

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, February 3, 2014, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Jackson Fox _____ Charlotte Fugate _____ Dan Jones _____
Larry Tuttle _____ Ron Verini _____ LeRoy Cammack _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, January 26, 2014, and a study session was held Thursday, January 27, 2014. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **Motion to adopt the entire agenda**

4) **Consent Agenda:**

- A) Minutes of Regular Meeting of January 21, 2014 1-5
B) Adopt City Manager Evaluation Criteria (*Hand-Out*)
C) Approval of the Bills

5) **Department Head Updates: Thursday**

- 6) **Public Comments:** Citizens may address the Council on items not on the Agenda. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. This time limit will be enforced. Please state your name and city of residence for the record.

7) **Old Business:**

- A) Ordinance #2686-2013: Amend the UGA to Include TVCC Livestock Center; Rezone County URA Agricultural to City Public Facility; Annex the 3.7 Acre Site (Final) 6-48

8) **New Business:**

- A) Appointments to Golf/Public Works Committee (Nysingh/Hart) 49-51
B) Resolution #2014-105: Transfer Funds for ICMA OPD/OF&R Study 52-54

9) **Discussion/Informational/Hand-Out Items (Thursday Only)**

- A) Ontario Fire Department Inventory: Fire/Rescue/Haz-Mat
B) Aquatic Center Committee Update
C) Public Works Committee Minutes: 01-16-2014
D) Recreation Board Minutes: 01-15-2014

10) **Correspondence, Comments and Ex-Officio Reports**

11) **Adjourn**

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

**ONTARIO CITY COUNCIL MEETING MINUTES
Tuesday, January 21, 2014**

The Council held an Executive Session under ORS 192.660(2)(d) at 6:00 p.m., which concluded at 6:54 p.m.

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Tuesday, January 21, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini. Jackson Fox was excused.

Members of the Planning Commission present were Michael Rudd, Rita Kanrich, Cindy McLeran, Craig Smith, and Ed Susman. Max Twombly and Mike Allen were absent.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Al Higinbotham, Mark Alexander, Alan Daniels, Mike Long, Marcy Skinner, and Anita Zink. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

Ron Verini moved, seconded by Charlotte Fugate, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/0/1.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Regular Joint Meeting of January 6, 2014; Item B: Liquor License Application: New Outlet – Bert’s Growler Garage (1635 SW 4th Avenue); and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/0/1.

JOINT PUBLIC HEARING – OLD BUSINESS

Ordinance #2687-2013: Amend the UGA to Include 270 Acres for Rail-Dependent Industrial Use; Amend Comprehensive Plan; Apply I-2 Zone; Annex the 278 Acre Site Final Reading)

It being the date advertised for public hearing on the matter of Ordinance #2687-2013, the hearing was declared open. Mike Rudd, Planning Commission Chair, opened the hearing for public testimony. There were no objections to the Commission’s jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Larry Sullivan, City Attorney, stated after opening the December 16, 2013 Public Hearing and taking public testimony, the Council continued the Public Hearing related to this Comprehensive Plan Amendment package to January 21, 2014. As approved in the motion to continue, the January 21, 2014 public testimony would be limited to discussion of Exhibit 4, Appendix D.

On December 16, 2013 the Planning Commission and City Council continued the public hearing related to the Comprehensive Plan Amendment package as set forth in Action 2013-10-08CPAMD and Exhibit 1 (Planning Commission Staff Report). This package included a) Expansion of the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs; b) Assignment of an

Industrial Comp Plan designation with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users; c) Amendment of the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs; d) Amendment of the Ontario Transportation System Plan (TSP) to designate SW 4th Street south of SW 18th Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion; e) Annexation of the rail-dependent industrial site to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 248-acre site; and f) Annexation of four intervening tax lots (28.1 acres) and approximately 2.3 acres of SW 4th Street right-of-way between the industrial site and the existing city limits and assign Heavy Industrial (I-2) zoning to the annexed parcels.

However, property owners in the proposed annexation areas had not signed consent forms prior to the January 21, 2014 hearing date. Without annexation, the City could not assign city zoning (proposed as City Heavy Industrial – I2) to the proposed site and intervening properties. However, the proposed rail-dependent industrial site could be rezoned to county zoning (UGA Heavy Industrial – I2). Staff revised Exhibit 4 – Map 5 to show UGA Heavy Industrial zoning for the proposed expansion area, and no proposed annexation of tax lots.

After taking testimony on items not presented in the December 16, 2013 hearing (as indicated in the continuance motion, this limits testimony to the TIS for rail-industrial properties), staff recommends adoption of the proposed UGA expansion, Comprehensive Plan Amendments, and TSP amendments: a) Expansion of the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs; b) Assignment of an UGA Heavy Industrial Comp Plan designation/zoning district with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users; c) Amendment of the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs; and d) Amendment of the Ontario Transportation System Plan (TSP) to designate SW 4th Street south of SW 18th Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion.

Marcy Skinner, Planning Technician, stated the city had received the Traffic Study from Lancaster Engineering, and that was now incorporated into the ordinance. Staff was still gathering the Consent to Annexation forms, so that piece of this action would be conducted at a later date.

Chairman Rudd stated at the meeting on December 16, 2013, there had been a question about taxes. In response, at the Industrial Lands meeting, David Ingram indicated there would be a small charge for the change, but the taxes wouldn't change until the use changed. Also, there had been a question about the 30-foot shortage in getting to the railroad because of a road that was there. Was there a map that showed they went all the way to the railroad?

Mr. Sullivan stated it would be part of the Urban Growth Area.

Proponents: None

Opponents: None

There being no Proponent and no Opponent testimony, the Chairman declared the hearing closed.

Mike Rudd moved, seconded by Cindy McLeran, that the Planning Commission recommend that the City Council adopt Ordinance #2687-2013, based on the information, findings and facts as set forth in Action 2013-10-08CPAMD and the Planning Commission and City Council staff report, and to approve the request to rezone those properties identified in Exhibit 4-Map 5 (January 2014) to UGA Heavy Industrial. Roll call vote: Allen-out; Kanrich-yes; McCleran-yes; Smith-yes; Susman-yes; Twombly-out; Rudd-yes. Motion carried 5/0/2.

Mr. Sullivan stated the Charter required that the Title be read in full. Also, if the First Reading passed unanimously, the Council could waive the Second Reading. So, this could be adopted after the First Reading, and it would be effective 30 days after adoption or by co-adoption by the County, whichever occurred last.

Dan Jones moved, seconded by Norm Crume, that the City Council adopt Ordinance #2687-2013, AN ORDINANCE AMENDING THE ONTARIO COMPREHENSIVE PLAN, INCLUDING THE COMPREHENSIVE PLAN MAP AND TEXT, THE ONTARIO URBANIZATION STUDY, THE ONTARIO URBAN GROWTH BOUNDARY, AND THE ONTARIO TRANSPORTATION SYSTEM PLAN, based on the information, findings and facts as set forth in Action 2013-10-08CPAMD and the Planning Commission & City Council staff report, and to approve the request to rezone those properties identified in Exhibit 4-Map 5 (January 2014) to UGA Heavy Industrial, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Dan Jones moved, seconded by Norm Crume, to waive the second reading on Ordinance #2687-2013, AN ORDINANCE AMENDING THE ONTARIO COMPREHENSIVE PLAN, INCLUDING THE COMPREHENSIVE PLAN MAP AND TEXT, THE ONTARIO URBANIZATION STUDY, THE ONTARIO URBAN GROWTH BOUNDARY, AND THE ONTARIO TRANSPORTATION SYSTEM PLAN. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

OLD BUSINESS

Tour of Ontario Bike Rally

Jay Henry, City Manager, stated the promoters and business owners came to a satisfactory conclusion by changing the route of the race. No action by the Council necessary.

NEW BUSINESS

Resolution #2014-104: Purchase Radio Repeater System

Al Higinbotham, Fire Chief, stated the Fire Department would like to purchase radio repeater equipment that was needed to move toward 9-1-1 consolidation with Malheur County. The Request for Bid was due on January 6, 2014, and only two quotes were received out of the four requested. Staff received quotes from White Cloud Communications and Gem State Communications; however, Gem State Communications could not provide an option that offered what was needed to meet the ISO/NFPA requirements, which were required in the specifications; therefore, Gem State was eliminated from the bidding process. Cost estimates had been obtained to purchase and install a new repeater system at Fire Station #2, in the amount of \$13,080.30. There were currently no known funding sources for the replacement of this equipment.

The Fire Department currently had a radio repeater located at the water tower off of Foothill Drive. The Ontario Dispatch Center transmitted from City Hall to the repeater for fire department calls for service, including paging of all firefighters. This repeater was also used for emergency scene radio transmissions, which included the use of portable radios.

Once the dispatch center was moved to the Sheriff's Department in Vale, the repeater site on Foothill Drive would be in the shadow of Malheur Butte. This prevented clear radio and paging radio transmissions from the Malheur County Sheriff's Dispatch Center radio tower on Rhinehart Butte. Once consolidation occurred, it would be imperative that information and calls for service be given by radio transmissions, including paging and portable radio transmissions.

The fire department would like to install a new repeater system at Fire Station #2. This location was in clear line of site with Rhinehart Butte and a central location for all fire department radio transmissions. Station #2 also had emergency power available for the repeater which the Foothill site did not currently have. This location would enhance all radio transmissions and paging capabilities ensuring firefighter safety and responses.

Councilor Fugate stated until this repeater was installed, was there good communication with Vale.

Chief Higinbotham stated no, it was sketchy.

Charlotte Fugate moved, seconded by Norm Crume, that the Council adopt Resolution #2014-104: A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A RADIO REPEATER SYSTEM, ALLOCATING THE PURCHASE FROM EQUIPMENT REPLACEMENT CONTINGENCY FUNDING IN THE AMOUNT OF \$13,080.30. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Board/Commission/Committee Appointments

Tori Barnett, City Recorder, stated every January, there were vacancies to be filled and/or reappointments to be made for the various city Boards. The following were the vacancies and expressions of interest in serving: Airport Board - 2 Vacancies - Two letters received - Christ Droege and Jack Terry both requested reappointment; Golf Committee - 2 Vacancies - Two letters received - one new, one requesting reappointment: John Schram sought reappointment; Robert Myers sought appointment; Planning Commission - 1 Vacancy - One letter received - Craig Smith requested reappointment; Public Works Committee - 3 Vacancies - Two letters received - Bernie Babcock and Riley Hill both requested reappointment; Recreation Board - 2 Vacancies - Two letters received - one new, one reappointment. Jeremy Roberts requested reappointment; Debbie Schaffeld sought appointment; and V&C Bureau Board - 2 Vacancies - Two letters received - Doug Dean and Cheryl Cruson both sought reappointment.

Norm Crume moved, seconded by Charlotte Fugate, to appoint Chris Droege and Jack Terry to the Airport Board; John Schram and Robert Myers to the Golf Committee; Craig Smith to the Planning Commission; Bernie Babcock and Riley Hill to the Public Works Committee; Jeremy Roberts and Debbie Schaffeld to the Recreation Board; and Douglas Dean and Cheryl Cruson to the V&C Board. Expiration of terms will coincide with those established by ordinance. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- ✓ Mayor Cammack stated he had distributed a sample City Manager evaluation form. If the Council would please review, mark up, and return to him by the end of the week, he would take the suggestions and incorporate them into one form.
- ✓ Councilor Fugate stated the Feral Cat Project had now neutered/spayed 1970 cats since inception, and she believed they'd hit over 2000 this year. The project had made a vast improvement in the community, and she thanked everyone for their work and commitment.
- ✓ Councilor Jones wished Councilor Fugate a happy birthday!
- ✓ Mike Long stated the audit presentation to the Council would be Tuesday, February 4, 2014, at 10:00 in the Council Chambers. That would be followed that evening with a full Budget Committee budget review.
- ✓ Alan Daniels thanked everyone for their aggressive work on the industrial lands expansion.

