of my concerns...just a question that I had is that this letter we are now hearing is saying 'owner-occupied' and we are hearing possibly 'owner, rented out.' So, it sounds like there are a lot of things that are not decided upon. I understand that these things will be fluid, they need to be fluid. But, it doesn't sound like this has been fully thought out with the limitations that there are. I heard him say that the duplexes in here are required. But I looked at the law and it says that it is not required, but that it is allowed (for the duplexes). We were told that it is required when the law says no, it's allowed. One thing that I'm concerned about is that a lot of this stuff has been done on the fly. We have an engineer who is not licensed in the state of Oregon. But it will be signed off by an engineer who is licensed in the state of Oregon. I don't know if that was made aware to anybody. I am this household (points to map) right up here. I have four children, yet we're going to have people who may or may not like children and the ruckus that they have. This household over here (points to map) has five children. Our houses back up to these homes. I like older people. I help my neighbors a lot. But, sometimes these areas don't work out as well, especially when the other half have people who own homes but don't live in them, not taking care of them, acquiring fees, or other problems from the city. Because they own it but they don't live in there and aren't taking care of them. So, these are my concerns. This area right here (points to map) where the road goes in. They were not able to put this in because this property belonged to someone. They needed 1,300 sq ft of this property. This owner was only offered \$1,300, to lose their driveway, which would devalue her property. There were other people who were also offered a very minimal amount. For a lot this small, it's \$45,000. I don't understand how with this price in this market and the price of goods, that these are going to be reasonably priced. Am I the only one who is thinking this? \$45,000 for a lot of that size. They would have to add on their HOA fees and landscaping fees. If they are old people, they cannot do it themselves. What is going to be the average cost of this home, that a person can afford? I couldn't afford a home when the lot is \$45,000 to \$50,000. I could not afford that, because then I would have to pay for the house. We bought this house (pointing to the map) we live here in 2004, at*

*2004 prices. I cannot afford to buy something in here. So, I don't know how elderly people, seniors living on a fixed income. Because how quickly will it become (from an affordable place) to low-income? There are still too many things that aren't tacked down."*

Chairman Poole mentioned that this is conceptual at this point, that the City Council has the final say.

Ms. Frahm, *"So, we are going to approve something that is set this way, but can be changed?"*

Chairman Poole replied as long as it meets city code.

Ms. Frahm, *"So, right now, we are being told that this is what it is, and you guys may or may not approve it. The developer and the owner of the property can still change it from affordable housing, maybe to low-income housing, or whatever they want, after this is approved?"*

*Ms. Frahm gave her name and property location. "So, we are here to discuss this plan as it is. Yet, it is not tacked down and made permanent, as is. Because I also received two other plans for this. When the person dropped this off at my house with the second plan, they said 'you don't need to worry about this. It doesn't concern you.' Frankly, I was furious. How does it not concern me? Because if it didn't concern me, I would not have gotten a paper. When someone is telling me that it does not concern me. A lot of these things just seem sketchy, possibly unethical, and just dishonest."*

Mr. Cummings answered that, as it is currently zoned, the developer could go in and build a subdivision as is. But she is asking for a higher density (through a rezone) to put in smaller homes, to make it more affordable. No one is required at this stage to do a final design. The Planning Commission is reviewing the conceptual plan and stipulate some specific requirements of the development. Legally, they cannot limit ownership.

Ms. Frahm, *"So, I heard 'affordable' again. What is considered affordable? If you are looking at the median income of Ontario, a \$45 to \$55 thousand lot will not be affordable."*

Mr. Cummings answered that even as is (RS-50 zoning), reduced down to ten individual lots, the construction and infrastructure costs would then increase the cost per lots considerably.

Ms. Frahm, *"But it doesn't put the constraint on the 'low-income' or affordable housing. It could just be regular housing. But you are having to cram all those houses in there, to get the price down, to claim it to be affordable."*

Mr. Cummings answered that affordable housing is an issue across the entire state. No one know the true answer to what constitutes affordable. The \$40,000 cost per lot is a true estimate. Reducing the number of houses in the development only spreads the construction costs around to fewer lots.



Ms. Frahm, *"One of my main concerns is how do we make sure that these are done well. We have a lot of homes that are not owner-occupied. They become problem homes very, very quickly, even by a lot of people we know in this town. We have problems all over the place."*

Mr. Cummings reminded them that it is Oregon law that states any residential lot, must allow a duplex as an option. City codes were just updated to reflect that requirement. Getting more houses into this area, will allow the developer to keep these homes affordable. There are developers out there, who want to put large houses in this development. State law was changed years ago, with zoning for single family and owner-occupied, to avoid discrimination. A homeowner has the right to rent out their property.

Chairman Poole reminded the audience that we still live in a free enterprise society, that a builder or developer has the right to do so. A city does not have the right to tell them how much to spend. The Planning Commission is only going to set the parameters of what can be built.

Mr. Craig DeBoer, resident of Ontario, addressed the commission. *"A couple concerns with those lots like that (points to map). I know we have the access on 12<sup>th</sup> Street for fire. But, putting those homes that close, what is the fire protection going to be? What do you have there?"*

Chairman Poole stated that the city fire chief has already signed off on the project. He also asked staff about the backyard setback.

Someone in the audience asked about the distance between property lines.

Mr. Cummings described the setbacks. Backyards are 10 feet, side yards are 7 feet, front yards are 15 feet.

Chairman Poole stated that any subdivision would have to follow the minimum setbacks (in RS-50 zoning).

Mr. Cummings added that in RD-40 zoning, Backyards are 10 feet, side yards are 5 feet.

Mr. DeBoer, *"Then, like, were these all...who is going to be in charge of the fences or, take care of the fences? Is...they going to build new existing fences? Or put new fences in with new city water and sewer? How's that all going to tie together in there, without disrupting pretty much anybody or kind of tie into the whole program?"*

Mr. Cummings answered, regarding the exterior fencing, that property owners can get together and decide. The city does not regulate fencing in residential areas. That is between private ownerships.

Mr. DeBoer, *"Because, like last week, the last month at our meeting, this gentleman, they built a new fence, on your approval, that 'oh, nothing will ever happen, we'll never develop it.' Well, they*

*developed it and now they are out their expense, because you let them or you basically said 'Ah, nothing will ever happen' that they will never get developed. It will never get straightened, it will never go through."*

Mr. Cummings, "No. That statement is not true." He clarified that the property owners built (the fence in question) out into the right-of-way on their own accord, without a permit and without city approval.

Mr. DeBoer, "You know what, you commented on that."

Mr. Cummings answered *"Yes, and what I told them, when I notified them, that their fence was encroaching into the city (property). I said 'we are not going to make you move it, now, until such time that the city needs the right-of way. You are misquoting what was told to them. They didn't even build the fence. I did not tell them that they could build the fence out into the city right-of-way. It was already built out there when they came to me and I told them that, at that point in time, I was not going to make them move it. But, when the city needed the right-of-way, they will. That is the true statement of what was told to them."*

Mr. DeBoer, *"Um, how does adding two different lots, tax lots, how does that come about? How can you take the original three point or whatever acreage and take her another house and her father's house and now add them to one piece to make it? How does that work? I don't understand that."*

Chairman Poole explained the legality of merging multiple lots into one.

Mr. Cummings explained, as long as all of the lots are under the same ownership, they have a right to do with them what they want. Consolidating or subdividing it is what this planning action will do. This would only be an issue if it was property under two different owners. A tax lot is only for tax purposes. The city looks at how those lots were legally created.

Mr. DeBoer, *"It just seems like there's a lot of unanswered questions in this thing. That's, that just, I, I...hats off to her for trying and to make it work. But there's just a lot of unanswered questions that, I think, need to be a little better addressed as far as what goes about. I mean, like you said, the cost is the same whether you build five houses or 36 houses. Um, but it's I think there's a different way to go about it, whether the investors she has the money, who has the money, blah, blah, blah. Makes no matter to me. It just, I'm concerned about my property values and, uh, what it looks like out of my back door, you know. Uh, so, it, uh, just, just think about it being out your guy's back door, if, if they were building at yours. Um, putting 36 tiny box homes outside your door with one-way streets, um, possibly. Krista said seniors that don't like kids. They've got PTSD live, that doesn't go well. Who's going to maintain that? Because the police aren't going to be able to go on it. So, and if she doesn't even live in town. So she's not going to be here to regulate it. She might have to hire somebody that, whose, how many. How long is that going to go before somebody just says 'screw you. We'll do what we want to do.' You know? And then, we're back to square one. So, um, I'll...it just is a tough program. So, but, hats off to her for trying."*

Mr. King, "So, I don't need to talk into the speaker the whole time (goes up to the map on the screen). During the last hearing last month, there is Dorian Drive. The fact that the homeowner was applying for an RS-50. They had to do a sidewalk in front. Was there no deferment for this property before it was RS-50? Is that in the requirements to do a sidewalk straight up on Alameda?"

Mr. Cummings replied yes, they would have to develop their portion of Alameda Drive. Any development would have to do the same, no matter the zoning.

Mr. King, "And then, how about the rest of the street? Was there a same plan to zone, like Dorian did, where the whole neighborhood should have to upgrade this street?"

Mr. Cummings described an LID and how the street could be developed. A similar option will be made to the homeowners here. The city cannot force them to do so.

Mr. King, "I'd just assumed that would already have been addressed, since it became city property, once they move from county to RS-50."

Mr. Cummings said normally, the city does not make anyone build their own streets, unless they are developing it.

Mr. King, "And then, also last month at the meeting, Dorian Drive was specifically said that street water couldn't go into the irrigation ditch any longer on Dorian? And, so, I believe that's the same case on this ditch water. This ditch drainage."

Mr. Cummings said a development cannot dump into any drainage ditch. The piping going out of a development will need to be part of the city storm system, if design work shows it can handle it.

Mr. King, "Very good. And then in the previous meeting, for everybody that wasn't here, I did point out the fact that (walks up to the map) at this point right here, this is my property here. I've got a fence right across here. It's tight quarters here to get a 20-foot road. Because, between my fence and this fence it's 16 feet. And I believe that it's a violation of the fifth amendment of our constitutional right, to steal property from this property or my property for city right-of-way. Because it's...this development is being proposed for private development. Once it's planned development, the city has no control over it. And so, this becomes a private drive and this little road here, is being stolen from me or the neighbors to be developed into a private driveway. And Oregon Code doesn't allow that. They allow city to use their right-of-way for city use, not for private use. And then my other concern is the engineer. I'm surprised that you're not familiar with the grade of the property. Like you said, that the storm runoff, if you have a pool for it to evaporate from, would be in the west end of the property. Because it all grades to the east. That's just how water works. And then that brings me to my last point: I believe all these SS's are sewer lines. It comes out this road. This one house goes down underneath. And then all these other houses, including the current residences, will come to this subdivision's sewer. There's a manhole right about here, right on the side of the street. Then, there's one back here at Pennington. So it kind of runs at an angle. Not quite straight through the street. And then there's electrical, natural gas, and water lines in there also. This line shows it going right here and then up there. And plumbing had to buy in the plumbing. The fact that they have a drain, it's got to...not even a perpendicular intersection to the front end. I just see a poor design. You know, I believe in

*my...the more I've thought about this the whole time that Cindy came to me and asked me for part of my property. She said, 'If you give me street easement into my property, I'll buy you a fence.' And I thought 'Huh, she'll buy me a fence if I let her have some of my property.' And then she's going to make millions of dollars off of this subdivision. And then, with Kelly, this property to the south of her property, she offered \$1,300 is the number I heard tonight. That's pretty ridiculous investment. \$1,300 for a really nice driveway into your property. So, I...it just seems like unless this gets changed into planned development, that her investment or investments, her investors aren't going to invest money in this property. And anyone of us can buy a ticket to a formal dinner and go to it. If you're sitting next to someone that shows up with a Hawaiian shirt on, at the formal dinner, you're not going to want to sit next to them. And I feel this subdivision is a similar analogy to that. That none of these houses fit into the current community. And, who is to say that, once she gets it developed into a planned development, she can sell it. And then the new owners of the property can do...they can build a four-story apartment complex there. More than likely, with Oregon laws, they can do anything they want with it, after it's planned development. Because it becomes private land and private development to do whatever they want. That's the way Dan Cummings has described it. But the future is not locked in, if it's planned development. If it stays RS-50, the city has a chance to control what goes on there. And I think it should stay RS-50. Thank you."*

Chairman Poole stated that is the end of those who signed up as opponents. One more proponent had signed in to address the Planning Commission.

Ms. Annah Tubbs, resident of Ontario, introduced herself. She is in a low-income development, but people can keep their property up. If an HOA is involved, properties do not devalue. There is a combination of elderly and youth in her neighborhood. It helps bring people together. Older people care about the community and care about how their houses look. It's nice of the developer to offer assistance, like built a fence. It's good to give them a chance to own something.

Chairman Poole closed the public comment portion of the meeting.

## **FINDINGS OF FACTS**

Mr. Cummings explained drainage and irrigation water requirements.

Chairman Poole listed off a number of requirements that the commission should agree or ratify, as Conditions of Approval (COAs) as part of the findings of facts:

- Maximum number of units total to be approved in this development.
- Street and sidewalk width
- Parking on the street
- Age requirements for residents (not for ownership)
- Duplex allowance (Oregon code changes)

Chairman Poole asked that the commission discuss each item and come to a decision before a motion is heard. He also stated that the Planning Commission will then make these recommendations to the City Council.

Mr. Cummings said in the developer can build fewer homes than allowed. But they would need approval if more units were going to be constructed. The city cannot take an owners' rights away, but

an age restriction on who resides in a gated community can be set. He said the city has no requirements for snow, but a developer does not do final design prior to a preliminary approval.

Chairman Poole asked if duplexes would fit on these lots, or would need two lots, and where restrictions would be.

Mr. Cummings explained the Oregon state changes for multi-family housing codes. "The size of the lot would regulate the size of the duplex. That is how any subdivision works."

Chairman Poole asked each commission member to suggest modifications for the bullet points.

Commissioner Cooke asked about the number of houses on this development.

Commissioner Grissett asked if this design was based on the maximum density of houses.

Mr. Cummings stated the final number of lots and houses will be finalized by the engineers and designers of the development, to meet all city codes.

Commissioner Breidenbach asked if the commission (and council) determine a maximum number of houses, the engineer would not return with a high number of houses in the final design.

Chairman Poole discussed snow removal, parking, and perimeter lots.

Mr. Cummings described how, originally, a picnic area was going to be utilized, but the final design will not happen until after approval. "Any preliminary plat, every subdivision starts at this stage; of getting the concept approved before going in to heavy, final design."

Commissioner Grissett asked about the drainage, which will most likely go in on the east side of the development, where an existing storm drain is located.

Chairman Poole mentioned that the staff presentations were helpful. The commission is concerned and does not want to set anything beyond their authority. Can they request for a "gathering location" for residents?

Mr. Cummings replied that the commission has the right to set parameters as they see fit. The developer can then take the commissioners requests and work to meet the COAs.

Commissioner Cooke suggested a lower number of houses (25 max).

Commissioner Grissett suggested going with the staff recommendation (36 max).

Chairman Poole mentioned the higher density may be appropriate for this development. The next option discussed: minimum of 30-foot-wide street with a 5-foot sidewalk, making 35 feet total.

Commissioner Hall asked if the two examples in town (of private road) were 28 feet in width.

Mr. Cummings said they have sidewalks on both sides. Our city fire chief went out and measured the two examples: Both measured at 28 feet.

Commissioner Hall asked if an emergency vehicle could drive on the sidewalk if necessary.

Mr. Cummings stated, "They are not wanting parking on the streets. They want to control that area." Commissioner Breidenbach concurred.

The next option discussed: CC&Rs and age limits.

Chairman Poole wanted to encourage the developer to include in the CC&Rs a section on property upkeep and maintenance of lots. "A good HOA makes sense."

The next option discussed: Duplexes

Chairman Poole asked about restrictions.

Mr. Cummings, "Any residential lot, where you allow single family residences, you must also allow duplexes." They also have to meet zoning regulations and code requirements.

Chairman Poole asked about stick built as a requirement, or landscaping (percentage per lot).

Commissioner Grissett asked about building height restrictions.

Mr. Cummings explained that anything not stipulated by the Planning Commission or City Council will default to city code requirements.

Commissioner Breidenbach asked that a "single-story" restriction should be recommended to the City Council.

Commissioner Grissett asked the developer their thoughts on height restrictions.



Mr. Cummings explained the lawsuit considerations. He explained that connectivity is required for access between subdivisions. "At this point, the city has the right-of-way, which allows them to require access." He explained the setback (from the emergency access) is seven feet from the property line.

Chairman Poole summarized the COAs. He asked if the Planning Commission had the legal right to demand a community or gathering area.

Mr. Cummings said the commission has the authority to request things of the developer, and the developer has the legal right to appeal those requests.

Commissioner Grissett asked about a structure to be added as a gathering area or community structure, to double as a storage area or multi-purpose area.

Mr. Cummings clarified that a structure to be used by the public would then have to meet certain regulations and building code requirements (e.g., bathrooms). If you request that from a developer, it should include size and purpose.

Commissioner Hall said he likes the idea, but it is bigger than what the developer would want to do. Some lots do not sell because of the cost of sidewalks. It would raise the cost and HOA dues.

Commissioner Breidenbach suggested they make a recommendation, but not a requirement, for a rec hall. It would also serve as a meeting place for residents.

Commissioner Cooke concurred with him.

Chairman Poole summarized the COAs for the Finding of Facts. He said he would support a motion to accept the findings with the six conditions of approval.

### **APPROVAL OF PLANNING ACTION 2021-03-11RZ FINDING OF FACTS**

The following six points were finalized as Conditions of Approval:

1. Recommending a maximum of 36 units at this development.
2. A minimum of 30-foot-wide street sections with 5-foot sidewalk on the side for a total of 35-foot street and sidewalk.
3. No on street parking on either side.
4. CC&Rs to protect the homes to 55 years and older as residents.
5. Lots will allow duplexes.
6. Limiting all buildings to single-story.

James Grissett moved, seconded by John Hall ***THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD AS SET FORTH IN ACTION 2021-03-11RZ BASED ON THE INFORMATION, FINDINGS AND***

**CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.** Roll call vote: Cooke-yes; Fortner-out; Twombly-out; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes. Motion carried 5/0/2.

Chairman Poole asked if there were any other concerns over the development, before being passed on to the City Council.

Commissioner Breidenbach said "I have too many concerns, just with the whole layout and the long-term plan of it. But I'm not going to make a denial... I just have my concerns."

Chairman Poole asked if the commission would discuss the approval of the motion. He asked if the approval of final design would come back to the Planning Commission.

Mr. Cummings explained the steps of development approval. Tonight's meeting would be a recommendation to go to the City Council. If they approve it, developers will go into final design. The only reason it would come back to the Planning Commission would be if developers needed to change any of the recommended COAs made here tonight. Due to time constraints, he asked that this action be addressed by City Council on Aug 10<sup>th</sup>.

Chairman Poole wanted to reassure those in the audience tonight that this development needs to meet all city codes, plus the Conditions of Approval.

Mr. Cummings responded, the city will protect the property owners, to keep developments built as they were agreed upon. The neighbors, the HOA, they all have a right to come to the city if development does not meet COAs. Tonight's approval would only be for rezoning. Final design can be appealed through city staff, the Planning Commission, and City Council, if it does not meet requirements. "The due process still happens. It is not going to be automatic."

Chairman Poole asked if there was any other discussion. He addressed the audience that he knew it was a touchy subject. But the commission recognizes the need for senior housing. There are examples of successful, similar developments in town.

Commissioner Cooke asked for clarification on the motion to read.

Chairman Poole asked staff if they were to approve, the commission would first need to vote on the rezoning of the property.

Mr. Cummings replied that was the correct order.

**APPROVAL OF PLANNING ACTION 2021-03-11RZ A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.**

Cydney Cooke moved, seconded by James Grissett, ***THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD, AS SET FORTH IN ACTION 2021-03-11RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.***

Roll call vote: Cooke-yes; Fortner-out; Twombly-out; Hall-yes; Breidenbach-no; Grissett-yes; Poole-yes. Motion carried 4/1/2.

### **HAND-OUTS/DISCUSSION ITEMS**

Commissioner Cooke stated, "I really like the idea of what you are doing. I do hope that whoever obtains the property, does understand (cares to understand) the concerns of the neighbors and that you would make sure they would be a good fit for the community in which you are planning on building. In respect to what some of the community members said about children, being tolerant to address their neighbors. Thank you so much."

Marcy Siriwardene, Building Official, asked for clarification. She reminded the Planning Commission to recognize that Adam Brown, City Manager, and Ex-Officio Eddie Melendrez were present at the meeting tonight. Also, city staff who attended the meeting included Community Development Director Dan Cummings, Building Official Marcy Siriwardene, and Planning & Zoning Technician Marc Berg.

Mr. Cummings reminded the Commission that there will be an upcoming City Council meeting, but this planning action will be scheduled for the following meeting in August.

Chairman Poole set the City Council meeting for this planning action to be addressed as Tuesday, August 10<sup>th</sup>, 2021. He invited all in the audience at this meeting to attend.

Commissioner Breidenbach stated that every city meeting will have a public agenda notice. The city's website will have more information on the different meetings being held. He again thanked those who attended the meeting for taking time to come.

### **MOTION TO ADJOURN**

John Breidenbach moved, seconded by James Grissett, to adjourn. Roll call vote: Cooke-yes; Fortner-out; Twombly-out; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes. Motion carried 5/0/2.

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Ralph Poole  
Commission Chairman

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Attest: Marc Berg  
Planning & Zoning Technician



## ORDINANCE #2792-2021

### AN ORDINANCE AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO

- WHEREAS,** Cindy M. Bryant, applicant and owner, has initiated a zone change request for the property in the City for rezoning of the property from Single Family Residential (RS-50) to Planned Development Residential (PD), for property described in Exhibit “A” and shown in Exhibit “B”; and
- WHEREAS,** After giving the notice required by law, the Ontario Planning Commission held a public hearing on Planning Action 2021-03-11RZ, a request for a zone change, on June 14, 2021. After the Planning Commission heard testimony from staff and the general public, they made a motion to table the action pending further testimony from the applicant at a public hearing on July 12, 2021; and
- WHEREAS,** The Ontario Planning Commission continued the public hearing on Planning Action 2021-03-11RZ a request for a zone change, on July 12, 2021. After hearing public testimony, the Planning Commission made Findings of Fact and Conclusions of Law and recommended that the Ontario City Council accept the Findings of Facts and approve the zone change request for the subject property with the following conditions: *1) Maximum of 36 units at this development); 2) That the private street be a minimum of 30-foot-wide street sections with 5-foot sidewalk on the side for a total of 35-foot street and sidewalk; 3) No on street parking on either side allowed on the private street; 4) That the planned development has Covenants, Conditions & Restrictions (CC&Rs) to protect the homes to 55 years and older to residents living within the development; 5) That duplex units be allowed within the development; and 6) That all buildings within the development be limited to single story construction;* and
- WHEREAS,** After giving the notice required by law, the Ontario City Council held a public hearing on the zone change request on August 10, 2021, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law with respect to the subject property:
- A. The City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicant has demonstrated in their application that this request is consistent with Statewide Planning Goals.
  - B. The findings show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
  - C. The City Council accepts the findings of facts as approved by the Planning Commission as stated in the staff reports and minutes of the Planning Commission meeting of July 12, 2021.

- D. The subject property size is more than adequate to demonstrate consistency with this criterion and allows all the owner's property to be developed under the zone change.
- E. The properties are properly related to streets and public facilities within the public streets and utility easements and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided.
- F. The findings show that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for residential uses. For the proposed use, while the impact on surrounding properties will be low with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating any issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air uncommon in a residential zone.
- G. That the City Council accept the recommendation of the Planning Commission and establishes the conditions of approval as follows: *1) Maximum of 36 units at this development); 2) That the private street be a minimum of 30-foot-wide street sections with 5-foot sidewalk on the side for a total of 35-foot street and sidewalk; 3) No on street parking on either side allowed on the private street; 4) That the planned development has Covenants, Conditions & Restrictions (CC&Rs) to protect the homes to 55 years and older to residents living within the development; 5) That duplex units be allowed within the development; and 6) That all buildings within the development be limited to single story construction.*

**WHEREAS,** the above findings have met the criteria of City Code Section 10B-20-30 REQUIRED FINDING, DECISION CRITERIA.

**NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:**

The Ontario Zoning Map is amended by changing the zone from Single Family Residential (RS-50) to Planned Development Residential (PD) for the property described on Exhibit "A" attached hereto and made a part hereof.

**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

# Exhibit "A"

## Property Description for Rezone

Land in the City of Ontario, Malheur County, Oregon, as follows: In Twp. 18 S., R, 47 E., W.M.:

Sec. 9: N1/2SE1/4SW1/4SW1/4,

**EXCEPTING THEREFROM** the following two parcels:

**Parcel No. 1 (Tax Lot 3400):**

Beginning at the Southwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence North 100 feet;

Thence East 145 feet;

Thence South 100 feet to the South boundary thereof;

Thence West 145 feet to the Point of Beginning.

**Parcel No. 2 (Tax Lot 3100):**

Beginning at the Northwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence South 114 feet;

Thence East 145 feet;

Thence North 114 feet to the North boundary thereof;

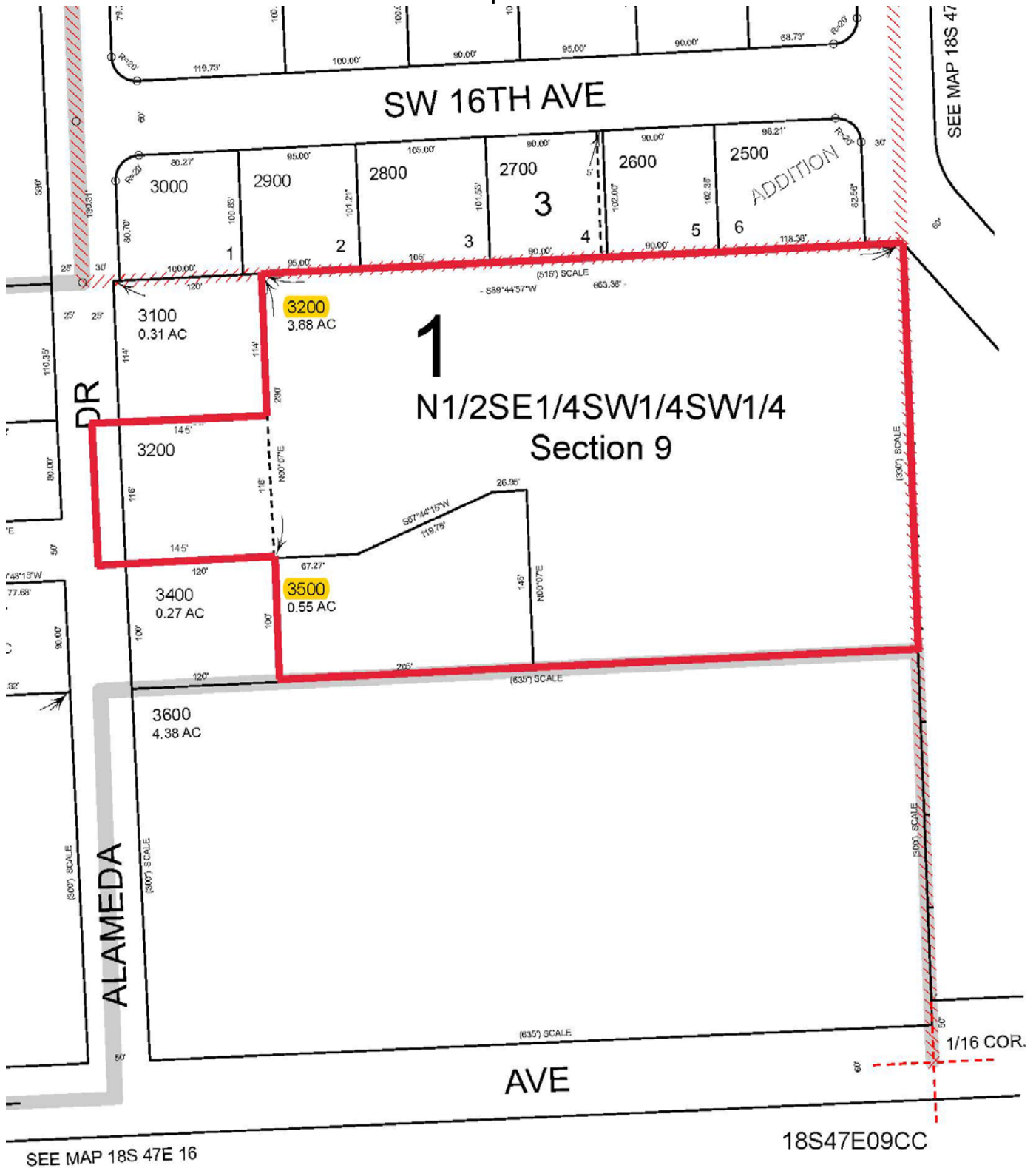
Thence West 145 feet to the Point of Beginning.

**END OF DESCRIPTION**



# Exhibit "B"

## Tax Map for Rezone



RECEIVED  
JUL 26 2021

BY: 

2021-03-11RZ

July 20, 2021

Mr. Dan Cummings  
Community Development Director  
City of Ontario  
Community Development Center  
458 SW 3<sup>rd</sup> Street  
Ontario OR 97914

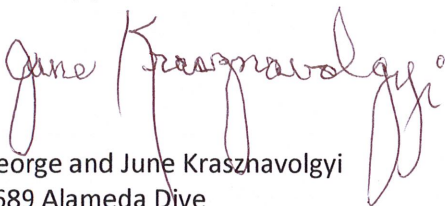
Dear Mr. Cummings:

We would like to go on record as opposing the rezoning of properties from City Single Family Residential to City Planned Development Residential located at 1694 and 1712 Alameda Drive.

We have lived at 1689 Alameda Drive in excess of 54 years and enjoy the quietness of the neighborhood. We are elderly, 82-plus years of age, and do not look forward to increased noise, traffic and activity in our area. George suffers from dementia and Alzheimers, and the construction would be doubly upsetting to him. We believe there are numerous other locations that could be chosen for the building of this complex.

We have also been told that our objections will not matter, that the City and the Developer will proceed with the rezoning. I still believe in the First Amendment and want my objections known.

Sincerely yours,



George and June Krasznayolgyi  
1689 Alameda Dive  
Ontario OR 97914-4123  
208-740-4145



**AGENDA REPORT  
PUBLIC HEARING  
August 10, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

**SUBJECT: RESOLUTION #2021-126: CITY COUNCIL TO DECLARE CERTAIN REAL PROPERTY, BEING A PORTION OF THE PROPERTY KNOWN AS THE SUNSET DRIVE WATER TANK PROPERTY, AS SURPLUS LAND AND NO LONGER NEEDED FOR PUBLIC USE AND APPROVING THE SALE OF SAID REAL PROPERTY**

DATE: July 13, 2021

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**PROPOSED MOTION:**

- 1. I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-126: A RESOLUTION OF THE ONTARIO CITY COUNCIL DECLARING CERTAIN REAL PROPERTY, BEING A PORTION OF THE PROPERTY KNOWN AS THE SUNSET DRIVE WATER TANK PROPERTY, AS SURPLUS LAND AND NO LONGER NEEDED FOR PUBLIC USE AND APPROVING THE SALE OF SAID REAL PROPERTY.**
- 2. I MOVE THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN ALL THE DOCUMENTS REQUIRED TO COMPLETE THIS SALE INCLUDING THE DEED TO TRANSFER TITLE.**

**SUMMARY:**

The city was approached by Trinity Beagles requesting to purchase a portion of property owned by the City of Ontario (Attachment 1). The proposed portion has her improvements; however, those improvements encroach onto the lands owned by the city (Attachment 2). Applicant would like to buy this portion of land to clear up the title to both parcels due to the encroachments, which were there prior to Mrs. Beagles purchasing the property.

**BACKGROUND:**

On April 26, 2021 Trinity Beagles contacted the Community Development Director about the improvements of her property encroaching onto the property owned by the City of Ontario, property known as the Sunset Drive Water Tank Property.

The encroachment was discovered during the process of the Beagles putting their property up for sale. At that time they discovered that not only were some of their improvements

encroaching onto the city property, but also onto the lands of another owner to the west of their property.

In researching the encroachments it was discovered the encroachment existed prior to the Beagles' purchasing the property so they were not the cause of the encroachments. It was further discovered that a majority of the encroachments existed prior to the city purchasing the Water Tank property, so it is not an adverse possession claim against the city since the encroachments existed prior to the city purchasing the lands.

On May 6, 2021 the Beagles offer (Attachment 3) was presented to the City Council in an executive session for the purchase of that portion of the property that has the encroachments. They offered the same price that they had negotiated with the other adjacent property owner, that being \$1.50 per square foot. The county has the city property listed at a real market value of \$0.95 per square foot.

A consensus was made to accept the offer and directed staff to pursue the process of resolving the encroachment issues and clearing the title to the properties, by declaring the property as surplus lands.

