

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

**AGENDA  
CITY COUNCIL - CITY OF ONTARIO, OREGON  
Monday, May 4, 2015, 7:00 p.m., M.T.**

- 1) Call to order**  
Roll Call: Norm Crume \_\_\_\_\_ Tessa Winebarger \_\_\_\_\_ Charlotte Fugate \_\_\_\_\_ Thomas Jost \_\_\_\_\_  
Larry Tuttle \_\_\_\_\_ Betty Carter \_\_\_\_\_ Mayor Ron Verini \_\_\_\_\_

**2) Pledge of Allegiance**

This Agenda was posted on Wednesday, April 29, 2015. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

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

**4) Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 04/21/2015 ..... 1-7  
B) Approval of the Bills

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

**6) Department Head Updates: Thursday**

**7) New Business**

- A) Bid Award – Water Treatment Plant Fence Project (Butte Fence Inc., Meridian) ..... 8-9

**8) Public Hearing(s):**

- A) Informational Public Hearing for Anchor Ministorage LLC Reimbursement District ..... 10-18  
B) Ordinance #2701-2015: Amending Title 10A to Permit Medical Marijuana Facilities as a Conditional Use in the C-2-H Zone and Prohibit Them in all Other Zones (1<sup>st</sup> Reading) ..... 19-28

**9) Hand-Outs/Discussion Items**

- A) Poverty to Prosperity  
B) Public Works Status Report: March, 2015  
C) Minutes: County Court (04/15/15)  
D) Financials

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

**11) Adjourn**

**ONTARIO CITY COUNCIL MEETING MINUTES  
Tuesday, April 21, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, April 21, 2015, in the Council Chambers of City Hall. Council members present were Ron Verini, Norm Crume, Tessa Winebarger, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Debbie Jeffries, Kari Ott, Mark Alexander, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Tessa Winebarger led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini informed every one of the addition of an Executive Session to the Agenda, under ORS 192.660(2)(e), dealing with Real Property.

Charlotte Fugate moved, seconded by Betty Carter, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**CONSENT AGENDA**

Norm Crume moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting of April 6, 2015; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**PUBLIC COMMENT**

Judith Kirby, Ontario, did not approve of medical marijuana facilities. She supported limiting areas for facilities through zoning restrictions and only having grow sites in agricultural zones to decrease cost of public safety.

Rona Lindsey, La Grande, was in support of the medical marijuana dispensaries. She gave a handout to the City Council.

Charlotte Fugate asked if the price was set by the Legislature.

Ms. Lindsey stated the prices were set by growers. It was only tested in dispensaries, not out on the street.

Aaron Varela, Ontario, voiced his opposition to the proposed business license [sic] ordinance.

Dustin Millard, Ontario, wanted to create an industry where there hasn't been one before, and therefore supported medical marijuana facilities.

Kendra Segali, owned Oregon Alternative Medicine located on South Oregon Street, and did not believe the city should limit dispensaries.

Dustin, Graybeal, Oregon Alternative Medicine, questioned how many children used Moore Park, as it was protected by a buffer zone. He asked because he supported the medical marijuana facilities.

Flora Gibbs, Ontario, was the owner of The Happy Hippy in Ontario. They had held a 420 event, and thanked the city for those police officers who were (owner of Happy Hippy), had a 420 sale event and thanked those police officers who came by. She was in support of medical marijuana facilities.

Scott and Diane Matthews, Emmett, provided the Council with handouts with OMMP information. It read that that a facility could not be located at the same address of a grow site, NOT a tax lot, it could not have adjoining doors. He thought that the Industrial Zone would work great for marijuana facilities, but he was opposed to taxing the marijuana.

### OLD BUSINESS

#### Ordinance #2700-2015: Establish OMC 22-3 -MM Facilities Business License (2<sup>nd</sup> Reading)

Larry Sullivan, many changes were made.