ADJOURN

Larry Tuttle moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT
February 3, 2014

TO: Mayor and City Council

FROM: Marcy Skinner, Planning & Zoning Technician

THROUGH: Jay Henry, City Manager

SUBJECT: ORDINANCE #2686-2013: AN ORDINANCE AMENDING THE ONTARIO UGA TO INCLUDE THE TVCC LIVESTOCK CENTER CONSISTENT WITH THE TVCC MASTER PLAN, AMENDING THE ONTARIO COMPREHENSIVE PLAN / ZONING MAP FROM THE MALHEUR COUNTY URA AGRICULTURAL ZONE TO THE CITY PUBLIC FACILITY ZONE, AND ANNEXING THE 2.84-ACRE SITE, on Second and Final Reading by Title Only

DATE: January 27, 2014

SUMMARY:

Attached are the following documents:

- Ordinance #2686-2013
- Exhibit 1: Staff Report (includes Map 1: Annexation and Plan/Zone Change Area)
 - Appendix A: Joint Technical Review Committee Meeting Minutes
 - Appendix B: Annexation Documentation
 - Appendix C: Public Facilities Analysis
 - Appendix D: Public Notice Documentation
 - Appendix E: TVCC – UGA Expansion and Annexation for Livestock Center
 - Appendix F: Non-remonstrance Annexation Consent

PREVIOUS COUNCIL ACTION:

02-11-2013 Ordinance 2674-2013 Amended the City of Ontario's Comprehensive Plan and established a Master Plan of development for TVCC.

12-16-2013 Council held the first reading of Ordinance #2686-2013.

BACKGROUND:

On December 16, 2013 the Planning Commission recommended the City Council approve the Comprehensive Plan Amendment package as set forth in Action 2013-10-07CPAMD and further described in Exhibit 1 (Staff Report). This package included:

- a) Expansion of the Ontario Urban Growth Boundary (UGA) to include 2.84 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- b) Assignment of a Public Facility comprehensive plan designation.

- c) Annexation of the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assignation of the City Public Facility (PF) zone to the site.
- d) On January 23, 2014 County Planning Commission recommended approval to County Court who will meet January 29, 2014. Pending County Court approval, the City Council will take action on this item.

RECOMMENDATION:

Staff recommends:

- (a) Amendment of the UGA and Comprehensive Plan / Zoning Map from URA Agriculture to City Public Facility as indicated in Map 1; and
- (b) Annexation of lands to the City of Ontario as shown on Map 1.

PROPOSED MOTION:

I move that the City Council adopt Ordinance #2686-2013 AN ORDINANCE AMENDING THE ONTARIO UGA TO INCLUDE THE TVCC LIVESTOCK CENTER CONSISTENT WITH THE TVCC MASTER PLAN, AMENDING THE ONTARIO COMPREHENSIVE PLAN/ZONING MAP FROM THE MALHEUR COUNTY URA AGRICULTURAL ZONE TO THE CITY PUBLIC FACILITY ZONE, AND ANNEXING THE 2.84-ACRE SITE, based on the information, findings and facts as set forth in Action 2013-10-07CPAMD and Exhibit 1 – the Planning Commission & City Council staff report, and to approve the request to annex and rezone those properties identified in Exhibit 1-Map 1 and further described in Exhibit 1 – Appendix B, on Second and Final Reading by Title Only.

ORDINANCE NO. 2686-2013

AN ORDINANCE AMENDING THE ONTARIO UGA TO INCLUDE THE TVCC LIVESTOCK CENTER CONSISTENT WITH THE TVCC MASTER PLAN, AMENDING THE ONTARIO COMPREHENSIVE PLAN / ZONING MAP FROM THE MALHEUR COUNTY URA AGRICULTURAL ZONE TO THE CITY PUBLIC FACILITY ZONE, AND ANNEXING THE 3.649-ACRE SITE

- WHEREAS:** The property owner, Treasure Valley Community College (TVCC), and the general public will benefit from extension of City sanitary sewer and water service to the subject parcel, which is used as TVCC's Sonny Hansen Livestock Center; and
- WHEREAS:** Oregon law does not permit the extension of urban services outside of urban growth boundaries; and
- WHEREAS:** The Ontario Comprehensive Plan requires annexation to the City of Ontario prior to extension of City water and sewer services; and
- WHEREAS:** The appropriate zoning designation of this publicly-owned property is Public Facility (PF); and
- WHEREAS:** The **City Staff Report - Exhibit 1** for Land Use Action 2013-10-07CPAMD addresses applicable City and County comprehensive policies, and Statewide Planning Goals, Rules and Statutes, and recommends approval of this land use action; and
- WHEREAS:** The Joint Technical Review Committee met and deliberated on this matter as required by the Joint Urban Growth Management Agreement between the City and Malheur County, as documented in **Exhibit 1 – Appendix A**; and
- WHEREAS:** The property owner has signed an annexation agreement with the City of Ontario as documented in **Exhibit 1 – Appendix B** and said annexation agreement commits the property owner paying its proportionate share of street and public facilities costs as set forth below; and
- WHEREAS:** The City is able to provide necessary sewer and water utilities to the subject properties within a reasonable period following annexation as documented in **Exhibit 1 – Appendix C**; and
- WHEREAS:** The joint public hearing on this matter was duly noticed in accordance with Oregon law and hearings were held before the Ontario Planning Commission and City Council on December 16, 2013 in a special joint public hearing after legal notice of this hearing was given to affected property owners, affected agencies and to the local newspaper and electronic media, and otherwise as required by Sections 106-03 and 106-15 of the Ontario Municipal Code; as documented in **Exhibit 1 - Appendix D**; and

- WHEREAS:** This application demonstrates compliance with applicable Statewide Planning Goals and applicable policies of the Ontario Comprehensive Plan, as documented in **Exhibit 1 – Appendix E**; and
- WHEREAS:** The Ontario Planning Commission heard public and agency testimony on this matter and recommended approval of Land Use Action 2013-10-07CPAMD to the Ontario City Council at joint public hearing held on December 16, 2013 (**Exhibit 2 – Planning Commission Minutes**); and
- WHEREAS:** The subject is further described in **Exhibit 3 – Legal Description**; and
- WHEREAS:** The Comprehensive Plan amendment package approved by the Council under this Ordinance shall become effective upon co-adoption of relevant comprehensive plan amendments by the Malheur County Court; and
- WHEREAS:** The subject 3.649-acre property is already developed and uses allowed under City zoning will not result in significant impacts to state transportation facilities; and
- WHEREAS:** Although Ontario City Code Section 6-2-19 prohibits any person from keeping livestock in the City, it is in the best interest of the City to permit TVCC to maintain livestock in the Sonny Hansen Livestock Center as a college facility, which is a permitted use under TVCC's Master Plan in City Code Section 10A-51-30-9-10; and
- WHEREAS:** At the conclusion of the December 16, 2013 public hearing, the City Council, based upon the Planning Commission's favorable recommendation and upon a motion duly made and seconded, voted to approve the request as set forth above based on decision criteria, findings of fact and conclusions of law as set forth in this order and exhibits attached hereto by this reference; and
- WHEREAS:** The City Council made the following findings of fact and adopted the following conclusions of law:

FINDINGS OF FACT:

- 1) The City Council adopts the findings and conclusion in Exhibit 1, including Appendices A – E and Map 1; Exhibit 2 – Planning Commission Minutes, Exhibit 3 – Legal Description, and other exhibits attached hereto and testimony received, as the basis for this decision; and
- 2) The City Council accepts the Planning Commission's concluding recommendation on the subject proposal.

CONCLUSIONS OF LAW

1. The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules

2. The City Council finds that above-mentioned exhibits and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed amendment.

THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. The City of Ontario approves **Land Use Action 2013-10-07CPAMD** filed by the City of Ontario. The 3.649-acre property identified in Exhibit 1 – Appendix E, Map 1 and further described in Exhibit 3 - Legal Description is hereby included within the Ontario URA, designated Public Facility (PF) in accordance with Chapter 10A-51 of the Ontario City Code, and annexed into the City.

Section 2. TVCC is authorized to possess, keep and maintain livestock on the annexed parcel, known as the Sonny Hansen Livestock Center, as a permitted recreational, college facility and vocational use identified in City Code Section 10A-51-30-9-10 (the TVCC Master Plan). Said use is exempt from City Code Section 6-2-19(A)4., which otherwise prohibits persons from keeping livestock within the City limits.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2014.

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

PLANNING COMMISSION AGENDA REPORT

Monday, December 16, 2013

7:00 p.m.

Contents

I. GENERAL INFORMATION:.....2

II. SUMMARY & BACKGROUND:3

 Proposal3

 Supporting Documentation.....3

 Proposed Annexation and Zone Change Area:.....3

 Proposed Comprehensive and Zoning Map Amendments5

III. PREVIOUS PLANNING COMMISSION ACTION:.....5

IV. APPLICABLE CRITERIA AND STANDARDS:.....5

 A. Annexation.....6

 1. Joint Management Agreement Requirements6

 2. Statutory Requirements7

 B. Comp Plan / Zoning Map Amendment Criteria.....7

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION9

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL9

VII. CONDITIONS OF APPROVAL:.....10

VIII. Appendices:.....**Error! Bookmark not defined.**

I. GENERAL INFORMATION:

TO: Ontario Planning Commission & Ontario City Council

FROM: Marcy Skinner, Planning and Zoning Technician
Jesse Winterowd, Winterbrook Planning

THROUGH: Jay Henry, City Manager

SUBJECT: LAND USE ACTION #2013-10-07 CPAMD, ORDINANCE #2686-2013:
Amend the Ontario UGA to include the TVCC Livestock Center consistent with the TVCC Master Plan; Amend the Ontario Comprehensive Plan / Zoning Map from the Malheur County URA Agricultural Zone to the City Public Facility Zone; and Annex the 3.7-acre site.

SUBJECT PROPERTY: As shown on Map 1 (attached to this report), the proposed UGA expansion area is located at the southwest corner of Southwest 18th Avenue and Southwest 4th Street.

APPLICANT/PROPERTY OWNER: Bernie Babcock, Physical Plant Coordinator
Treasure Valley Community College
650 College Blvd.
Ontario, Oregon 97914
Phone: 541.881.8822

STAFF REPORT DATE: December 1, 2013

II. SUMMARY & BACKGROUND:

Treasure Valley Community College (TVCC) proposes to expand the Ontario Urban Growth Area (UGA) in order to annex the Livestock Center, consistent with the adopted TVCC Master Plan. The proposal would allow extension of urban sanitary sewer and water services to the 3.7-acre site.

The proposed site is adjacent to the UGA, is designated “urban reserve” and therefore is first priority for UGA expansion (ORS 197.298), is already developed, and abuts city sewer and water lines.

Proposal

The proposal is for the following:

- Expand the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- Assign a Public Facility comprehensive plan designation.
- Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Public Facility (PF) zone¹ to the site.

Supporting Documentation

LAND USE MAP: MAP 1: Annexation and Plan / Zone Change Area

**APPENDICES: Appendix A: Joint Technical Review Committee Meeting Minutes
Appendix B: Annexation Documentation
Appendix C: Public Facilities Analysis
Appendix D: Public Notice documentation
Appendix E: TVCC – UGA Expansion and Annexation for Livestock Center**

Proposed Annexation and Zone Change Area:

Map 1, inserted below and attached in larger format to this document, shows the proposed annexation and Comp Plan / Zone Change area. Figure 1 below that provides an aerial photograph that shows the subject properties.

¹ As modified by the TVCC Master Plan, the City PF zone has additional standards that apply to areas within the TVCC Master Plan (the College Zoning District 10A-51-30).