#### **CURRENT SITUATION:**

The Beagles have agreed to purchase the property as well as pay for all costs to complete the action, which includes all the fees for the county property line adjustments, recording of the deeds, and the recording of Resolution #2021-126 (Attachment 4) declaring the property as surplus lands.

It has been determined that the strip of land being surplus has no beneficial use to anyone other than the Beagles, and is being done to resolve boundary issues and clear title to both parcels of land.

#### **ANALYSIS:**

- A. **STRATEGIC PLAN** This action is in step with the City Council Strategic Plan of Lifestyle by working with community neighbors to enhance the quality of life to its citizens and being good neighbors.
- B. **FINANCIAL** Not only does this action put some revenue back into the Public Works Fund, but also put this portion of the land back on the tax rolls.
- C. **TIMING** This action is needed to finalize the sale of the property and to complete the required Property Line Adjustment being performed through the county as both parcels are in the county.
- D. **POLICY/LEGAL** This action is authorized under ORS 221.725, ORS 27.300, and ORS 271.310

**ALTERNATIVES:**

The city could try to negotiate with the Beagles to have them remove all of the encroachments.

**RECOMMENDATION:**

Staff recommends that the City Council approve Resolution #2021-126.

**ATTACHMENTS:**

1. Attachment 1- Encroachment area
2. Attachment 2 - encroachment picture
3. Attachment 3 - Offer
4. Attachment # 4 - Reso #2021-126 Surplus Property\_Trinity

TL4000  
CITY OF ONTARIO  
DEED #94-7189

N1°25'11"W  
10.20'

N01°19'06"W  
24.95'

TRUST  
2965

45E114

SHOCK-BEAGLES  
ADJUSTMENT  
~1045 SqFt. TOTAL

|                |                        |
|----------------|------------------------|
|                | <b>AREA (TL4101)</b>   |
| <b>BEFORE:</b> | <b>0.40 Ac (GROSS)</b> |
| <b>AFTER:</b>  | <b>0.42 Ac (GROSS)</b> |
| <b>R/W:</b>    | <b>0.08 Ac</b>         |
| <b>AFTER:</b>  | <b>0.34 Ac (NET)</b>   |

TL4101  
BEAGLES, C.L. & T.J.  
W.D. #2006-6751

TL4100  
SHOCK, C. & C. TRUST  
W.D. #2015-2965

|                |                        |
|----------------|------------------------|
|                | <b>AREA (TL4100)</b>   |
| <b>BEFORE:</b> | <b>9.60 Ac (GROSS)</b> |
| <b>AFTER:</b>  | <b>9.58 Ac (GROSS)</b> |
| <b>R/W:</b>    | <b>0.30 Ac</b>         |
| <b>AFTER:</b>  | <b>9.28 Ac (NET)</b>   |

SE CO  
SW  $\frac{1}{4}$  NE  
SE  $\frac{1}{4}$





Property Corner

















## Dan Cummings

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**From:** Trinity Beagles <tbeagles81@yahoo.com>  
**Sent:** Monday, April 26, 2021 9:40 AM  
**To:** Dan Cummings  
**Subject:** Property line for 1537 Sunset drive

I would like to move my north property line to include my driveway and carport along with the flowerbed and fenced area to include these areas being used without knowing that it is encroaching the city property. I have also been negotiating a deal for the west side of the property with Mr Shock and decided on \$1.50 per square foot for a fair market value. I would like to offer the city the same deal.

Thanks, Trinity Beagles  
541-235-2639

Sent from my iPhone

offer  $1634 \text{ ft} \times \$1.50 = \$2,451.00$

County Market Value on TL 4101 (BEAGLES) =  $\$2.57 \text{ ft} = \$4,199.38$

County Market Value on TL 4000 (City) =  $\$0.95 \text{ ft} = \$1,552.30$





## RESOLUTION #2021-126

### **A RESOLUTION OF THE ONTARIO CITY COUNCIL DECLARING CERTAIN REAL PROPERTY BEING A PORTION OF THE PROPERTY KNOWN AS THE SUNSET DRIVE WATER TANK PROPERTY AS SURPLUS LAND AND NO LONGER NEEDED FOR PUBLIC USE AND APPROVING THE SALE OF SAID REAL PROPERTY**

- WHEREAS,** ORS 221.725, ORS 271.300 and 271.310 permits the City of Ontario, through a Public Hearing and action by the City Council, to declare land surplus and sell real property which is not needed for public use; and
- WHEREAS,** The City Council has reviewed and determined that the land currently owned by the City of Ontario being approximately 1,634 square feet as shown on attached Exhibit "A" made a part hereof is not needed for public use; and
- WHEREAS,** The proper notice of the proposed sale has been published and a public hearing concerning the proposed sale has been held in compliance with ORS 221.725; and
- WHEREAS,** Trinity Beagles has made an offer to purchase said lands for a price of \$1.50 per square feet which is \$2,451.00 plus pay for all the surveying costs and documentation recording costs; and
- WHEREAS,** The City Council has determined that the fair market value for the subject property is TWO THOUSAND FOUR HUNDRED AND FIFTY-ONE DOLLARS (\$2,451.00); and
- WHEREAS,** Trinity Beagles offer to purchase said lands for a price of TWO THOUSAND FOUR HUNDRED AND FIFTY-ONE DOLLARS (\$2,451.00), plus surveying and documentation recording fees meets a fair Market Value; and
- WHEREAS,** The City Council has determined that the encroachment of the improvements onto the City property happened prior to the City purchasing the property and it is in the best interest of the public to resolve the usage issue with a sale of the property to the adjoining owner Trinity Beagles.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Ontario City Council declares the real property owned by the City of Ontario as shown on attached Exhibit "A" is not needed for public use and is hereby declared surplus pursuant to ORS 271.310.

**NOW THEREFORE, BE IT FURTHER RESOLVED** by the Ontario City Council IN ACCORDANCE WITH ORS 221.725, ORS 271.300 AND ORS 271.310, approves the sale of the real property currently owned by the City of Ontario as shown on Exhibit "A" being approximately 1,634 square feet for the sum of TWO THOUSAND FOUR HUNDRED AND FIFTY-ONE DOLLARS (\$2,451.00 to Cody & Trinity Beagles



and Trinity Beagles will pay all other costs associated with this sale including all Surveying costs and document recording fee to complete this sale, subject to reservation of an easement for the over spraying of irrigation water from the remaining city owned property. Further, that the City Manager, Adam Brown, is hereby authorized to sign all documents necessary and appropriate to complete the sale and transfer of the property.

**EFFECTIVE DATE:** Effective immediately upon passage.

**PASSED AND ADOPTED** by the City Council of the City of Ontario this 27<sup>th</sup> day of July 2021, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this 27<sup>th</sup> day of July 2021.

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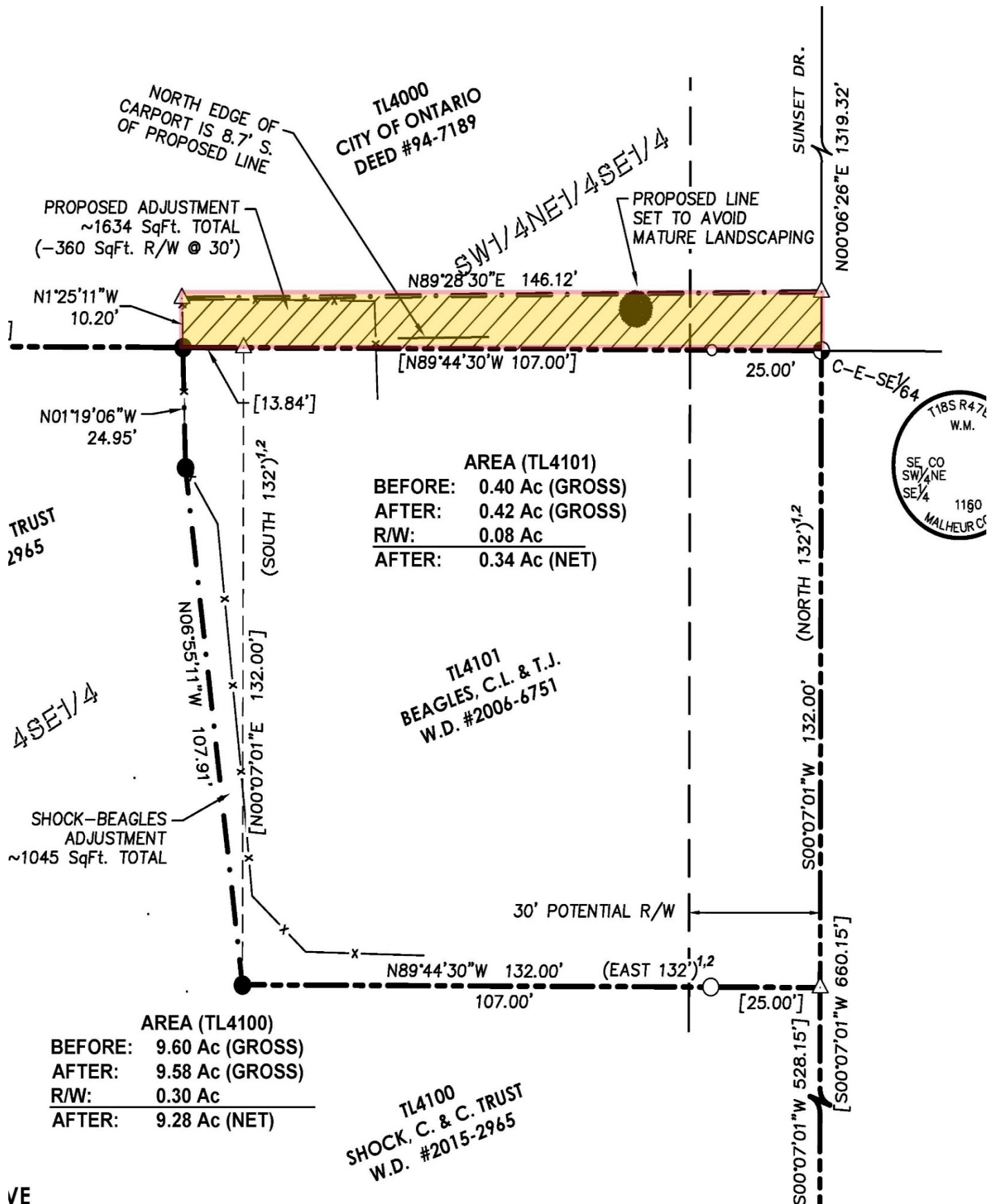
Riley J. Hill, Mayor

**ATTEST:**

---

Tori Barnett, MMC, City Recorder

# Exhibit "A"



VE



**AGENDA REPORT  
PUBLIC HEARING  
August 10, 2021**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2021-128: CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY, LOT 5 STELLING SUBDIVISION**

DATE: July 21, 2021

---

**PROPOSED MOTION:**

1. **I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2021-128 A RESOLUTION OF THE ONTARIO CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY BEING LOT 5 OF THE STELLING SUBDIVISION.**
2. **I MOVE THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN ALL THE DOCUMENTS REQUIRED TO COMPLETE THE SALE OF THE PROPERTY INCLUDING THE DEED TO TRANSFER TITLE TO THE PROPERTY.**

**SUMMARY:**

In February of 2021 the city was approached by Joel Ruiz of J. Ruiz Enterprises, LLC requesting to purchase Lot 5 of the Stelling Subdivision. The City entered into negotiations of the sale of the property and made a consensus to have Dan Cummings the Ontario Community Development Director inter into negotiations of the property.

**BACKGROUND:**

In August of 1993 as part of the Waste Water Treatment Plant upgrade and land application project the City purchased the property known as the Stelling Property.

In November of 2006 after the land was determined not needed for the land application portion of the water treatment upgrade the City under Resolution 2006-138 (see attachment 1) declared the property know as the Stelling property to be surplus land and set a minimum price of \$20,000.00 per acre.

In 2010 after not receiving any offers for all the land the city decided to subdivide the land into small parcels in hopes of making the land more sale able. The land was subdivided into 5 Lots

according to the official Plat of the Stelling Subdivision and recorded under Instrument No. 2010-3972 on June 30, 2010 (see attachment 2).

The city received a few tentative offers over the years but no sales followed through.

In May of 2014 to aid in the negotiating of the property the City Council under Resolution 2014-15 rescinded the minimum price of \$20,000.00 so the City could negotiate offers for the land (see attachment 3).

Over the past few years the city has negotiated several deals on the property but non have resulted in the sale of any of the Lots to date.

In February of 2021 the city was approached by Joel Ruiz requesting to purchase Lot 5 of the Stelling Subdivision. The City entered into negotiations of the sale of the property and made a consensus to have Dan Cummings the Ontario Community Development Director inter into negotiations of the property with Ruiz Enterprises and keeping the Council informed on the negotiation in executive sessions under land sales negotiation.

As part of the authorized negotiation between the Community Development Director and Ruiz Enterprises (J. Ruiz Enterprises LLC) on November 6, 2020 an earnest money agreement (see attachment 4) with a \$5,000.00 non-refundable payment was signed and the 6 month due diligence stage of the purchased was started. On April 21, 2021 a 60 day extension with an additional \$5,000.00 payment was made (see attachment 5), extending the due diligence stage to July 6, 2021.

#### **CURRENT SITUATION:**

At then end of the due diligence stage of the process Joel Ruiz of Ruiz Enterprises (J. Ruiz Enterprises LLC ) informed the Community Development Director that they intended to proceed with the purchase of the property and were instructed to order the Title Report as per the Earnest money agreement.

As per city code this action is being performed in a Public Hearing to authorize the sale of the property know as Lot 5 of the Stelling Subdivision under Resolution #2021-128

#### **ANALYSIS:**

- A. **STRATEGIC PLAN** This action is in step with the City Council Strategic Plan of Putting public lands back onto the tax role and adding needed revenue to the city coffers.
- B. **FINANCIAL** Not only does this action put some revenue back into the city coffers, but also put this portion of the land back on the tax rolls.
- C. **TIMING** This action is needed to finalize the sale of the property as per the Ernest Money Agreement.
- D. **POLICY/LEGAL** This action is authorized under ORS 221.725, ORS 27.300, and ORS 271.310

#### **ALTERNATIVES:**

The city could elect not to sale the property.

**RECOMMENDATION:**

Staff recommends that the City Council approve Resolution #2021-128.

**ATTACHMENTS:**

1. Attachment 1\_2006-138 Declare Property Surplus-Stelling
2. Attachment 2\_Stelling Subdivision
3. Attachment 3\_2014-115 Rescind Minimum Price for Stelling Property
4. Attachment 4\_Stelling\_City-Ruiz Enterprises\_Ernest Money Agreeemnt
5. Attachment 5\_Stelling\_City-Ruiz Enterprises\_Updated offer\_Lot 5\_SIGNED
6. Attachment 6\_Reso #2021-128 Property sale\_Lot 5 Stellings\_Ruiz

**Resolution 2006-138**  
**A RESOLUTION AUTHORIZING SALE OF**  
**CITY OWNED SURPLUS PROPERTY**

- Whereas,** The City owns a parcel of land, known as the "Stelling" property and identified as tax lot #3600, Tax Map #18S47E05, located on the northwest corner of the intersection of the Yturri Beltline and NW 4<sup>th</sup> Avenue, and approximately 85.45 acres in size; and
- Whereas,** From time to time, the City receives inquiries from developers interested in purchasing the parcel; and
- Whereas,** The City is not currently using the site and has no foreseen need for the parcel.

**NOW, THEREFORE, BE IT RESOLVED** by the Ontario City Council as follows:

1. A Public Hearing was advertised and held on November 6 to take public comment on the potential sale of the property.
2. That certain property, known as tax lot #3600, on Map 18S47E05, located at the northwest corner of the intersection of the Yturri Beltline and NW 4<sup>th</sup> Avenue and is hereby declared surplus property.
3. The sale of the property is authorized for a minimum acceptable price of \$20,000 per acre.

Passed and adopted by the Ontario City Council this 6 day of November, 2006.

Ayes: Cummings, Allen, Gaskill, Cammack, Cheatham, Jacobs

Nays: None

Absent: Mosier

Attest:

  
LeRoy Cammack, Mayor

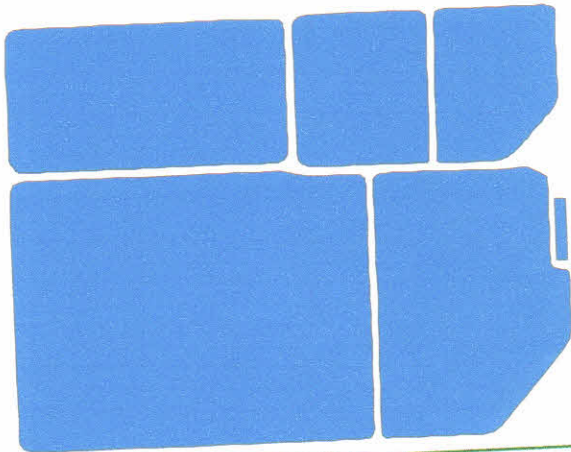
  
Tori Barnett, City Recorder





FOOTHILL DR

MALHEUR RIVER



MALHEUR DR

NW 32ND ST

NW 31ST ST

NW 11TH AVE

MAP 18S47E05  
TAXLOT #3600  
STELLING'S PROPERTY

HUNTER LN

HUNTER LN

NW 10TH AVE

NW 7TH AVE

NW 7TH AVE

NW 5TH AVE

NW 4TH AVE

NW 7TH AVE

NW 19TH ST

WESTRIDGE DR

NW 5TH AVE

NW 19TH ST

NW 19TH ST

NW 19TH ST

CRIDE WAY

N DORIAN DR

N DORIAN DR

N DORIAN DR

W IDAHO AVE

PATRICIA AVE

TORI DR

ANDREW AVE

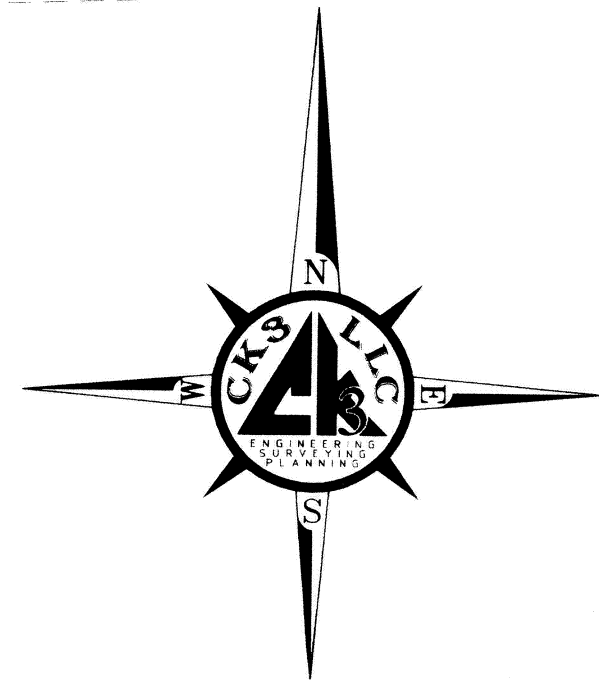
LAUREN DR

W IDAHO AVE

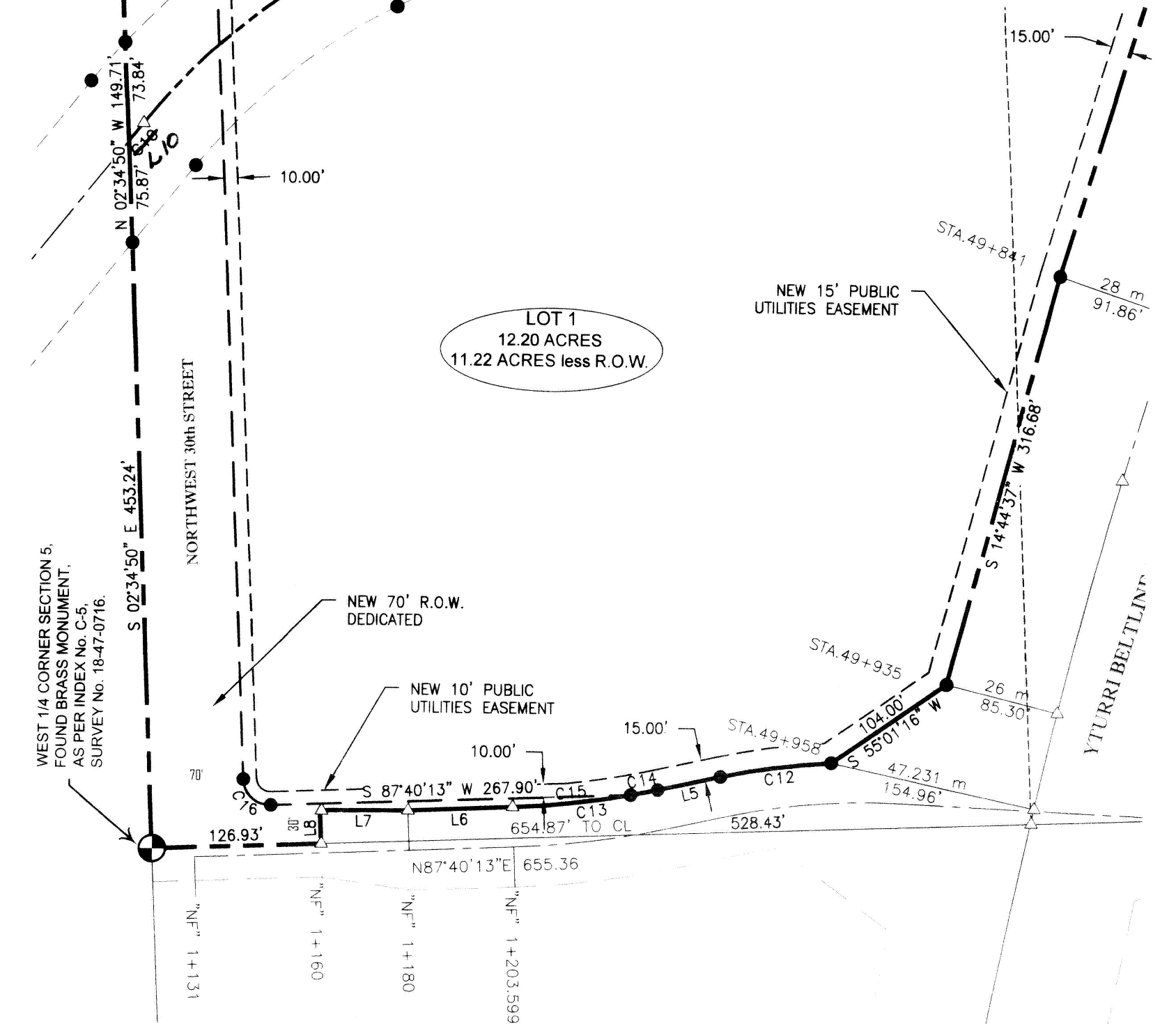
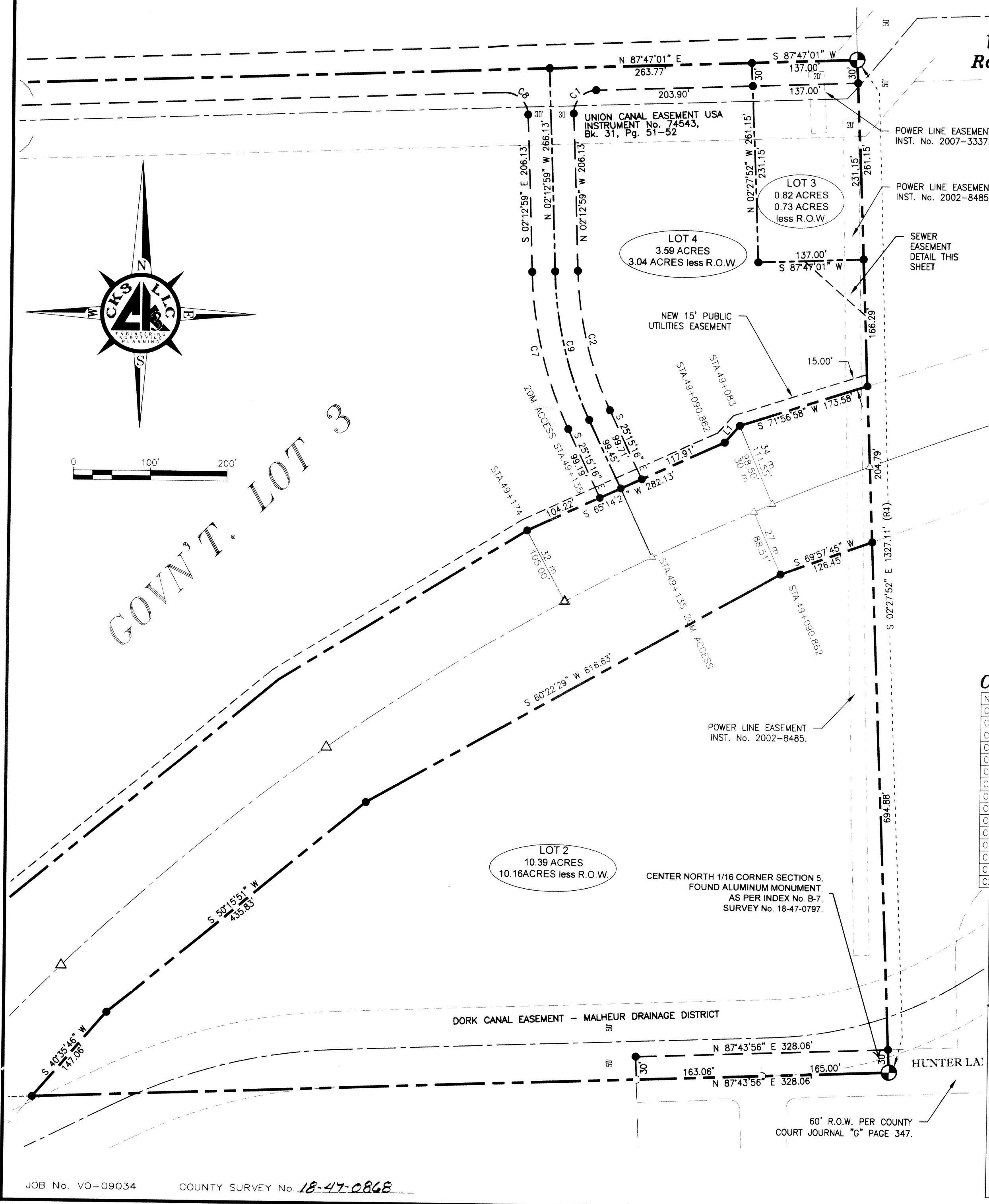
YTURRI BELTLINE



**STELLING SUBDIVISION**  
 Within a portion of NW1/4 Section 5, Township 18 South,  
 Range 47 East, Willamette Meridian, Malheur County, Oregon



GOWN'T. LOT 3

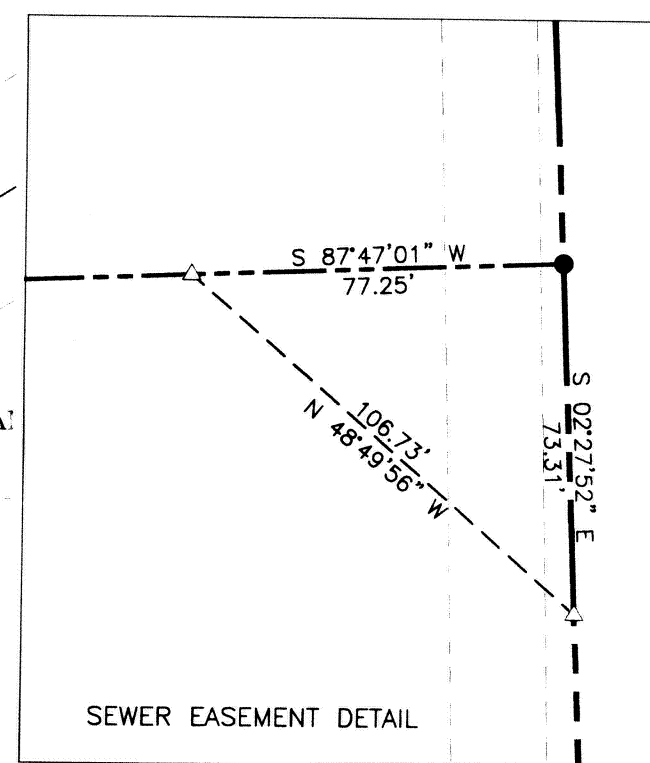


**CURVE TABLE**

| NUMBER | DELTA ANGLE | RADIUS   | ARC LENGTH | CHORD DIRECTION | CHORD LENGTH | TANGENT |
|--------|-------------|----------|------------|-----------------|--------------|---------|
| C1     | 90°00'00"   | 30.00'   | 47.12'     | S 42°47'01" W   | 42.43'       | 30.00'  |
| C2     | 23°02'17"   | 470.00'  | 188.98'    | N 13°44'08" W   | 187.71'      | 95.79'  |
| C7     | 23°02'17"   | 530.00'  | 213.11'    | S 13°44'08" E   | 211.68'      | 108.01' |
| C8     | 90°00'00"   | 30.00'   | 47.12'     | N 47°12'59" W   | 42.43'       | 30.00'  |
| C9     | 23°02'17"   | 500.00'  | 201.05'    | N 13°44'08" W   | 199.69'      | 101.90' |
| C11    | 02°56'45"   | 1282.34' | 65.93'     | S 88°44'12" W   | 65.92'       | 32.97'  |
| C12    | 09°08'19"   | 522.13'  | 83.28'     | N 82°04'24" E   | 83.19'       | 41.73'  |
| C13    | 09°57'12"   | 626.17'  | 108.78'    | S 82°28'50" W   | 108.64'      | 54.53'  |
| C14    | 01°53'28"   | 626.16'  | 20.67'     | S 78°26'58" W   | 20.67'       | 10.33'  |
| C15    | 08°03'45"   | 626.16'  | 88.11'     | S 83°25'34" W   | 88.04'       | 44.13'  |
| C16    | 89°44'58"   | 20.00'   | 31.33'     | N 47°27'18" W   | 28.22'       | 19.91'  |
| C17    | 90°21'51"   | 50.00'   | 78.86'     | N 42°36'06" E   | 70.94'       | 50.32'  |
| C18    | 24°43'06"   | 500.00'  | 215.71'    | S 51°00'27" W   | 214.04'      | 109.56' |
| C19    | 15°21'28"   | 500.00'  | 134.02'    | N 55°41'16" E   | 133.62'      | 67.41'  |
| C20    | 09°21'38"   | 500.00'  | 81.69'     | S 43°19'43" W   | 81.60'       | 40.93'  |

**LINE TABLE**

| NUMBER | DIRECTION     | DISTANCE |
|--------|---------------|----------|
| L1     | N 40°36'56" E | 29.74'   |
| L2     | S 89°34'55" W | 32.15'   |
| L3     | S 87°15'50" W | 77.50'   |
| L4     | N 44°32'50" W | 56.21'   |
| L5     | S 25°15'16" E | 198.14'  |
| L6     | S 77°30'14" W | 47.62'   |
| L7     | N 87°27'27" E | 77.43'   |
| L8     | S 89°23'05" W | 65.65'   |
| L9     | N 02°32'33" W | 25.16'   |
| L10    | N 21°52'14" W | 105.95'  |
| L11    | S 38°38'54" W | 17.29'   |



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 JAN. 21, 1988  
 DANNY K. CUMMINGS  
 2316

RENEWAL DATE: DEC. 31, 2011

I, DANNY K. CUMMINGS,  
 HEREBY CERTIFY THAT  
 THIS IS AN EXACT  
 REPRODUCTION  
 OF THE ORIGINAL.

**OWNER/DEVELOPER**  
 CITY OF ONTARIO  
 444 S.W. 4th STREET  
 ONTARIO, OREGON 97914

**PREPARED BY**  
 CK3, LLC.

368 S.W. 5th Avenue  
 ONTARIO, OREGON 97914  
 PHN: (541) 889-5411  
 FAX: (541) 889-2074

VO-09034  
 SHEET 2 OF 3



**STELLING SUBDIVISION**  
**Within a portion of NW1/4 Section 5, Township 18 South,**  
**Range 47 East, Willamette Meridian, Malheur County, Oregon**

**DECLARATION OF OWNERS**

STATE OF OREGON }  
COUNTY OF MALHEUR } S.S.

KNOW ALL MEN BY THESE PRESENTS:

THAT CITY OF ONTARIO, OREGON, DO HEREBY CERTIFY THAT IT IS THE OWNER OF THE REAL PROPERTY AS SHOWN ON THIS PLAT:

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE THE DESCRIBED PROPERTY IN THE SURVEYORS CERTIFICATE IN THIS PLAT, AND TO DEDICATE TO THE PUBLIC, THE PUBLIC STREETS AS SHOWN ON THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC. HOWEVER, THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES, IRRIGATION AND/OR DRAINAGE, AND SUCH OTHER USES DESCRIBED HEREON. NO PERMANENT STRUCTURE, OTHER THAN FOR UTILITY PURPOSES, MAY BE BUILT WITHIN SAID EASEMENTS. ALL LOTS SHOWN ON THIS PLAT ARE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE CITY OF ONTARIO, OREGON MUNICIPAL WATER SYSTEM, AND ARE TO BE CONNECTED TO CITY SANITARY SEWER AS WELL. THE CITY OF ONTARIO, OREGON HAS AGREED IN WRITING TO SERVE ALL LOTS IN THIS PLAT WITH DOMESTIC WATER, AND PUBLIC SEWER SYSTEM. THE CITY FURTHER CERTIFY AND REQUIRE THAT ALL DEVELOPMENT HEREON IS SUBJECT TO AND SHALL COMPLY WITH THE DEVELOPMENT REQUIREMENTS AS PER CITY ORDINANCE IN EFFECT AT THE TIME DEVELOPMENT IS PROPOSED.