Regarding proposed Ordinance No. 2700-2015, the following changes had been made subsequent to the first reading, along with data from the draft presented at the work session on April 16, 2015:

1) Section 3-12-2(A) was changed based upon the consensus reached by the Council members at the work session on April 16, 2015. Section 3-12-2(A) now provided that the only zone in which a medical marijuana facility could be located was in the C-2-H zone.

2) A new subsection (C) was added to Section 3-12-2 to address an ambiguity in the earlier draft. This change appeared in the draft reviewed by the Council at the April 16, 2015, work session. The ordinance required a medical marijuana facility to renew its license every year. If such a facility was properly located when its license was originally issued, new subsection (C) clarified that if a school or child care facility moved within 1000 feet of the medical marijuana facility, that would not disqualify it from getting its license renewed. Section 3-12-2 read as follows:

*(C) Changes in Distances. If a medical marijuana facility complies with the distance restrictions set forth in Section 3-2-12(B) at the time of its initial license application, subsequent changes in use of other structures in the area (the establishment of a new school or child care facility, for example) shall not cause a medical marijuana facility to become noncompliant with Section 3-2-12(B).*

3) As discussed in the Council work session on April 16, 2015, Section 3-22-12(B) 1. was changed to specify that the 1,000 foot location restriction applied only to a career school "attended primarily by minors".

4) Section 3-22-4(A) set out the information that must be provided in a license application, and Section 3-22-4(B) required the applicant to keep that information current even after an initial or renewal application was approved. The ordinance did not specify whether the City charged a fee for doing a background check on a new employee or volunteer who was not named in an earlier application. To address this, the following new sentence was added to Section 3-22-6: "If at any time the facility employs a new employee or volunteer not named in the last application, the facility shall pay the City a new fee of \$220 to screen that individual."

5) Typographical errors dealing with Section numbers were corrected from the draft in the first reading. At several points in the earlier draft, the Section numbers were misidentified 3-2-11 and 3-2-12, instead of 3-22-11 and 3-22-12, respectively.

Councilor Crume commented that changes would have to be made and wanted to know the steps.

Mr. Sullivan stated that changes could be made in the ordinance, and any amendments would be drafted and voted on in one to two meetings.

Charlotte Fugate moved, seconded by Tessa Winebarger, to I move the City Council adopt **Ordinance No. 2700-2015, AN ORDINANCE ADDING CHAPTER 22 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS LICENSE FOR MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY, on second reading by title only.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

### NEW BUSINESS

#### **Resolution #2015-114: Txf Funds for Recreation Purchases/Building Improvements**

Debbie Jeffries, Recreation Manager, presented.

The Ontario Recreation Department was asking for authority to purchase Turface field dirt for placement on both the Treasure Valley Community College and Ontario Middle School ball fields. This cost would be divided between the Recreation Department and Ontario High School. The TVCC dirt was in partnership with the use by the high school for the girls' softball program, and the city needed to do their share for maintenance and upkeep of the fields. The middle school dirt was in conjunction with an ongoing project with the Ontario Recreation Board. The Youth Tackle Football jerseys were old and falling apart, and simply need replacement. The Ontario Recreation Center needed to be painted internally, a few dividing walls erected, and some miscellaneous office items needed purchasing or replacement, including a new commode, office chairs, and an entrance mat.

The Recreation Department used the fields at TVCC for recreational games, and needs to contribute to the upkeep of the facility. The Recreation Center and Office has not been painted since initially constructed and was desperate need of repainting. Also, as this building was not initially designed with an office, two new walls needed to be constructed, which would include electrical outlets and networking conduits. These walls would provide a more professional appearance, while adding safety for customers, in that it would eliminate the ability for unescorted individuals from entering the storage and equipment areas. The football jerseys needed to be replaced due to normal wear and tear. She'd also like to purchase new pickleball equipment, something added this year to their list of recreational programs.

The Recreation Department received \$30K in the 2014-2015 budget from the Transient Occupancy Tax, specifically designated for supplies needed to update the city's recreational programs. Of the funds originally provided, \$6,000 had been expended for softball equipment.