Map 1: Comp Plan / Zoning Map of Subject Properties

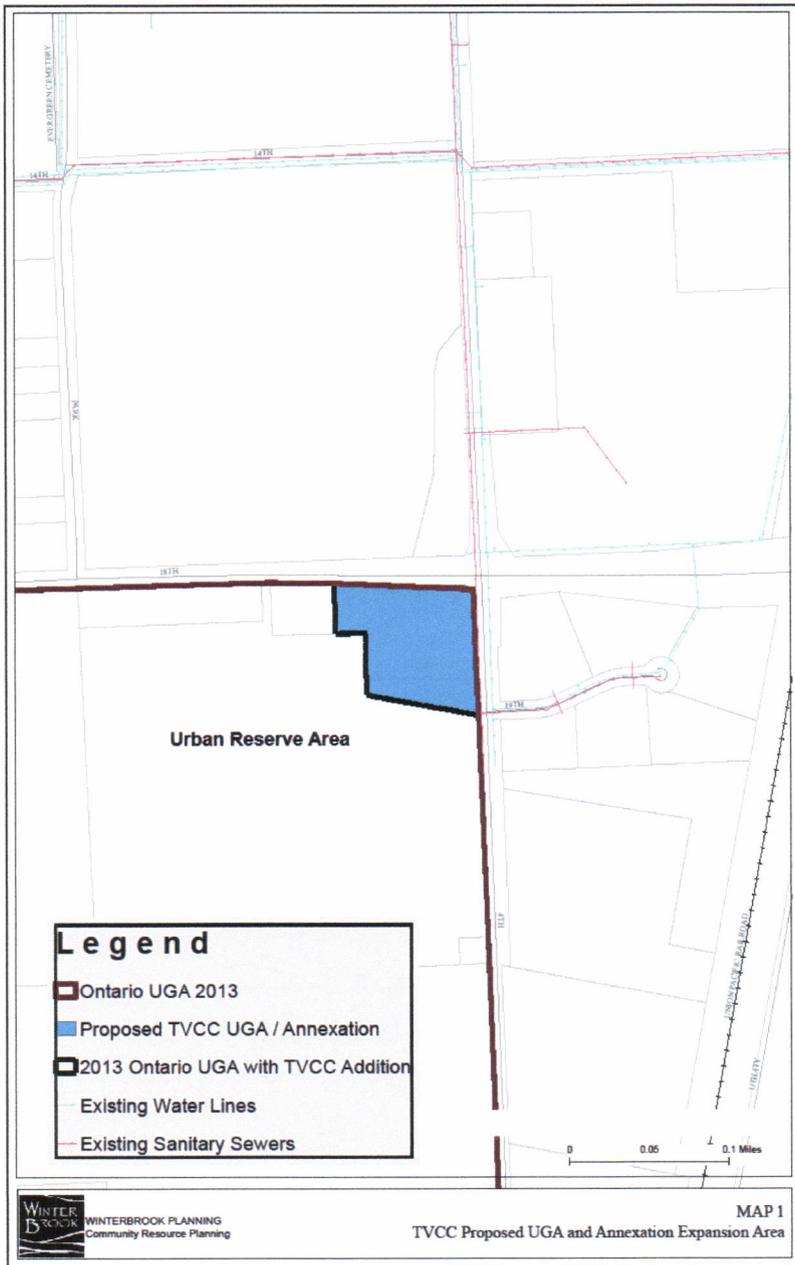
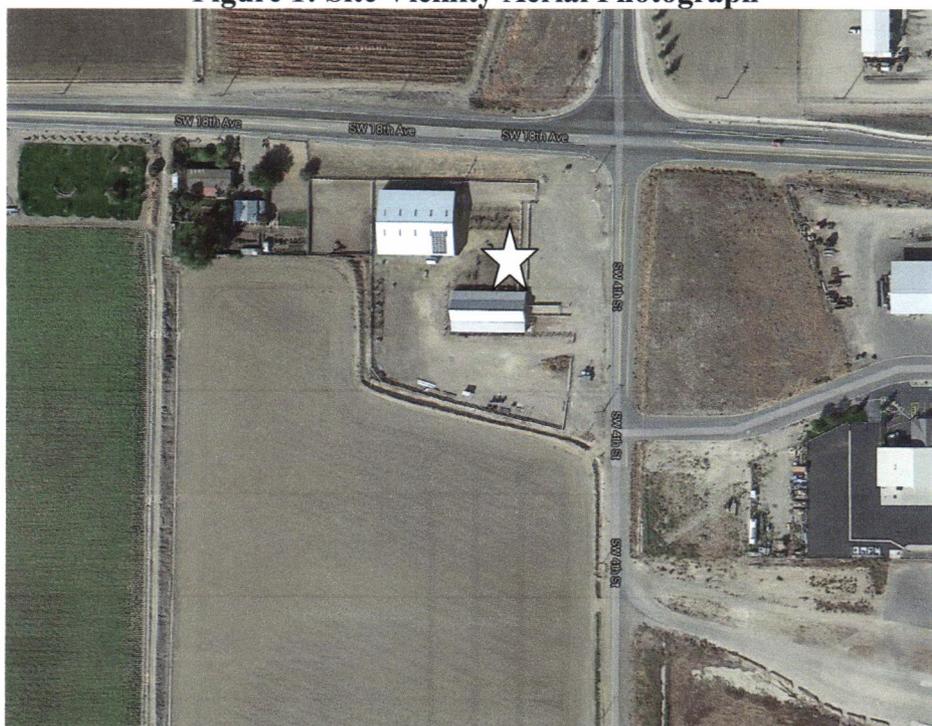


Figure 1: Site Vicinity Aerial Photograph



Proposed Comprehensive and Zoning Map Amendments

This staff report supports the proposed UGA amendment, annexation to the City and amendment of the Comprehensive Plan and Zoning Map from URA Agriculture to City Public Facility (College Zoning District 10A-51-30) for the subject parcel.

III. PREVIOUS PLANNING COMMISSION ACTION:

Nothing substantive on this request. However, TVCC dedicated land along SW 18th Avenue when this street was widened as part of an ODOT/Malheur County project (City Streets, SW 4th St. - SE 2nd St. (Ontario) SEC, 2001).

IV. APPLICABLE CRITERIA AND STANDARDS:

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

Zone changes must meet the requirements of Section 10-20-30 of the OZO, including applicable Comp Plan policies, Statewide Planning Goals and Administrative Rules.

A. Annexation

1. Joint Management Agreement Requirements

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

4) *A Joint Technical Review Committee (JTRC) shall be established by the City and the County to coordinate land use decisions in the UGA and URA.*

a) At a minimum, the JTRC will consist of representatives from the planning and public works staffs of the City and the County. In addition, other representatives may participate as appropriate, including, but not limited to, the County Sanitarian, County Assessor, public safety officials, economic development officials and representatives from special districts such as school districts or irrigation districts. The chair of individual meetings shall be the Planning Director from the jurisdiction with lead authority for the issues under review.

b) The JTRC shall review all land use applications prior to the preparation of a staff report or administrative decision. The purpose of this review is to identify and agree on applicable policies and development standards and specific issues to be addressed by the applicant. This review may occur prior to the submission of an application, similar to a pre-application conference.

Staff Findings: A JTRC meeting was held on November 6, 2013 to review this proposal. The meeting held via phone conference and was chaired by Planning Technician Marcy Skinner. In attendance were:

City Staff

- Larry Sullivan Counsel
- Bob Walker Public Works Director
- Al Higinbotham Fire Chief
- Dan Shepard Engineering Dept
- Bret Turner Project Manager
- Alan Daniels Chief Innovations Officer

Other Attendees

- Clayton Kramer Rural Fire District
- Alvin Scott Malheur County Planning
- Tom Edwards Malheur County Surveyor
- Jeff Wise Rural Road District #3
- Eric Evans Malheur County Environmental Health

By Phone

- Grant Young DLCD Representative
- Greg Winterowd Winterbrook Planning
- Jesse Winterowd Winterbrook Planning

Staff supported this request provided that TVCC dedicate sufficient land to meet minor arterial street standards, and sign a non-remonstrance agreement for future street and sidewalk improvements. No objections were raised.

2. Statutory Requirements

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi- judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*
 2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*
1. Appendix B includes the signed annexation agreement.
 2. The property is annexable because it (a) lies inside the Urban Growth Boundary, (b) can be provided immediately with sanitary sewer and water improvements; and (c) is contiguous with the current city limits. The property to be annexed is TL 18S4716A 200.

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

B. Comp Plan / Zoning Map Amendment Criteria

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

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

Staff Findings: UGA amendment justification and findings are attached as Appendix E to this document. As described in detail in Appendix E, the proposed UGA expansion to include the Livestock Center site consistent with the adopted TVCC Master Plan and with applicable statewide planning goals.

- 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.*

Staff Findings: As discussed extensively in Appendix E, the proposed UGA amendment and zone change provides land that meets an identified need in the TVCC Master Plan, and some of the unmet identified Public Facility land need. The Planning Commission and City Council may recall that last year's UGA amendment met a portion (104 acres) of the 174-acre Public Facility land need; however, there remains a 69-acre unmet need for Public Facility land. The proposal is consistent with and builds on existing plans – the proposed Livestock Center is clearly identified in the acknowledged TVCC Master Plan. Appendix E, Section 6 shows conformance with all applicable City and County comprehensive plan goals and policies.

- 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.*

Staff Findings: Sanitary sewer and water facilities are already adjacent to the site, as shown on Map 1. The Development Services Director has shown that the subject parcels can be efficiently provided with adequate public facilities in Appendix C. As described in Appendix E, Section 5, no transportation improvements are necessary to serve the site.

- 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.*

Staff Findings: The proposed zoning map changes are consistent with the acknowledged TVCC Master Plan for the subject parcel. The subject parcel is already developed for the proposed use. The subject parcel is adjacent to the UGA (buffered by 18th Avenue and 4th Street) on the north

and east, and undeveloped URA in farm use on the west and south. The current and proposed future use of the parcel is a Livestock Center – an existing use that has had no compatibility issues with adjacent properties.

Recommended Findings of Fact:

- a & b. As this is a Comprehensive Plan Amendment to change zoning classification, the amendment itself must be shown to be consistent with the Comp Plan and with applicable Statewide Planning Goals. The above section of this report shows the proposed rezone to be consistent with the Comp Plan and the Goals.
- c & d. The City Public Works Director has prepared a public facilities analysis (Appendix C) demonstrating (a) that the City can serve the subject parcel, and (b) explaining how existing sewer and water services adjacent to the site can serve the subject parcel.

Conclusion & Recommendation: The proposed UGA amendment, comprehensive plan amendment, and zone change are consistent with statewide planning goals and the comprehensive plan. Appendix C indicates the site is serviceable with other public facilities. Therefore, the proposed UGA amendment, annexation and rezone is consistent with all applicable criteria and standards.

Staff recommends approval of this application.

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for UGA amendment, annexation and rezone of property requiring a Comp Plan amendment may be recommended for approval or denial by the Planning Commission to the City Council.

If, after hearing public testimony on this matter, the Planning Commission agrees with staff that all applicable decision criteria and standards have been met, or are able to be met through appropriate conditions of approval, then the Commission should recommend approval.

On the other hand, if the Planning Commission finds that applicable decision criteria cannot be met, even with conditions of approval, the Commission should recommend denial and explain the reasons for its recommendation.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

A. Approval:

- 1. I move that the City Council / Planning Commission recommend that the City Council approve the Comprehensive Plan Amendment package as set forth in **ACTION 2013-10-07 CPAMD** and further described in the City Staff Report. This package includes:

- (a) Amendment of the UGA and Comprehensive Plan / Zoning Map from URA Agriculture to City Public Facility as indicated in Map 1; and
- (b) Annexation of lands to the City of Ontario as shown on Map 1.

The Planning Commission's recommendation is based on the information, findings and conclusions set forth in Sections I through IV above, and subject to the conditions set forth in annexation agreement found in Appendix B.

B. Denial:

- 1. I move that the Planning Commission recommend denial of Comprehensive Plan Amendment package as set forth in **ACTION 2013-10-07 CPAMD** because the application materials fail to meet the following applicable review criteria:

VII. CONDITIONS OF APPROVAL:

Staff recommends that TVCC dedicate sufficient land to meet minor arterial street standards as set forth in Appendix C, and sign a non-remonstrance agreement for future street and sidewalk improvements.

VIII. Next Steps

The local review and adoption process, and the Land Conservation and Development acknowledgment process should work as follows:

- A joint Planning Commission – City Council hearing is scheduled for December 16, 2013. Two ordinances will be considered at this hearing: Ordinance #2686-2013 (adopting this TVCC UGA expansion proposal) and Ordinance #2687-2013 (adopting a rail-dependent industrial UGA expansion).
- If the Planning Commission recommends approval (or approval with conditions), the City Council will consider and vote on the proposed Ordinances. Council changes will be noted and included in the final ordinances and exhibits to both Ordinances.
- The Mayor would then sign the two ordinances and Winterbrook will work with City Planning staff to forward the adopted UGA amendments to Malheur County for its review.
- The Malheur Planning Commission will hold a public hearing on this matter on December 19th. A public hearing before the County Court is scheduled for January 8th, 2014.
- If Malheur County co-adopts Ontario's proposal, Winterbrook and City staff will work with DLCD representative Grant Young to prepare the notice of final local decision.
- If the DLCD Director approves the proposed UGA amendments (and there are no objections from participating parties), the City and County ordinances will be "acknowledged" and in effect.