IN WITNESS THEREOF: WE HAVE HEREUNTO SET OUR HANDS

THIS 3rd DAY OF JUNE, 2010 A.D.

Henry Lawrence  
HENRY LAWRENCE, CITY MANAGER-CITY OF ONTARIO

**CERTIFICATE & NARRATIVE OF SURVEYOR**

I, DANNY CUMMINGS, A REGISTERED PROFESSIONAL LAND SURVEYOR, IN AND FOR SAID COUNTY AND STATE DO HEREBY CERTIFY THAT THE SURVEY OF STELLING SUBDIVISION IN MALHEUR COUNTY, OREGON, AS SHOWN AND DESCRIBED ON THIS PLAT WAS MADE BY ME AND THIS PLAT CORRECTLY SHOW THE SURVEY AS MADE I FURTHER MORE CERTIFY THAT MONUMENTS HAVE BEEN ESTABLISHED AS INDICATED HEREON. IN WITNESS THEREOF I HERE-UNTO SET MY HAND AND SEAL THIS 2nd DAY OF JUNE, 2010 A.D. FIELD WORK COMPLETION DATE 04/30/2010.

THAT THIS LAND WAS PLATTED AT THE REQUEST OF HENRY LAWRENCE, CITY MANAGER. BASIS OF BEARINGS AND RECORD INFORMATION ARE FROM REFERENCE No. 1 ON REFERENCE TABLE HEREON.

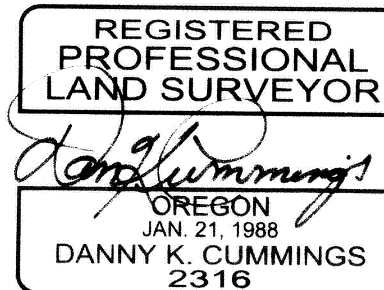
**DESCRIPTION**

Land in Malheur County, Oregon, as follows:  
In Twp. 18 S., R. 47 E., W.M.;

Sec. 5: Government. Lots 3 and 4, and all that portion of the SW1/4 NW1/4 lying northerly and westerly of the right of way as conveyed to the State of Oregon, Department of Transportation by that certain Deed recorded May 28, 2002 by Instrument. No. 2002-4038, Deed Records.

SUBJECT TO the right of ways for Dork Canal and Union Drain.  
Said parcel contains 98.13 acres, more or less.

I, DANNY K. CUMMINGS, HEREBY CERTIFY THAT THIS IS AN EXACT REPRODUCTION OF THE ORIGINAL.



RENEWAL DATE: DEC. 31, 2011

**APPROVALS**

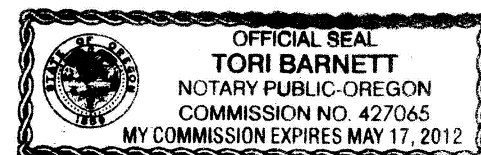
WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT OF THE STELLING SUBDIVISION HAS BEEN APPROVED BY EACH OF US AND CONFORMS TO THE REQUIREMENTS OF OUR RESPECTIVE OFFICES, AND HEREUNTO SET OUR HANDS.

|                                                                               |                          |
|-------------------------------------------------------------------------------|--------------------------|
| <u>Joe G. Gant</u><br>MAYOR, CITY OF ONTARIO, OREGON                          | <u>6/3/2010</u><br>DATE  |
| <u>Dea R. Riel</u><br>PLANNER, CITY OF ONTARIO, OREGON                        | <u>6/3/2010</u><br>DATE  |
| <u>Dan Coon</u> PLS #65687<br>COUNTY SURVEYOR, MALHEUR COUNTY, OREGON         | <u>6/24/10</u><br>DATE   |
| <u>David J. Clingan</u><br>COUNTY ASSESSOR, MALHEUR COUNTY, OREGON            | <u>6/29/2010</u><br>DATE |
| <u>Dan P. Joyce</u><br>COUNTY JUDGE, MALHEUR COUNTY, OREGON                   | <u>6/30/2010</u><br>DATE |
| <u>Jim Nabors</u><br>COUNTY COMMISSIONER, MALHEUR COUNTY, OREGON              | <u>6-30-10</u><br>DATE   |
| <u>Louis M. Hesterman</u><br>COUNTY COMMISSIONER, MALHEUR COUNTY, OREGON      | <u>6-30-10</u><br>DATE   |
| <u>Jim J. Hesterman</u><br>OWYHEE IRRIGATION DISTRICT, MALHEUR COUNTY, OREGON | <u>6/21/2010</u><br>DATE |
| <u>Wace G. Hesterman</u><br>MALHEUR DRAINAGE DISTRICT                         | <u>6/15/2010</u><br>DATE |

**ACKNOWLEDGMENT**

STATE OF Oregon }  
COUNTY OF Malheur } S.S. ON THIS 3rd DAY OF June,  
IN THE YEAR OF 2010, BEFORE ME,  
2010 A NOTARY PUBLIC IN AND FOR SAID COUNTY AND  
STATE, PERSONALLY APPEARED HENRY LAWRENCE, CITY MANAGER-CITY OF  
ONTARIO, AND PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE  
THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT,  
AND UPON BEING DULY SWORN ACKNOWLEDGED TO ME THAT HE EXECUTED THE  
SAME. IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND SEAL

Tori Barnett  
NOTARY PUBLIC  
COMMISSION No. : 427065  
MY COMMISSION  
EXPIRES: May 17, 2012



**CERTIFICATE OF COUNTY RECORDER**

STATE OF OREGON }  
COUNTY OF MALHEUR } S.S.

INSTRUMENT No. 2010-3972  
FEE \$ 72.00

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF HENRY LAWRENCE, CITY MANAGER-CITY OF ONTARIO.

AT 29 MINUTES PAST 11 O'CLOCK A M., THIS 30 DAY OF June, 2010,

RECORDED ON SLIDE 43 IN CABINET A

Deborah R. DeLong  
RECORDER

Sherry Childs  
DEPUTY

## RESOLUTION 2014-115

### A RESOLUTION RESCINDING THE MINIMUM SALE PRICE FOR THE STELLING PROPERTY

- WHEREAS,** The City owns a parcel of vacant industrial land, consisting of 87.45 acres more or less, known as the "Stelling Property", which is identified on County Assessor Map# 18S4705 as Tax Lots 3601, 3602, 3603 and 3604; and
- WHEREAS,** On November 6, 2006, following a public hearing the City Council enacted Resolution 2006-138, which declared the Stelling Property as surplus property and fixed a minimum acceptable sale price for the Stelling Property of \$20,000 per acre; and
- WHEREAS,** In 2007, the City constructed a lift station on a portion of the Stelling Property, identified as Tax Lot 6400; and
- WHEREAS,** Nothing has changed since the enactment of Resolution 2006-138 to alter the status of the Stelling Property as surplus property—i.e., as property not needed by the City for the City's use— with the exception of the lift station on Tax Lot 6400; and
- WHEREAS,** From December 10, 2009, to May 5, 2013, the City was contractually obligated to sell a portion of the Stelling Property to CDH Consulting for \$20,000 per acre as a result of a series of purchase option contracts and extensions entered into between the City and CDH Consulting; and
- WHEREAS,** CDH Consulting never exercised its option to purchase the Stelling Property before the final option contract lapsed on May 5, 2013; and
- WHEREAS,** Market conditions have changed since the City established the \$20,000 per acre minimum acceptable sale price for the Stelling Property, and it is in the best interest of the City to reevaluate those conditions to determine an appropriate sale price for the Stelling Property.

**NOW THEREFORE, BE IT RESOLVED** by the City Council for the City of Ontario:

1. The Council reaffirms the declaration of the Stelling Property as surplus property as set forth in Resolution 2006-138, with the exception of that portion of the Stelling Property on which the City lift station was constructed in 2007.
2. Paragraph 3 of Resolution 2006-136 establishing a minimum acceptable price for the Stelling Property of \$20,000 per acre is rescinded.
3. City staff is directed to develop and recommend to the City Council a marketing plan for the Stelling Property which includes a sale price for the Stelling Property.

**PASSED AND ADOPTED** by the Ontario City Council this 5<sup>th</sup> day of May, 2014.

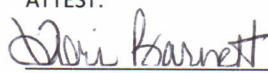
AYES: Fugate, Crume, Jones, Cammack, Tuttle, Fox, Verini

NAYES: None

ABSENT: None

**APPROVED** by the Mayor this 5<sup>th</sup> day of May, 2014.

  
LeRoy Cammack, Mayor

ATTEST:  
  
Tori Barnett, MMC, City Recorder

## OWNER'S SALE AGREEMENT AND EARNEST MONEY RECEIPT

November 6, 2020

RECEIVED OF Ruiz Enterprises or assignee hereinafter called purchaser, \$ 5,000.00, as earnest money and in part payment for the following described real estate situated in the City of Ontario, County of Malheur, State of Oregon, described as follows, to-wit: See attached map and legal description AKA The Stelling Property the purchaser for the sum of Seven hundred fifty thousand and no/100 Dollars (\$750,000) on the following terms, to-wit: The earnest money hereinabove receipted for \$ 5,000; upon acceptance of title and delivery of deed or delivery of contract: \$ 745,000; balance of Seven hundred forty five thousand and no/100 Dollars (\$ 745,000) payable as follows: Cash at Closing. The earnest money shall be held at Malheur County Title and Escrow, Ontario, Oregon.

A title insurance policy from a reliable company insuring marketable title in the seller in an amount equal to said purchase price is to be furnished purchaser in due course at seller's expense; preliminary to closing, seller may furnish a title insurance company's title report showing its willingness to issue title insurance, and such report shall be conclusive evidence as to status of seller's record title.

It is agreed that if the title to the said premises is not marketable, or cannot be made so within thirty days after a written notice of defects is delivered to seller, the earnest money herein receipted for shall be refunded. But if the title to the said premises is marketable, and the purchaser neglects or refuses to comply with any of the conditions of this sale within 15 days and to make payments promptly, as hereinabove set forth, then the earnest money herein receipted for shall be forfeited to the seller as liquidated damages, and this contract shall thereupon be of no further binding effect.

The property is to be conveyed by good and sufficient warranty deed free and clear of all liens and encumbrances except zoning ordinances, building restrictions, taxes due and payable for the current tax year, reservations in federal patents and state deeds, easements of record and no exceptions.

Purchaser shall have a six month due diligence period to inspect the property. If purchaser chooses to complete the sale, the five thousand dollar earnest money shall be a credit towards the purchase price.

Seller will provide all of the following information that it has in possession or access to:

- Environmental assessments
- Water rights
- City imposed fees or assessments
- City imposed development requirements
- Size of pipe required to cross drain ditch
- Any contamination on property
- Any unperformed obligations that are currently due relative to the property to any governmental or quasi-government body or authority
- The legal descriptions, maps, drawings or any other information pertaining to this property

Seller and purchaser agree to pro rate the taxes which become due and payable for the current tax fiscal year basis. Rents, interest, premiums for existing insurance, and other matters shall be pro-rated on a calendar basis.



Possession of said premises is to be delivered to purchaser on or before May 5, 2021. Time is of the essence hereof. This contract is binding upon the heirs, executors, administrators, successors and assigns of the purchaser and seller. However, the purchaser's rights herein are not assignable without written consent of seller. In any suit or action brought on this contract, the losing party agrees to pay the prevailing party's reasonable attorney's fees to be fixed by the trial court, and on appeal the prevailing party's reasonable attorney's fees to be fixed by the appellate court.

\_\_\_\_\_ Owners

=====

I hereby agree to purchase the above property and to pay the price of Seven hundred fifty thousand (\$750,000) Dollars as specified above.

Address 340 NW 36<sup>th</sup> Street, Ontario, OR

Purchaser Joel Ruiz

Phone 541-212-6579

# STELLING SUBDIVISION

Within a portion of NW1/4 Section 5,  
Township 18 South, Range 47 East, W.M.,  
Malheur County, Oregon

## LEGEND

- SUBDIVISION BOUNDARY
- SUBDIVISION LOT LINES
- SECTIONAL LINE (SEC.)
- SECTIONAL LINE-QUARTER
- EASEMENT LINE
- EX. EASEMENT LINE
- OTHER LOT LINE
- RIGHT-OF-WAY (R-O-W)
- RIGHT-OF-WAY (R-O-W)
- CANAL CENTERLINE
- DISTANCE LINE

- ( ) DATA OF RECORD
- BRASS MONUMENT AS NOTED
- SET 5/8" x 3/4" REBAR W/ CAP MARKED
- FOUND 5/8" IRON BAR
- CALCULATED POINT

## PARCEL DATA:

TOTAL PARCEL SIZE: 98.13 ACRES  
TOWNSHIP: 18 S., RANGE: 47 E., W.M.  
UNION CANAL ROW: 5.36 ACRES  
NET TOTAL PARCEL: 87.15 ACRES  
CITY LAGOONS: 12  
NUMBER OF PROPOSED LOTS: 5

## DESCRIPTION OF SUBDIVISION BOUNDARY

Land in Malheur County, Oregon, as follows:  
In Twp. 18 S., R. 47 E., W.M.,  
Sec. 5, Govt. Lots 3 and 4, and all that portion of the SW 1/4 NW 1/4 lying  
northerly and westerly of the right of way as conveyed to the State of Oregon,  
Department of Transportation by that certain Deed recorded May 28, 2002 by  
Inst. No. 2002-4038, Deed Records,  
SUBJECT TO the right of way for Dark Canal and Union Drain.

## RECORDS OF REFERENCE

- (R1) RECORD OF SURVEY FOR THE EIGHTH QUARTER SECTION 5, TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M., BY J. H. LADDAY, ENGINEERING CO. FILED UNDER COUNTY SURVEY NO. 18-47-0716.
- (R2) PARTITION PLAT FOR ALICE R. BUTLER, BY EDWARDS & CUMMINGS LLC FILED UNDER COUNTY SURVEY NO. 18-47-0730.
- (R3) DEED AND EASEMENTS OF REFERENCE.

I, DANNY A. CUMMINGS,  
HEREBY CERTIFY THAT  
THIS IS AN EXACT  
REPRODUCTION  
OF THE ORIGINAL  
OF THE ORIGINAL.

DANNY A. CUMMINGS  
JAN 21, 1988  
RENEWAL DATE: DEC 31, 2011

0 200' 400'



OTHER/DEVELOPER  
CITY OF ONTARIO  
444 S.W. 4th STREET  
ONTARIO, OREGON 97144

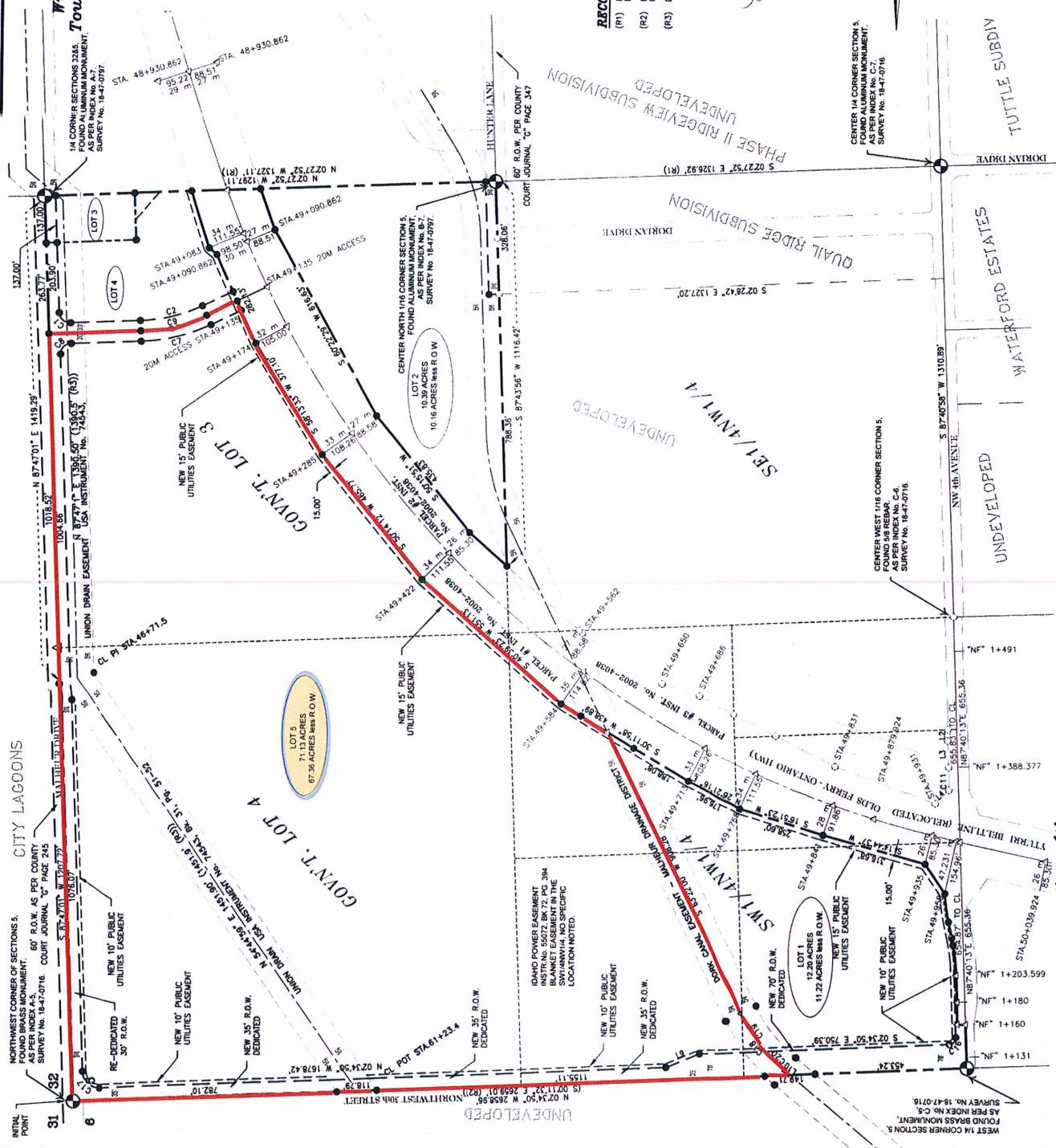
PREPARED BY  
CKS, LLC.

300 S.W. 4th STREET  
ONTARIO, OREGON 97144  
PHONE (541) 888-5411  
FAX (541) 888-2074

70-09034  
SHEET 1 OF 3

## INDEX OF SHEETS

1 PLOT PLAN  
2 DETAIL SHEET  
3 SIGNATURE PAGE

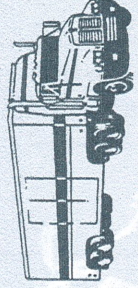


JOB NO. VO-09034 COUNTY SURVEY NO. 18-47-0903









RUIZ ENTERPRISES, LLC

JOEL RUIZ

340 N.W. 36TH ST.

ONTARIO, OR 97914

PH. 541-212-6579

11340

34-827/1251

1178



DATE

11-09-20

PAY  
TO THE  
ORDER OF

Malheur County Title Comp./Escrow.

\$

500

Five Thousand Dollars

DOLLARS



Columbia Bank

Payette 877.272.3678  
columbiabank.com

FOR

Escrow - draw payment

Joel Ruiz

⑆0⑆1⑆3⑆0⑆⑆⑆125108272⑆05300361⑆

Photo  
Scan  
Deposit  
Details on back

MP

# OWNER'S SALE AGREEMENT AND EARNEST MONEY RECEIPT

Updated April 21, 2021

RECEIVED OF Ruiz Enterprises or assignee hereinafter called purchaser, \$ 10,000.00, as earnest money and in part payment for the following described real estate situated in the City of Ontario, County of Malheur, State of Oregon, described as follows, to-wit: See attached map and legal description AKA The Stelling Property the purchaser for the sum of Seven hundred fifty thousand and no/100 Dollars (\$750,000) on the following terms, to-wit: The earnest money here in above receipted for \$ 10,000; upon acceptance of title and delivery of deed or delivery of contract: \$ 740,000; balance of Seven hundred forty thousand and no/100 Dollars (\$ 740,000) payable as follows: Cash at Closing. The earnest money shall be held with the City of Ontario, Ontario, Oregon.

A title insurance policy from a reliable company insuring marketable title in the seller in an amount equal to said purchase price is to be furnished purchaser in due course at buyer's expense; preliminary to closing, seller may furnish a title insurance company's title report showing its willingness to issue title insurance, and such report shall be conclusive evidence as to status of seller's Title. It is agreed that if the title to the said premises is not marketable, or cannot be made so within thirty days after a written notice of defects is delivered to seller, the earnest money herein receipted for shall be refunded. But if the title to the said premises is marketable, and the purchaser neglects or refuses to comply with any of the conditions of this sale within 15 days and to make payments promptly, as hereinabove set forth, then the earnest money herein receipted for shall be forfeited to the seller as liquidated damages, and this contract shall thereupon be of no further binding effect.

The property is to be conveyed by good and sufficient warranty deed free and clear of all liens and encumbrances except zoning ordinances, building restrictions, taxes due and payable for the current tax year, reservations in federal patents and state deeds, easements of record and no exceptions.

Purchaser shall have until July 6, 2021 due diligence period to inspect the property. If purchaser chooses to complete the sale, the ten thousand dollar earnest money shall be a credit towards the purchase price.

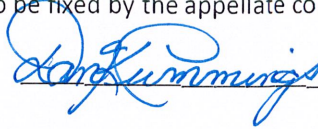
Seller will provide all of the following information that it has in possession or access to:

- Environmental assessments
- Water rights
- City imposed fees or assessments
- City imposed development requirements
- Size of pipe required to cross drain ditch
- Any contamination on property
- Any unperformed obligations that are currently due relative to the property to any governmental or quasi-government body or authority
- The legal descriptions, maps, drawings or any other information pertaining to this property

Seller and purchaser agree to pro rate the taxes which become due and payable for the current tax fiscal year basis. Rents, interest, premiums for existing insurance, and other matters shall be pro-rated on a calendar basis.



Possession of said premises is to be delivered to purchaser on or before July 6, 2021. Time is of the essence hereof. This contract is binding upon the heirs, executors, administrators, successors and assigns of the purchaser and seller. However, the purchaser's rights herein are not assignable without written consent of seller. In any suit or action brought on this contract, the losing party agrees to pay the prevailing party's reasonable attorney's fees to be fixed by the trial court, and on appeal the prevailing party's reasonable attorney's fees to be fixed by the appellate court.



Owners

=====

I hereby agree to purchase the above property and to pay the price of Seven hundred fifty thousand (\$750,000) Dollars as specified above.

Address 340 NW 36<sup>th</sup> Street, Ontario, OR

Purchaser



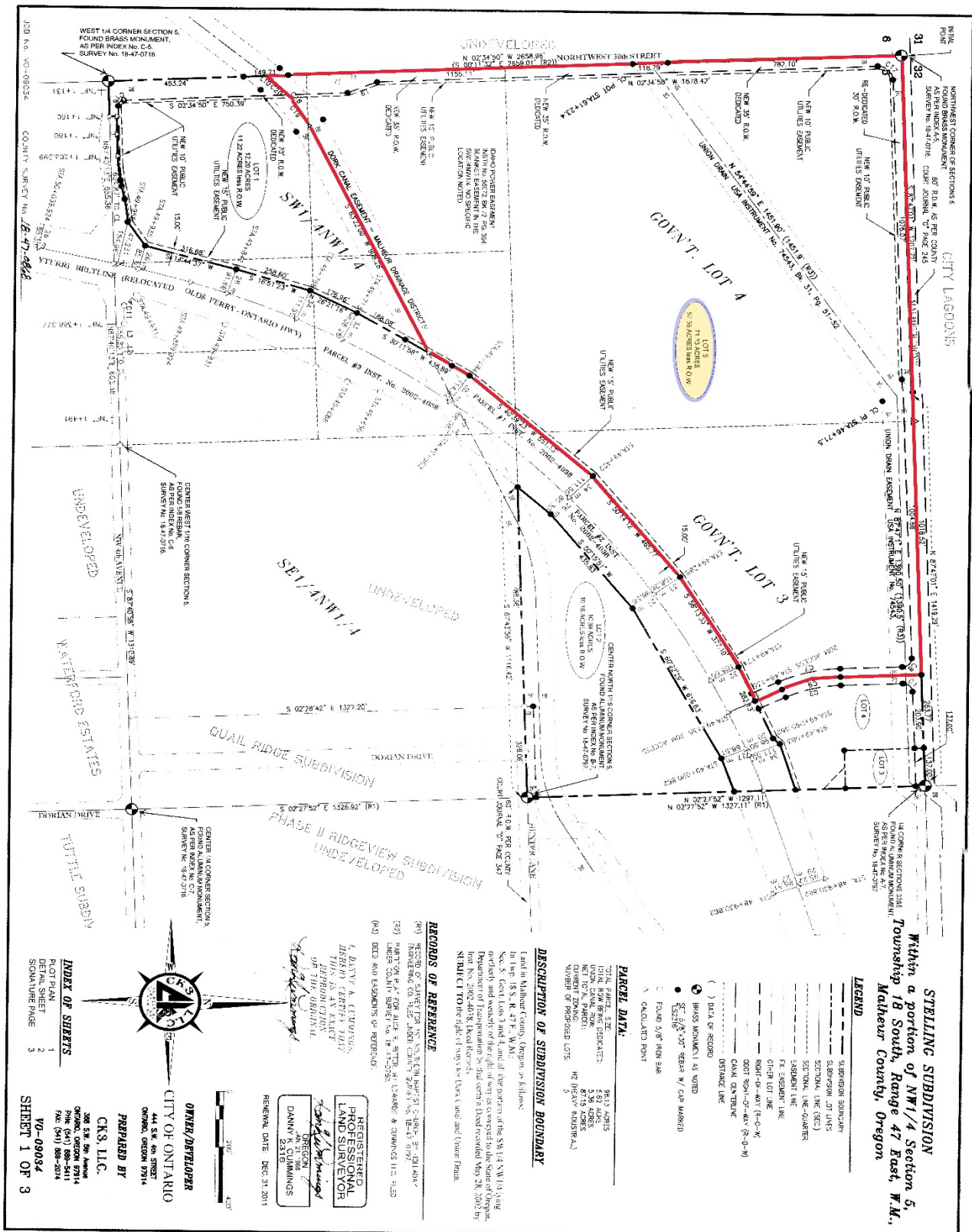
Phone 541-212-6579

**Exhibit "A"**  
**Ernest money description**

Land in the City of Ontario, Malheur County Oregon within the NW1/4 of Section 5, Township 18 South, Range 47 East of the Willamette Meridian, being a part of the Stelling Subdivision according to the official plat thereof recorded June 30, 2010 under Instrument number 2010-3972, slide 43 cabinet A as follows:

LOTS 5.

## Ernest money map





## RESOLUTION #2021-128

### A RESOLUTION OF THE ONTARIO CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY KNOWN AS LOT 5 OF STELLING SUBDIVISION

- WHEREAS,** ORS 221.725, ORS 271.300 and 271.310 permits the City of Ontario, through a Public Hearing and action by the City Council, to declare land surplus and sell real property which is not needed for public use; and
- WHEREAS,** The City Council on November 6, 2006 under Resolution 2006-138 declared the property known as the Stelling Property as surplus property and set a minimum bid price of Twenty Thousand dollars (\$20,000.00) per acres; and
- WHEREAS,** The City Council on June 30, 2010 the City Council approved the subdividing of the lands into the Stelling Subdivision under Instrument Number 2010-3972; and
- WHEREAS,** The City Council on May 5, 2014 under Resolution 2014-115 rescinded the minimum price to allow for more negotiating powers; and
- WHEREAS,** The proper notice of the proposed sale has been published and a public hearing concerning the proposed sale has been held in compliance with ORS 221.725; and
- WHEREAS,** J. Ruiz Enterprises LLC has made an offer to purchase Lot 5 of said Stelling Subdivision for a price of Seven hundred fifty thousand dollars (\$750,000.00); and
- WHEREAS,** The City Council has determined that the offer is a fair market value for Lot 5 of Stelling Subdivision.

**NOW THEREFORE, BE IT FURTHER RESOLVED** by the Ontario City Council in accordance with ORS 221.725, ORS 271.300 AND ORS 271.310, approves the sale of the real property currently owned by the City of Ontario as shown on Exhibit "A" being Lot 5 of the Stelling Subdivision for the sum of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00) to J. Ruiz Enterprises LLC as per the April 21, 2021 Sales Agreement. Further, that the City Manager, Adam Brown, is hereby authorized to sign all documents necessary and appropriate to complete the sale and transfer of the property.

**EFFECTIVE DATE:** Effective immediately upon passage.

**PASSED AND ADOPTED** by the City Council of the City of Ontario this 27<sup>th</sup> day of July 2021, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this 27<sup>th</sup> day of July 2021.