The division of funds in this request would be for Turface for TVCC \$1,401; Turface for Ontario Recreation Board project \$1,000; Walls, w/electrical outlets \$3,600; Network Supplies \$1,500; Toilet \$250; Interior Paint \$2,760; Refrigerator \$500; Office furniture, white board, shelving, cabinet, miscellaneous office supplies \$5,000; Tackle Football Jerseys \$ 2,800; and Pickleball Equipment \$500. This request would reduce 001-004-871000 (*General Fund Contingency*) by \$19,311 and increase 001-025-613500 (*Supplies*) by \$19,311.

Councilor Jost asked if CH2M would be doing any remodeling.

Ms. Jeffries stated they would not; it would be done by local contractors.

Norm Crume moved, seconded by Betty Carter, that the City Council approve Resolution #2015-114, **A RESOLUTION AUTHORIZING THE PURCHASE OF RECREATION DEPARTMENT SUPPLIES FOR PROGRAMS AND BUILDING UPDATES, utilizing funds allocated from the TOT for such expenditures in the department's 2014-2015 budget.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Resolution #2015-115: Update Fees for Police Related Services**

Mark Alexander, Police Chief, presented.

The Police Department was asking to update fees for police related services, specifically criminal background checks and administrative fees for nuisance abatements. The department provided extraordinary services such as civil fingerprinting and public records. These services did have fees associated to them. They had seen an increase in requests for criminal background checks, which required staff time to research and document for the customer. There was not a fee currently associated with the criminal background checks and would propose a fee of \$25, to be set by resolution.

The Police and Finance Departments also processed nuisance abatements for properties that were non-compliant with weed control, garbage, etc. Staff time was spent identifying the nuisance, notifying the property owner and/or tenant, follow-up, coordination of abatement services, and billing/collections. There was currently an Administrative Fee set at \$100 for this process. The Police Department would like to increase that fee to \$150, to insure costs were being recovered. This fee would also be set by resolution.

Councilor Fugate asked if this check was only for local backgrounds. Were people being informed about the area being covered by the check?

Chief Alexander stated no, as that was all they requested.

Councilor Jost asked how much notice would be given.

Chief Alexander stated the fees would change the next day.

Mr. Sullivan stated, by statute, regarding any increase in fees, this action should be opened up for public comment.

There were no public comments.

Norm Crume moved, seconded by Tessa Winebarger, that the Council adopt **Resolution 2015-115 Resolution 2015-115, A RESOLUTION UPDATING FEES FOR POLICE RELATED SERVICES**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Declare Golf Course Equipment as Surplus**

Tori Barnett, Interim City Manager, presented.

As the City Council had officially closed the Ontario Golf Course, it was in the best interest of the city to recycle equipment that could be utilized by other departments, and declare those items of no use to the city as surplus.

The city had equipment which was being used for the maintenance of the golf course. Since the closure of the course, those items were no longer needed there, and could be utilized by other departments, particularly the Parks and Cemetery Departments. Items which were not recycled internally could be declared surplus and sold outright. Items being transferred to other departments were not required to be declared as surplus.

If the Council elected to take no action, the equipment would stay in storage and remain unused; however, prolonged storage would reduce the value, decreasing the possibility of resale.

A list of the equipment showed the potential value of items, if known. Many items were declared as zero (\$0) value, due to age of the equipment or the listed total hours of usage. Pursuant to Section 4.11 of the adopted Financial Policies and Procedures Manual, many items were under the threshold for declaring as surplus, but in the interest of transparency, all items were listed.

Tessa Winebarger moved, seconded by Norm Crume, the Mayor and Council declare the Ontario Golf Club Equipment List as surplus, and that we authorize staff to sell it at a competitive price. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **EXECUTIVE SESSION**

##### **Executive Session: ORS 192.660(2)(e)**

An executive session was called at 7:54 p.m. under provisions of ORS 192.660(1)(e) regarding real property. The Council reconvened into regular session at 9:10 p.m.