City of Ontario Joint Technical Review Committee (JTRC) Meeting

DATE 11/6/2013
TIME 1:30PM

Proponents:

Treasure Valley Community College
c/o Bernie Babcock
650 College Blvd
Ontario, OR 97914

Project description:

Address
Zoning URA, Urban Reserve Area
Proposed use Livestock Center

- proponents would like hook up to city sewer and must annex to do so.
- the proposal is part of the adopted TVCC Master Plan
- 3.7 Acres Urban Reserve Area
- they must pay for improvements on SW 4th Street along their frontage
- a Deferred Improvement Agreement (DIA) may be an option
- the Transportation System Plan (TSP) must be checked for the Right of Way (ROW) needed.
- must check to see if there is an agreement with John Echanis for payment of existing improvements
- the intersection is in good shape and does not seem to need any additional improvements at this time
- a written memo is necessary to show how much dedication is needed for the ROW and DIA

City of Ontario Staff Present

Bob Walker	PW Director	541-881-3231	bob.walker@ontariooregon.org
John Bishop	Operations Manager	541-889-8572	john.bishop@ontariooregon.org
Dan Shepard	Engineering	541-881-3238	dan.shepard@ontariooregon.org
Bret Turner	PW Project Manager	541-889-8572	bret.turner@ontariooregon.org
Alan Daniels	Economic Development	541-212-1676	alan.daniels@ontariooregon.org
Al Higinbotham	Fire Chief	541-881-3230	al.higinbotham@ontariooregon.org
Marcy Skinner	Planning & Zoning Tech	541-881-3224	marcy.skinner@ontariooregon.org
Larry Sullivan	City Lawyer		

Others Present

Clayton Kramer	Rural Fire District
Alvin Scott	Malheur Co Planning
Tom Edwards	Malheur Co Surveyor
Jeff Wise	Rural Road District #3
Eric Evans	Malheur Co Environmental Health

By Phone

Grant Young	DLCD Representative
Winterbrook	Greg & Jesse from Winterbrook

City of Ontario Planning and Zoning Application Form

444 SW 4th Street, Ontario, OR 97914
Permit Center Annex: 458 SW 3rd Street
Voice (541) 881-3224 / (541) 881-3222
Fax (541) 881-3251



COMPREHENSIVE PLAN AMENDMENT

This form shall be used for any legislative code amendment application

FILE # 2013-10-07 CPAMD **Date Received** 9-25-2013

Fee: \$440.00 **Accepted as Complete** 9-25-2013

Applicant(s) – attach additional sheets as necessary

Name Treasure Valley Community College
Address 650 College Blvd
Ontario, OR 97914

Property Owner(s) – attach additional sheets as necessary

Telephone (541) 212-9576
email Bb@brock@tucc.cc
signature [Signature]

Description of proposed action: See Attached!

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

Property information:
Address Southwest Corner of 18th Ave/14th Street
Tax Map # 18 47B Index 8 Tax Lot #(s) 7100
Lot size 3. 1/3 Acres Zoning Farm Ground
Existing use Livestock Center

OFFICE USE ONLY

120 day time limit	Accepted as complete _____	Final decision by _____
DLCD 45-day notice required	Y/N _____ Date mailed _____	Date of first hearing _____
Notice of PC Hearing	Date mailed _____	Posted on site _____
Notice to media	Publication date _____	Emailed _____
Hearing dates	PC _____	CC _____
Notice of Decision	Date mailed _____	Appeal deadline _____
Associated applications	_____	_____

DESCRIPTION OF PROPOSED ACTION:

Urban Growth Boundary Expansion to include the Sonny Hansen Livestock Center.

Proposed annex for the purpose of sewer and water connection with the City of Ontario.

This re-zone action is consistent with the TVCC 2012 Facility Master Plan adopted by the City of Ontario on March 19, 2013 and the City of Ontario Planning Commission on January 1, 2013.

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

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

CHAPTER 10B-15 LEGISLATIVE AMENDMENT PROCEDURES

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

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

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

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

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

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

COMPREHENSIVE PLAN AMENDMENT **FILE #** _____

Applicant is:

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

AUTHORIZATION:

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



Signature of applicant

9/25/13

Date

Signature of applicant

Date

Signature of property owner

Date

Signature of property owner

Date

Signature of property owner

Date

Attach additional sheets if necessary

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

**TREASURE VALLEY COMMUNITY COLLEGE
LIVESTOCK CENTER
INFRASTRUCTURE REQUIREMENTS**

There is an existing 12-inch water main and an existing 12-inch sewer main in SW 4th Street on the east side of the Treasure Valley Community College (TVCC) Livestock Center. Therefore, TVCC could be provided with both City water and City sewer through a direct service connection without having to construct any mains. TVCC might have to pay a share of the water and sewer main installation costs which were paid for by others.

The City would require a Deferred Improvement Agreement for street improvements on SW 4th Street along their frontage. TVCC would also be required to provide any right-of-way on SW 4th Street along their frontage that may be needed.

The intersection of SW 18th Avenue and SW 4th Street is in good condition and will not need any additional improvements at this time.

Bob Walker
City of Ontario Public Works
December 10, 2013



November 26, 2013

NOTICE OF CITY & COUNTY PUBLIC MEETINGS

PUBLIC HEARINGS:

Monday, December 16, 2013 at 7:00 p.m.

Joint City of Ontario Planning Commission and City Council meeting located at:
Ontario City Hall, 444 SW 4th Street, Ontario OR 97914

Thursday, December 19, 2013 at 7:00 p.m.

Malheur County Planning Commission meeting located at:
Ontario City Hall, 444 SW 4th Street, Ontario OR 97914

Tuesday, January 8, 2013 at 9:00 a.m.

County Court meeting located at:
Malheur County Courthouse, Room #107, 251 B Street W, Vale OR 97918

The City and County will consider the following matters concerning Treasure Valley Community College. City of Ontario Planning File 2013-10-07CPAMD (Ord #2686-2013) and Malheur County File No. 2013-11-007 (Ord # 201); and

The City and County will also consider the following matters concerning Industrial Lands. City of Ontario Planning File 2013-10-08CPAMD (Ord #2687-2013) and Malheur County File No. 2013-11-008 (Ord #202).

SUBJECT: TREASURE VALLEY COMMUNITY COLLEGE- UGA TO CITY PUBLIC FACILITY CITY FILE 2013-10-07 CPAMD (ORD #2686-2013) AND COUNTY FILE 2013-11-007 (ORD #201):

Treasure Valley Community College (TVCC) proposes to expand the Ontario Urban Growth Area (UGA) in order to annex the Livestock Center, consistent with the adopted TVCC Master Plan. The proposal would allow extension of urban sanitary sewer and water services to the 3.7-acre site.

The proposed site is adjacent to the UGA, is designated "urban reserve" and therefore is first priority for UGA expansion (ORS 197.298), is already developed, and abuts city sewer and water lines.

Proposal

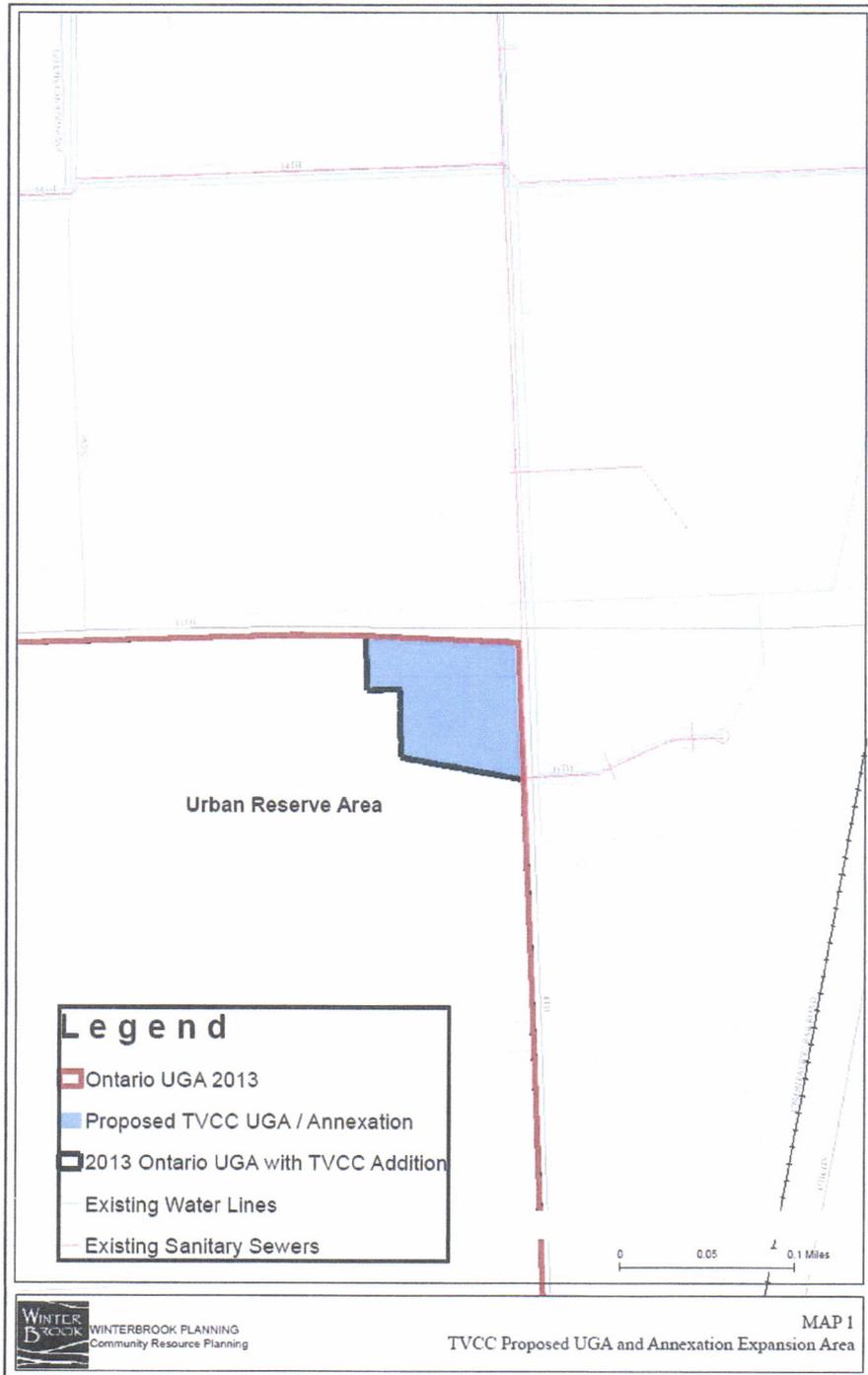
The proposal is for the following:

- Expand the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- Assign a Public Facility comprehensive plan designation.
- Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Public Facility (PF) zone¹ to the site.

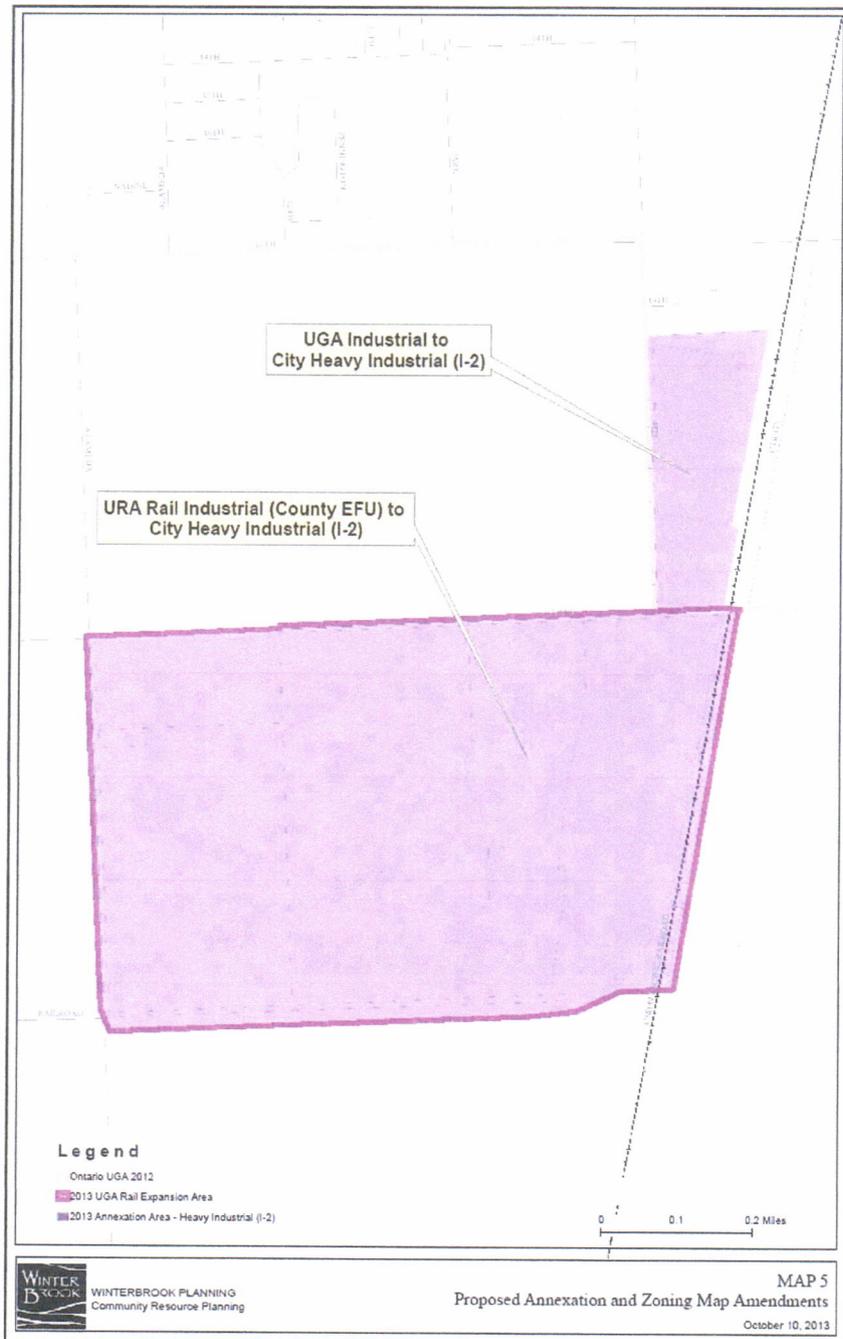
Proposed Annexation and Zone Change Area:

Map 1 below and attached in larger format to this document, shows the proposed annexation and Comp Plan / Zone Change area.