---

Riley J. Hill, Mayor

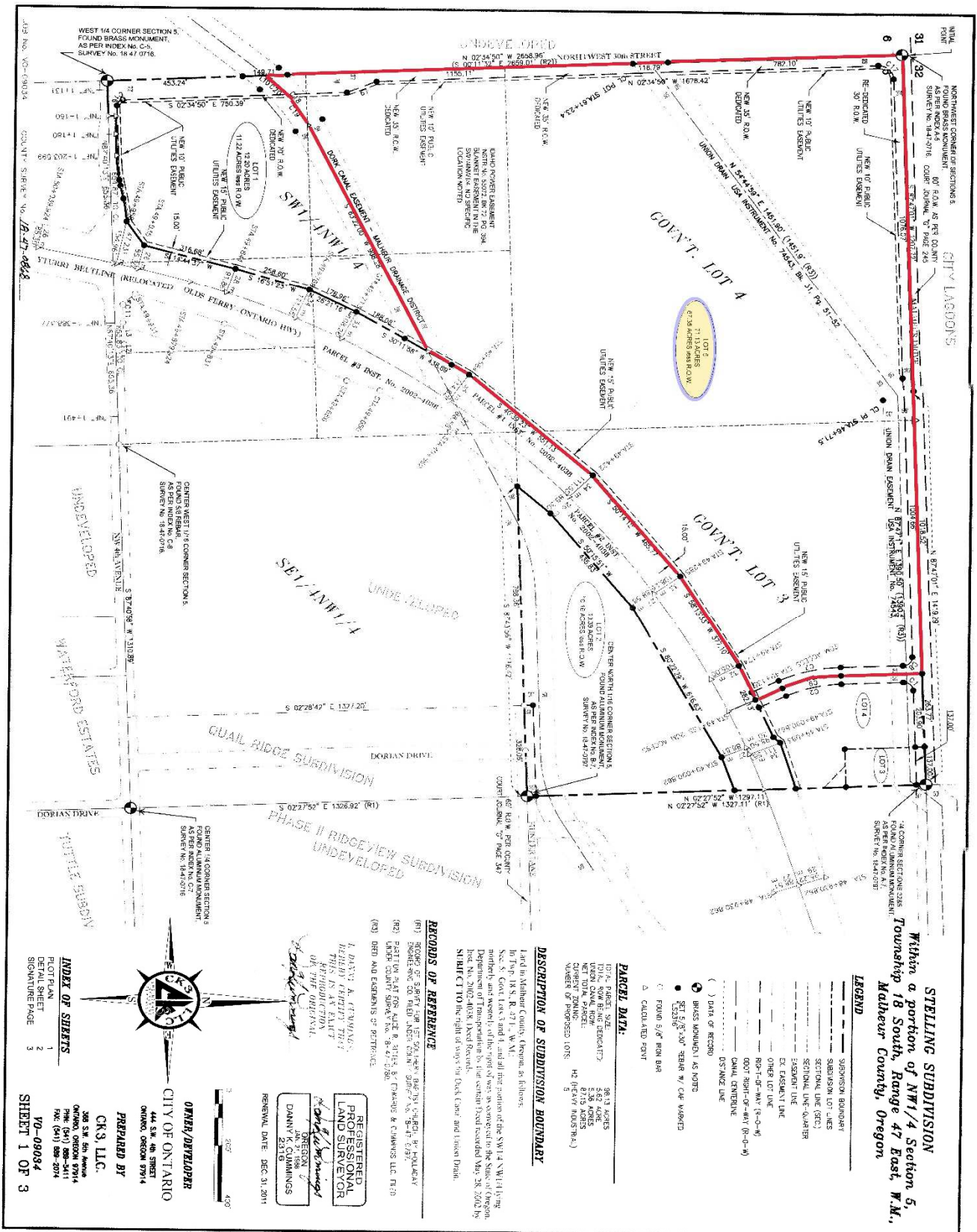
**ATTEST:**

---

Tori Barnett, MMC, City Recorder



## Exhibit "A"





**ONTARIO**  
OREGON

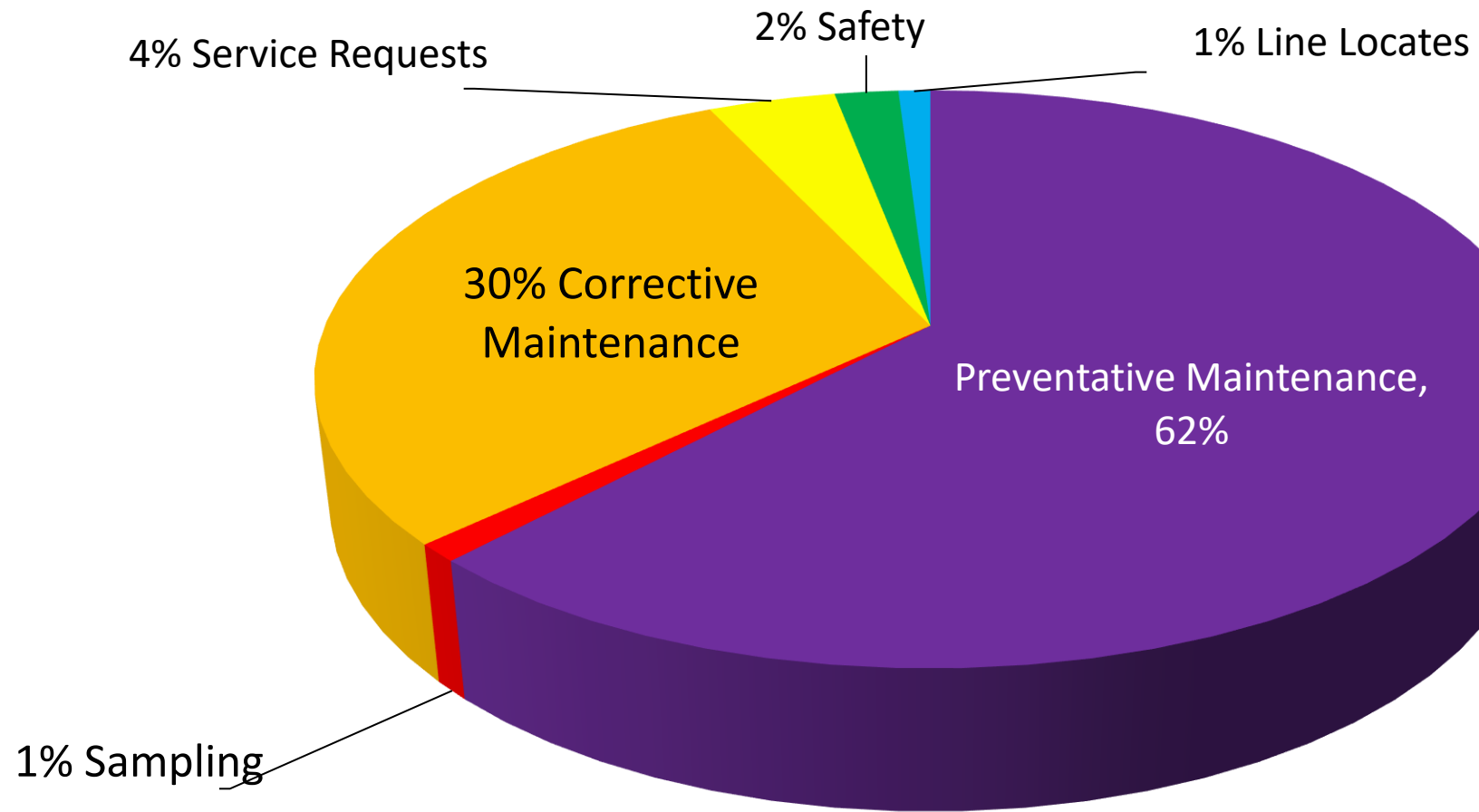
# Public Works Department

Quarterly Presentation April - June 2021

# Department Summary

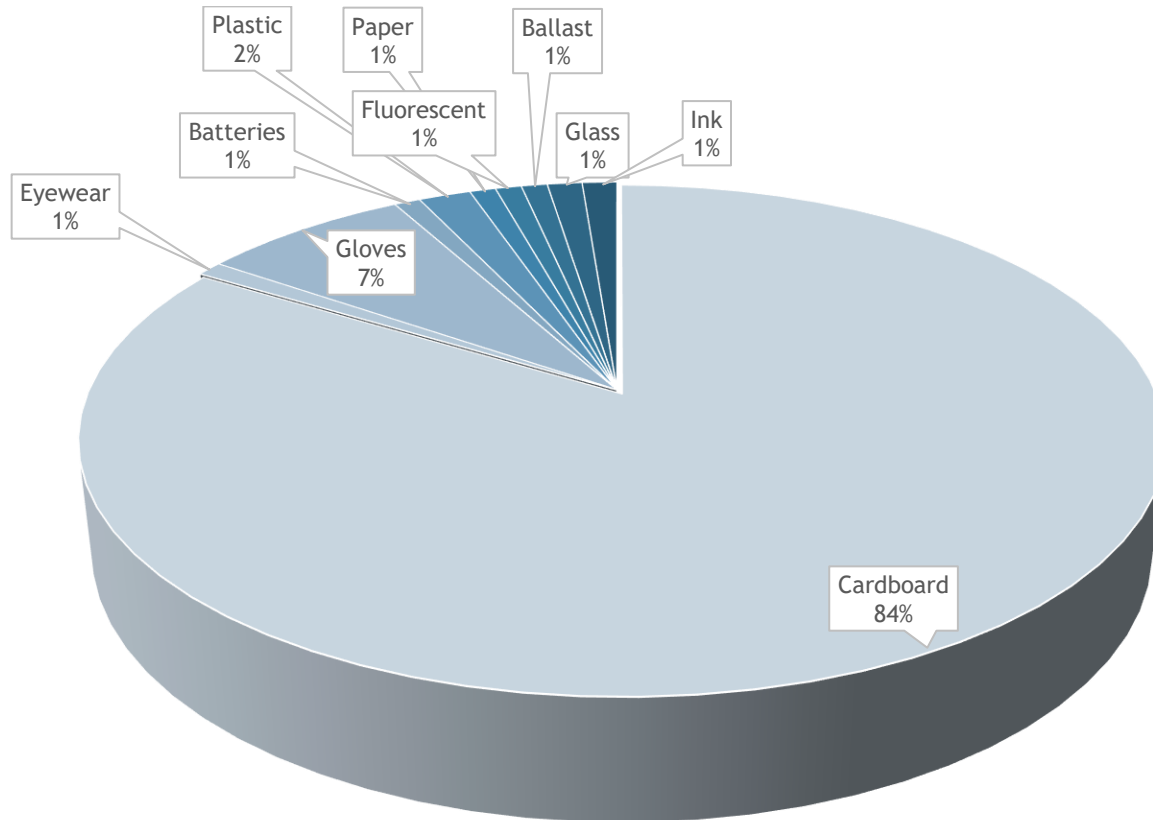


**ONTARIO**  
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# Sustainability Review

- Lower risk & improve efficiency to construction operations & maintenance functions (BeyondZero)
- Identifying new ways to save energy



ONTARIO  
OREGON

Champion Tools



OMFS Sustainability







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# Development Review & Special Projects







**ONTARIO**  
OREGON  
THE GATEWAY TO ADVENTURE



# Water Treatment Plant

# Quarterly Accomplishments



**ONTARIO**  
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## Water Treatment Plant

- Well 14 Rehab/ cleaning
- Effluent actuator controls valves rebuilt and serviced
- Wash water recovery Basins 3 and 4 & cleaned drying bed

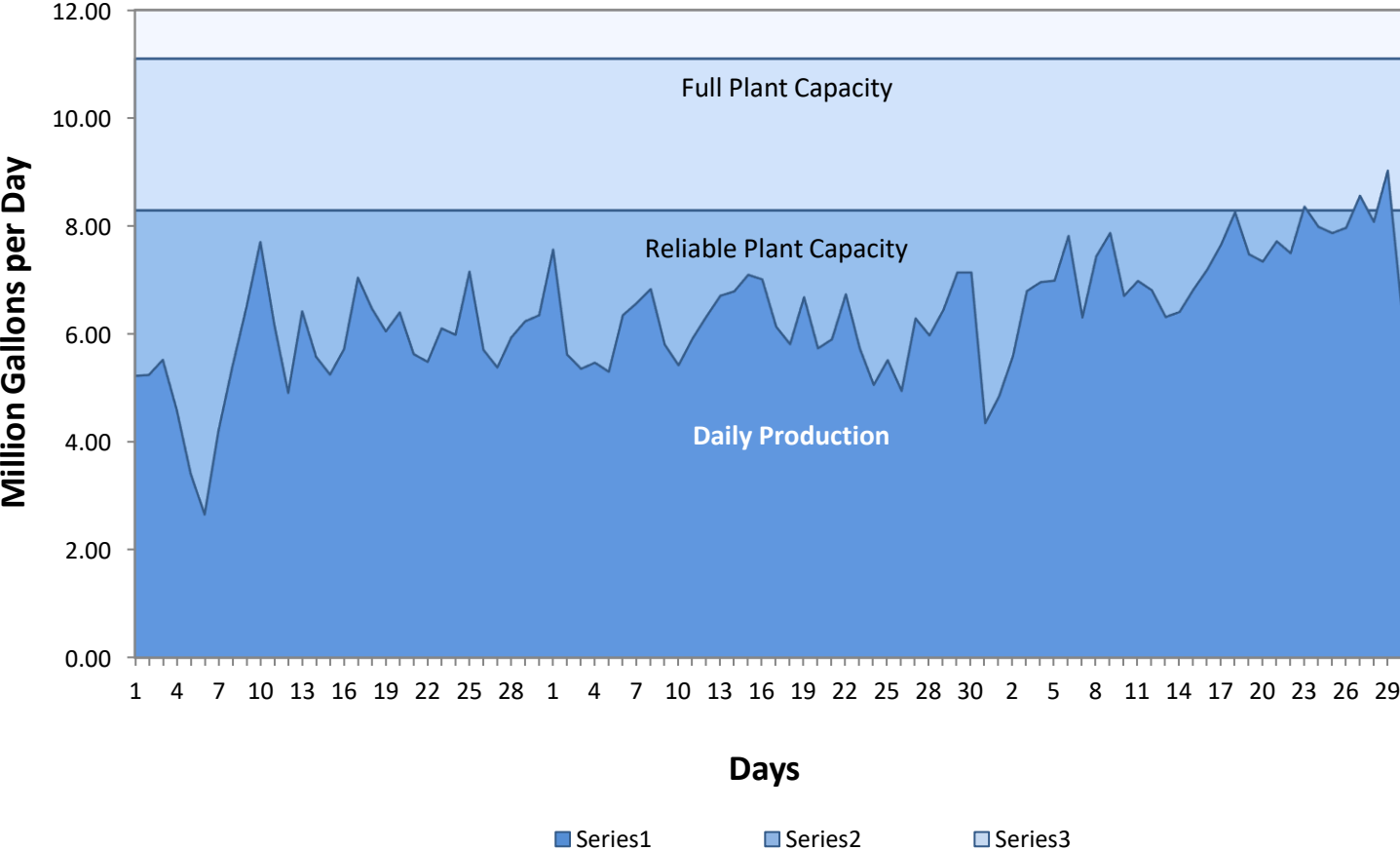




# Water Treatment Plant Summary



Production vs. Capacity  
Apr 01 - June 31 , 2021





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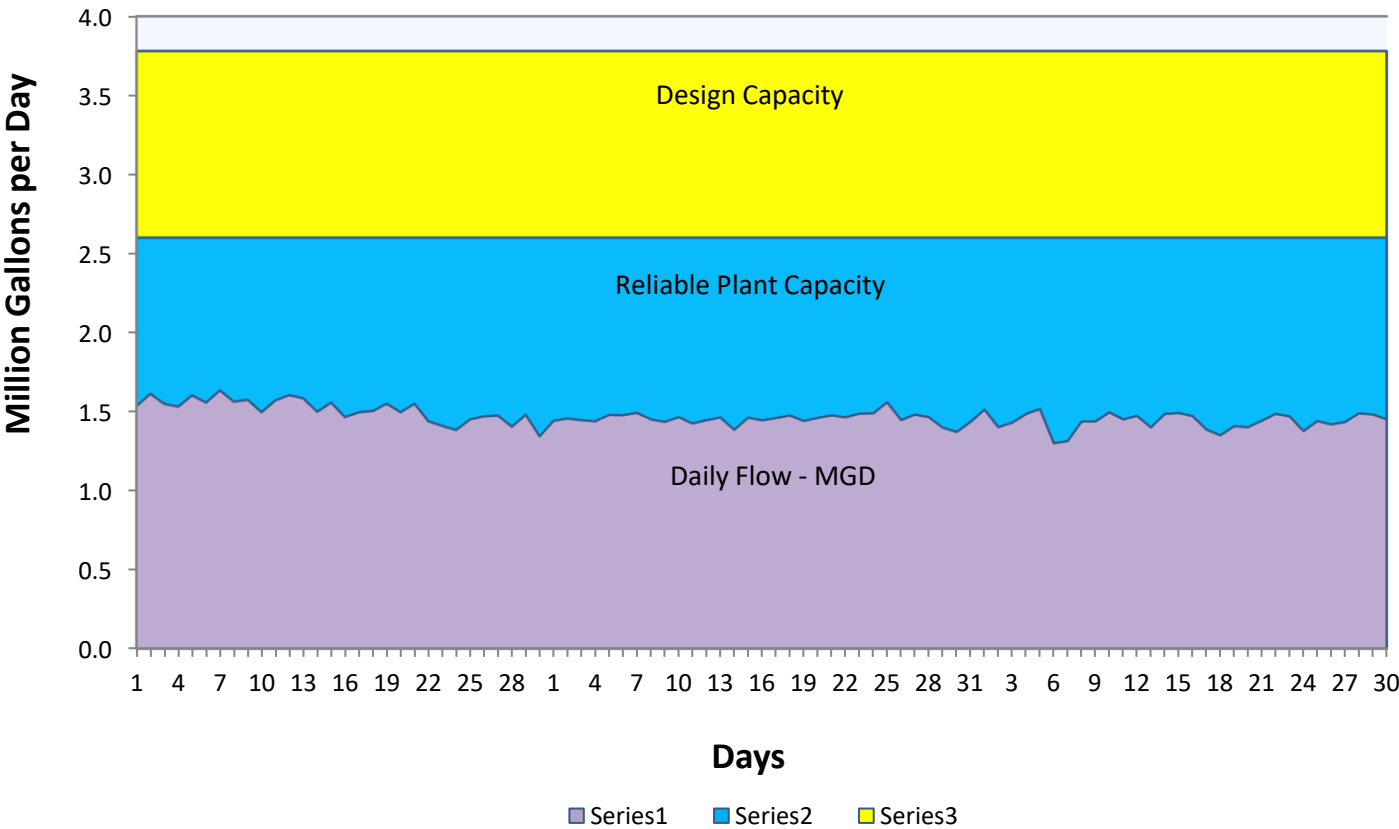


# Wastewater Treatment Plant

# Wastewater Treatment Plant Flows



Wastewater Treatment Flows  
Apr 01 - June 31, 2021





# Quarterly Achievements

## Wastewater Treatment Plant

- All Aerators and Blowers on Lagoon 1 operational.  
Zero “ODOR” complaints
- Skyline actuator valve serviced and repaired



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# Building, Parks & Cemeteries





# Quarterly Accomplishments

## Buildings, Parks & Cemeteries



**ONTARIO**  
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- Ontario Youth Group Work Crew assisting with the ground maintenance at Evergreen Cemetery
- Hanging pots installed
- Oregon Mortuary Board Audit completed
- Replaced all picnic tables at Lions Park.





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# Field Services: Streets & Collection/Distribution





# Quarterly Accomplishments

## Field Services

- Chip sealed 11 lane miles
- Gazebo replaced aged cedar shakes and with 3 coats of sealant. Applied site is prepared for foundation contractor to start.



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**ONTARIO**  
OREGON

# Public Works Quarterly Presentation

Quarterly Presentation April - June 2021

**Jacobs**

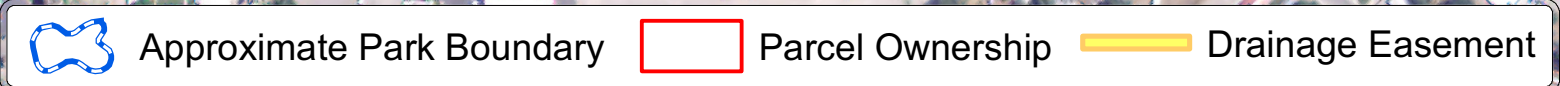
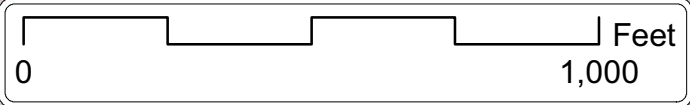
Challenging today.  
Reinventing tomorrow.



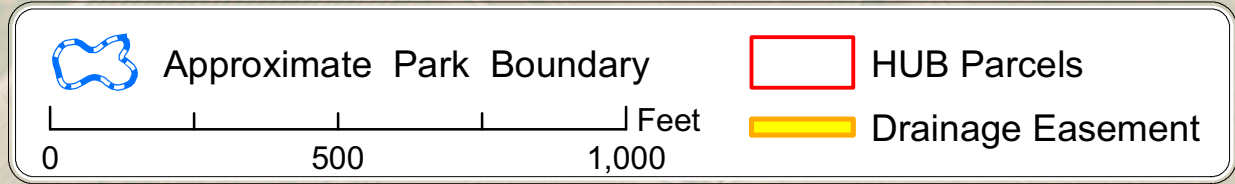


# Ontario SRS

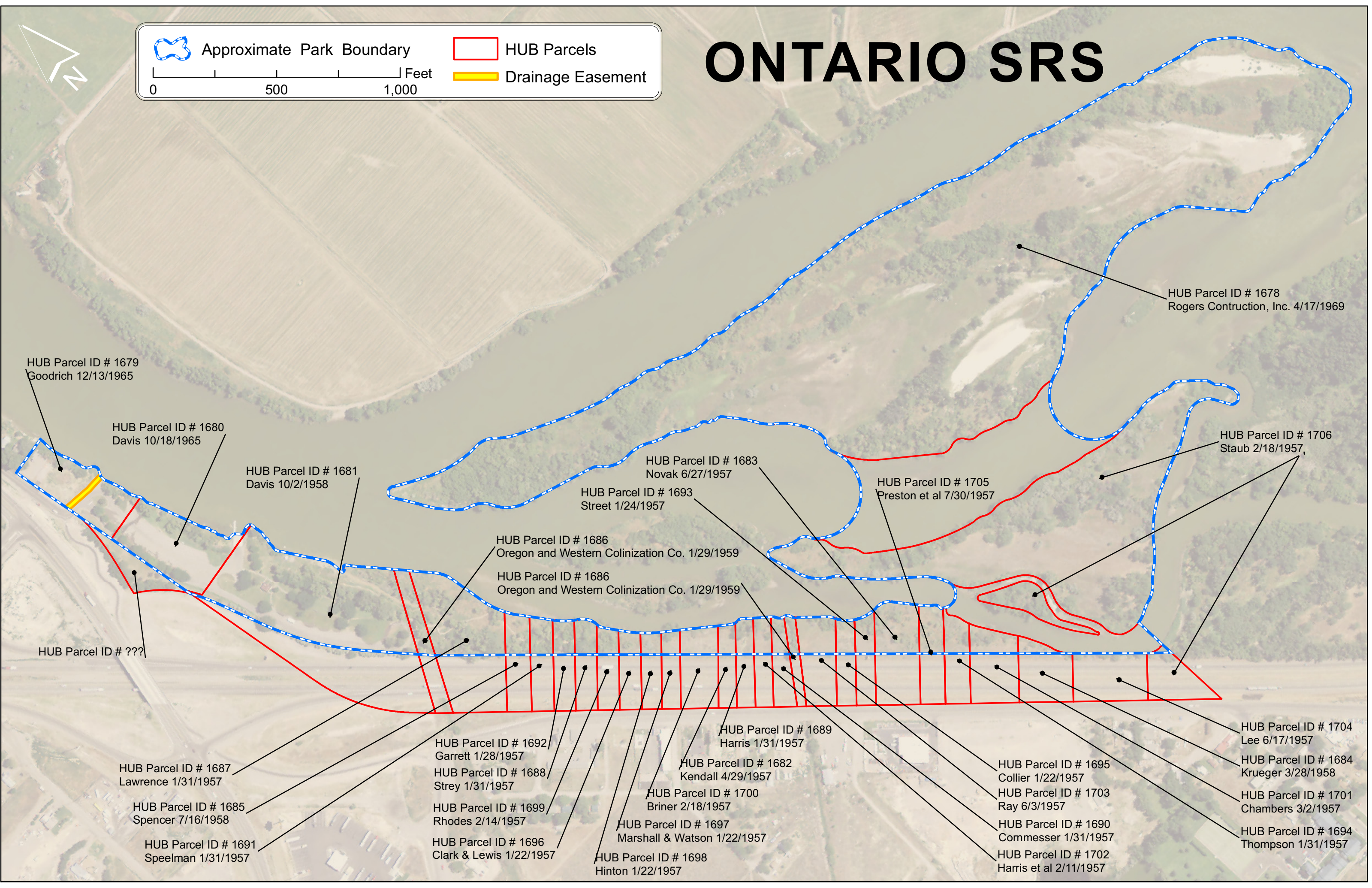
ODOT RoW not given to OPRD by Deed or MoU?







# ONTARIO SRS





# ONTARIO STATE RECREATION SITE: OPERATIONS AND ASSET OVERVIEW

2020 ANNUAL VISITATION: 99,926

| ASSETS:                      |                                               | *2018 figures used for replacement costs              |
|------------------------------|-----------------------------------------------|-------------------------------------------------------|
| <b>RESTROOM BUILDING</b>     |                                               | <b>Replacement Cost</b>                               |
| DESCRIPTION                  | Plumbed Type 4 RR-ADA                         | *\$176,185.00                                         |
| YEAR CONSTRUCTED             | 1966                                          | <b>Maintenance schedule:</b>                          |
| EXTERIOR WALLS               | Concrete Block                                | Annual inspection and cleaning and painting as needed |
| SQUARE FOOTAGE               | 1068                                          |                                                       |
| ROOF TYPE                    | Metal                                         | Annual inspection                                     |
| NUMBER OF TOILETS/URINALS    | 8                                             | Demand maintenance required                           |
| SINKS                        | 4                                             | Demand maintenance required                           |
| UTILITIES                    | Electricity and City Water (currently Non-op) |                                                       |
| SEPTIC TANK                  | Capacity unknown<br>Year installed: unknown   | Annual pumping/as needed when in service              |
| HAND DRYERS                  | 2                                             | Demand maintenance required                           |
| OVERALL CONDITION            | Good                                          | Winterized in October annually                        |
| <b>SHOP BUILDING</b>         |                                               | <b>Replacement Cost</b>                               |
| DESCRIPTION                  | Maintenance Shop                              | *\$25,994.51                                          |
| YEAR CONSTRUCTED             | 1968                                          | <b>Maintenance schedule:</b>                          |
| EXTERIOR WALLS               | Sheet Siding wood                             | Annual inspection and cleaning and painting as needed |
| SQUARE FOOTAGE               | 1280                                          |                                                       |
| ROOF TYPE                    | Metal                                         | Annual inspection                                     |
| NUMBER OF TOILETS/URINALS    | 0                                             |                                                       |
| SINKS                        | 0                                             |                                                       |
| FENCE                        | Chain Link 5'                                 |                                                       |
| UTILITIES                    | Electricity                                   |                                                       |
| SEPTIC TANK                  | Capacity<br>Year installed:                   | Annual pumping/as needed when in service              |
| OVERALL CONDITION            | Good (Exterior Paint needed)                  |                                                       |
| <b>PARKING LOT/AMENITIES</b> |                                               |                                                       |
| NUMBER OF STALLS             | 96                                            | Annual inspection                                     |
| MATERIAL                     | Asphalt Aggregate                             | Has been crack sealed previously                      |
| CURBING                      | Concrete                                      | Minor repairs and cleaning needed quarterly           |
| BOAT RAMP LANES              | 2                                             | Striping biennially/as needed                         |

|                               |                                                                                                                             |                                         |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| BOAT DOCKS                    | 4 good condition, inspected annually (MAP funds cover repairs)                                                              | Bi-annual inspection repairs as needed  |
| FREE STANDING CHARCOAL GRILLS | 3                                                                                                                           | Checked 3x per week                     |
| PICNIC TABLES                 | 6 standard 1 ADA                                                                                                            | Checked 3x per week, annual sealing     |
| GARBAGE RECPTACLES            | 6                                                                                                                           | Emptied 3x week                         |
| CAR COUNTER                   | 1 INDUCTIVE LOOP                                                                                                            | Recorded monthly for annual usage       |
| PORTABLE TOILETS              | 1 standard 1 ADA                                                                                                            | Emptied 2x week (summer)                |
| SIGN STRUCTURES               | 1 wood type good shape                                                                                                      | Monthly inspection and cleaning         |
| OVERALL CONDITION             | Good, Concrete curbing has one small section needing repair 14 lineal feet, parking lot scheduled for striping in Fall 2021 |                                         |
| MISCELLANEOUS                 |                                                                                                                             |                                         |
| DESCRIPTION                   |                                                                                                                             | Replacement Cost                        |
| IRRIGATION SYSTEM             | 10hp pump 9 irrigated acres total                                                                                           |                                         |
| FENCING                       | Wire/ t-post                                                                                                                | Annual inspection and repairs as needed |
| WALKWAYS                      | concrete                                                                                                                    | Annual inspection and repairs as needed |
| TRAIL                         | gravel                                                                                                                      | Annual inspection and repairs as needed |
|                               |                                                                                                                             |                                         |

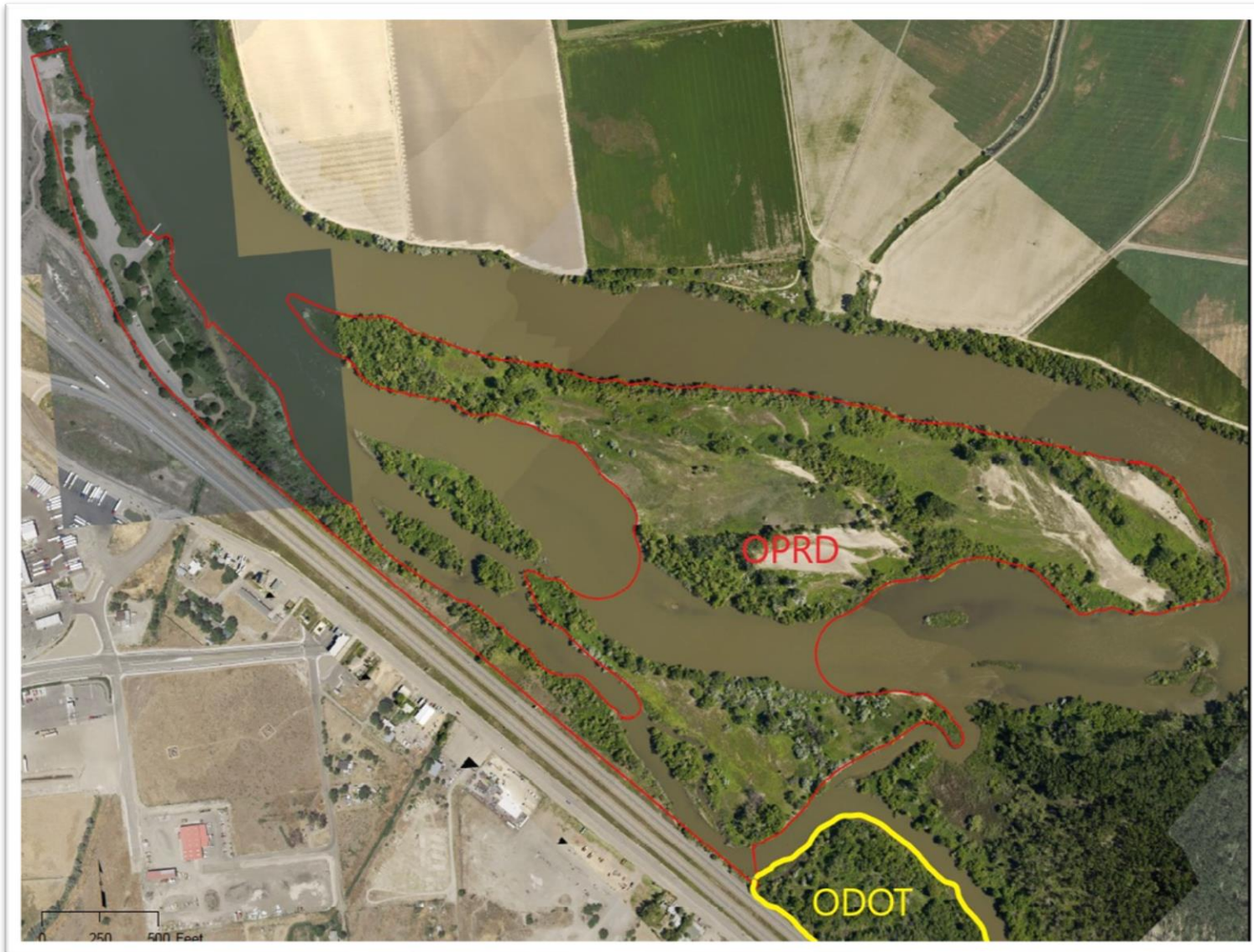


## OPERATION COSTS

|                               |                                                                                                                                                                                                  |                                                   |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| UTILITIES:                    | Annual costs from July 2020 to July 2021                                                                                                                                                         |                                                   |
| ELECTRICITY                   |                                                                                                                                                                                                  |                                                   |
| RESTROOM BUILDING             | Currently closed to public                                                                                                                                                                       | \$258.37                                          |
| SHOP BUILDING                 | Lights, outlets, small shop heater (used April-October)                                                                                                                                          | \$152.45                                          |
| WATER                         |                                                                                                                                                                                                  | Annual costs from 2018 last season open to public |
| RESTROOM BUILDING             | Open typically April through October                                                                                                                                                             | \$347.50                                          |
| WASTE MANAGEMENT              |                                                                                                                                                                                                  | Annual costs from July 2020 to July 2021          |
| DUMPSTER                      | 1.5 yard (emptied twice weekly April through October)                                                                                                                                            | \$774.65                                          |
| PORTABLE TOILETS              |                                                                                                                                                                                                  | Annual costs from July 2020 to July 2021          |
| PUT IN USE 11/2018            | <u>*When restroom is open this operational cost is negated</u>                                                                                                                                   | \$8268.00                                         |
| GENERAL SERVICES AND SUPPLIES | Typical costs: Cleaning products, paper products, sign replacement, post replacement, fence repair, paint, parking lot repairs, septic tank pumping, invasive species management (herbicide)etc. | \$4091                                            |
| PARK ADMIN, FLEET & EQUIPMENT | Percentage charged from unit for cost of park management and administrative payroll, fleet, equipment and fuel etc.                                                                              | \$22347.60                                        |
|                               | <b>Total 20-21 operational S&amp;S costs</b>                                                                                                                                                     | <b>\$36,240.57</b>                                |
|                               | <b>Total future costs estimated after repairs to water system</b>                                                                                                                                | <b>\$27,972.57</b>                                |

PERSONNEL:

| DESCRIPTION                       | A Percentage of annual payroll per position is estimated based on assets, Preventative maintenance, on-demand maintenance and emergent maintenance. These estimates vary by Biennium and number of overall positions filled for the entire Management unit charged. | Percentages based on 19-21 Biennium operational costs for staff assigned to cover Ontario State Recreation Site.                             |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| AREA: GENERAL PARK MAINTENANCE    | Not charged to marine access program funds                                                                                                                                                                                                                          | Payroll differs per seniority pay level 15%-20% of annual payroll per position assigned to park currently charged to park operational budget |
| SEASONAL PARK RANGER ASSISTANT #1 | Routine Duties: Mowing, restroom cleaning, litter pickup, emptying garbage and minor rule enforcement, and on-demand maintenance.                                                                                                                                   | 15%=\$4151.40                                                                                                                                |
| SEASONAL PARK RANGER ASSISTANT #2 | Routine Duties: Mowing, restroom cleaning, litter pickup, emptying garbage and minor rule enforcement, and on demand maintenance                                                                                                                                    | 15%=\$4809.75                                                                                                                                |
|                                   | <b>Total General Park Maintenance</b>                                                                                                                                                                                                                               | <b>\$8,961.15</b>                                                                                                                            |
| AREA: BOAT RAMP MAINTENANCE       | charged to marine access program funds                                                                                                                                                                                                                              |                                                                                                                                              |
| SEASONAL PARK RANGER ASSISTANT #2 | Routine Duties: litter pickup, repair boat ramp, sign cleaning, painting curbs, etc.                                                                                                                                                                                | 15% of FTE =\$4809.75                                                                                                                        |
| PARK RANGER 2                     | Preventative type and Emergent Maintenance<br>More complex repairs: plumbing, minor electrical etc.                                                                                                                                                                 | 20% = \$16585.25                                                                                                                             |
|                                   | <b>Total MAP Maintenance</b>                                                                                                                                                                                                                                        | <b>\$21,395</b>                                                                                                                              |
|                                   | <b>Total annual ranger personnel costs</b>                                                                                                                                                                                                                          | <b>\$22,457.97</b>                                                                                                                           |
|                                   | <b>Total annual 20-21 operational S&amp;S costs</b>                                                                                                                                                                                                                 | <b>\$36,240.57</b>                                                                                                                           |
|                                   | <b>Total estimated annual operational cost</b>                                                                                                                                                                                                                      | <b>\$58698.54</b>                                                                                                                            |
|                                   | <b>Marine Access program funding annual 20-21</b>                                                                                                                                                                                                                   | <b>\$9667</b>                                                                                                                                |
|                                   | <b>ODOT Rest Area annual Funding 20-21</b>                                                                                                                                                                                                                          | <b>\$32,954</b>                                                                                                                              |
|                                   | <b>Total Expended after MAP/ODOT reimbursement</b>                                                                                                                                                                                                                  | <b>\$16,077.54</b>                                                                                                                           |