#### **BACK TO NEW BUSINESS**

##### **Gardner Capital Option Agreement**

Betty Carter moved, seconded by Norm Crume, that the Mayor and Council approve the Gardner Capital Option Agreement to lease 100 acres of the city golf course property, on condition that the acres are contiguous and do not create an island of city property excluded from the lease. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **DISCUSSION/COMMENTS**

- Tori Barnett stated she hoped to bring the proposed business registration application, with amendments, before the City Council at the next meeting, hopefully in ordinance form.
- Tori Barnett stated this was a bit of a touchy subject as there were mixed thoughts on the use of the Public Safety Fund, and what those funds could or should be used for. Currently, there was around \$120K in the fund, and accumulated approximately \$14K a month into the fund. There were a few items staff would like to address for purchase, maybe now, or they would be brought forward in the upcoming budget. One project related to the new lettering on the outside of City Hall, for \$4K. That identification was recommended via the ICMA study. That project was funded from a department line item that had not budgeted for such an expense, causing a shortfall. If not paid back, that line would just be over-budget. There were a few other items to discuss, but if the Council was not in favor of utilizing the fund for anything at this point, it was not necessary to continue with the request. She was fine with bringing them back for the 2015-16 budget.

Ms. Ott stated her question was whether she needed to put anything in the budget for the Public Safety Fund, such as vehicles or projects.

Ms. Barnett stated there were two or three items that were rather large ticket things. One was a software program necessary for the police department, and the other was a proposed three year purchase on a chassis. Another would be the payment for the two police cars already authorized by the Council. The first payment had been approved at the previous Council meeting.

Councilor Fugate stated she was thinking about eliminating the Public Safety Fund. It was just a slush fund that everyone dipped into and they didn't go through the budget process. All of these things should have been budgeted.

Ms. Barnett stated they would be fine putting it in the upcoming budget.

Councilor Fugate stated she wasn't proposing that, but she was thinking about it.

Councilor Tuttle agreed with Councilor Fugate. That's where it should be. Every little thing that came up, the Public Safety Fund, when they started it, was the idea to build it and use it for emergencies and those kinds of things, and they were just using it for everyday items. Pretty soon they were going to change the name of it to the Mark Alexander Fund, because it seemed like every time they met, it was something for the Police Department. He'd prefer to put it in the budget, but that was only his opinion.

Councilor Fugate thought the departments would give it more consideration if they had to take it out of Contingency.

Councilor Tuttle agreed, and stated they were only ten days away from starting the budget process. It appeared to him that to do that, it looked like they were almost avoiding that process. It should go in the budget – it should be discussed, to see what was needed.

Mayor Verini stated it also depended on the needs. If they were discussing something that was needed for public safety, whether it came from Contingency or the Public Safety Fund, was almost immaterial. The monies were going to be used for a project or a piece of equipment that was necessary to work within communications, or hiring a body, or equipment that was absolutely needed, he wasn't sure if a couple weeks would make a difference, but it might. It would depend on what the request was.

Ms. Barnett stated they would wait for budget.

Ms. Ott stated she budgeted for everything out of Contingency in the Public Safety last budget session, and wanted to know if the Council wanted her to budget any capital outlay within the Public Safety fund.

Mayor Verini stated if they had an agreement that the Public Safety Fund was not really necessary or it was being used improperly, and they wanted to go to the Contingency Fund with that money, he had no problem with doing that. Was that the suggestion?

Councilor Tuttle stated since they were close to beginning the budget process, and thought there should be an explanation to the Budget Board, not just this Council. When they reviewed the budget, and there were things they thought were needed that the budget wasn't going to reach, then they could consider the alternatives. They were not doing that at this time. It was like Councilor Fugate has stated, it was pick here, pick there, take it out of there like it was a slush fund, and that's not what it was set up for. That's what it had become, but that wasn't the purpose of it was to start with. They could change the purpose, if somebody wanted to change the purpose of what they were using that fund for, fine, but at this time they needed to take everything through the budget and see where it fell, and have discussions about it.

Mayor Verini stated putting it into the Contingency gave them more flexibility, too.