Map 1: Comp Plan / Zoning Map of Subject Properties



Map 1: Comp Plan / Zoning Map of Subject Properties



UGA Expansion Area Description

As shown on the map attached, the proposed UGA expansion area is:

- located at the northeast intersection of Oregon Highway 201 (a major arterial) and SW 18th Avenue (a minor arterial) – across Hwy 201 from the Ontario Municipal Airport.
- entirely within the acknowledged Ontario Urban Reserve Area (URA).
bordered on three sides by the acknowledged Ontario UGA and separated from Agricultural / URA land on the fourth side by SW 18th Avenue – a minor arterial street.

SUBJECT: INDUSTRIAL LANDS- UGA TO CITY HEAVY INDUSTRIAL (I-2)
CITY FILE 2013-10-08 CPAMD (ORD #2687-2013) AND COUNTY FILE 2013-11-008 (ORD #202):

Proposed amendments to the Ontario and County Comprehensive Plans (Comp Plans):

1. Expand the Ontario Urban Growth Boundary (UGA) to include approximately 245 tax lot acres and 30 acres of right-of-way to meet identified rail-dependent industrial land needs.
2. Assign an Industrial Comp Plan designation with a 50-acre minimum parcel size to the 245-acre industrial site to meet site suitability requirements for rail-dependent industrial users.
3. Amend the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs.
4. Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 245-acre industrial site.
5. Annex four intervening tax lots between the industrial site and existing city limits.
6. Amend to Ontario Transportation System Plan (TSP) to designate minor arterial and collector streets within the UGA expansion area consistent with preliminary TSP designations and address and mitigate for transportation impacts from the proposed UGA expansion.

Proposed Annexation and Zone Change Area:

Map 1 shows the proposed annexation and Comp Plan / Zone Change area.

The decisions will be based on the standards and procedural requirements for hearings as set forth in Titles 8, 10A, and 10B of the City of Ontario Municipal Code, Title 10, Malheur County Code Title 6 Chapters 2, 3A, 3E, 3P & 11, Statewide Planning Goals: Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 3, Agricultural Lands, Goal 9, Economic Development, Goal 11, Public Facilities, Goal 12, Transportation, Goal 14, Urbanization and City of Ontario and Malheur County Growth Management Agreement (2007).

Information submitted by the applicant and the city staff report may be viewed at the City Annex, 458 SW 3rd St, Ontario; copies may be obtained at reasonable cost.

Comments on any or all of these matters may be submitted in writing to the Planning and Zoning Department at the City Hall Annex by 5:00 P.M. on Monday, December 16, 2013. Written or oral testimony may be given at the hearing.

Pursuant to the City of Ontario and Malheur County Growth Management Agreement the county review shall be based on the record made before the city. All evidence must be presented at the city hearings. Inquiries may be directed to: Marcy Skinner, Planning and Zoning Technician, at (541) 881-3224.

ALVARADO, KATHRYN J
2551 ALAMEDA DR
ONTARIO, OR 97914

CALHOUN, JAMES R
2814 ALAMEDA DR
ONTARIO, OR 97914

CARSON, ANTHONY J & MICHELLE R
2575 ALAMEDA DR
ONTARIO, OR 97914

CLAYTON, JIMMIE A & ANN
3868 ALAMEDA DR
ONTARIO, OR 97914

COLEY, CARROLL C & CHARLOTTE L
920 SW 18TH AVE
ONTARIO, OR 97914

DENNEY, MICHELINE M
2600 ALAMEDA DR
ONTARIO, OR 97914

DUYN, WILLIAM J
1402 GRANT ST
GRANITE, OR 97877

ECHANIS DISTRIBUTING CO
P O BOX 236
ONTARIO, OR 97914

ERLEBACH, BRUCE D & TERESA
645 S PARK BLVD
ONTARIO, OR 97914

EVANS GRAIN & ELEVATOR CO
P O BOX 3765
OGDEN, UT 84409

FARMERS SUPPLY COOPERATIVE
514 SW 4TH AVE
ONTARIO, OR 97914

FRAZIER AVIATION LLC
P O BOX 670
ONTARIO, OR 97914

FREY, MICHAEL D
2599 SUNSET DR
ONTARIO, OR 97914

GILLINGHAM, LARRY
2190 S COLE RD
BOISE, ID 83709

GONZALEZ, MANUEL H & SANJUANA
2526 SUNSET DR
ONTARIO, OR 97914

HAMMOND, JOHN G & MARSHA M
4070 FREESE LN
VALE, OR 97918

IIDA, GEORGE & DOROTHY
580 RAILROAD AVE
ONTARIO, OR 97914

JARAMILLO FAMILY TRUST
6341 SW 34TH AVE
PORTLAND, OR 97239

JONES, VICKY
3868 ALAMEDA DR
ONTARIO, OR 97914-8840

KAMESHIGE & SONS INC
1401 SW 18TH AVE
ONTARIO, OR 97914

KATHRINER, CHRISTOPHER P
2501 ALAMEDA DR
ONTARIO, OR 97914

KINNEY INDUSTRIES INC
P O BOX T
ONTARIO, OR 97914

KITAMURA, RICKY L
151 LAUREN DR
ONTARIO, OR 97914

LANE, SHERYL L
1709 WEST ISLAND RD
ONTARIO, OR 97914

MALHEUR COUNTY
251 B ST W
VALE, OR 97918

MC LAY, RANDAL A & MARY ANN
2457 ALAMEDA DR
ONTARIO, OR 97914

NAMBA FARMS INC
1489 SW 4TH ST
ONTARIO, OR 97914

NAVARETTE, RICARDO
718 U S 20-26
ONTARIO, OR 97914

NAVARETE, DANIEL & STEPHANIE
442 RAILROAD AVE
ONTARIO, OR 97914

NAVARETE, DANIEL & STEPHANIE
2603 W ISLAND RD
ONTARIO, OR 97914

POINTS, FRANK L & BARBARA J
2415 ALAMEDA DR
ONTARIO, OR 97914

RAY, SARAH M
2440 SUNSET DR
ONTARIO, OR 97914

REYNOLDS, MILTON G
P O BOX 1023
ONTARIO, OR 97914

SIMPLOT, J R CO
P O BOX 27
BOISE, ID 83707

SYPHERS, GARY R & INA
2430 SUNSET DR
ONTARIO, OR 97914

TOP ONIONS USA INC
170 E ISLAND RD
ONTARIO, OR 97914

TREASURE VALLEY COMM COLLEGE
650 COLLEGE BLVD
ONTARIO, OR 97914

TREASURE VALLEY RENEWABLE RESC
1832 WEISER RIVER RD
WEISER, ID 83672

WEAVER, JOHN C & RUTH E
P O BOX 428
PAYETTE, ID 83661

WETTSTEIN, MARK & KELLY
3689 ALAMEDA DR
ONTARIO, OR 97914

WHALEY, TOM R & TREN A
2576 SUNSET DR
ONTARIO, OR 97914

WILSON, HARLEY W
625 NW 36TH ST
ONTARIO, OR 97914

RESIDENT
2601 W ISLAND RD
ONTARIO, OR 97914

RESIDENT
2000 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
2645 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
3822 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
1980 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
2101 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
2177 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
1682 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
104 E ISLAND RD
ONTARIO, OR 97914

RESIDENT
420 RAILROAD AVE
ONTARIO, OR 97914

RESIDENT
3889 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
3894 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
1700 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
2531 SUNSET DR
ONTARIO, OR 97914

RESIDENT
700 SW 18TH AVE
ONTARIO, OR 97914

RESIDENT
1801 SW 4TH ST
ONTARIO, OR 97914

RESIDENT
3866 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
218 SW 19TH AVE
ONTARIO, OR 97914

RESIDENT
2930 ALAMEDA DR
ONTARIO, OR 97914

RESIDENT
201 SW 19TH AVE
ONTARIO, OR 97914

RESIDENT
121 SW 19TH AVE
ONTARIO, OR 97914



MEMORANDUM

To: City of Ontario
 From: Jesse Winterowd
 Date: October 23, 2013
 Re: **Treasure Valley Community College – UGA Expansion and Annexation for Livestock Center**

Contents

INTRODUCTION2

NEED FOR LIVESTOCK CENTER AND PUBLIC FACILITY LAND2

 2012 Campus Master Plan 2

 Public Facility Land Need..... 3

EVALUATION OF ALTERNATIVE SITES4

 197.298 Priorities 4

 Goal 14 Locational Factors 4

 Factor 1: Efficient accommodation of identified land needs..... 4

 Factor 2: Orderly and economic provision of public facilities and services..... 4

 Factor 3: Comparative environmental, energy, economic and social consequences 4

 Factor 4: Compatibility of the proposed urban use with nearby agricultural and forest activities 5

TRANSPORTATION.....5

COMPLIANCE WITH COMPREHENSIVE PLAN POLICIES6

 Compliance with City Comprehensive Plan Policies 6

 Compliance with Malheur County Comprehensive Plan Policies 7

ANNEXATION TO THE CITY OF ONTARIO.....8

CONCLUSION8

Maps:

Map 1: TVCC Proposed UGA and Annexation Expansion Area

Appendices:

Appendix A: Annexation Agreement

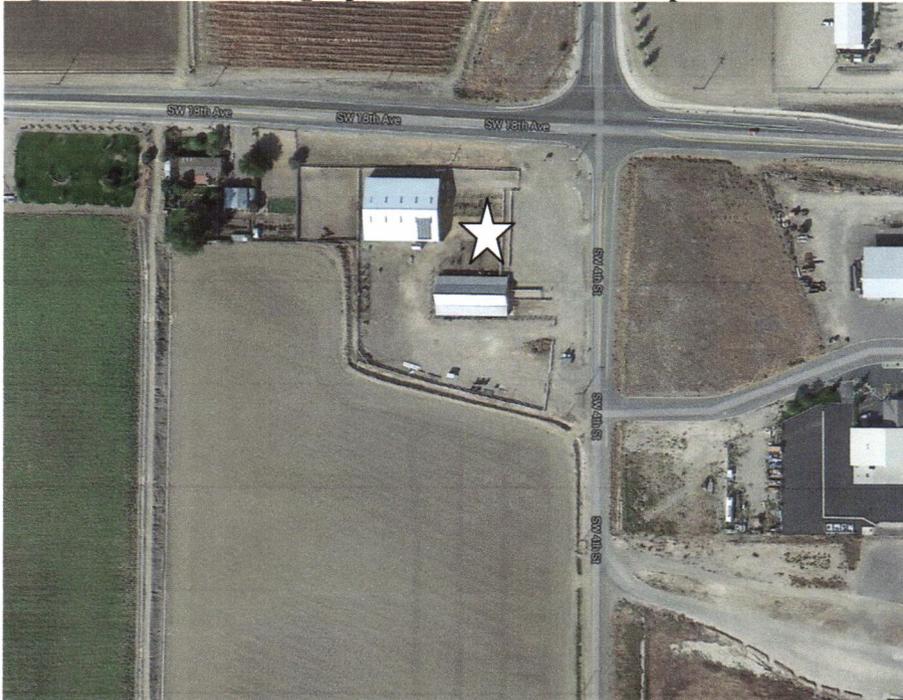
INTRODUCTION

Treasure Valley Community College (TVCC) proposes to expand the Ontario Urban Growth Area (UGA) in order to annex the Livestock Center, consistent with the adopted TVCC Master Plan. The proposal would allow extension of urban sanitary sewer and water services to the 3.7-acre site.