Photograph depicting current parcels owned by Oregon Parks & Recreation Department





Ontario State Recreation site Restroom Building





Main Parking lot adjacent to Boat ramp



Maintenance Shop building





# Tater Tots Trail Property Acquisition

August 4, 2021





**ONTARIO**  
OREGON



# ONTARIO SRS



Approximate Park Boundary

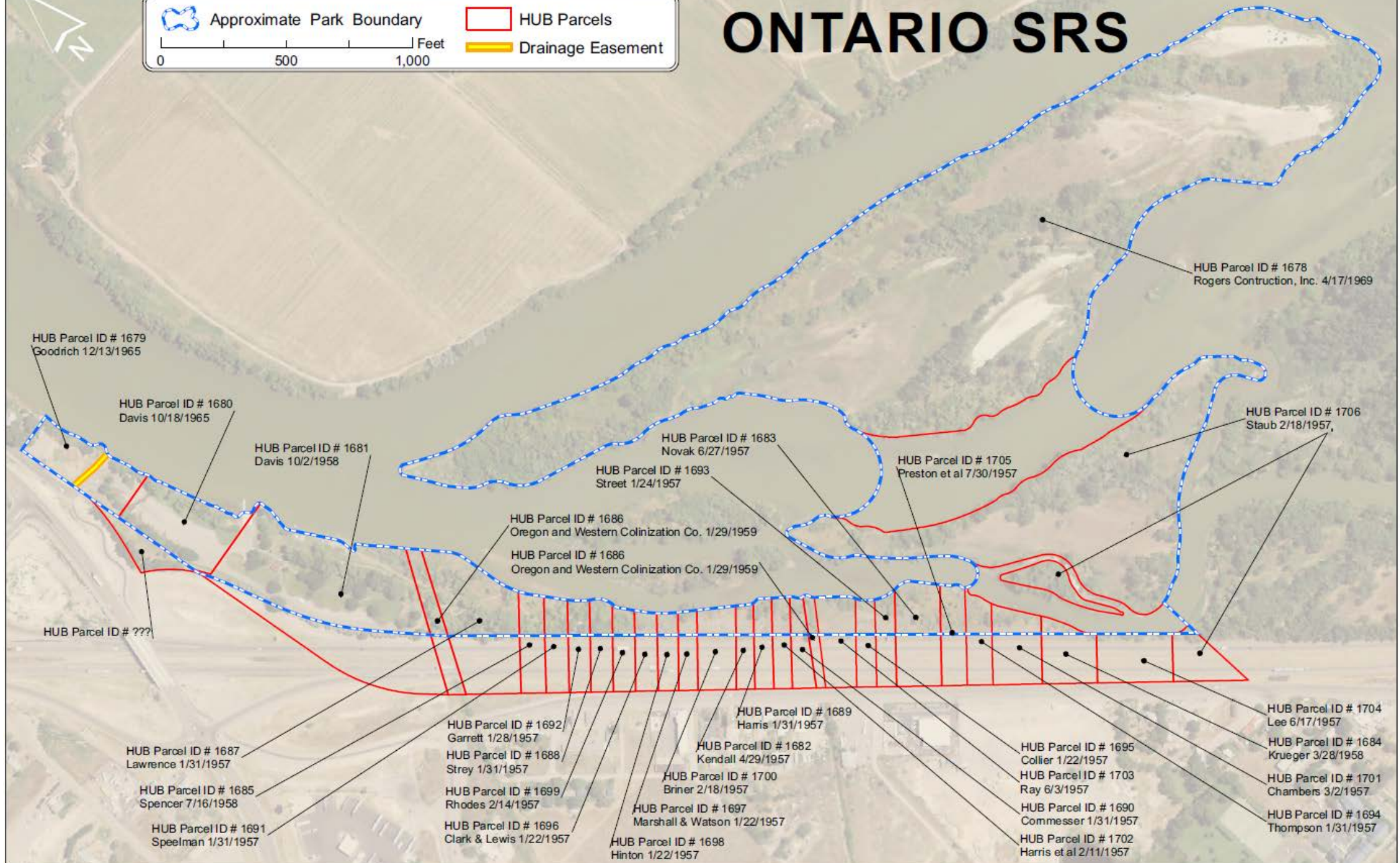


HUB Parcels

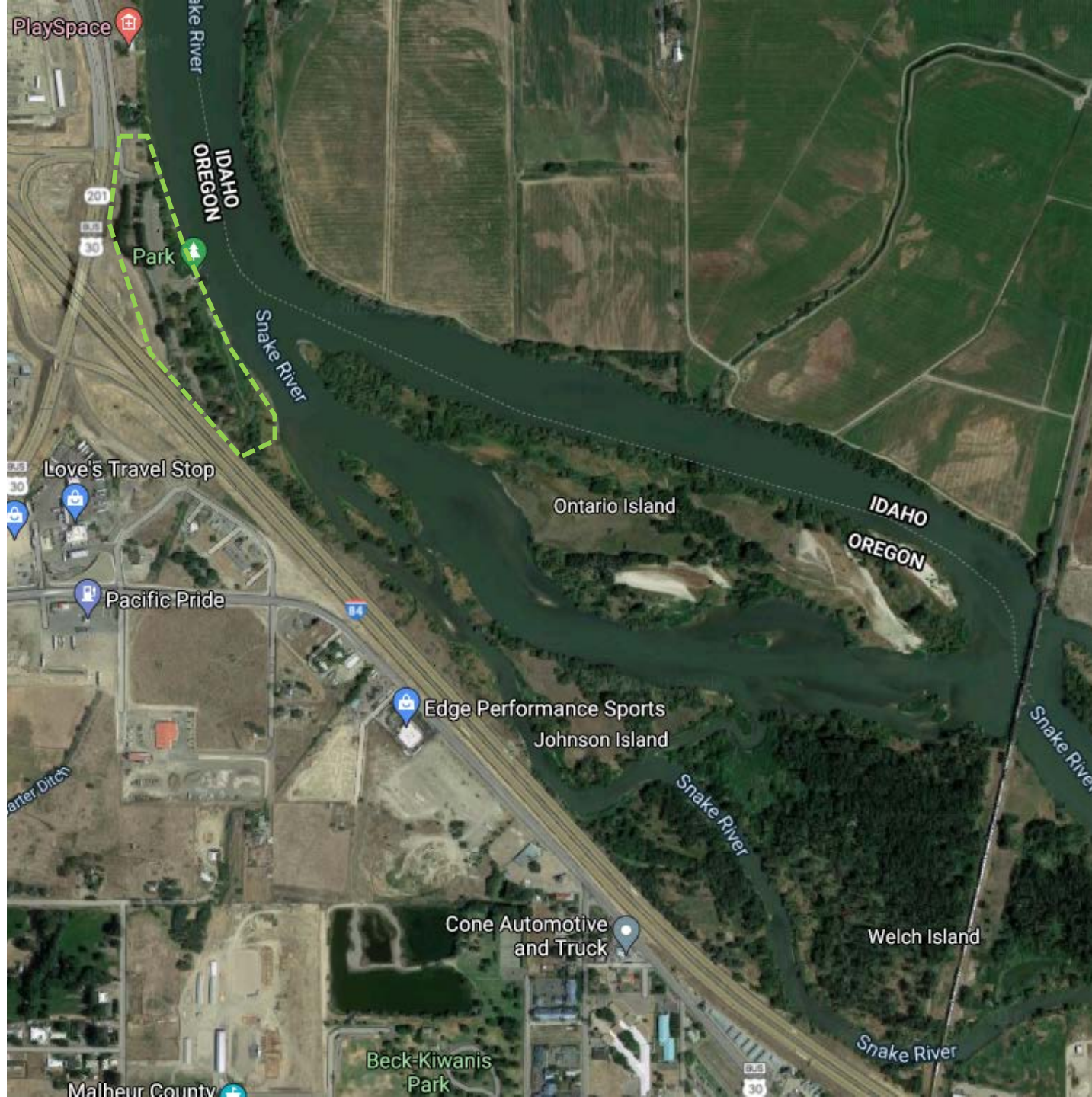


Drainage Easement

0 500 1,000 Feet

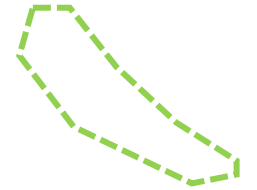






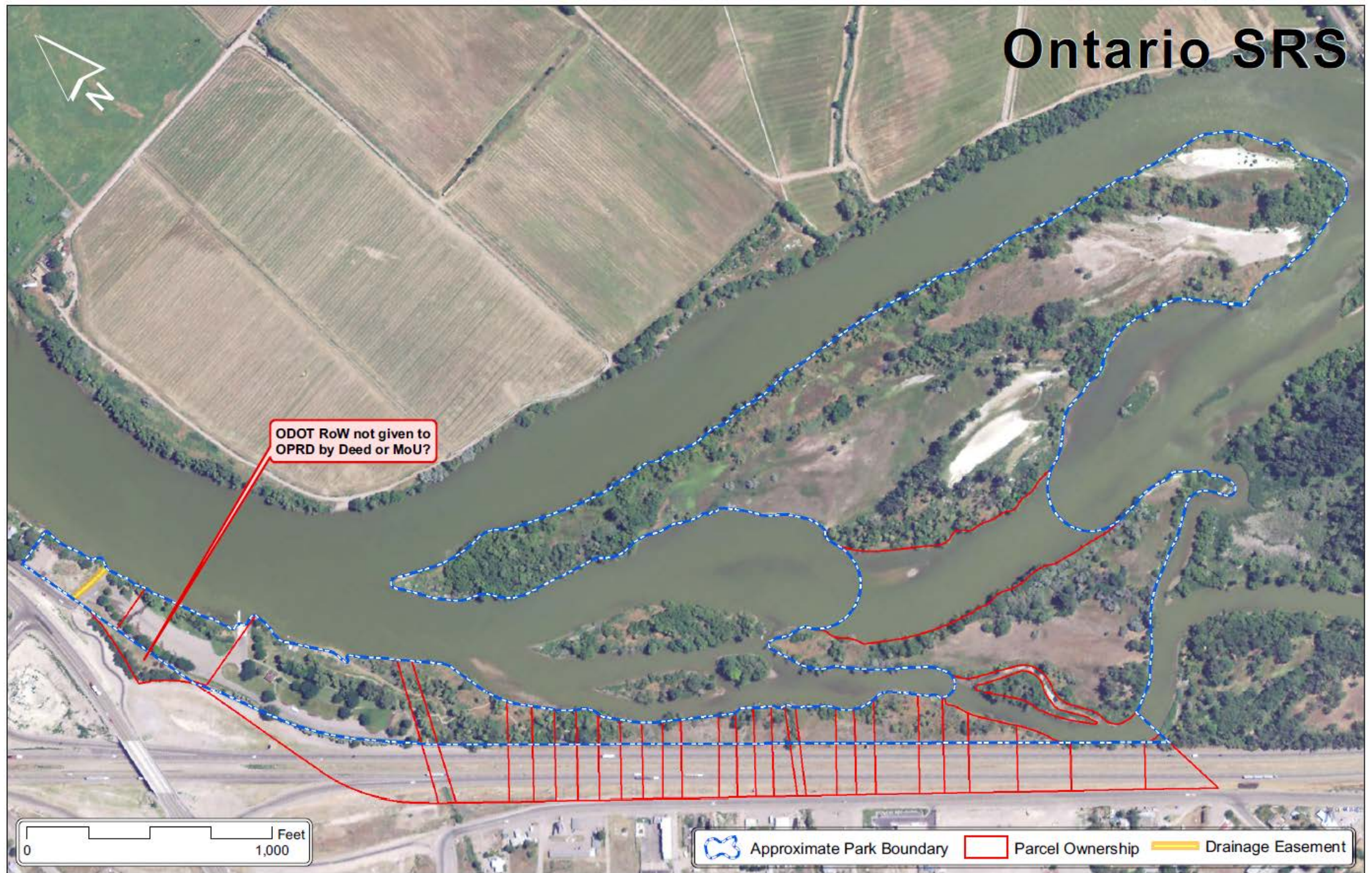
**ONTARIO**  
OREGON

Oregon Parks &  
Recreation Department  
(OPRD) State Park





# Ontario SRS







Oregon Parks and Recreation  
Department Property



Proposed Route of Tater Tots  
Trail



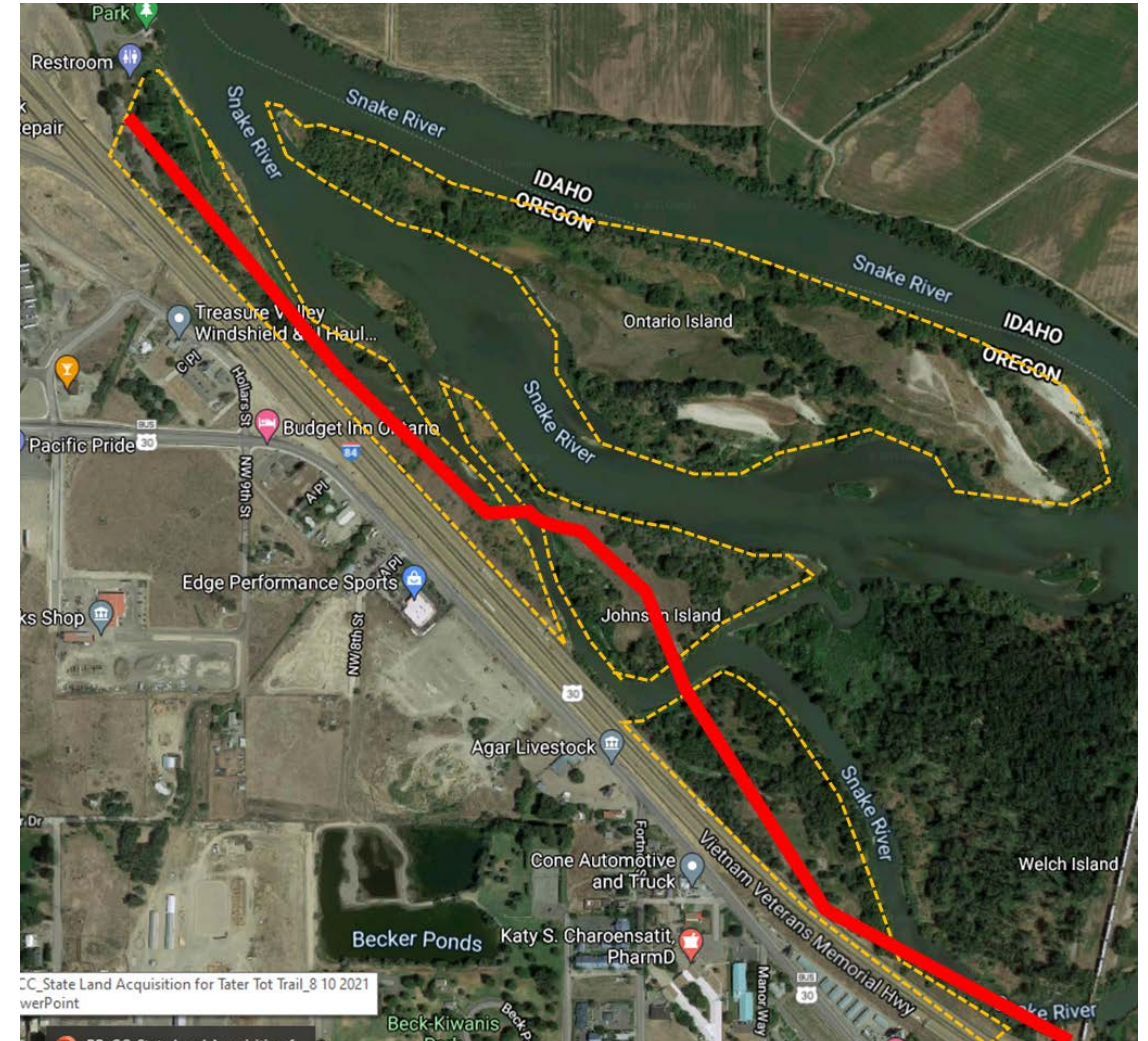


# Options

1. Request just easements
2. Partial Ownership with additional easement (Ontario Island and Johnson Island)
3. Ownership of State Park (with updated facilities and annual revenues for maintenance of the park and the boat launch)
4. 100 Year Lease of the State Park with right to purchase for \$1 at any time

# 1. Request Easements Only

- Request only the 30-foot easement from the Northwest to the Southeast needed for the trail.

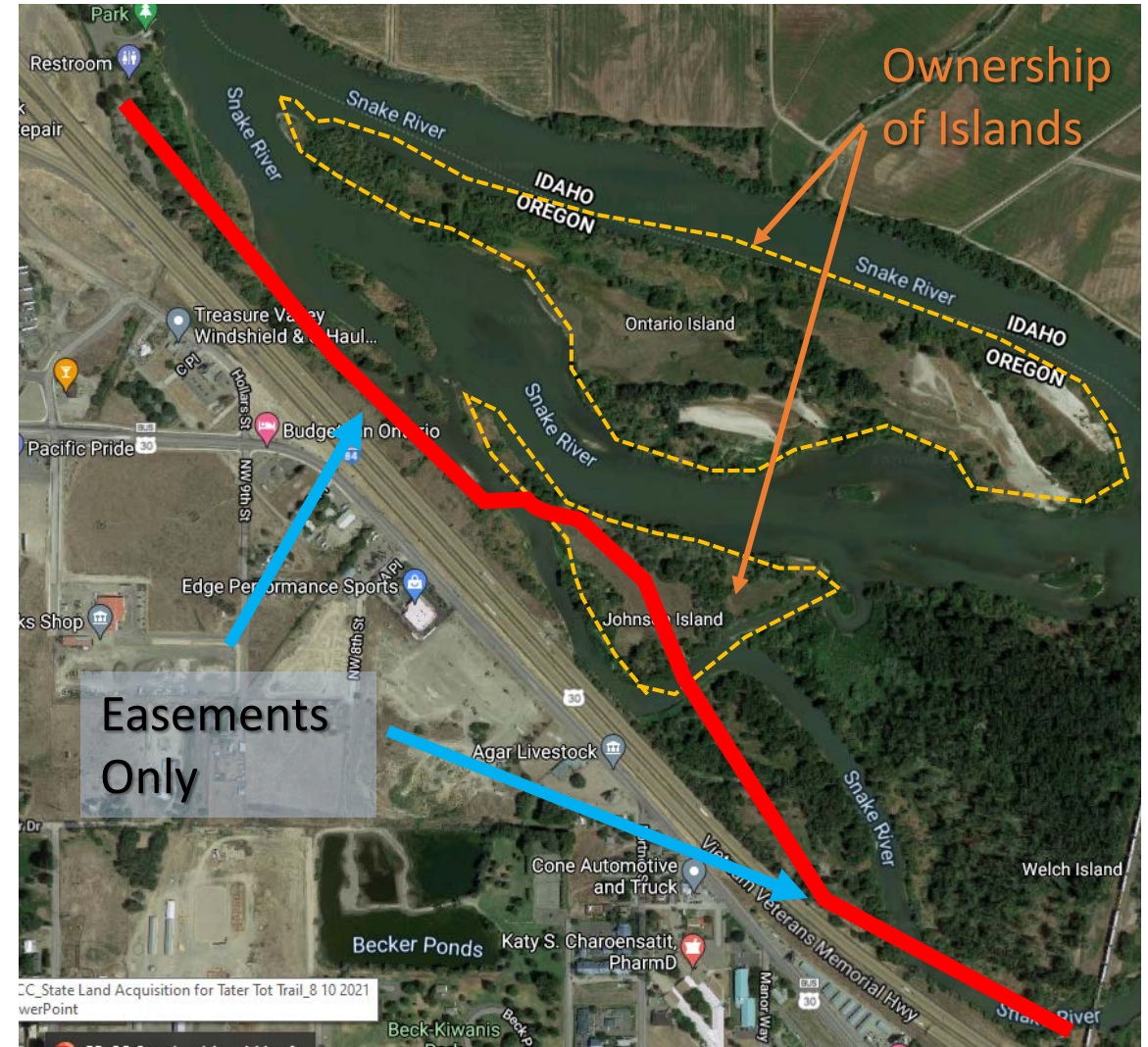




## 2. Partial Ownership with Additional Easement



- Ownership of Johnson Island and Ontario Island
- Easements only for the other property needed for the trail



### 3. Ownership of all OPRD Land

- Includes State Park
- Johnson and Ontario Islands
- Boat Launch
- Comes with annual:
  - ODOT Funds - \$75,000
  - Boat Launch Maintenance Funds \$10,000
  - Updated Bathroom Facilities





## 4. 100 Year Lease of all OPRD Land

- Includes State Park
- Johnson and Ontario Islands
- Boat Launch
- Comes with annual:
  - ODOT Funds - \$75,000
  - Boat Launch Maintenance Funds \$10,000
  - Updated Bathroom Facilities



**After discussion we can do a more in-depth dive on the options.**

**We are preparing property statements for the request to the State of Oregon for the Right of Way**



# American Rescue Plan Act of 2021 (ARPA)

August 4, 2021



# How Much?

The most recent budget number available from the State for the City of Ontario is:

**\$2,440,558.51**



# What can we spend it on?

1. Support public health expenditures
2. Address negative economic impacts caused by the public health emergency
3. Replace lost public sector revenue
4. Provide premium pay for essential workers
5. Invest in water, sewer, and broadband infrastructure

# What can we spend it on?

1. Support public health expenditures
2. Address negative economic impacts caused by the public health emergency
3. Replace lost public sector revenue
4. Provide premium pay for essential workers
5. Invest in water, sewer, and broadband infrastructure

Our staff leadership team tried to align this funding with the City Strategic Plan and Council Direction and focused a proposal to you on uses #2 and #5.

# Investments in Housing and Neighborhoods



...such services to address individuals experiencing homelessness, affordable housing development....



# Investing in Water and Sewer Infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures.

May use this funding to invest in an array of drinking water, wastewater, and stormwater infrastructure projects including physical plants, transmission, distribution, and storage systems.

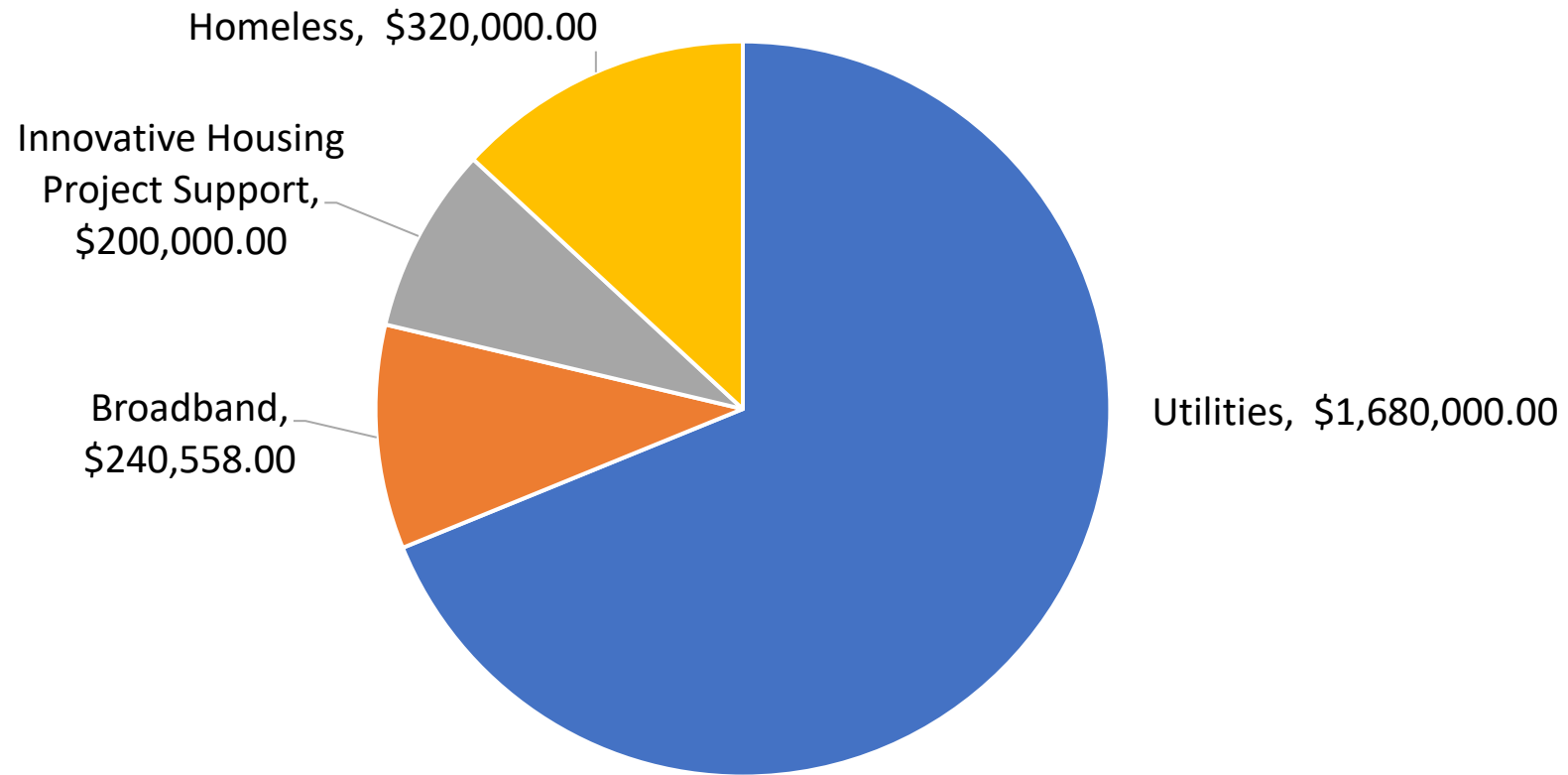


# Investing in Broadband Infrastructure



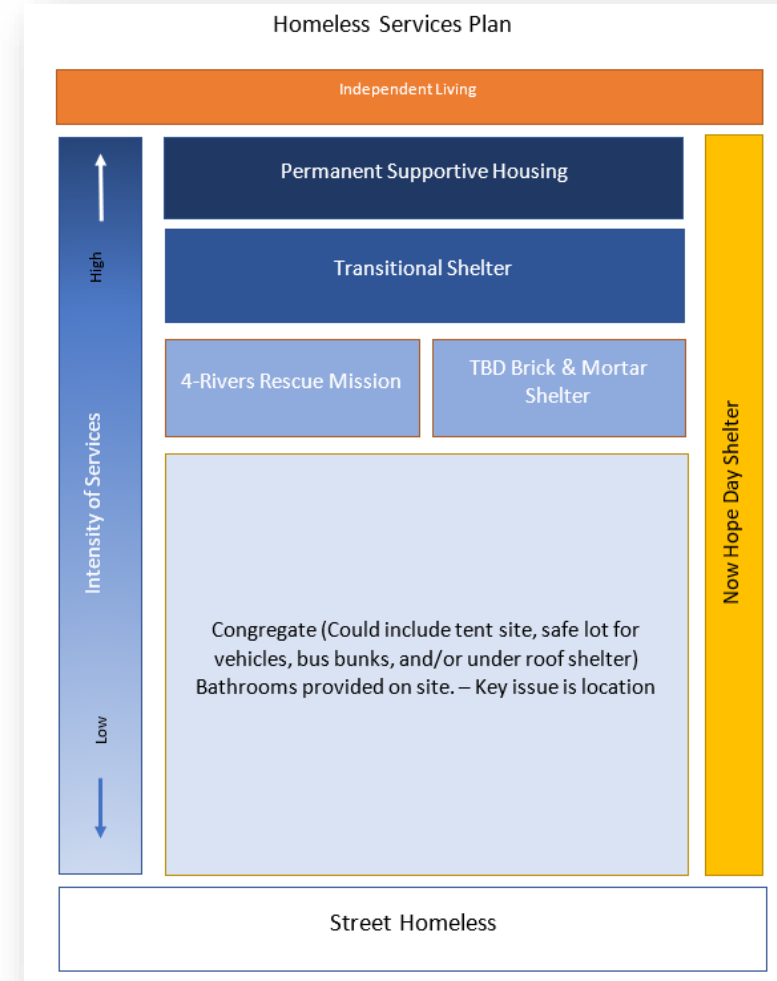
...Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

# Proposed Plan



# Homeless

- Work with Partners to acquire to build out a comprehensive homeless strategy
  - Transitional Housing
  - Rescue Mission
  - Shelter
  - Urban Campground



# Innovative Housing Project Support



- To remove barriers for housing projects to move forward.
  - For Example: Financial support of projects that fill a need, but do not meet the criteria for the housing incentive program.
  - Proposals would be determined by the City Council.





# Broadband

- We have previously been blacked out of rural broadband funding
- New limits of 25 mb/s up, and 25 mb/s down opens a window to allow us to use ARPA money to extend broadband to homes and businesses.
- The pandemic brought to light the lack of broadband access in our community



# Utility Extensions

Funding for grant matches to build out water, sewer, and stormwater plans to strategic economic development sites.

- Treasure Valley 200
- Navarrete
- Airport



# Timeline

- We have approximately 2 years to spend these funds.

# Thoughts?



# FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

**May 10, 2021**

*Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery*

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

## **FUNDING AMOUNTS**

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

| <b>Type</b>                                  | <b>Amount<br/>(\$ billions)</b> |
|----------------------------------------------|---------------------------------|
| States & District of Columbia                | \$195.3                         |
| Counties                                     | \$65.1                          |
| Metropolitan Cites                           | \$45.6                          |
| Tribal Governments                           | \$20.0                          |
| Territories                                  | \$4.5                           |
| Non-Entitlement Units of<br>Local Government | \$19.5                          |

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

## **USES OF FUNDING**

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

## 1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
  - ✓ Vaccination programs
  - ✓ Medical expenses
  - ✓ Testing
  - ✓ Contact tracing
  - ✓ Isolation or quarantine
  - ✓ PPE purchases
  - ✓ Support for vulnerable populations to access medical or public health services
  - ✓ Public health surveillance (e.g., monitoring for variants)
  - ✓ Enforcement of public health orders
  - ✓ Public communication efforts
  - ✓ Enhancement of healthcare capacity, including alternative care facilities
  - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
  - ✓ Enhancement of public health data systems
  - ✓ Capital investments in public facilities to meet pandemic operational needs
  - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
  - ✓ Mental health treatment
  - ✓ Substance misuse treatment
  - ✓ Other behavioral health services
  - ✓ Hotlines or warmlines
  - ✓ Crisis intervention
  - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

## 2. **Addressing the negative economic impacts caused by the public health emergency**

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.



### 3. Serving the hardest-hit communities and families

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

### 4. Replacing lost public sector revenue

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

## **5. Providing premium pay for essential workers**

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- |                                                                                 |                                                       |
|---------------------------------------------------------------------------------|-------------------------------------------------------|
| ✓ Staff at nursing homes, hospitals, and home-care settings                     | ✓ Truck drivers, transit staff, and warehouse workers |
| ✓ Workers at farms, food production facilities, grocery stores, and restaurants | ✓ Childcare workers, educators, and school staff      |
| ✓ Janitors and sanitation workers                                               | ✓ Social service and human services staff             |
| ✓ Public health and safety staff                                                |                                                       |

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

## **6. Investing in water and sewer infrastructure**

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

## **7. Investing in broadband infrastructure**

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

## **8. Ineligible Uses**

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.





**Parks Committee Report to Council from meeting on July 15, 2021:**

The committee recommends improvements to Beck Kiwanis Park to add a dog park and disc golf course.

The committee would like to get the Beck Kiwanis floating fishing dock in the next Capital Improvement Plan.

A letter of support to be on record was approved for the Tater Tots Trail and Snake River Water Trail

The committee would like to create signs with already establish rules for parks such as prohibitions on tobacco, alcohol (without permit), no littering, no camping, park hours, and dogs on leash. The committee would like these to be emotionally intelligent signs (ones that express the rules in a positive partnering way).

The committee would like to get a new Parks Liaison assigned from the City Council assigned.

Approved Kiwanis plan improvements for Lanterman Kiwanis Park. We need to amend the Parks Master Plan and seek approval for the sand volleyball court at Lanterman Park.