Councilor Tuttle stated he would be opposed to putting the Safety Funds into Contingency.

Councilor Fugate suggested just cancelling the Safety Fund; put it all back into Contingency.

Councilor Tuttle agreed, just do away with it, but he didn't think it should go into Contingency.

Mayor Verini stated that was what he had said. Wasn't that what Councilor Tuttle said – to cancel the Safety Fund?

Councilor Tuttle stated no, he hadn't said that. He said they should go through the budget process and if these things that were needed by the Police Department or Fire Department, that part of it, if the budget didn't stretch, then they could look back at the Safety Fund to see if they wanted to use money out of there to cover those costs. He would be totally opposed to taking the Safety Fund and putting it into Contingency.

**ADJOURN**

Charlotte Fugate moved, seconded by Norm Crume, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Ronald Verini, Mayor

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

## AGENDA REPORT

May 4, 2015

To: Mayor and Council

FROM: Dan Shepard, Engineering Technician III

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: **BID AWARD: WATER TREATMENT PLANT FENCE PROJECT – BUTTE FENCE INC., MERIDIAN**

DATE: April 27, 2015

---

### Summary:

On April 17, 2015, CH2M opened bids for security fencing at the City of Ontario Water Treatment Plant. This project is based upon a security assessment of the water and sewer systems for the City of Ontario. The security assessment was conducted in an effort to determine areas of vulnerability for the water and wastewater systems. Vulnerabilities can include matters such as access and intrusion issues associated with the Water Treatment Plant, water storage facilities, pump stations and Wastewater Treatment Plant. Based on an on-site assessment, CH2M prepared a report with recommendations and cost estimates for both policy and procedures and physical improvements to the individual facilities.

### Previous Council Action:

January 20, 2015 City Council approves CH2M to solicit bids for fencing around the City of Ontario Water Treatment Plant and a mandoor at a pump station.

### Background:

Bids were solicited from the following three companies:

Name	Bid
Vern's Custom Ranch Construction, Ontario	No bid submitted
Cascade Fence Company, Meridian, Idaho	\$78,970.00
Butte Fence Inc., Meridian, Idaho	\$66,843.50
Engineer's Estimate	\$65,500.00

Staff reviewed the bids finding each bid complete and the companies Oregon Registered Contractors.

**Financial Implications**

If awarded to Butte Fence Inc., the apparent lowest responsive and responsible bidder, the cost of this project is \$66,843.50. The amount budgeted for in water line item 105-160-719280, is \$67,000, leaving a remaining balance of \$156.50.

**Recommendation:**

Staff recommends that the City Council award the Fence Project Bid to Butte Fence, Inc.

**Proposed Motion:**

I move the Mayor and City Council award the Water Treatment Plant Fence Project 2015-02 to Butte Fence Inc., the apparent lowest responsive and responsible bidder, in the amount of \$66,843.50

**Alternate Motion:**

I move the Mayor and City Council postpone awarding the Water Treatment Plant Fence Project 2015-02 to Butte Fence Inc., the apparent lowest responsive and responsible bidder.

## AGENDA REPORT – PUBLIC HEARING

April 21, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Ontario Public Works Director

THROUGH: Tori Barnett, City Manager Pro-Tem  
Betsy Roberts, Ontario City Engineer  
Dan Shepard, Engineering Technician III

**SUBJECT: INFORMATIONAL PUBLIC HEARING FOR ANCHOR MINISTORAGE LLC REIMBURSEMENT DISTRICT**

DATE: April 13, 2015

---

### **SUMMARY:**

Attached are the following documents:

- Exhibit “A” – Map of participating properties
- Exhibit “B” – Resolution #2015-111
- Attachment “1” – Director’s Report

Jeff Petry owns Anchor Mini Storage, a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. He developed Anchor Mini Storage in 2011 and installed public utilities which service both his property and four adjacent properties. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and to do so, a Reimbursement District was formed. The Director’s Report for Reimbursement District was presented at the City Council meeting March 2, 2015. An Informational Public Hearing is required within 45 days after the report is presented and it was set for April 20, 2015. At the informational public hearing, any person shall be given the opportunity to comment on the Reimbursement District. Because formation of the Reimbursement District does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. Notices of the public hearing were sent out ten (10) days prior to any public hearing.