The proposed site is adjacent to the UGA, is designated “urban reserve” and therefore is first priority for UGA expansion (ORS 197.298), is already developed, and abuts city sewer and water lines.

As shown on Figure 1, the site (TL 18S4716A 200, Ref #7776) is located at the southwest corner of Southwest 18th Avenue and Southwest 4th Street.

Figure 1: Aerial Photograph of Proposed UGA Expansion Area



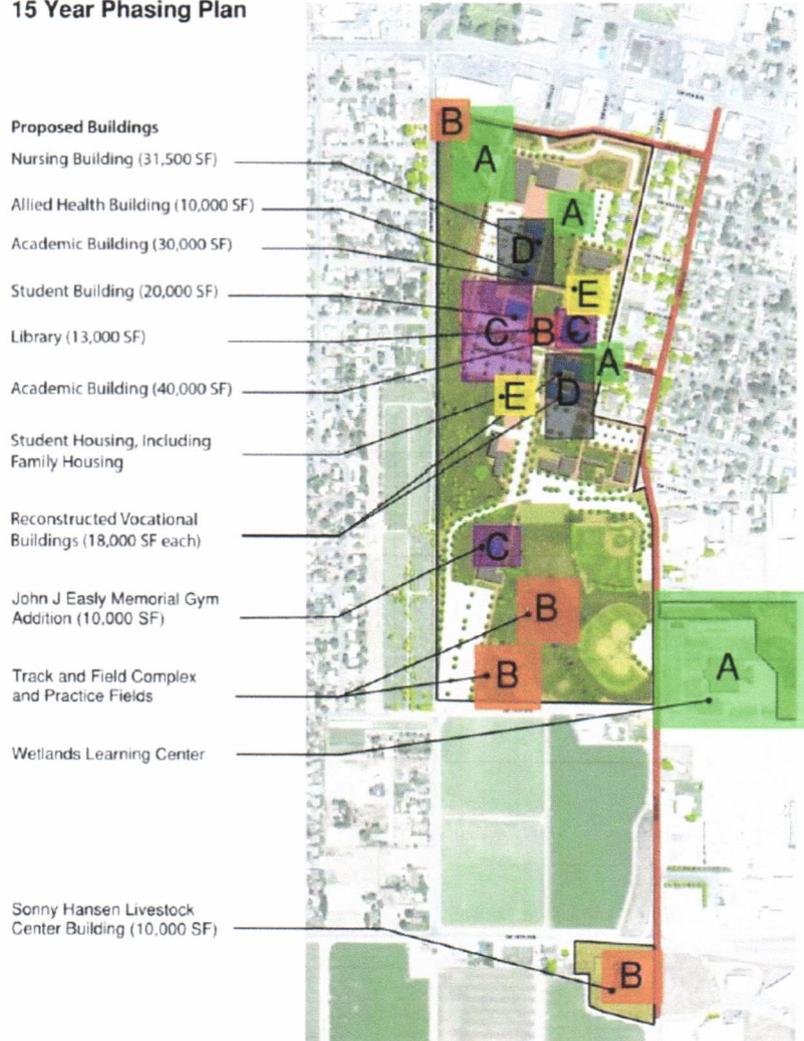
NEED FOR LIVESTOCK CENTER AND PUBLIC FACILITY LAND

2012 Campus Master Plan

The Sonny Hansen Livestock Center Building is shown as part of Phase B of the TVCC Campus Master Plan, adopted by the City and acknowledged by the Oregon Land Conservation and Development Commission in 2012. As indicated in the Master Plan, the Livestock Center is needed as part of the “outdoor learning spaces and labs sustainable campus initiative” (p. 39) and to provide agricultural training classes. In order to improve the

existing buildings on the Livestock Center site to TVCC standards, urban sanitary sewer and water facilities are needed. The alternative is provide on-site sanitary and water service, which would not meet TVCC's long-term needs.

Figure 2: 2012 TVCC Campus Master Plan
2012 Campus Master Plan
15 Year Phasing Plan



Public Facility Land Need

In addition to being needed as part of the adopted TVCC Master Plan, the City of Ontario has a general need for the proposed UGA amendment. As shown in Table 1 below (excerpted from the Ontario Comprehensive Plan), the City has an outstanding need for 69 additional acres of public facility land. Inclusion of the proposed site would reduce this identified 20-year land need by 3.7 acres.

Table 1: Public Facility Land Need¹

Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
TOTAL	1,716.5	1,788.8	(72.3)

Source: Ontario Comprehensive Plan

EVALUATION OF ALTERNATIVE SITES

197.298 Priorities

The proposed site is within the Ontario Urban Reserve Area (URA), and as such is first priority for inclusion within the UGA, per ORS 197.298.

Goal 14 Locational Factors

The Goal 14 Locational Factors are addressed below.

Factor 1: Efficient accommodation of identified land needs

The proposed site is already developed for the identified land need as shown on the TVCC Master Plan; moreover, the site abuts the UGA on two sides, and is served by sanitary sewer and water lines in SW 4th Street.

Factor 2: Orderly and economic provision of public facilities and services

As shown on Map 1, the proposed site is adjacent to urban water and sanitary sewer lines in SW 4th Street – an urban collector street. The northern border of the site is SW 18th Avenue, a city minor arterial street. Additional street dedication is required to meet City TSP design requirements; TVCC will be required to sign a non-remonstrance agreement. (See letter from City of Ontario Public Works Director Bob Walker).

Factor 3: Comparative environmental, energy, economic and social consequences

Since the proposed site is already developed consistent with the identified land need, ESEE consequences are uniformly positive when compared with other vacant sites within the URA.

- There are no Goal 5 resources on the proposed site, and it is not within a floodplain area. Environmental consequences of extending services to the proposed site are positive, as existing development can hook up to urban sanitary sewer and water, reducing potential negative environmental impacts of alternative waste collection and disposal (e.g. septic systems).

¹ Table 1 is based on the Goal 9 Element of the Ontario Comprehensive Plan, and incorporates UGA amendments through 2013.

- Energy consequences are positive for the following reasons. The site is adjacent to the UGA on two sides, with urban streets on the north and east borders. Urban facilities are already adjacent to the site and ready to hook up. The site is relatively small for a lot outside of the UGA (3.7 acres), and clearly appropriate to meet the identified land need – as it is already developed to do so. Connection to the main TVCC campus is direct on SW 4th Street, providing energy-efficient proximity and travel.
- Economic consequences of including the proposed site are positive. Any other potential site adjacent to the UGA would require additional costs of acquisition and new development, resulting in negative economic consequences. No farmland would be taken out of production, so there is no negative impact on the agricultural economy. Providing educational facilities consistent with the TVCC Master Plan supports the education and development of a local workforce – a positive economic factor as it makes the Ontario area more attractive to potential new firms and employers.
- Social consequences of including the proposed site are positive as well, for many of the same reasons stated above. Including the proposed site helps support a functional master plan, consistent with Statewide Planning Goal 2 (Land Use Planning) objectives of an integrated and predictable planning approach. An educated workforce provides more job opportunities and higher potential quality of life for the community.

Factor 4: Compatibility of the proposed urban use with nearby agricultural and forest activities

The proposed UGA amendment includes land that is already developed for the use indicated in the approved Master Plan. The use – a Livestock Center – is adjacent to farmland to the south (also within the URA), and exists without conflict. In fact, the proposed use is intended to help support the local agricultural community, by providing hands-on agricultural training. Therefore, expansion of the UGA for the proposed use is highly consistent with Factor 4 objectives.

TRANSPORTATION

The northern border of the site is Southwest 18th Avenue – shown as a minor arterial on the Ontario TSP. The site has already dedicated ROW sufficient to meet minor arterial standards for SW 18th Avenue. The eastern border of the site is Southwest 4th Street, shown as a collector street on the Ontario TSP. TVCC will be required to dedicate land along the SW 4th Street frontage to meet TSP design standards and sign a non-remonstrance agreement to ensure that this street is eventually constructed to city standards. (See letter from Public Works Department.)

The subject site is already developed, and transportation impacts have already been addressed through the adopted TVCC Campus Master Plan and previous transportation impact studies.

COMPLIANCE WITH COMPREHENSIVE PLAN POLICIES

Compliance with City Comprehensive Plan Policies

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

1. *The City shall establish and maintain a comprehensive planning process consistent with state, regional and local needs and to serve the best interests of the city.*

Response: The proposed plan amendment is consistent with this policy as it meets local needs identified in the Comprehensive Plan – both general acreage needs for public / semi-public uses, as well as the adopted TVCC Master Plan.

3. *The City shall utilize its land use planning process as a principal tool in achieving comprehensive community goals.*

Response: The proposal implements this policy by engaging in a land use planning process to implement comprehensive community goals as defined by the adopted TVCC Master Plan.

4. *The land use planning process shall be utilized to assure an adequate supply of land, properly serviced, for the various residential, commercial, industrial, recreational and institutional needs of the community.*

Response: The proposal is consistent with this policy as it provides land to meet institutional needs identified in the adopted TVCC Master Plan.

5. *Land use planning decisions, particularly quasi-judicial actions shall be in harmony with the policies adopted in this document.*

Response: The proposal is consistent with this policy, as it directly implements the TVCC Master Plan, which was adopted as part of the Ontario Comprehensive Plan.

10-14-8 Policies: Urbanization

3. *Ontario will periodically expand the Urban Growth Boundary (UGB) to maintain a continuous, 20-year supply of buildable land for employment, housing and public/semi-public needs.*

Response: The proposal implements this policy by adding land that partially meets identified public/semi-public land needs.

Compliance with Malheur County Comprehensive Plan Policies

In considering an amendment to the text or the zoning maps, the planning commission and county court shall determine the following:

A. That the proposed change is consistent with the comprehensive plan.

Response: The comprehensive plan indicates the proposed site is urban reserve area for the City of Ontario. This land is intended to be first priority for inclusion within the Ontario UGA. The proposal includes URA land and does not propose inclusion of lower priority land. Therefore, the proposal is consistent with the County comprehensive plan for this site.

B. That the level of development in other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best meet such needs.

Response: Need for the site is addressed in this memorandum under “Need for Livestock Center and Public Facility Land”. The proposed site is needed as part of the TVCC Master Plan, and is already developed for the proposed use. Including the site within the Ontario UGA (and annexation) will allow urban facilities extension to the site, consistent with the Master Plan.

C. That adequate rural services are available and will not be overburdened.

Response: This criterion is not directly applicable, as the proposal is to provide urban services to the site.

D. That amendments to the text or zoning map which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following: 1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; 2. Amending the transportation system plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or 3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
A text or zoning map amendment significantly affects a transportation facility if it:
1. Changes the functional classification of an existing or planned transportation facility; 2. Changes standards implementing a functional classification system; 3. Allows types or levels of land use that would result in levels of travel or access what

are inconsistent with the functional classification of a transportation facility; or 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)

Response: As discussed under “Transportation” above, transportation impacts for the proposed use have already been addressed. With proposed dedication of SW 4th Street and the signing of a non-remonstrance agreement for future street improvements, the proposal will not significantly affect any transportation facility.

ANNEXATION TO THE CITY OF ONTARIO

As stated in OAR 660-014-0060:

“... city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.”

As proposed in this application, the proposed site will have a City Public Facility plan designation implemented by the City’s Public Facility zone (as further implemented by College Zoning District 10A-51-30). This memorandum demonstrates that the Public Facility plan designation and zoning comply with applicable Statewide Planning Goals and policies of the *Ontario Comprehensive Plan*.

Annexation to the City of Ontario is governed by Title 10B (Administrative Procedures for Land Use Regulation) – Chapter 45 (Annexation). This chapter does not have specific annexation review criteria and implements the requirements of ORS Chapter 222 — City Boundary Changes; Mergers; Consolidations; Withdrawal. As provided in the Title 10B-45-10 and ORS 222.125 consent forms must be signed by the owner of the proposed site for annexation to proceed. The annexation review process will be consolidated with the public hearing process for the entire plan and code amendment package.