The committee will be bumping up their meeting schedule from every two months to every month for the time being.



# July Parks Committee Report

August 10, 2021



# Items Discussed

- The Committee would like to add signs in our parks that show the rules applicable to city parks (that already exist)
  - For example: prohibition on tobacco, alcohol (without a permit), dogs on leash, no littering
  - Emotionally intelligent signs



# Approved Recommendations

- For Lanterman Kiwanis Park
- For Beck Kiwanis Park
- Work the fishing dock at Beck Park into the next Capital Improvement Program
- Approved a Letter of Support for Trail Tater Tots Trail to have on file for grant application purposes



# Parks Committee Meetings

- Moving to monthly meetings (from every other month)
- They are eager to have a council member attend their meetings (council will probably want to wait for a replacement council member before appointing parks committee liaison – at your discretion)



# PERS Actuarial Assumption Changes

August 10, 2021



# Rate of Return Change

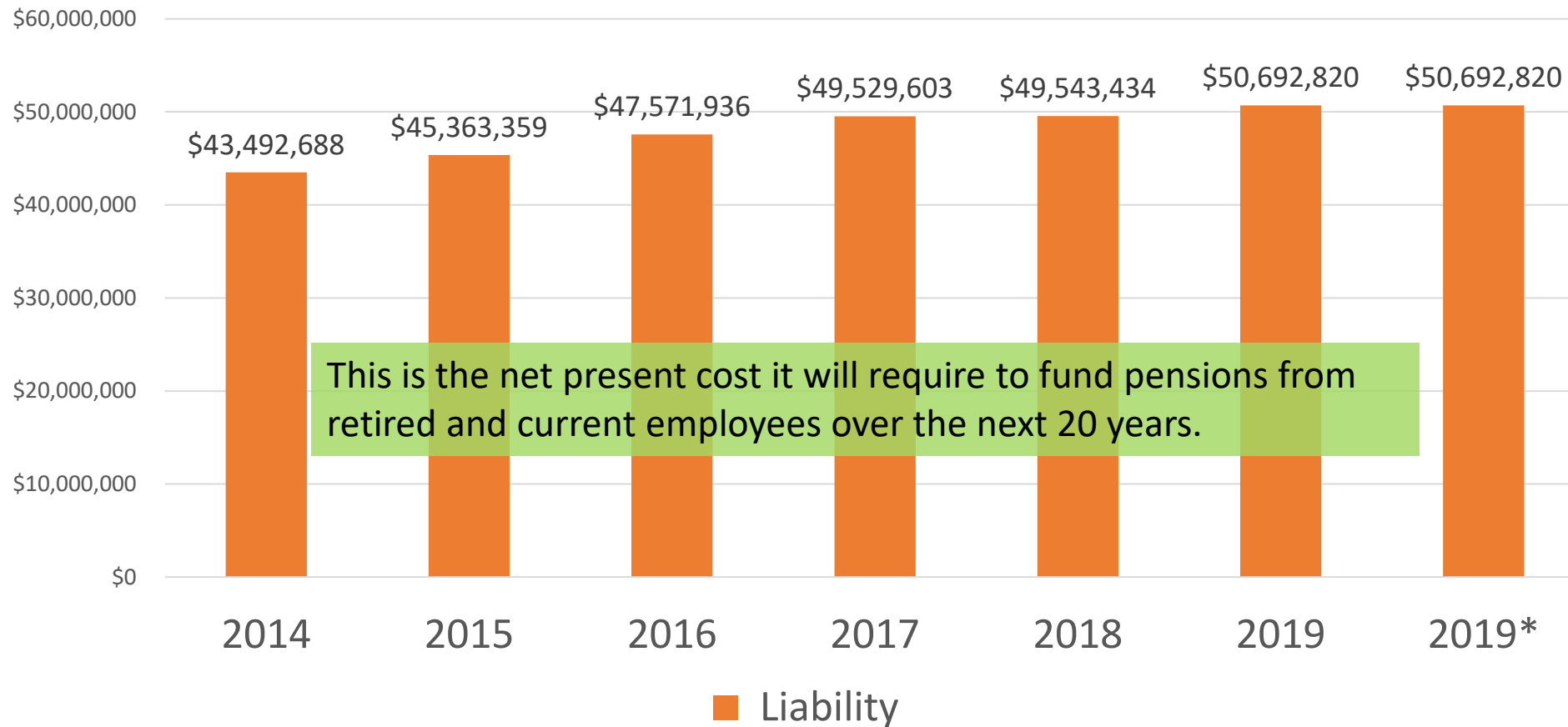
**Was**

• 7.2%

**Changed To**

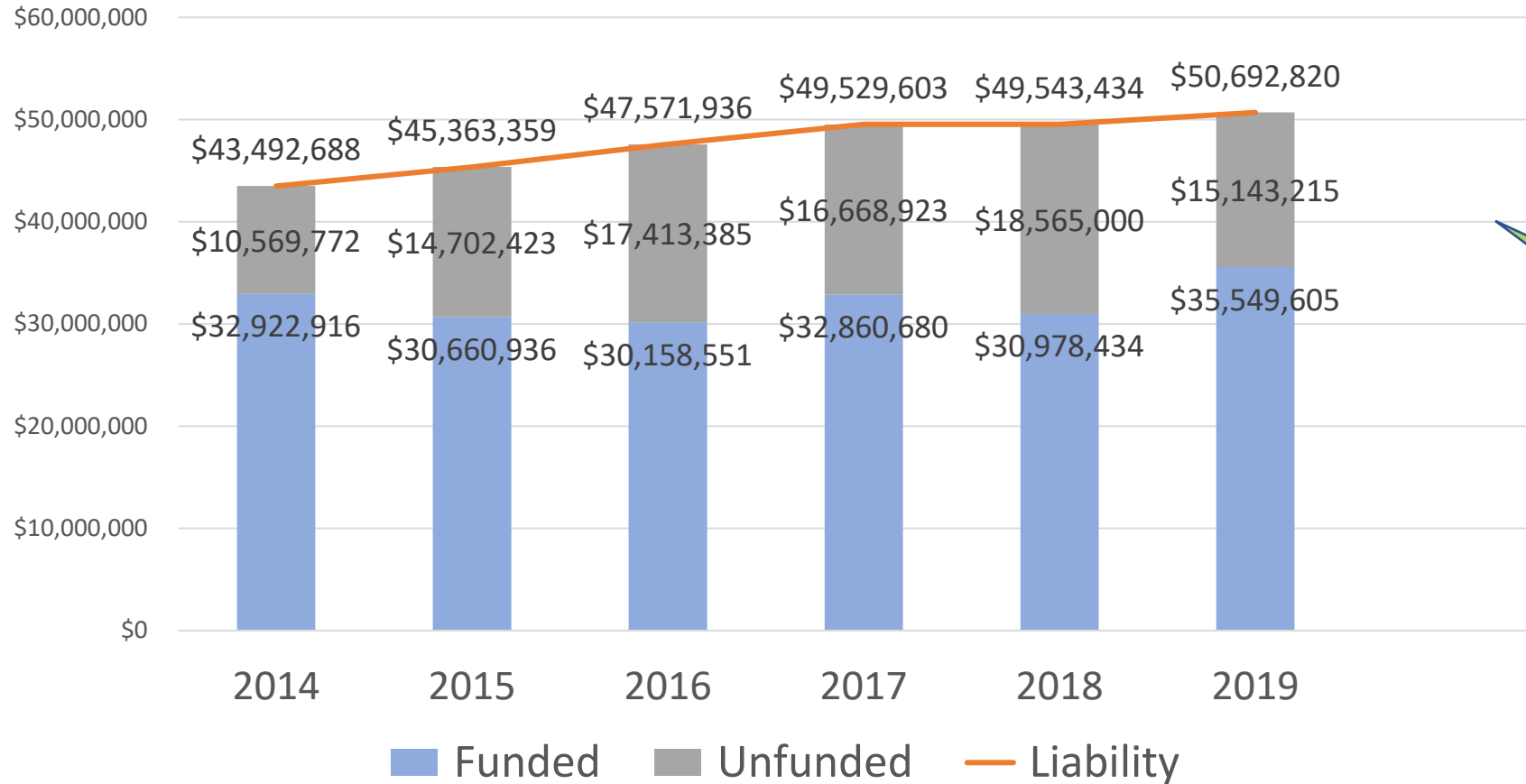
• 6.9%

# Ontario PERS Liability





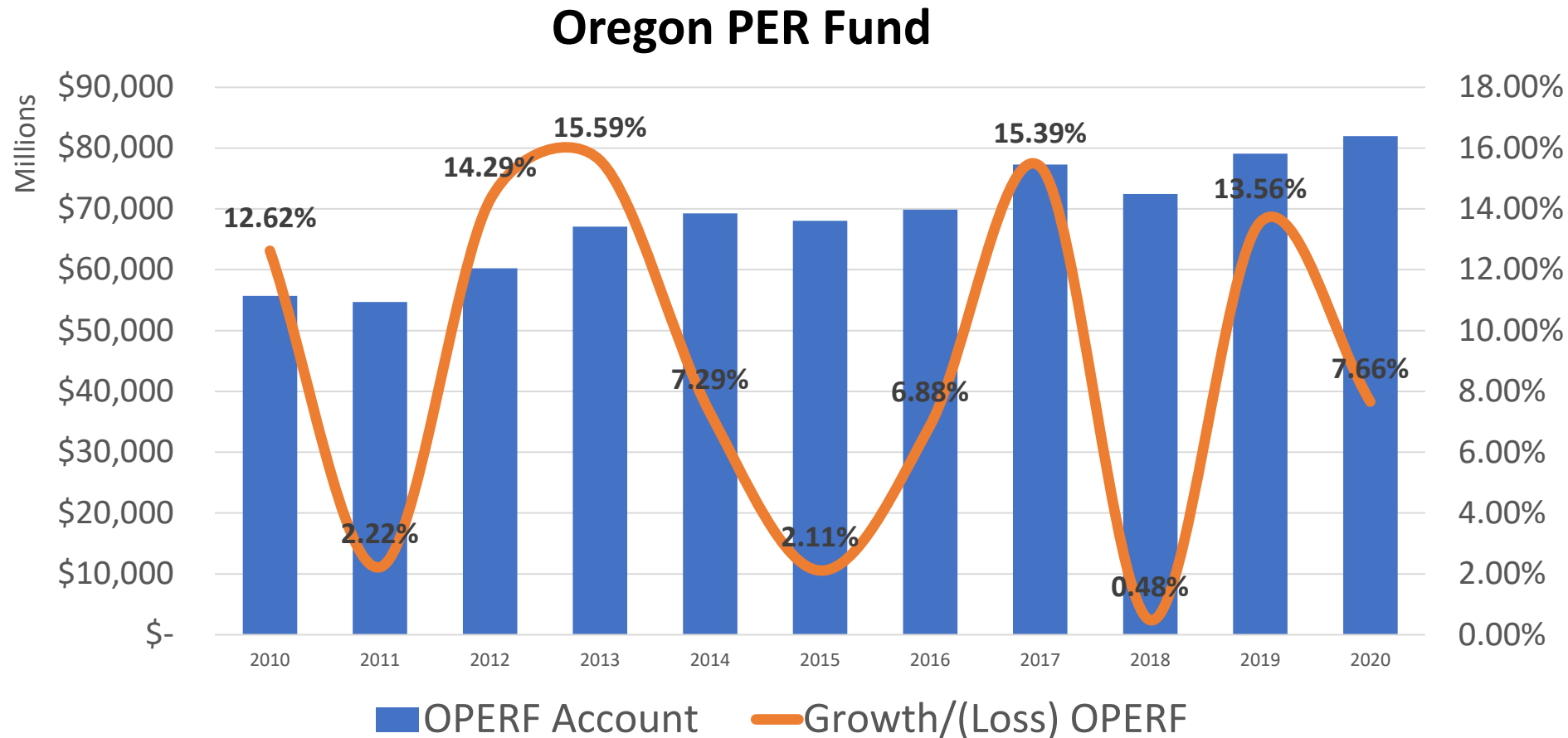
# Unfunded Liability



We are currently funded at ~ 70%

This large reduction is a result of a payment made on July 1, 2019

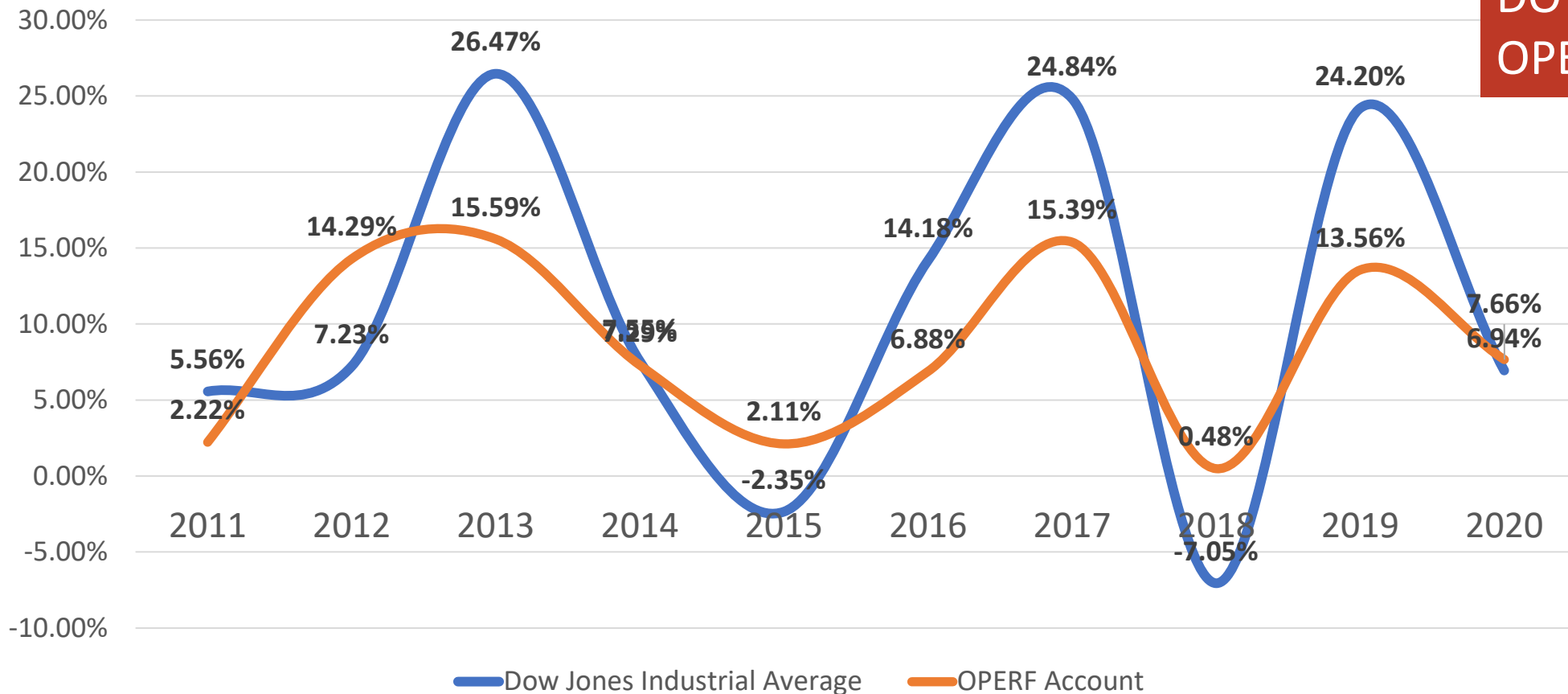
# Oregon PERS Investments



Oregon Public Employee Reserve Fund – (OPERF)

# OPERF Compared to the DOW

Returns of OPERF & DOW



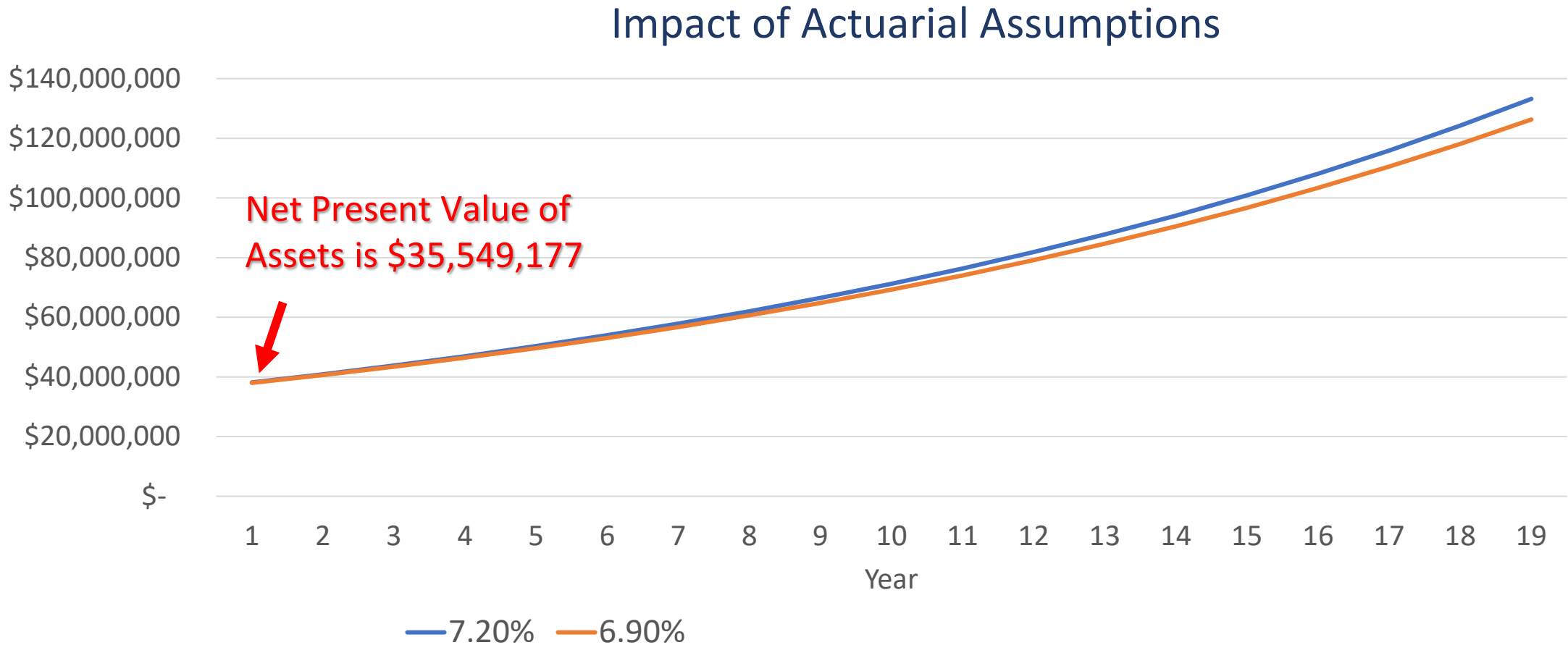
Average Return

DOW: 10.76%

OPERF: 8.92%

Compactness is  
evidence of  
principal  
preservation  
strategies

# What Does this Mean?





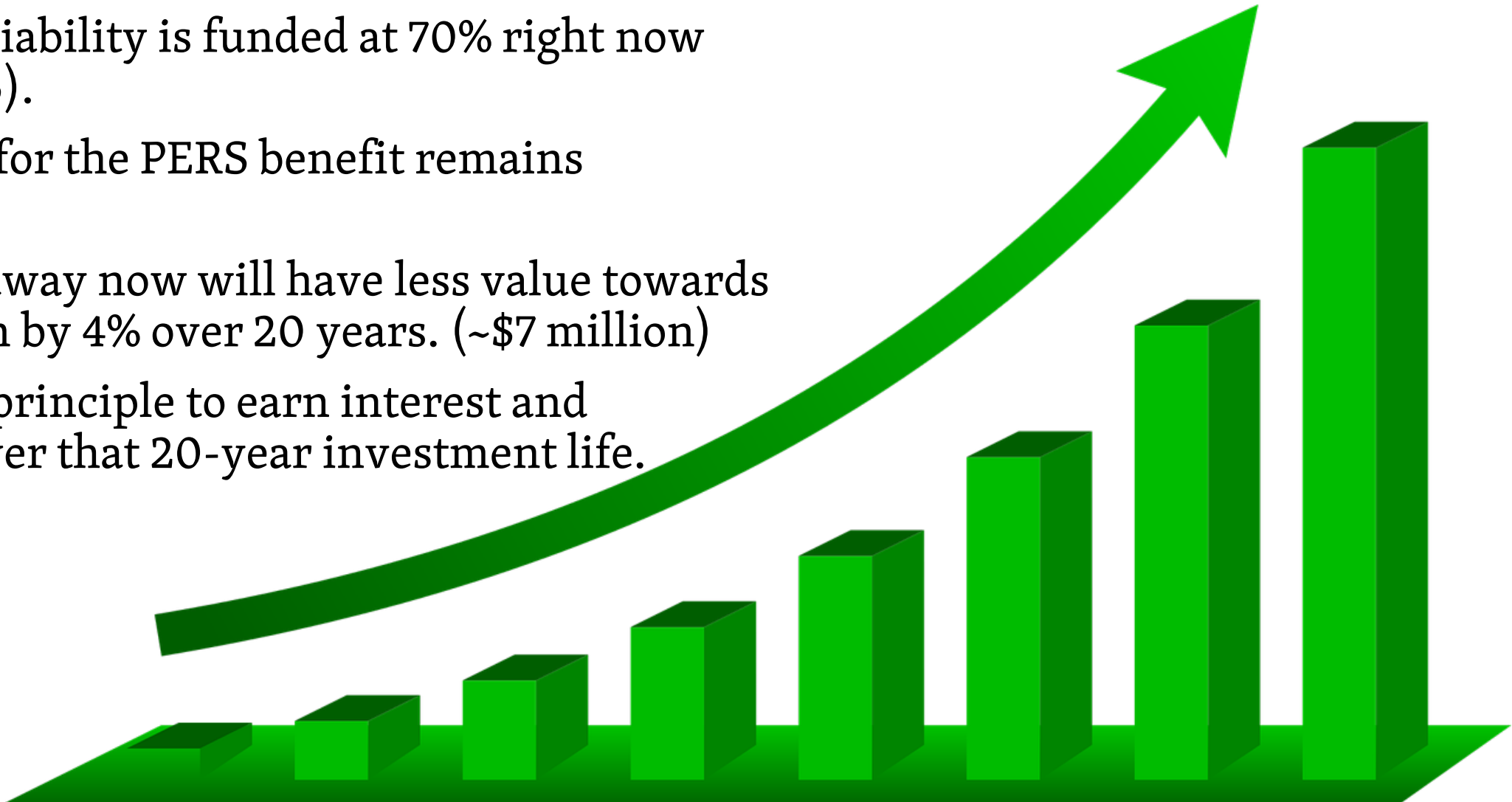
# Value of Extra Payments Now

The 20-year liability is funded at 70% right now (\$35, 549,605).

The expense for the PERS benefit remains unchanged.

A dollar put away now will have less value towards the obligation by 4% over 20 years. (~\$7 million)

There is less principle to earn interest and compound over that 20-year investment life.



# In Summary

- This change in actuarial assumption will decrease our funded actuarially accrued liability by 4%
- We may see a small offset in the amount we have paid down PERS from this actuarial assumption.
- If they earn more, it will reduce the long-term liability.

## **Recommendation**

- Continue plans to pay down until we get with in the 95% range
- Pay \$1.5 million of the \$2.2 million budgeted towards PERS right away so that it will be included in the next evaluation.
- Watch the budget to see where the fiscal year ends to pay the remaining.



Engineering Division  
1551 NW 9<sup>th</sup> St  
Ontario, OR 97914  
Public Works (541) 889-8572

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## Memorandum

To: Adam Brown, City Manager  
Peter Hall, Assistant City Manager

From: Al Cablay, Public Works Director  
Paul Woods, P.E., City Engineer  
Kim Lord, Water Superintendent

Date: August 5, 2021

RE: Residential Drinking Water Sampling per Oregon Health Authority

This memorandum is intended to inform City leadership of a regulatory activity involving the City's drinking water system and certain households within the community.

The Oregon Health Authority implements on behalf of the Environmental Protection Agency certain provisions of the federal Safe Drinking Water Act called the Lead and Copper Rule. In 1986, EPA published a regulation to control lead and copper in drinking water. This regulation is known as the Lead and Copper Rule (also referred to as the LCR). Since 1986 the LCR has undergone various revisions, see the Rule History section below.

The rule requires public drinking water systems to monitor drinking water at customer taps to determine if there is lead or copper exposure. If the action level for lead or copper is exceeded, the system must also inform the public about steps they should take to protect their health such as replacing certain fixtures or service lines under their control.

The sampling occurs every 3 years and the Oregon Health Authority provides a list of homes that fit the sampling criteria (generally homes built between 1982 and 1989). The City then reaches out to homeowners within the approved subset and requests that homeowners voluntarily participate in the sampling. An example of the sample collection instructions is attached to this

memorandum. Staff deliver the sample bottles in person to sample participants, answer any questions and pick up the samples after collection. Sample results are shared with each homeowner.

The City previously conducted this sampling without any issues. We will be reaching out to approximately 30 households to conduct this sampling, many of whom participated previously. The intent of this memorandum is to daylight this activity in case members of the public contact City leadership regarding this program.



## Sample Collection Procedures

### Homeowner Tap Sample Collection Procedures

#### Lead and Copper Monitoring

These samples are being collected to determine the lead and copper levels in your tap water. This sampling effort is required by the U.S. Environmental Protection Agency and the State of

Oregon under the Lead and Copper Rule and is being accomplished through a collaboration between the Ontario Water System and our consumers (e.g. residents).

A sample is to be collected after water has been sitting in the pipes for at least 6 hours (i.e., no water use during this period). To ensure the water has not been used for at least 6 hours, the best time to collect samples is either early in the morning or evening upon return from work. The collection procedure is described below:

1. **A minimum of 6 hours during which there is no water use throughout the house must be achieved prior to sampling.**
2. Do not intentionally flush the water line before the start of the 6 hours period.
3. This sample should be “first draw” sample (i.e. the sample consists of the first water drawn from the pipes after the period of no usage). Either early mornings or evenings upon returning home are the best sampling times to ensure the necessary stagnant water conditions exist.
4. Use **kitchen or bathroom cold-water faucet** for sampling. If you have water softeners on your kitchen taps, collect your sample from the bathroom tap that is not attached to a water softener, or a point of use filter, if possible. **Do not remove the aerator prior to sampling.**
5. Place the opened sample bottle below the faucet and open the cold water tap as you would do to fill a glass of water. Fill the sample bottle to the marked “1000-mL” and turn off the water.
6. Tightly cap the sample bottle and place it in the zip-lock bag provided. Please review the sample label at this time to ensure that all information contained on the label is correct. Complete the data on the form below.
7. If any plumbing repairs or replacement has been done in the home since the previous sampling event, note this information below. Also, if your sample was collected from a tap with a water softener, note this as well.

8. Place the sample bottle and this form in the same location that it was delivered to so that water system staff may pick up the sample.
9. Results from this monitoring effort and information about lead will be provided to you as soon as practical but no later than 30 days after the system learns of the tap monitoring results. However, if excessive lead and/or copper levels are found, immediate notification will be provided (usually 1-2 working days after the system learns of the monitoring results).

**Call Jacobs at (541)-889-8572 if you have any questions regarding these instructions.**

| <b>TO BE COMPLETED BY RESIDENT</b>                                                                                                           |                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Sample was collected at the:                                                                                                                 | <input type="checkbox"/> Kitchen Cold Water Tap <input type="checkbox"/> Bathroom Cold Water Tap |
| Water was last used:                                                                                                                         | Time: _____ Date: _____                                                                          |
| Sample was collected:                                                                                                                        | Time: _____ Date: _____                                                                          |
| Do you have a water softener:                                                                                                                | <input type="checkbox"/> Yes <input type="checkbox"/> No                                         |
| Do you have a point of use device to remove Inorganic Contaminants?                                                                          | <input type="checkbox"/> Yes <input type="checkbox"/> No                                         |
| Have plumbing repairs or replacements taken place in your home in the last 3 years? <input type="checkbox"/> Yes <input type="checkbox"/> No |                                                                                                  |
| If yes, please describe:<br>_____                                                                                                            |                                                                                                  |
| I have read the above directions and have taken a tap sample in accordance with these directions.                                            |                                                                                                  |
| Name (Print): _____ Date: _____                                                                                                              |                                                                                                  |
| Signature: _____                                                                                                                             |                                                                                                  |
| City of Ontario Water System                                                                                                                 |                                                                                                  |



# Police Stat Report 2021

| Activity               | 2021 May | 2021 June | 2021 July | YTD 2021  | PRIOR YTD<br>2020 |
|------------------------|----------|-----------|-----------|-----------|-------------------|
| Calls for Service      | 874/1381 | 1047/1607 | 1044/1586 | 5113/8276 | 6066              |
| Murder                 | 0        | 0         | 1         | 1         | 1                 |
| Manslaughter           | 0        | 0         | 0         | 0         | 0                 |
| Robbery                | 1        | 1         | 2         | 11        | 4                 |
| Sex Crimes             | 5        | 5         | 5         | 38        | 37                |
| Burglary               | 15       | 13        | 24        | 109       | 76                |
| Assault                | 11       | 9         | 14        | 87        | 100               |
| Arson                  | 0        | 0         | 0         | 2         | 0                 |
| UUMV / Auto Theft      | 7        | 16        | 7         | 61        | 0                 |
| Arrests                | 75       | 90        | 129       | 676       | 520               |
| Arrests w/Use of Force | 4        | 2         | 5         | 17        | 5                 |
| Gang Related Cases     | 3        | 4         | 1         | 36        | 13                |
| Graffiti               | 6        | 4         | 0         | 56        | 38                |
| Death Investigations   | 3        | 5         | 4         | 13        | 14                |
| SRO Cases              | 2        | 0         | 0         | 60        | 75                |
| Thefts                 | 70       | 88        | 87        | 442       | 464               |
| Traffic Stops          | 105      | 38        | 52        | 602       | 1243              |
| Cited Traffic/Parking  | 36       | 103       | 109       | 584       | 564               |
| Traffic Crashes        | 33       | 50        | 56        | 288       | 247               |
| Alarms                 | 33       | 47        | 30        | 198       | 193               |

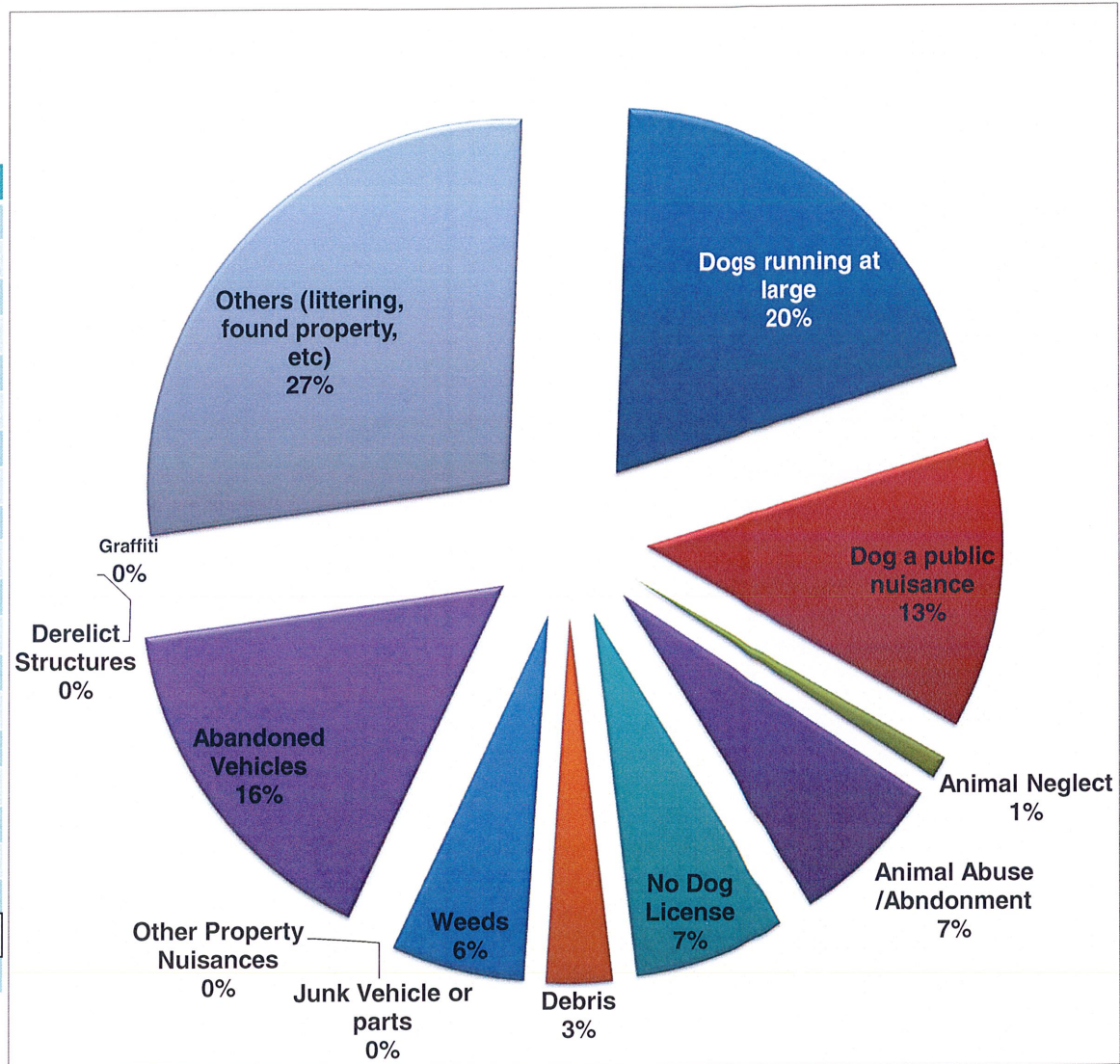
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# CODE ENFORCEMENT

## JULY: 2021 Stats

| Violation                               | Q2-2021    | Column1 |
|-----------------------------------------|------------|---------|
| Dogs running at large                   | 20         |         |
| Dog a public nuisance                   | 13         |         |
| Animal Neglect                          | 1          |         |
| Animal Abuse /Abndonment                | 7          |         |
| No Dog License                          | 7          |         |
| Debris                                  | 3          |         |
| Weeds                                   | 6          |         |
| Junk Vehicle or parts                   | 0          |         |
| Other Property Nuisances                | 0          |         |
| Abandoned Vehicles                      | 16         |         |
| Derelict Structures                     | 0          |         |
| Graffiti                                | 0          |         |
| Others (littering, found property, etc) | 28         |         |
| Dogs taken to (Fetch This Kennel )      | 0          |         |
| Civil Penalties Issued                  | 0          |         |
| C.P. Amount Sent                        | \$0        |         |
| Total Parking Citations                 | 0          |         |
| Total Violations                        |            |         |
| <b>Total Cases</b>                      | <b>100</b> |         |



Notes: CODE ENFORCEMENT HAS BEEN MAKING MORE VERBAL CONTACT WITH PROPERTIES THAT HAVE VIOLATIONS NO ABTAEMENTS ARE BEING DONE /WITH NO CIVIL PENALTIES BEING SENT AT THIS TIME. CODE ENFORCEMENT HAS BEEN VERY LUCKY AND HAVE BEEN GETTING COMPLIANCE FROM THE BUISNESS AND RESIDENCE WITH CLEANING UP THEIR PROPERTIES.