### **PREVIOUS COUNCIL ACTION:**

March 16, 2015 Adopted Resolution #2015-111 adopting the Public Works Director’s Report and Creating a Reimbursement District in favor of Anchor Mini Storage LLC for installation of sanitary sewer and storm sewer improvements on SE 5<sup>th</sup> Avenue.

**BACKGROUND:**

In 2011, Jeff Petry, developer and Anchor Mini Storage owner, approached the City of Ontario regarding building a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. As there was no sanitary sewer or storm sewer along this portion of SE 5<sup>th</sup> Avenue, he was required to bring the utilities to the edge of his property and form a Reimbursement District to seek reimbursement from the benefitting properties.

**FINANCIAL IMPLICATIONS:**

Mr. Petry's cost of improvements totaled \$75,779.00. According to Ontario Municipal Code, there is no reimbursement for design engineering, financing costs, permits or fees, land or easements dedicated by the developer. The cost proposed to Reimburse is \$44,712.01, which is the balance of \$75,779.00 minus the improvements along Petry's property and a portion of the total construction engineering costs.

**ACTION:**

None required. An Informational Public Hearing is required within 45 days after the report is presented. At the hearing, any person can speak on the action. As the formation of the District does not result in an assessment or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances.

# SE 5th Ave Reimbursement District 2015-1

Exhibit B

H2MK, LLC  
18S47E10  
1310  
Ref#15840  
  
1.97 acres  
85,813.2 sq ft  
  
26.21 If Storm Sewer  
26.21 If Sanitary Sewer

H2MK, LLC  
18S47E10  
1305  
Ref# 15771  
  
6.05 acres  
263,538 sq ft  
  
321 If Storm Sewer  
337 If Sanitary Sewer

H2MK, LLC  
18S47E10  
1302  
Ref#8350  
  
1.16 acres  
50,529.6 sq ft  
  
272.25 If Storm Sewer  
272.25 If Sanitary Sewer

Anchor Mini Storage LLC  
18S47E10AC  
200  
Ref#8361  
  
4.75 acres  
206,910 sq ft  
  
330 If Storm Sewer  
330 If Sanitary Sewer

3 D Y LLC  
18S47E10AC  
100  
Ref#8360  
  
4.73 acres  
206,038.8  
  
330 If Storm Sewer  
330 If Sanitary Sewer

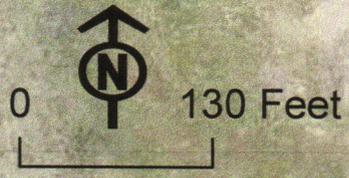
24,25  
26,27  
laundry  
Sierra  
Vista  
Apt  
16,17  
18,19  
13  
14  
15  
12  
13  
28  
29  
30  
32  
32  
33  
SIERRA VISTADR  
8"

END OF DISTRICT

BEGINNING OF DISTRICT

SE 5TH AVE

212  
308  
400  
SE 10TH ST  
8"  
12"  
2"  
2"  
8"  
8"  
8"



## RESOLUTION 2015-111

### A RESOLUTION ADOPTING THE PUBLIC WORKS DIRECTOR'S REPORT FOR A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY/ANCHOR MINI-STORAGE FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS AND SETTING A PUBLIC HEARING

- WHEREAS,** Jeff Petry, on behalf of Anchor Mini-Storage, LLC (Developer) has extended the sanitary sewer main and storm sewer main line along SE 5<sup>th</sup> Avenue from SE 10<sup>th</sup> Street to the western edge of his property at Anchor Mini Storage 18s 47e 10AC TL 200; and
- WHEREAS,** Said sanitary sewer and storm sewer extension is available to serve adjoining property owners who did not participate in the cost of construction of the extensions; and
- WHEREAS,** Developer has applied for an Reimbursement District to be formed in order that Developer may recoup some of the expense of the main line extensions and payment of said reimbursement fees, as designated for each property within the Reimbursement District, is a precondition of receiving any City permits applicable to development of that parcel; and
- WHEREAS,** Cliff Leeper, the City's designated Public Works Director, submitted to the City Council a report dated March 16, 2015, making the recommendations required by Ontario City Code Section 8-15-4 for the establishment of a Reimbursement District.