TVCC has signed an annexation agreement consenting to annexation of their property to the City. The annexation agreement also commits TVCC to pay annexation and consultant fees at the time of development. Appendix A includes the signed annexation agreements.

The subject property is to be annexed and the Zoning Map designation for the parcel is to be changed from County Agriculture (EFU) to City Public Facility – Public Facility (PF).

CONCLUSION

The proposal is consistent with the Ontario and Malheur County Comprehensive Plans and the adopted TVCC Master Plan. The site is served by urban sanitary sewer and water facilities and

is already developed for the proposed use; therefore the proposal has no adverse impacts on productive farmland. With required SW 4th Street dedication and non-remonstrance agreements, there will be no adverse impacts on planned transportation facilities. **The proposed UGA expansion and annexation meets applicable City, County, and State regulations.**

After Recording Return to:

Tori Barnett, City Recorder
Ontario City Hall
444 SW 4th Ave
Ontario, OR 97914

**RESTRICTIVE COVENANTS FOR
NON-REMONSTRANCE; FOR ANNEXATION
AND FOR SEWER AND WATER LINE CONNECTION**

The undersigned Treasure Valley Community College, being the legal owner of the real property described below, does the following:

A. COVENANT OF NON-REMONSTRANCE

1. The undersigned waives any and all right to remonstrate against formation of one or more Local Improvement Districts (LIDs) by the City of Ontario (City) for the purpose of making street improvements to SW 4th Street south of its intersection with SW 18th Avenue, including any improvements necessary to qualify SW 4th Street as a major collector, and assessing the cost to benefited properties pursuant to the City's public improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed as a condition of approval of the City of Ontario's extension of sewer and water lines to the subject parcel.

2. For the purposes of this Covenant of Non-Remonstrance:

(a) "Street improvement" includes grading, pavement, alleys, gutters, pathways, sidewalks, storm drains, illumination, traffic control devices and all other improvements necessary to bring a street into compliance with the City's applicable street standards.

(b) "Right to remonstrate against the formation of an LID" refers solely to a property owner's right under Ontario City Code Section 8-2-4 to be counted as part of an extraordinary majority (two-thirds of the front footage ownership) of property owners that can, in certain circumstances, suspend proceedings on formation of an LID for six months. The waiver of this right does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify regarding formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

B. COVENANT FOR ANNEXATION

1. The undersigned desires to initiate a request for a sewer and water line extension outside the corporate limits of the City of Ontario; and in order to assure required control by the City of Ontario of water and sewer connections and water and sewer use in perpetuity, the owner of the above described property covenants to the City of Ontario and irrevocably consents to be annexed to the City of Ontario

without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described in Exhibit A.

2. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.

3. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned is the owner of the legal title to the real property herein described.

C. EFFECT OF COVENANTS

1. The property subject to these covenants is described in Exhibit A.
2. These covenants shall run with the land and be binding upon the undersigned and upon all subsequent owners of the property.
3. In the event that a suit or action is instituted to enforce the terms of these covenants, the prevailing party shall be entitled to recover reasonable attorneys fees and all other fees, costs and expenses incurred in connection with the suit or action, including any appeals, in addition to all other amounts allowed by law.

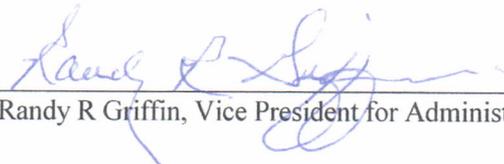
The following information is for reference purposes only:

Tax Map: 18S4716A

Tax lot: 18S4716A

Treasure Valley Community College

By:



Randy R Griffin, Vice President for Administrative Services

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me on Jan 3, 2013, by Randy R Griffin, as Vice President for Administrative Services.





Notary Public For Oregon
My Commission Expires: 1/17/14

Exhibit A

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 16: A parcel of land in the NW1/4 NE1/4, more particularly described as follows:

Beginning at the Northeast corner of said NW1/4 NE1/4;

thence South 503.7 feet;

thence North 76° 40' West, 250 feet;

thence North 79° 13 ' West, 15 1.8 feet;

thence North 0° 32' East, 204.6 feet;

thence North 89° 13' West, 307.7 feet;

thence North 0° 08' East, 210 feet;

thence East 695.6 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel:

Commencing at the Northeast corner of the said NW1/4 NE1/4;

thence West coincident with the North boundary thereof, 485.6 feet to the

POINT OF BEGINNING;

thence West coincident with said North boundary, 210 feet;

thence South 0° 08' West, 210 feet;

thence South 89° 13' East, 210 feet;

thence North 0° 08' East, 210 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM that portion as conveyed to Malheur County, recorded May 30, 2001, as Instrument No. 2001-3612, official records of Malheur County.

Map No.: 184716A Tax Lot: 200 Code: 15 Tax Account: 07776

TREASURE VALLEY COMMUNITY COLLEGE

DISTRICT BOARD OF EDUCATION

RESOLUTION NO. 13-002

A RESOLUTION OF THE TREASURE VALLEY COMMUNITY COLLEGE DISTRICT BOARD OF EDUCATION APPROVING THE ANNEXATION OF THE COLLEGE'S AGRICULTURAL SITE INTO THE CITY OF ONTARIO TO ALLOW FOR SEWER AND WATER UTILITIES FOR THE SITE.

WHEREAS, the Treasure Valley Community College ("College") constructed a riding arena on agricultural property owned by the College at the intersection of Southwest Fourth Street and Southwest 18th Avenue, Ontario, Oregon in 2011. The construction of the arena was originally permitted to authorize the use of portable ABA toilets on the condition that more permanent facilities would be installed by the College within a reasonable time of construction; and

WHEREAS, the College has diligently investigated and analyzed its various options for providing permanent water and sewer utilities at the agricultural site and/or riding arena and has concluded that due to the site's proximity to sewer and water facilities of the City of Ontario ("City"), the College's only option for providing the needed utilities is to annex the site into the City and connect the site to the City's water and sewer services; and

WHEREAS, the City has already approved the annexation of the site and modified its ordinance to allow for livestock at the College's agricultural site; and

WHEREAS, the City has conditioned its annexation of the site on the College agreeing to execute and record a Restrictive Covenant for Non-Remonstrance; For Annexation and For Sewer and Water Line Connection which will burden the College's agricultural site and limit the College's ability to remonstrate against the creation of any Local Improvement District formed for the development of Southwest Fourth Street at its intersection with Southwest 18th Avenue should such development occur; and

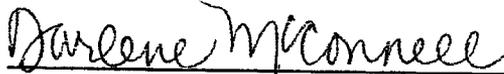
WHEREAS, the College has determined it is in its best interest to pursue annexation of the agricultural site into the City.

NOW, THEREFORE, be it resolved:

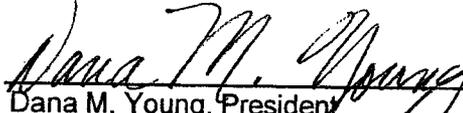
1. The College shall pursue annexation of its agricultural site located at the intersection of Southwest Fourth Street and Southwest 18th Avenue in Ontario, Oregon into the City;

2. The form, terms, and provisions of the Restrictive Covenants for Non-Remonstrance; For Annexation and For Sewer and Water Line Connection is hereby approved in the form presented at this meeting and Randy Griffin, Vice President of Administrative Services, is hereby authorized and directed to execute the Restrictive Covenant, and any other documents reasonably related to the annexation of the agricultural site into the City;
3. The Officers and Employees of the College shall take all actions necessary or reasonably required to carry out and consummate the annexation of the agricultural site into the City and to accomplish the connection of the agricultural site to the City's water and sewer utility services.

Adopted and approved by the Treasure Valley Community College District Board of Education this 3rd day of January, 2014.



Darlene McConnell, Board Chairperson



Dana M. Young, President



Randy R. Griffin, Vice President of Administrative Services

AGENDA REPORT
February 3, 2014

TO: Ontario City Council

FROM: Tori Barnett, MMC, City Recorder

SUBJECT: APPOINTMENTS TO PUBLIC WORKS COMMITTEE AND GOLF BOARD

DATE: January 27, 2014

SUMMARY:

Attached are the following documents:

- Letter of interest for reappointment to Golf Committee: Connie Nysingh
- Letter of interest for reappointment to Public Works Committee: Ken Hart

GOLF COMMITTEE: 1 VACANCIES

One letter received – Connie Nysingh is requesting reappointment.

PUBLIC WORKS COMMITTEE: 1 VACANCY

One letter received – Ken Hart is requesting reappointment.

RECOMMENDATION:

Staff makes no recommendation as these are appointments made by the Council.

PROPOSED MOTION:

I move to reappoint Connie Nysingh to the Golf Committee, and Ken Hart to the Public Works Committee. Expiration of terms will coincide with those established by ordinance.

Tori Barnett - Serving on Ontario Golf Committee

From: "Connie Nysingh" <connysingh@fmtc.com>
To: "Tori Barnett" <Tori.Barnett@ontariooregon.org>
Date: 1/25/2014 4:08 PM
Subject: Serving on Ontario Golf Committee

My daughter's committee had a problem on Friday, so I am e-mailing this out to you today.

Thanks,
Connie

January 25, 2014

Tori Barnett, MMC, City Recorder
City of Ontario
Office of the City Recorder
444 SW 4th Street
Ontario, OR

Dear Tori:

I would very much like to serve on the Ontario City Golf Committee for another term. We need to do everything possible to make our Course a success and I am committed to help in any way possible to make it successful.

My hope is that you will allow me to serve on this committee for another term, and I look forward to hearing from you.

Thank you for giving me this opportunity.

Sincerely,

Connie Nysingh

From: Suzanne Skerjanec
To: Tori Barnett
Date: 1/22/2014 2:30 PM
Subject: Fwd: Re: Public Works Committee

Tori,
Will this do?? If not will you please let him know.
Thank you,
Suzanne.

>>>

From: Kenneth Hart <hartkr@trinity-health.org>
To: Suzanne Skerjanec <Suzanne.Skerjanec@ontariooregon.org>
CC: Alan Daniels <Alan.Daniels@ontariooregon.org>, Bob Walker <Bob.Walker@ontariooregon.org>
Date: 1/22/2014 2:29 PM
Subject: Re: Public Works Committee
Yes - I would like to remain on the Committee. Can this email serve as my written request or do I need to sign and mail one?
Please let me know. Thank you.....kh

Kenneth R. Hart, CPA
V.P. Operations, Saint Alphonsus Medical Center Ontario
Executive Director, Saint Alphonsus Foundation - Ontario, Inc.

(541) 212-2635 cell
(541) 881-7295 direct line
(541) 881-7184 fax
hartkr@trinity-health.org

>>> Suzanne Skerjanec <Suzanne.Skerjanec@ontariooregon.org> 1/22/2014 2:12 PM >>>
Good Afternoon Ken,

I was just wondering if you are still interested in being part of the Public works committee? Your term has expired and Tori has not received a letter of interest from you to continue. We would really like to keep you on board but understand if you are unable. Please let me know as soon as you can.

Sincerely,
Suzanne

Suzanne Skerjanec
Public Works Administrative Assistant
City of Ontario
541-889-8572
www.ontariooregon.org

AGENDA REPORT
February 03, 2014

TO: Mayor and City Council

FROM: Michael Long, Finance Director

THROUGH: Jay Henry, City Manager

SUBJECT: RESOLUTION #2014.105: AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND OPERATING CONTINGENCY TO CONTRACT SERVICES IN ADMINISTRATIVE BUDGET – ICMA OPD/OFR STUDY

DATE: January 27, 2014

SUMMARY:

Attached is the following document:

- Resolution # 2014-105

The purpose of this agenda item is to transfer funds from operating contingency to contract services line item in the Administrative Department of the General Fund to pay for the personal services contract with the International City/County Management Association (ICMA).

PREVIOUS COUNCIL ACTION:

At the November 4, 2013 Council Meeting the Council voted to table the Police and Fire Study Proposal and Contract Review until the 9-1-1 vote was up or down, and then staff was to immediately bring it back before Council. At the December 2, 2013 Council Meeting the Council voted to approve the 9-1-1 MOU with Malheur County; the County voted to approve at the December 11, 2013 County Court Meeting.