*July 2021 ACTIVITY REPORT*



July 2021



### **Emergency Medical:**

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

|              |            |
|--------------|------------|
| <b>CITY</b>  | <b>176</b> |
| <b>RURAL</b> | <b>9</b>   |

**2 of these emergency calls required back-up crews to be called in to respond to 2<sup>nd</sup> call.**

**Hazmat Team Calls:**

**1**

### **Fire Related Emergency Calls:**

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

|              | <b>TOTAL</b> | <b>General</b> | <b>Mutual Aid</b> |
|--------------|--------------|----------------|-------------------|
| <b>CITY</b>  | <b>28</b>    | <b>5</b>       | <b>0</b>          |
| <b>RURAL</b> | <b>15</b>    | <b>4</b>       | <b>2</b>          |

**1 of these emergency calls required back-up crews to be called in to respond to 2<sup>nd</sup> call.**

### **TOTAL CALLS FOR MONTH**

|              |            |
|--------------|------------|
| <b>CITY</b>  | <b>204</b> |
| <b>RURAL</b> | <b>24</b>  |

### **FIREFIGHTER TRAINING:**

*6/29 – Haz-Mat De-con operations.*

*7/6 – New Stabilization tools.*

*7/13 – Rope Rescue and Rappelling.*

*7/20 – Patient lashing and lowering, and firefighter quick escape lowering.*

### **PERMITS ISSUED:**

*City Open Burns*

*City Burn Barrels*

*Rural Open Burns*

*Rural Burn Barrels*



July 2021



### **INSPECTIONS:**

*7/20/21 – West Park Plaza fire hydrant and fire sprinkler flushes.*

*7/20/21 – Pre-construction for fire sprinklers system at Ontario PCCC housing remodel.*

*7/22/21 – Underground sprinkler supply for the new Commercial Tire Store.*

*7/23/21 – Final for Giggles and Grace classrooms in basement of Lutheran Church.*

### **COMMUNITY INVOLVEMENT:**

*7/13/21 – City Manager and Chief attended the Malheur County Communications study review with the company and multiple other agencies.*

*7/15/21 – Staff displayed 109 and the large American flag for the antique plane fly in hosted by the airport.*

### **Summary of Calls of Interest:**

#### **City Incidents:**

**6/26 1206 SW 8<sup>th</sup> ave,** R-1 responded to a false alarm, the detector was set off by steam from a shower.

**6/29 391 SW 9<sup>th</sup> St.** St. Al's R-1 the crew responded to a commercial fire alarm, that ended up being a pull station that was activated by a 5 yr. old boy.

**6/29 802 Sunset** Rescue 1 crew also responded to a broken fire hydrant that was hit by a pick-up.

**6/30 50 NE 2<sup>nd</sup> St.** The crew responded to a dumpster fire; the fire was out upon the arrival of the crew. 382 E. Idaho Taco Bell The crew along with Chief responded to a diesel spill in the parking lot of the business. A delivery truck was parked in the parking lot unloading product when a customer backed an RV trailer into the fuel tank for the trailer and put a hole in the tank allowing about 20 gallons of fuel to spill. Jacobs was called to clean up the fuel that got into the city drain system and the crews assisted with the spreading of floor dry and clean up of the diesel.





July 2021

**7/3 880 N. Oregon #404** Multiple crews were dispatched for a house on fire. Report states that everyone is out of the house at this time. Rescue arrived on River St. and assumed command and began a defensive attack on the B side of the house where flames had ventilated through a window. The fire quickly knocked down to black. At that time 103 arrived and began interior operations. The ceiling was pulled in the hallway outside the involved room. The owner stated that the door was shut to that room, which probably save the entire house from becoming fully involved. There was heavy smoke damage throughout the house. Interior crews began salvage operations and covered furniture in the Livingroom area. Interior began mopping up and taking care of hot spots. 100 took statement from the owner who said that he heard a loud "popping" noise coming from that room. he went to check on it and saw the fire. he tried to put it out with a small fire extinguisher, but it was not enough. He then called 911. 100 issued Burnout funds to the owner. Red Cross arrived as crews were getting back into service.

**7/4 1350 Arata Wy.** R-1 responded to a BBQ on fire that was out when the crew arrived. They turned off the gas and advised the owner to not use that BBQ.

**7/4 518 NW 6<sup>th</sup> St.** R-1 arrived on scene to find the back fence on fire and about 1/8 of an acre of weeds burning in the back yard. We accessed the fire through the alley. We used a 1" booster line to extinguish the fence and the weeds.

**7/4 1231 SE 15<sup>th</sup> Ave** 157 156 103 100 responded to a working fire in a camp trailer. 156 cleared to respond to a separate fire and 103 157 and 100 remained on scene and put the fire out. Chief gave occupant \$200 burn out fund money.

**7/4 789 Sierra Vista** Called to a fire in a field by Sierra Vista Dr. On scene of approximately 5-acre field with flames spreading down wind. There were 2 or 3 people attempting to extinguish fire with water bottles. 156 and 157 used their spray bars and knocked fire down 102 did some follow up behind 156. Fire was most likely fireworks related.

**7/5 880 N. Oregon** 156 dispatched to fence fire that is between 2 trailers. The fire started by a firework that went through the fence and started the fire. Fire was out upon arrival and 156 mopped up hot spots.

**7/9 Ontario Fire was dispatched to City Hall**, 444 SW 4th Street for an audible alarm at Ontario Police department. R-1 staff then proceeded to silence and reset the audible alarm coming from auxiliary power system. It appeared there was a power bump at Ontario City Hall, which triggered the aux electrical power generator. The audible alarm is often triggered when the system returns to normal operations.



July 2021

**7/10 537 SE 2<sup>nd</sup> St. # 8 R-1** and an engine company was dispatched for a lift assist for an extremely obese pt. 156 and 105 responded with a total crew of 4. Pt was placed on cot, transported to St Luke's, Fruitland. Crews responded to St Luke's, Fruitland to assist pt. into emergency room.

**7/12 Yturri beltline N. Hwy 201** Dispatched to a fully engulfed vehicle fire. Upon arrival, R1 and 156 came across a fully engulfed white Chevy Cruze car. R1 extinguished the fire. Owner states that she has been having overheating problems with the vehicle for several months. She also states that she saw smoke coming from the driver's front side of the vehicle and pulled the hood latch lever. OSP trooper tried to extinguish the fire with a fire extinguisher, with negative results. Fire then quickly spread, completely burning the engine, and most of the front end of the car.

**7/14 351 SW 9<sup>th</sup> St.** Rescue – 1 was called to scene of fire alarm at the hospital. On scene security was already at problem area. No problem could be found. System reset and facilities was contacted. R-1 cleared.

**7/19 S. Oregon and SW 6<sup>th</sup> Ave.** R-1 dispatched for a power pole that is arcing over dry grass. Upon arrival R-1 contacted caller. Caller directed us to power pole. Idaho power arrived on scene at 22:15. Idaho power stated he has it under control and will have it fixed shortly.

**7/20 1372 SW 8<sup>th</sup> Ave.** R-1 responded for a commercial fire alarm. The crew found a faulty smoke detector. R1 advised RP to contact their Alarm company to repair the faulty smoke detector.

**7/21 175 NE 6<sup>th</sup> Ave.** Rescue 1 was dispatched a couple of times this day for a water flow alarm in the fire sprinkler system. The crew was cancelled because the Heinz staff said everything was fine and it was just a system error.

**7/23 437 NW 1<sup>st</sup> St.** Rescue 1 was called to scene of tree hitting the power lines and causing sparks. Idaho Power was also dispatched. Problem was located and Idaho Power will take care of it.

### **Rural Incidents:**

**6/28 1890 SW 18<sup>th</sup> Ave.** Rescue -1 was called out to a fire in the area. Arrived on scene to 2 piles that were on fire. Occupant did have a burn permit but was not aware he could not burn at night. There was a line and water around the pile of grass. Occupant notified to put out the remainder of the fire and burn only during the day. He was also advised to contact the fire dept or dispatch each time he burns.



July 2021

**6/30 Power Rd. Payette Fire District in Oregon:** Ontario Brush 157 was dispatched for mutual aid by Payette Fire for a brush fire with light grass and weed type fuels. The fire was located in a solar farm. The fire was burning in the grass and weeds under and around the panels. 157's crew was assigned to work on the perimeter of the west flank of the fire moving south toward the head of the fire. Once the west flank was contained, we worked to contain the head of the fire on the south. 157 worked through the head of the fire in front of PFD, then worked to establish a wet containment line on the east flank moving north.

**6/30 633 Canyon 2 Rd.** 156 called for a rekindle of a controlled burn from yesterday. The fire had got into some corrals. The fire was out upon 156 arrival. Homeowner was putting a sprinkler on the area to wet it down to assure there would be no more rekindles.

**7/1 2280 NW 11<sup>th</sup> St.** 156 was dispatched for an unknown fire near a residence. Arrived on scene to find a burn pile of trash and other debris burning. The fire was unattended and spread to grass and other trash. The total burned area was approximately 1/4 of an acre. 156 crew used a booster line and hand tools to extinguish the fire. An occupant of the property arrived and stated that he just got home from work and didn't know how the fire started. Chief Leighton arrived on scene and cited the occupant for the fire and due to multiple dangerous fires at the property. The occupant's friend arrived at the scene and admitted to having a small fire earlier in the day. After checking for hot spots 156 cleared.

**7/4 777 Stanton Blvd.** SRCI Haz-Mat staff decide to respond with Hazmat A to assess the situation and needs. Brule and Allen respond non code in Hazmat A. The crew arrived on scene and were met by SRCI staff and provided SDS for "waxie Deicer" led to the south side of the physical plant to see an approximately 5000-gallon tank 2/3 full, with a vertical crack less than 6" long and 30" from the base along the south side of the tank. Same side as the dispensing valve. Leak is spraying fluid at a rate 5 gal per hour. Staff has a catch barrel in place containing the leak. Fluid has leaked a small stream to a separator catch basin that is half or less full at this time. The haz-mat team advised SRCI staff to cover the basin with plastic to seal it off from an overfill at this time. Magnesium Chloride (Road deicer) is a low-level hazard. Key word warning. Skin irritant. Medicinally used as stool softener. SDS shows no environmental hazards. NFPA Health 1 The team advised SRCI staff and physical plant staff that a patch could be applied using a ratchet strap and foam or other softer material to compress a patch over the leak while they make arrangements to offload the tank. SRCI physical plant crew installed a strap, inner tube and block patch over the leak. This greatly reduced the leakage. The haz-mat team advised SRCI staff to contact their distributor to arrange to offload / pump out the tank.



July 2021

**7/4 4520 Hwy. 201** OFD was dispatched to the report of a brush fire on Highway 201. 102 was first on scene. The fire was approximately 3 acres in size and spreading. Brush engines 156 and 157 arrived soon after and the fire was quickly contained and extinguished. It was reported by the homeowner that the residence across the street was lighting fireworks and that is what sparked the fire in their opinion. All units cleared within 20 minutes and were back in service.

**7/6 1000 Foothill Dr. Mutual aid Vale** Ontario Rural Fire Department was requested by Vale Fire to assist with an agricultural combine fire. Pumper Tender 155 responded with a full Crew. 155 arrived on scene of a John Deer combine fire, the combine was in the middle of a wheat field, partially harvested. The farmer had created a fire break with a ten-row agricultural disk, keeping the fire from extending. Vale Fire department had partial knock down, and 155 was assigned to water supply and the crew was assigned to supply manpower. 155's crew assisted in unloading the combine's hopper which was filled with approximately 800lbs of harvested wheat grain. The wheat in the hopper was still smoldering in several areas and the farmer wanted to prevent the wheat from eventually reigniting. 155 and Vale fire used a scoop shovel to unload the harvested grain.

**7/12 I-84 MP 378** R1 was paged for a car smoking on the interstate/ on scene R1 found the car no longer smoking and remained on scene for the tow truck.

**7/19 Hwy. 20/26 and Lincoln** R-1 was dispatched for a possible wheat field fire. Arrived to find a controlled burn in a wheat stubble field. Notified dispatch and cleared.

**7/21 3897 Lincoln** R-1 156 100 responded to an illegal burn that had spread to a burn pit area. 156 put the fire out and had the occupant put a sprinkler running in the burn pit. 100 advised the occupants of the burn ban and requirements for burning in a burn barrel.

*The staff responded to numerous illegal burns due to people not following the burn ban. They also had many calls for the agricultural burns that were going on around the area. Most of those were concerned citizens and the farmers did have ag burn permits.*



# Jacobs July 2021 Report



**Jacobs**



# Monthly Business Review

## Public Works Department

### Contents:

- ENGINEERING DEVELOPMENT REVIEW SUMMARY
- WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM SUMMARY
- WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY
- OPERATIONS MAINTENANCE SUMMARY
- APPENDIX



## DEVELOPMENT REVIEW

### ACTIVITIES JULY 2021

- Issued 5 ROW Permits
- Initiated 1 New Addresses to new residences
- Attended 1 PDAC meeting to review new businesses.
- Conducted multiple plan reviews for new construction
- Performed multiple Construction Inspections
- Continuous GIS mapping updates





## WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY

ACTIVITIES JULY 2021





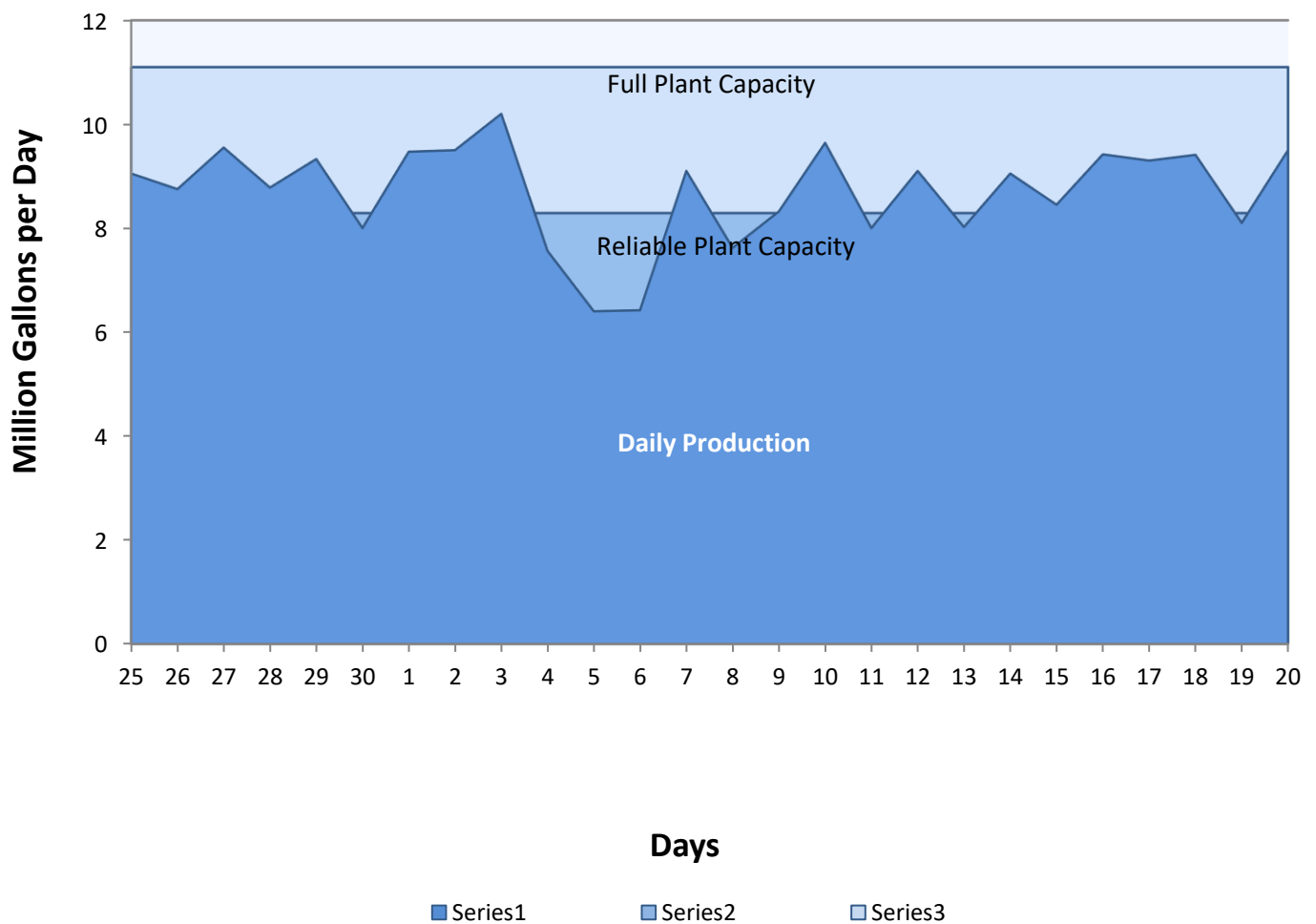
## **WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY**

### **ACTIVITIES JULY 2021**

- Water Treatment Crew members weekly diagnostic checks (jar testing) for correct chemical dosing for Snake River Water Quality regulations
- Monthly Bacterial samples taken
- Quarterly Disinfection By-Product (DBP) samples taken
- Auxiliary pump in use to supplement process for Snake River Water intake
- Brush being removed from slough in preparation for cleaning
- Weed abatement has commenced at the Water Plant, Booster Stations, Well Fields and Reservoirs and set to continue throughout the growing season
- Well #14 pump removed for service - Cleaned and Inspected
- Eastside Booster Station Pump #3 and motor removed, serviced, and reinstalled
- Eastside Booster Station Pump #2 and motor removed for service
- Crews adjusting the chemical delivery systems
- Replaced a leaking 12" water gate valve on SW 5th Ave.
- Installed 2 new water services
- 21 water services were turned on customer request
- 15 water services were shut off customer request
- 39 water services were shut off for non-payment
- 23 water services turned on for payment received
- 14 water services were turned on/off read only customer request
- 22 water meters were changed out for non-functioning
- 14 water services were checked to verify still off from the non-payment list
- 3 water services were checked for 0 consumption
- 2 water services were checked for high consumption
- 3 water services were checked for leaks
- 5 water services were shut off for leaks customer request
- 3 water services were turned on and verified leak was repaired by the customer
- 58 utility located were completed

## WATER TREATMENT PLANT

### PRODUCTION vs. CAPACITY June 25 - July 26, 2021



## WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY

### ACTIVITIES JULY 2021

- All sampling per the 2019 NPDES permit have been taken
- Weed control and mowing has begun and will continue throughout the growing season
- Aerators and Blower monthly service on Lagoon No.1 completed
- Shade structure installed for Lagoon No. 1 aerator and blower panels
- Wastewater Plant effluent delivered to Skyline Farms for seasonal irrigation
- Headworks conveyor belt pulled and cleaned
- Completed annual river boat maintenance and modifications
- Repaired fence line along Malheur Drive
- Painted fire hydrants and analyzer room floor.
- Cleared a blockage from Malheur Pump #2
- Installed PSI gauge on the discharge piping at Tapadera Lift Station
- Pump draw-down test and discharge flow monitoring conducted on Tapadera Lift Station.



## WASTEWATER: TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY

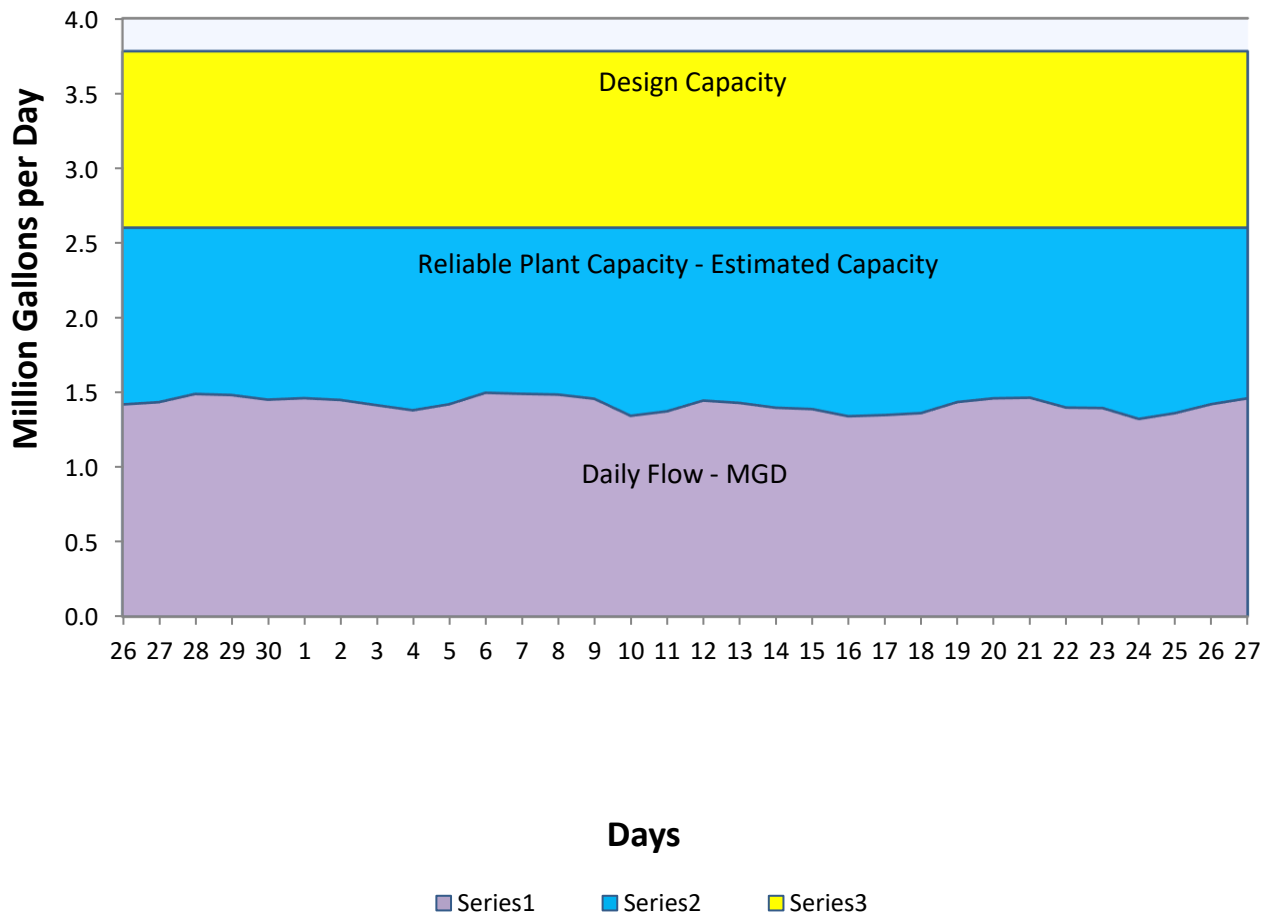




## WASTEWATER TREATMENT PLANT

ACTIVITIES JULY 2021

### Wastewater Treatment Flows June 26 - July 25, 2021



## OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY

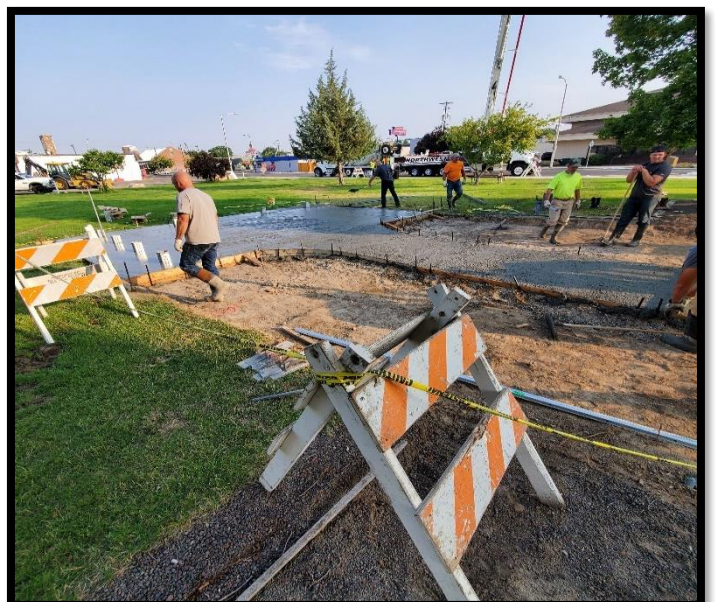
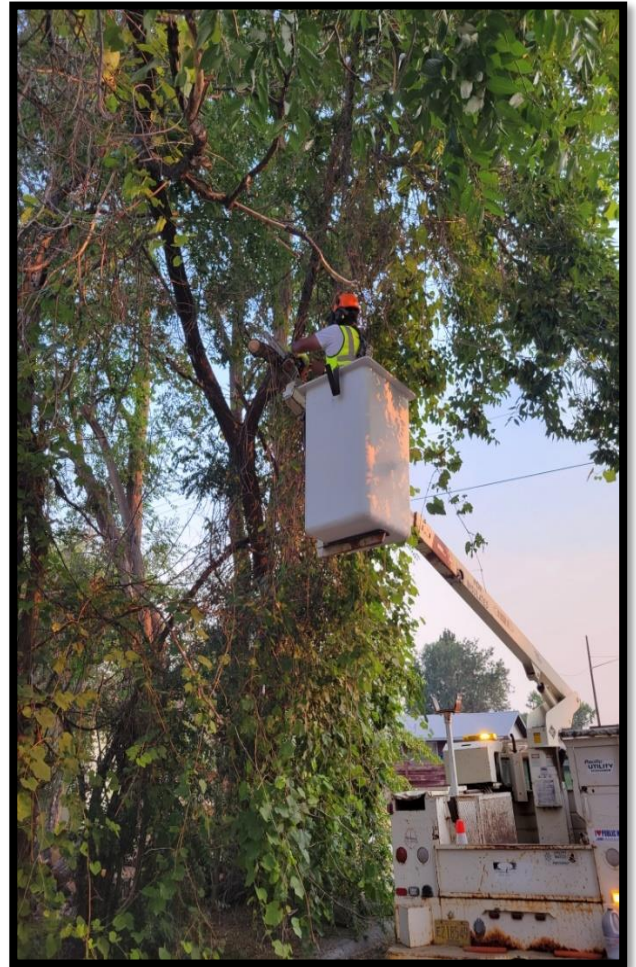
### ACTIVITIES JULY 2021

- Flushed and swept the chip seal project in preparation for fog sealing
- Applied the 3rd coat of sealant to the gazebo cedar shakes
- Excavated and prepped the sidewalk area from the existing sidewalk to the gazebo pad in Moore Park
- Reset a water vault lid that was hit and knocked off by a contractor
- Repaired a sink hole on SW 12th Ave
- Installed a new No Dumping sign at Beck Park near the baseball fields
- Swept the downtown and underpass area 2 additional times
- Water maintenance – repairing leaks, replaced a broken service, broken meter boxes
- Weed trimming and herbicide applications on City owner ROWs
- Removed a blockage on a storm line off Alameda and SW 8th Ave that was causing some minor flooding out of the MH's and catch basins
- Patched back excavation from the water maintenance.
- Trimmed trees around town
- Ontario Youth work crew continuing to assist with grounds maintenance
- Continued increased watering for hanging flowerpots to three times a week
- Sprinkler Repairs continue at Beck and Laxson Parks
- Weed Spraying continuing at Parks and Cemeteries
- Replaced HVAC system at Public Works Maintenance Facility Offices
- Repaired lock at Wastewater Treatment Plant





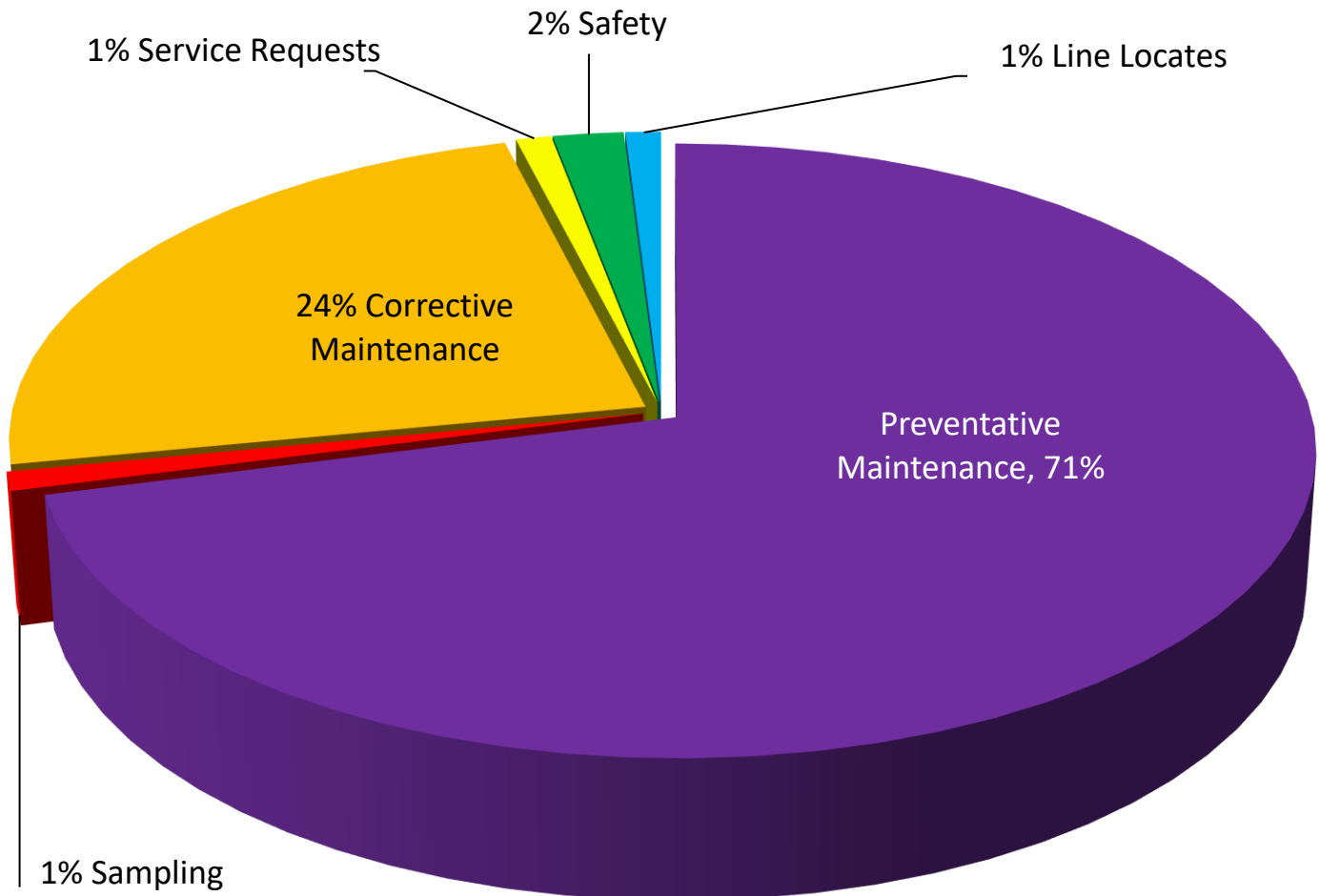
## OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY





## OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY

ACTIVITIES JULY 2021





## APPENDIX

### PUBLIC WORKS DEPARTMENT

The City of Ontario Public Works Department consists of five Divisions that include Administration, Engineering, Water Treatment and Distribution, Wastewater Treatment and Operations (Streets, Stormwater, Buildings, Parks and Cemeteries). The Department has 30 FTEs (full-time equivalent) employees. This service is provided via a Public-Private Partnership with Jacobs Engineering Group, INC.

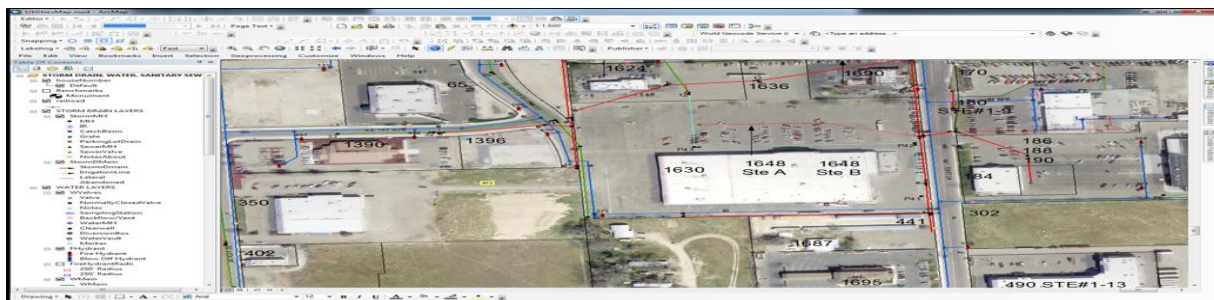
Public Works maintains a water system that complies with the EPA and Division of Health requirements. Staff also maintains the Wastewater Collection system and Wastewater Treatment facilities to meet DEQ standards. These same employees provide sewer and water line construction and maintenance to the City's transportation system (i.e.: streets, sidewalks, bicycle paths, storm-sewer systems, and other infrastructure within the City).

### ADMINISTRATION

The Administration Division is responsible for the delivery of all the contractual obligations and oversees the financial, human resource and all resource management processes. The Administrative Staff evaluate the needs for contracted services, implementing necessary service agreements, developing energy management strategies, and formulating short- and long-term programs and plans in conjunction with City Administration (City Management and City Council).

### ENGINEERING

The Engineering Division Department works with other utilities, developers, and property owners in addressing utility issues, public improvements, subdivision development, local improvement districts and other municipal projects. The Department also maintains a set of Standard Specifications for providing uniform procedures for the installation. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents, and provide project management for Public Works Capital Improvement Program (CIP) project improvements.



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

## OPERATIONS MAINTENANCE

Public Works maintains more than 122 lane miles of improved streets and more than 9 miles of alleys and is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, and repairing all established pavement markings. This Division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chip sealing, snow removal and sanding during the winter months, and weed control along the alleys. Public Works assist Ontario Chamber of Commerce by placing Holiday decorations on streetlights during the season.

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*ONTARIO PUBLIC WORKS MAINTAINS MORE THAN  
122 LANE MILES OF IMPROVED STREETS  
9 MILES OF ALLEYS CHIP SEAL 10 MILES ANNUALLY  
CLEAN 68 MILES OF STORM DRAIN LINES*

---

As part of the annual Street Maintenance Program, crews chip seal street surfaces in the summer months to protect them from water and weather damage and to keep them in good condition. Chip seal roadway treatments help to maintain the existing pavement, delaying further aging resulting from water and

sun, and provides a moisture barrier to existing pavements by sealing surficial cracks. A chip seal application provides substantial savings to taxpayers and can last 8 to 10 years with minimal roadway maintenance required. The city chip seals on the average 10 miles per year.

The Ontario Park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park, and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The city also owns the Wayne King Skateboard Park. There are two municipally owned and operated Cemeteries – Evergreen and Sunset Cemeteries. The Operations Division is responsible for the operation and maintenance of those areas. Included in their responsibilities are all municipal buildings. This includes general maintenance and repair work, the implementation of preventative maintenance programs, and the administering of service contracts (janitorial, HVAC, electrical, elevator, etc.). This division is also charged with the oversight of facility-related projects, including remodels and systems upgrades.

## WATER TREATMENT PLANT

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

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

The Oregon Health Authority requires an operator be on duty 365 days a year. Ontario customers account for 3,845 water services, not including Snake River Correctional Institute (SRCI).

The Water Treatment Plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 Million Gallons Per Day (MGD) and a maximum capacity of 11 MGD. The water treatment plant average production is 6 MGD and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 MGD of that water.

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (CFS), 24.71 MGD for municipal use. One hundred percent (100%) of the City's potable water is treated and disinfected at the water treatment plant. The plant has an original 8-MGD design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

Water Distribution System include maintenance and repair of approximately 97 miles of water lines and 3,625 services that include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

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

*PRESENTLY 80 PERCENT OF WATER IS DRAWN FROM THE SNAKE RIVER AND 20 PERCENT FROM GROUNDWATER WELLS MAINTAIN 100 MILES OF WATER MAINS.*

## WASTEWATER TREATMENT PLANT

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

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

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*PUBLIC WORKS MAINTAINS*

*80 MILES OF SANITARY SEWER MAINS*

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Average discharge volume is approximately 1.5 MGD. Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm. Sewer collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the city. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a bar screen and one lift station from SRCI. The city has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout city limits. Duties include storm drain maintenance and repair, cleaning of approximately 11 miles of storm drain lines, and clearing over 1,500 catch basins.



**AGENDA**  
**ONTARIO VISITORS AND CONVENTIONS BUREAU BOARD**  
**August 5, 2021 - 7:00 a.m. M.T.**  
**ONTARIO AREA CHAMBER OF COMMERCE OFFICE**

Call to order:

This Agenda was emailed: August 4, 2021

Roll Call: Chairman Bob Quinn\_\_\_\_  
Debbie Blackaby\_\_\_\_ Lynelle Christiani\_\_\_\_ Cheryl Cruson\_\_\_\_  
Doug Dean\_\_\_\_ Terry Dols\_\_\_\_ Ken Hart\_\_\_\_  
  
City Manager Adam Brown\_\_\_\_  
V&C Director John Breidenbach\_\_\_\_

New Business

Grant Request: Ontario Municipal Airport STOL drag race.

Motion to adopt V&C Meeting Minutes of July 1, 2021 meeting

Review Financial Report – Terry Dols

V&C Director Report – John Breidenbach

Adjourn

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**Ontario V&C Minutes**

**July 1, 2021**

**7:00 am**

**Ontario Area Chamber of Commerce Office**

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

Roll Call – **Board Members present** Cheryl Cruson, Terry Dols, Ken Hart.

Call-in Bob Quinn, Debbie Blackaby, Doug Dean,

**Board Members absent:** Lynelle Christiani

**Ex-Officio Members Present:** V&C Director John Breidenbach, City Manager Adam Brown

**NEW BUSINESS**

Grant Request: Ontario Municipal Airport STOL Drag Race.

The Grant request was tabled till the August Meeting.

**MINUTES/FINANCIALS**

The June 3, 2021 minutes were reviewed. It was moved by Doug Dean and seconded by Ken Hart The Motion Carried.

Treasure Terry Dols presented the Financials. It was moved by Cheryl Cruson and seconded by Debbie Blackaby t the Financials be approved as submitted, The Motion Carried.

The meeting adjourned.7:55 am



## VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce

251 SW 9<sup>th</sup> St.

Ontario, OR 97914

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

[info@ontariochamber.com](mailto:info@ontariochamber.com)

## PROMOTION AND EVENT FUND APPLICATION

### GENERAL INFORMATION:

Name of Applicant Organization: Ontario Municipal Airport

Complete Mailing Address: 581 SW 33rd Ontario, Oregon 97914

Telephone: 5412121676 Fax: \_\_\_\_\_ E-Mail: adam.brown@ontariooregon.org

Principal Contact Adam Brown

Complete Mailing Address: 444 SW 4th St. Ontario OR 97914

Telephone: 541-881-3223 Fax: 541-889-7121 E-Mail: adam.brown@ontariooregon.org

Name of Event and Date and Time Event Will Be Held: Snake River STOL Drag Sept 29-Oct 2

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

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

X Yes        No / \$ 5,000

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

Coming Yes        No

Description of Promotion or Event: A STOL Drag Aircraft Race will be held at the City Airport. This is

a national FAA sanctioned race, that will likely draw over 4,000 attendees. We are seeking assistance

with the cost and logistics of the race. The City was requested to front \$25,000 to make the race happen.

This event is a multi-day event where they provide some training on how to conduct short take offs and

landings.

NATURE OF PROMOTION/EVENT: Aircraft Racing

       Tourism based capital project

X Multi-night local lodging event

X Special media promotion

X Education and/or training project

Amount of Funding Support Requested: \$ 2,500

Total Promotion/Event Budget: \$ \_\_\_\_\_

What specific expenditures will the granted funds be used for?\*: Cones, lighting  
flags, tents, promotional material, signs, etc.

List promotion/event supporters or partners\*\*: Frazier Aviation, STOL Drag  
Ashley Heat | Air | Water, JUB, Grass Master,  
Treasure Valley Community College, Precision  
Propeller

#### **PROJECTED PROMOTION/EVENT IMPACT:**

Describe how the promotion/event will impact the Ontario economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.):\* We anticipate 4,000+ spectators

We anticipate up to 4,000+ spectators. Some will  
camp, but most will need hotel rooms, restaurants,  
attractions outside of the 4 days we project a  
massive impact on the local economy this year and  
in many more years to come.

#### **FINANCIAL REPORTING REQUIREMENTS:**

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



### PROPOSED REVENUES

|                          |                 |
|--------------------------|-----------------|
| Source #1 Gate Fees      | Amount \$60,000 |
| Source #2 Vendor's Fees  | Amount \$2,500  |
| Source #3 Sponsorship    | Amount \$20,000 |
| Source #4 Fly-in Camping | Amount \$2,250  |
| Source #5                | Amount \$       |

TOTAL REVENUES \$84,750

### PROPOSED EXPENDITURES

|                                   |                 |
|-----------------------------------|-----------------|
| Use #1 Cones                      | Amount \$500    |
| Use #2 Flags                      | Amount \$200    |
| Use #3 Lights                     | Amount \$1,000  |
| Use #4 Speakers                   | Amount \$500    |
| Use #5 Promotional marketing      | Amount \$1,500  |
| Use #6 Tents                      | Amount \$1,500  |
| Use #7 Signs                      | Amount \$500    |
| Use #8 STOL National Organization | Amount \$25,000 |
| Use #9                            | Amount \$       |
| Use #10                           | Amount \$       |

TOTAL EXPENDITURES \$30,700

REVENUES MINUS EXPENDITURES \$54,050

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

8 3 2021  
Date

  
Signed

Adam J. Brown  
Printed Name of Applicant

Date Received: 8/4/2021 Ontario Area Chamber President/CEO: 

**CITY OF ONTARIO  
VISITORS AND CONVENTIONS BOARD  
PROMOTIONS AND EVENT FUND  
BALANCES THROUGH  
DRAFT JULY 2021**

| 2021                                            | RESOURCES    | EXPENSES     | BALANCE     |
|-------------------------------------------------|--------------|--------------|-------------|
| BALANCE FORWARD                                 | \$732,814.15 | \$698,389.60 | \$34,424.55 |
|                                                 |              |              |             |
| JULY<br><i>T.O.T. Disbursement -\$2500</i>      | \$2,500.00   | \$0.00       | \$36,924.55 |
| AUGUST<br><i>T.O.T. Disbursement -\$2500</i>    |              |              | \$36,924.55 |
| SEPTEMBER<br><i>T.O.T. Disbursement -\$2500</i> |              |              | \$36,924.55 |
| OCTOBER<br><i>T.O.T. Disbursement -\$2500</i>   |              |              | \$36,924.55 |
| NOVEMBER<br><i>T.O.T. Disbursement -\$2500</i>  |              |              | \$36,924.55 |
| DECEMBER<br><i>T.O.T. Disbursement -\$2500</i>  |              |              | \$36,924.55 |
|                                                 |              |              |             |
| 2022                                            |              |              |             |
| JANUARY<br><i>T.O.T. Disbursement -\$2500</i>   |              |              | \$36,924.55 |
| FEBRUARY<br><i>T.O.T. Disbursement -\$2500</i>  |              |              | \$36,924.55 |
| MARCH<br><i>T.O.T. Disbursement -\$2500</i>     |              |              | \$36,924.55 |
| APRIL<br><i>T.O.T. Disbursement -\$2500</i>     |              |              | \$36,924.55 |
| MAY<br><i>T.O.T. Disbursement -\$2500</i>       |              |              | \$36,924.55 |
| JUNE<br><i>T.O.T. Disbursement -\$2500</i>      |              |              | \$36,924.55 |
|                                                 |              |              |             |
| TOTAL FISCAL                                    | \$2,500.00   | \$0.00       |             |
|                                                 |              |              |             |
| ACCRUALS FROM JULY 1997<br>TO PRESENT           | \$735,314.15 | \$698,389.60 | \$36,924.55 |



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

| DATE      | REQUESTOR                                                                | REQUESTED     | GRANTED       | DISBURSED     |
|-----------|--------------------------------------------------------------------------|---------------|---------------|---------------|
| JAN 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| FEB 2020  | Revitalize Ontario!<br>Tater Tot Festival                                | \$ 11,925.00  | \$ 11,925.00  | \$ 11,925.00  |
| MAR 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| APR 2020  | Palmer House Rose Garden<br>Garden Area Preparation                      | \$ 10,000.00  | \$ 7,500.00   | \$ 7,500.00   |
| MAY 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| JUNE 2020 | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| JULY 2020 | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| AUG 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| SEP 2020  | Palmer House Rose Garden<br>Garden Area Preparation                      | \$ 2,500.00   | \$ 2,500.00   | \$ 2,500.00   |
| SEP 2020  | Treasure Valley Community College<br>New Student Orientation             | \$ 2,000.00   | \$ 2,000.00   | \$ 2,000.00   |
| OCT 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| NOV 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| DEC 2020  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| JAN 2021  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| FEB 2021  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| MAR 2021  | Revitalize Ontario!<br>2021 Chocolate & Wine Walk                        | \$ 2,065.00   | \$ 2,065.00   | \$ 2,065.00   |
| MAR 2021  | Malheur County Fair Board<br>2021 Malheur County Fair Concerts           | \$ 5,000.00   | \$ 5,000.00   | \$ 5,000.00   |
| APR 2021  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| MAY 2021  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
| JUN 2021  | Ontario Area Chamber of Commerce<br>2021 Oregon Veterans Motorcycle Ride | \$ 2,000.00   | \$ 2,000.00   | \$ 2,000.00   |
| JUN 2021  | City of Ontario<br>Gazebo Relocation                                     | \$ 5,000.00   | \$ 5,000.00   | \$ 5,000.00   |
| JUL 2021  | NO NEW ACTIVITY                                                          | \$ -          | \$ -          | \$ -          |
|           |                                                                          |               |               |               |
|           |                                                                          |               |               |               |
|           |                                                                          |               |               |               |
|           |                                                                          |               |               |               |
| 7/30/2021 |                                                                          | \$ 811,518.04 | \$ 682,622.77 | \$ 682,622.77 |



**SREDA Board Meeting  
August 3, 2021, 7 am  
Plaza Inn, Ontario, Oregon**

Directors, Members & Guests present: Ken Bishop, Patrick Nauman, Bob Komoto, Sandy Hemenway, Adam Brown, Brad Bailey, Andy Creech, Alicia Cavazos, Jeff Williams, Larry Hogg, John Breidenbach, Ron Rembelski, John Stuart, Andrea Testi, Blas Guerra, Allison Field, Rebeca Morgan, Cathy Yasuda, Rick LaHuis, Ken Hart, Georgia Hanigan, Stuart Grimes, Caryn Appler and Brad Moore.

Staff: Kit Kamo, Executive Director, and Kristen Nieskens, Community Development Specialist

1. The breakfast and networking began at 7 am. Chairman Patrick Nauman called the board meeting to order at 7:15 a.m. Patrick welcomed everyone to the Tuesday morning meeting.
2. Introductions of Attendees: Chairman Nauman asked everyone present to introduce themselves and the business or entity they were representing. Thanks to Oregon Energy Trust for sponsoring our meeting this morning and buying breakfast.
3. Chairman Nauman reported that the Selection Committee had conducted interviews of four very good candidates for the SREDA Executive Director position and they recommended Kristen Nieskens for the position. Jeff Williams made a motion to accept the recommendation of the Selection Committee, Ken Bishop 2nd the motion. Motion passed.
4. Approval of the July 2021 minutes as emailed out. Nauman asked for a motion to approve the minutes July minutes. Larry Hogg made the motion, Ken Bishop 2nd, motion passed.
5. Chairman Nauman asked for the Financial Report, presented by Sandy Hemenway for July 2021. Sandy reported that the checking balance was \$39,350.53 and the Money Market was \$35,656.43. Private dollars were received from Red Apple Market Place and Weiser Classic Candy. Sandy also thanks the public funds that were received in June from the City of Fruitland, the City of Payette, Payette County, City of Ontario and Washington County. Ken Bishop made the motion to approve the minutes and 2<sup>nd</sup> was made by Larry Hogg. Motion passed.
6. Chairman Nauman introduced Caryn Appler from Energy Trust of Oregon. She talked about the organization and her role of helping to connect businesses with the organization. She then introduced Brad Moore. He represents the commercial part of their organization and they give incentives and grants for energy upgrades. In Malheur County they work closely with Cascade Natural Gas. Brad is located in Bend. He suggested going to the Energy Trust website to learn more about their incentives. Some of them provide money to install improvements in radiant heating, boilers, steam boilers, insulation, pipe insulation, greenhouses heating and nurseries. They do both capital and OEM projects.
7. City and Community Reports:  
Payette: Mayor Jeff reported that they are finishing up the strategic plan and working on the new budget.





A&W Cruise Night will be organized by the Payette Chamber this year and will focus on the Friday night cruise.

Nyssa, Vale and New Plymouth: No report.

Weiser: Councilman Larry Hogg reported that 43 new building permits were issued and there were 23 other permits as well. Weiser Memorial Hospital is donating outdoor fitness equipment to the park. 10 more homes in the E 9<sup>th</sup> subdivision are nearing permit completion and they will be pounding nails soon. They have received inquiries on 2 new subdivisions as well.

In community news, Patrick Nauman reported that there will be an 18 hole disc golf course built at the Union Pacific Train Park. The Weiser Car Show is coming to the Park this Saturday and the Washington County Fair starts Wednesday.

Fruitland: New City Administrator Stuart Grimes reported 14 new family home permits bringing the YTD total to 53. A new subdivision North Baja Estates has 35 lots ready. Three new businesses are Stice Brothers, Fast Track Station, and Corra Hospice. Sidewalk project from 95 to Colorado is moving forward. Tonight will be First Night Out with the Police Department at Mesa Park.

Ken Bishop reported that there will be a Fruitland Chamber meeting tomorrow at Sweet Willy's, and Fruitland Family Fun Days will happen the weekend after Labor Day. They are looking for vendors.

Ontario: City Manager Adam Brown reported that a new burger joint will occupy the old Papa Murphy building on SW 4th Ave. It will be a Farm to Table food with drive through service. The new Dutch Bros on SW 4th Ave has broken ground. A new subdivision off Sunset is breaking ground. The foundation for the gazebo at Moore Park has been poured. BLM will be fixing and upgrading the airport for helicopter and fixed wing aircraft. The last weekend in September there will a Short Take-off and Landing contest at the airport. These are modified planes. The world record is 11 feet.

In Ontario Community report, John Breidenbach, Ontario Chamber, reported that the City is renewed their Façade Grand program for businesses on Oregon or SW 4th Ave. Also a Security Grant of up to \$500 can be used to purchase video cameras. September 17-18 is the Tater Tot Festival. The Saturday Market will continue. Clothes Line Laundromat is a new business. Ontario Chamber lunch is every Monday at Four River Cultural Center.

#### 8. County Reports:

Payette County: County Commissioner Georgia Hanigan reported that the Payette County Fair starts this week, August 5-7th. The County is working on their comprehensive plan and they are working with the City of Fruitland on coordinating ordinances.

Washington County: No report.

Malheur County: John Breidenbach reported that the Reload Center is getting closer to breaking ground.



9. Director update:

Executive Director Kit Kamo thanked everyone for their support during her tenure as Executive Director. She is excited to have Kristen take the helm. Kit will continue to work part time as needed through at least the end of 2021. Kit presented the written report for the staff from July and highlighted the need for a warehouse type building for a small manufacturing business expansion. Kit also requested that if anyone knew of any startup businesses that need a place to work, the new business incubator is officially ready for occupants at 121 Main Street in Payette.

Kristen reported on the Brownsfield activities that they have been working on in the Vale area. This has been a great partnership with the City of Ontario, Ontario Area Chamber, City of Vale and the City of Nyssa. SREDA has assisted with meetings and connecting with local land owners.

Here is the written report:

## **PROJECTS**

Project Ruby – Darigold – Unfortunately, Ontario lost out on this project to Pasco! Pasco has infrastructure to accommodate the plant already in place. They also have a separate waste treatment for industry and another one for regular city waste. This plant will produce dry milk and butter for international sales and was going to help sell the extra milk that is produced in the Pacific NW.

Project Life Size – Weiser won this project! The company, soon to be named, is in the process of purchasing the old 4 Rivers Onion packing facility. We are continuing to assist the company as this will be their first Idaho plant! The company comes from Western Washington and Oregon.

Project Fusion – ready to submit Wada property to the Oregon Lead for an advanced materials manufacturer. Project was due 6/29; then 7/26; and now it will be sometime in August as the company is putting together a better request for information.

Project Organic – Second site visit from investor. Project is still moving forward.

Project Steam – submitted Wada property in for this project to Oregon.

Project PNW (formerly Project Steam) – This project has expanded slightly, and they are looking at needing more acreage than the Wada Property. We have sent them additional information on the Treasure 200. It is some kind of distribution center and right now Ontario is in the top four.

Project Steve – This was a double request for information for a Boise broker who has a client looking for 40 acres. We received the request from both John Breidenbach and Rick Watkins. Regional information was sent to him.

Project Candy – Getting data pulled together for one of Patrick's clients on a project in the Weiser area.

Project Pony – This is a small manufacturer that reached out to us to find a larger building they could lease and expand into. We toured their existing facility to get an idea of what they needed. They



manufacture a horse supplement. Looking for at least a 25' x 50 warehouse, or so. If you know of something available let us know.

Project Brownsfield – Site visit with landowners in Vale to start the process of analyzing the status of the ground, so that they can sell it or develop it.

## **OTHER**

### **Grants:**

SREDA completed and submitted a grant application for the Idaho Commerce Economic Development Rural Professional Grant Program. We requested and received the same amount as last fiscal year, \$22,750. We have the MOU for signature and will prepare the Appendix A as well as our financials so that we can request the first draw. Thank you, City of Fruitland, for allowing us to run the funds through.

We have also received a 2-year MOU/Contract to continue to manage the SW Idaho I-84 Visitor Center! This is great news. We are looking forward to having the bathrooms operational sometime this fall!

### **Meetings and Trainings:**

Kit and Kristen have attended numerous Virtual meetings and trainings including Ontario Main Street Hub Workshop; Local Boots on the Ground meeting; Idaho Economic Development Association Education Meeting; Intermountain Gas Company's planning meeting, TVCC Community Summit meeting, and Idaho Commerce's ED Pro virtual trainings. We attended some of the Chamber of Commerce luncheons around the valley as well.

Kristen attended another OEDA professional development class.

State & Federal Partner reports: Allison Field, Business Oregon, reported that they are still working on the details for the infrastructure and small business programs.

Blas Guerra, Idaho Dept of Labor, said that there will be more changes coming from his agency. He is working a couple of days in Payette, some in Emmett and 1 in Weiser.

Rebecca Morgan from Boise State University reported that their Community Impact Program last year in Payette had 3 students. But this year there are 10! They will receive the 50% off tuition scholarships and will be able to receive 12 credit hours. Classes begin on the 27<sup>th</sup> of August. This year's students are from Emmett, Weiser, Fruitland, Parma, etc. It's not too late if you know of anyone else that would like to take local BSU classes, please let her know!

### **10. Roundtable:**

Caryn Appler announced that the Eastern Oregon Women's Coalition sponsored Eastern Oregon Economic Development conference will be in Hermiston on August 19 and 20<sup>th</sup>. It is a great conference and will cover many subjects including workforce development, housing, water, and more.



Bob Komoto reported that Ontario Kiwanis Club will hold its annual Chicken BBQ Fund Raiser will be August 19th at Beck Kiwanis Park. This year it will be a drive-up and take-out meals.

Cathy Yasuda, TVCC Foundation, reported that TVCC is working with BSU on a 5 year grant focused on our underserved population and the health care industry. The students would start at TVCC and then go on to BSU to finish their degree. Fall classes begin on 8/27. TVCC will have a booth at both the Payette and Malheur County fairs.

Small Business Development Center Andrea Testi reported that there is lots of business interest. 6 local businesses are for sale. Some people are moving back to Ontario and they are looking for a business opportunity. There are scholarships for training in HVAC, plumbing and electrical jobs. The EMT program has 12 students.

Chairman Nauman announced that the next SREDA board meeting will be September 7<sup>th</sup>, at 7 am at the FMTC Conference Room in Fruitland, with a ZOOM option.

Kit Kamo mentioned that we will need to plan a site for our Annual Meeting, which usually is a dinner meeting. An event center outside of Ontario on Hwy 201 was suggested. Staff will check out the options.

The meeting was adjourned at 8:03 am.

Minutes prepared by Secretary Bob Komoto.



## **MALHEUR COUNTY COURT MINUTES**

**July 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. Staff present was Administrative Officer Lorinda DuBois, County Counsel Stephanie Williams and Planner Eric Evans. Members of the media, public and staff were present electronically. Notice of the meeting was emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice and posted on the Courthouse bulletin board. The meeting was audio recorded. The agenda is recorded as instrument # [2021-3525](#)

### **SMALL BUSINESS UTILITY ADVOCATES**

Diane Henkels, Attorney with Small Business Utility Advocates (SBUA) met with the Court. Ms. Henkels provided information to the Court asking them to consider using some of the County's COVID-19 funding to assist Malheur county small business commercial customers of Idaho Power who are in arrears due to impacts of the COVID-19 pandemic. In January 2020 there were 16 Idaho Power commercial customers in arrears of 91+ days; in May 2021 that number was 41 commercial customers (an increase of 156.25%). There may be future rate impacts of the arrearages and bad debt. Washington County recently approached their utility (PGE) and partnered to assist their small commercial customers in arrears. The Court thanked Ms. Henkels for her presentation; staff and Judge Joyce will followup on the request with Idaho Power. See instrument # [2021-3590](#) for slide presentation.

### **PLANNING DEPARTMENT**

Planner Eric Evans met with the Court and provided an update on recent legislation. Senate Bill 16 (SB 16), proposed by the Eastern Oregon Border Economic Development Board allows for up to 200 acres in the Border Board Region to be used for home sites on lots no smaller than two acres. Mr. Evans will work with the Border Board to implement the provisions of the bill, possibly with the assistance of a land use consultant.(An ordinance will need to be adopted.)

Senate Bill 391 (SB 391) allows counties to approve one Accessory Dwelling Unit (ADU) in rural residential zoned areas, subject to certain conditions, such as the ADU must be sited on a two acre or larger lot/parcel with an existing single family dwelling and is limited to 900 square feet of useable floor space. The bill includes numerous provisions relating to wildfire hazard mitigation and the adoption of statewide wildfire hazard maps; it is estimated that the adoption of the maps will not occur until mid-2022. The bill also allows for the development and adoption of additional local standards. If the Court chooses to allow ADUs in rural residential zoned areas an ordinance must be adopted. The Court expressed support for allowance of the rural ADU's with the adoption of additional local standards. See instrument #[2021-3591](#) for memo.

Ms. Williams left the meeting.

### **GRASSHOPPERS**

Bob Skinner, Diana Fillmore and Robin Eiguren met with the Court and requested the Court work with state and federal agencies (ODA, USDA APHIS, BLM) to spray to control grasshoppers. It was explained that the grasshoppers are destroying crops, pastures, and grazing allotments in the Arock/Jordan Valley area. The damage has been extensive and there is concern that cattle may have to be sold due to the lack of available feed. Mr. Skinner said that spraying is taking place in Cambridge, Idaho and Harney County. The grasshoppers are killing the perennial grasses, alfalfa plants, and more. Landowners are spraying their lands but the federal lands are infested. APHIS has indicated that spraying through their program cannot be done until hatch in 2022. The Court members agreed to make contact with state and federal agencies. Written comments were also submitted by Terry Fretwell, see instrument # [2021-3592](#)

Mr. Skinner also expressed dissatisfaction with the Vector Control District and spraying of mosquitos in the Jordan Valley area.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of June 30, 2021. Judge Joyce seconded and the motion passed. Commissioner Jacobs was not present on June 30, 2021.

### **CERTIFICATION STATEMENT**

Commissioner Hodge moved to sign the Oregon Parks and Recreation Department County Parks Assistance Program Certification Statement for July 1, 2021 - June 30, 2022. Commissioner Jacobs seconded and the motion passed unanimously. The estimated RV fee revenue distribution for Malheur County is \$58,101.00 which will be budgeted in the Marine and Parks budget. See instrument # [2021-3526](#)

### **EMPLOYMENT AGREEMENT - RICE**

Commissioner Hodge moved to approve Temporary Part-Time Employment Agreement for Office Assistant II (OA II) - Malheur County Health Department (COVID-19 funding) with Megan Rice. Commissioner Jacobs seconded and the motion passed unanimously. The agreement terminates June 30, 2022. See instrument # [2021-3528](#)

### **EMPLOYMENT AGREEMENT - COOPER**

Commissioner Jacobs moved to approve Extension of Temporary Employment Agreement COVID-19 Case Investigation - Malheur County Health Department with Kristie Cooper. Commissioner Hodge seconded and the motion passed unanimously. The agreement terminates June 30, 2022. See instrument # [2021-3527](#)

No executive session was held

### **COURT ADJOURNMENT**

The meeting was adjourned.

## **MALHEUR COUNTY COURT MINUTES**

**July 21, 2021**

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:02 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Members of the media, public and staff were present electronically. Notice of the meeting was emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice and posted on the Courthouse bulletin board. The meeting was audio recorded. The agenda is recorded as instrument # [2021-3561](#)

### **EXTENSION OF EMPLOYMENT AGREEMENT - SMITH**

Commissioner Jacobs moved to approve Extension of Malheur County A-level and B-level Inspector Employment Agreement with Richard Smith; the agreement is extended July 1, 2021 through June 30, 2022. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2021-3562](#)

### **IGA - DEVELOPMENTAL DISABILITIES PROGRAM**

Commissioner Jacobs moved to approve State of Oregon Intergovernmental Grant Agreement (IGA) for the Financing of Community Developmental Disabilities Program Services, IGA Number 169206. Commissioner Hodge seconded and the motion passed unanimously. The term of the agreement is July 1, 2021 through June 30, 2023. Services will be provided through Lifeways. A copy will be returned for recording.

### **PERSONAL SERVICE CONTRACT - LIFEWAYS**

Commissioner Hodge moved to approve Personal Service Contract between Lifeways Inc. and Malheur County for Community Development Disabilities Services (CDDP). Commissioner Jacobs seconded and the motion passed unanimously. The County subcontracts with Lifeways to provide the services outlined in Intergovernmental Agreement #169208 with the State of Oregon. See instrument # \*\*\*

### **RIVER DEMOCRACY ACT**

Commissioner Jacobs is gathering data and working with County Counsel to draft a resolution in opposition to the River Democracy Act.

### **AMENDMENT - ODOT AGREEMENT #33428**

Commissioner Jacobs moved to approve Amendment Number 1 to ODOT Grant Agreement No. 33428, Capital, Operating, Planning 5311. Commissioner Hodge seconded and the motion passed unanimously. The termination date is extended to September 30, 2021; and Exhibit A is deleted and replaced with the Revised Exhibit A in the amendment. A copy will be returned for recording. An amendment to the sub-agreement with Malheur Council on Aging & Community Services will be prepared. (Original grant agreement is recorded as instrument # [2019-2031](#) and original sub-agreement is recorded as instrument # [2019-2101](#))

### **EUVALCREE**

Euvalcree Executive Director Gustavo Morales met with the Court and explained a request to partner with the County to apply for Community Development Block Grant funds through Business Oregon to support Microenterprises in Malheur County impacted by the COVID-19 pandemic. The County would be the applicant and Euvalcree would administer the grant. Mr. Morales will forward additional information regarding the request to County staff and the Court took the request under advisement.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.