BACKGROUND:

The Mayor and City Council, sitting as a Local Contract Review Board, approved the personal services contract with ICMA, not to exceed \$56,300, with travel expenses included, to conduct a comprehensive analysis of the city's police, fire, and EMS services in order to make recommendations to the city about the provision of those services.

FINANCIAL IMPLICATIONS:

The financial implication is a reduction in the operating contingency of \$56,300 to pay for the study.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution #2014-105.

PROPOSED MOTION:

I move the City Council adopt Resolution #2014-105, A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND OPERATING CONTINGENCY TO CONTRACT SERVICES IN ADMINISTRATIVE BUDGET, reducing operation contingency and increasing contract services line item by \$56,300 in the General Fund Administrative Department in Fiscal Year 2013-2014.

RESOLUTION #2014-105

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND OPERATING CONTINGENCY TO CONTRACT SERVICES IN ADMINISTRATIVE BUDGET

WHEREAS, The City Council discussed a contract proposal with the International City/County Management Association (ICMA) to conduct a comprehensive analysis of the city’s police, fire and EMS services; and

WHEREAS, the Mayor and City Council, sitting as a Local Contract Review Board, approved the personal services contract with ICMA, not to exceed \$56,300, with travel expenses included; and

WHEREAS, the City desires to modify the 2013-2014 budget reducing the general fund operating contingency and increasing the contract services line items.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the fiscal year 2013-2014 budget:

Line Item	Item Description	FY 2013-2014 Budget	Amount of Change	Adjusted Budget
GENERAL FUND / Administrative				
Expenses				
001-004-871000	OPERATING CONTINGENCY	\$1,506,749.00	(\$56,300.00)	\$1,450,449.00
001-004-615550	CONTRACT SERVICES	\$25,000.00	\$56,300.00	\$81,300.00

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 3rd day of February, 2014.

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 3rd day of February, 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

Discussion/Information /Hand-Out Items

City Council Meeting
February 3, 2014

**ONTARIO FIRE & RESCUE
INVENTORY VALUES PER UNIT**

Hazmat (Equipment Only)
16' Trailer \$76,662.54

14B Semi Trailer \$374,473.00

Hazmat Total \$451,135.54

CITY

Rescue 1 \$169,629.47

Pumper 101 \$119,848.75

Brush 102 \$18,654.25

Pumper 103 \$122,031.78

Command 105 \$22,600.70

Aerial 109 \$103,375.00

City Total \$985,574.30

Rehab 125 \$88,090.00

Mass Casualty Trailer \$16,898.20

Prevention Trailer ??

Tender 155 \$90,654.50

Brush 156 \$33,896.00 (Incomplete)

Brush 157 \$62,812.00

Pumper 158 \$90,562.80 (Reserve)

Tender 159 \$46,649.00

CITY OF ONTARIO
PUBLIC WORKS COMMITTEE MEETING MINUTES
Thursday, January 16, 2014, 3 P.M. M.T.
**** Public Works Operations -- 1551 NW 9th Street ****

Meeting called to order at 3:20 p.m. by Riley Hill, Public Works Committee Chairman.

Committee members present included Mr. Scott Wilson, Mr. Bernie Babcock, Mr. Ken Hart, and Mr. Riley Hill (Mr. Dan Cummings, Mr. Ron Cornmesser and Mr. Mike Miller – excused).

Others present included Mayor LeRoy Cammack, City Manager Jay Henry, Public Works Director Alan Daniels, Bob Walker, Suzanne Skerjanec, Mike Long, and Larry Tuttle.

The press was notified; this meeting was recorded, the minutes are on file at City Hall and on the city's website at www.ontariooregon.org.

ADOPTION OF MINUTES

The motion was made by Mr. Wilson, seconded by Mr. Hart to adopt the minutes of the previous meeting December 19, 2013 as submitted: Motion passed unanimously (Cummings, Cornmesser and Miller – excused).

OLD BUSINESS

ANGLE PARKING ORDINANCE

Dan Cummings sent out an email that was passed out. A summary from March 15, 2012; it appears that there has been no progression on it. Riley spoke to Dan after he sent this out, and Dan said that it was his understanding of the events that the City was going to come up with a draft ordinance and he was going to work with the Public Works staff to refine it and bring it to this committee.

By his recollection, Mr. Hill indicated that the reason this came about is that the City is in violation of their own ordinances, by not having an angle parking ordinance; The City Manager, at that time took it upon himself to change it and call it a "Pilot Project". Dan kept pushing it, saying "no, that wasn't correct" and it affected several other things within in the city code and that we should straighten it out. Believed that staff was going to work on the ordinance and Dan was going to refine it, so that we could review, but it appears that it is right where it was.

Mr. Wilson believed that some of the issue with Dr. White's parking was that part of the angle parking he wanted for available spaces and that was more of a planning commission thing. If he wanted angle parking to go out into the street then we could look at it. The Post Office was the first place in the City with angle parking and there were no provisions in the code for angle parking.

Also, as an ordinance it would be good for an 'up front' set of guidelines.

The only other concern with the angle parking was that no one in the area was ever contacted about it, but there were no other problems.

HISTORY

<u>DATE</u>	<u>Motion / Description</u>
04/19/2012	Dr. White Parking Issues The motion was made by Mr. Cummings that the Public Works Committee recommend to the City Council that the angle parking be allowed on the Dr. White parking issue on 3rd Street, conditioned on approval by the planning commission, and was seconded by Mr. Babcock: Dan Cummings – yes; Scott Wilson – yes; Bernie Babcock – yes; Riley Hill – yes; Ken Hart – yes; Motion carries; 5-0-2. (Mr. Frazier and Mr. Tuttle – excused).
05/24/2012	DC – Overview and table for next meeting to give members time to review; would like staff recommendations for ordinance change. The motion was made by Mr. Babcock that the Public Works Committee recommends to extend the deadline for the review and recommendation on the angle parking ordinance by 60 days, and was seconded by Mr. Hart: Motion passed unanimously (Mr. Scott Wilson – excused, Mr. Tom Frazier and Mr. Larry Tuttle – absent).
10/18/2012	60 days expired in July; asked for a 60 day extension. Discussion – No motion.
12/20/2012	Staff to come back with proposed ordinance – No motion.
09/26/2013	Discussion only – Staff is working on this and will be contacting Dan Cummings.
10/30/2013	Discussion only – No motion

The motion was made by Mr. Hart, seconded by Mr. Babcock the Public Works Committee recommend to the City Council that they direct staff to write a proposed angle parking ordinance for review by the Public Works Committee: Scott Wilson – yes; Bernie Babcock – yes; Ken Hart – yes; and Riley Hill – yes; Motion passed 4/0/3 (Cummings, Cornmesser and Miller – excused).

NEW BUSINESS

- **PRELIMINARY CAPITAL IMPROVEMENT PROJECTS – NO MOTION**
(Please see attached List)

UPDATES ONLY – NO MOTIONS

- NW Washington Ave Project * Anticipated completion date is April 15, 2014.
did NOT approve right turn lane
- Tier 1 Sampling * Need diffuser in river
- Well #17 * Completed & tested @ 450 gallons per minute
- Septage Facility Installation * Rejected only bid, city staff to install, to be completed this FY 2014
- RFQ – Professional Services * Due 2/19/2014
- RFQ – Utility Operation Services * Due 2/26/2014
- SRCI

ADJOURN

The motion was made by Mr. Hart, seconded by Mr. Babcock to Adjourn: Motion passed unanimously (Cummings, Cornmesser and Miller – excused).

Submitted: To Council & PWC via email 1-24-2014; To Council – in print @ CWS 1-30-2014.

**FY 2015
PRELIMINARY CAPITAL IMPROVEMENT PROJECTS**

DEPT.	DESCRIPTION	CARRYOVER	EXPENDITURE
WATER			
1	Water Mainline Replacement	No	\$100,000
2	Install New & Repl. Water Inline Valves	No	\$25,000
3	Install New & Repl. Fire Hydrants	No	\$25,000
4	Water Meter Replacements	No	\$50,000
5	Well No. 14 Rehab	No	\$28,000
6	Eastside Resv. #2 Leak Repair	Yes	\$80,000
7	System Piping & Chemical Feed Upgrades	Yes	\$200,000
8	Sludge Pond #4 Slide Gate	No	\$9,000
9	Radio Upgrade for Wells	No	\$12,000
10	New Well Meters (3)	No	\$21,000
11	Water Main Improvements on Park Blvd.	No	\$130,000
SEWER			
1	SRCI Sanitary Sewer Manhole Rehab	Yes	\$180,000
2	Lagoon Sludge Removal	Yes	\$210,000
3	Wastewater Effluent Pipeline Diffuser	No	\$200,000
4	Sanitary Sewer Line Replacements	No	\$300,000
5	WWTP Manhole Rehabilitation	Yes	\$60,000
6	Sewer Main Improvements on Park Blvd.	No	\$160,000
STREETS			
1	Curb, Gutter & Sidewalk Installation	No	\$50,000
2	Slurry sealing	No	\$10,000
3	Street Projects	No	\$50,000
4	Chip Seal w/ Slurry Sealing	No	\$242,000
5	Rapid Flash Ped. Crossing - SW 4th & SW 12th	No	\$10,000
6	Gravel Roadway to Extend Park to Malheur	No	\$319,000
STORM DRAIN			
1	Remove Storm Drain Inlets from Sanitary Sewer	No	\$30,000
2	Storm Drain Improvements on Park. Blvd.	No	\$44,000
PW ADMIN			
1	New Plotter/Printer for Engineering Dept.	No	\$11,000
TOTAL			\$2,556,000

AGENDA
ONTARIO RECREATION BOARD

January 15, 2014@ 3:30 p.m., M.T.
City Council Chambers – Second Floor City Hall

1) Call to order:

Roll Call: Sheila Hart _____ Sarah Poe _____
 Greg Herrera ____ Jeremy Roberts _____

 Council Liaison Charlotte Fugate ____
 Facilities Manager Brad Howlett ____
 Recreation Supervisor Debbie Jeffries ____

This agenda was set January 9, 2014

2) Adoption of minutes of December 18, 2013:

3) New Business:

- a) Guest / Debbie Schaffeld
- b) Recreation Update / Debbie Jeffries
- c) Department Updates / Brad Howlett
- d) Recreation Board Vacancies as of 1/15/14 - 3
- e)

4) Comments from Board Members and/or Visitors

5) Adjourn

MINUTES
ONTARIO RECREATION BOARD

December 18, 2013 @ 3:30 p.m., M.T.
City Council Chambers – Second Floor City Hall

1) Call to order:

Roll Call: Maggie Wood X Sheila Hart X Sarah Poe X
Greg Herrera X Chip Olsen Jeremy Roberts

Council Liaison Charlotte Fugate
Facilities Manager Brad Howlett X
Recreation Supervisor Debbie Jeffries X

2) Adoption of minutes: Minutes from October meeting were adopted as written.

3) New Business:

- a) Guest/Debbie Schaffeld -
- b) Recreation Update/Debbie Jeffries –
- c) Parks/Cemetery Update/Brad Howlett – no updates
- d) Ice Skating – Brad discussed the possibility of installing an ice skating rink in the downtown park (old Stockman’s Hotel). It would be maintained by volunteers and be dependent on the weather staying cold. The board supports installing and Greg volunteered to help with the maintenance.
- e) Acquatic Center discussion – Brad visited the Pendleton facility. Pendleton’s facility cannot be compared to Ontario as it is a seasonal outdoor water park. Pendleton uses employee pool operators and not contractors and our current staff model would not work. The board decided to meet again to discuss a plan for the aquatic center on Monday, December 23rd at 3:30pm at the rec. dept. offices.

4) Comments from Board Members and/or Visitors

5) Adjourn: Meeting adjourned at 5:00pm

Wednesday, December 18, 2013

Ontario Recreation Department

Update

- NFL Punt, Pass and Kick was held, Wednesday, September 4th at Optimist Park from 4:30 – 7:00 p.m. The winners advanced to the NFL PPK Sectional Competition in La Grande on October 12th. Orin Stipe won in La Grande, he competed December 2, 2013 at Qwest Field during the Seahawk vs Saints Monday night football game. He took top honors, but did not score high enough to advance.
- Youth Dodgeball – Dodgeball is over we had 27 kids playing every Tuesday and Thursday from 7:15 to 8:15. The kids had a great time and on the last night some of the parents played in the last game against the kids, it was fun.
- ORD Youth Basketball Registration ends today. League starts the week of January 6, 2014
- Youth Soccer prep will start the first of January.