**NOW, THEREFORE, BE IT RESOLVED** by the Ontario City Council, as follows:

- 1) The March 16, 2015, Public Works Director's Report for the Jeff Petry/Anchor Mini Storage SE 5<sup>th</sup> Avenue Reimbursement District, as set forth in Attachment 1, is approved.
- 3) The Public Works Director shall set a Public Hearing on the formation of a Reimbursement District within 45 days of the date of his report and not later than April 30, 2015, as required by Ontario City Code Section 8-15-6(A).
- 3) Not less than 10 days prior to the hearing date, the Public Works Director shall give the Developer and all owners of property within the proposed Reimbursement District notice of the public hearing as required by City Code Section 8-15-6(B).

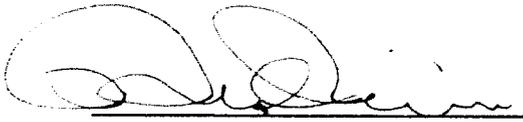
**EFFECTIVE DATE:** Immediately upon passage.

**Passed and adopted** by the Ontario City Council this 16<sup>th</sup> day of March, 2015, by the following vote:

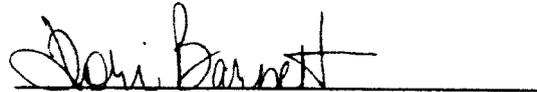
**Ayes:** Fugate, Winebarger, Crume, Verini, Jost, Carter, Tuttle  
**Nays:** None  
**Absent:** None

**Approved** by the Mayor this 16<sup>th</sup> day of March, 2015.

**ATTESTED:**



Ronald Verini, Mayor



Tori Barnett, MMC, City Recorder

**Director's Report**  
**For the Jeff Petry/Anchor Mini Storage**  
**SE 5<sup>th</sup> Avenue Reimbursement District**  
**City of Ontario, Oregon**  
**March 21, 2015**

The Ontario Municipal Code 8-15-3 requires the development of a Director's Report once a written application is filed with the Public Works Director to request that the City establish a Reimbursement District. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the Developer, so that the public will benefit by making the public improvements. Ordinance 2572-2005 establishing provisions for creation and administration of reimbursement districts was passed on October 17, 2005. The content of the Director's report is as follows:

1. Director's Report Summary
2. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.
3. A map showing the boundaries of the proposed Reimbursement District, the tax account number of each property, its size and boundaries.
4. A map showing the properties to be included in the proposed Reimbursement District, the zone for the properties, the linear front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost of the public improvement, the property owned by the developer and the names and mailing addresses of owners of other properties to be included in the proposed Reimbursement District.
5. The actual or estimated cost of the public improvement.

**Director's Report Summary:**

**Project Scope**

The Reimbursement District consists of the construction of sanitary sewer and storm mainlines along SE 5<sup>th</sup> Avenue from the intersection of SE 10<sup>th</sup> Street to the western edge of Developer's property as described in Exhibit A. Developer, at his own expense in connection with the development of Developer's property, has constructed an 8 inch sanitary sewer mainline and a 12 inch storm sewer mainline extension, benefitting surrounding property owners who did not participate in the cost of the extensions. Upon completion of the 8 inch sanitary sewer and 12 inch storm sewer extensions, Developer dedicated said facility to the City of Ontario for public use, but has applied for a reimbursement district for the purpose of reimbursement of a proportionate amount of the cost of construction from other customers who may later connect to and utilize said sanitary sewer and storm sewer main lines. City Council has passed Ordinance No. 2572-2005, forming a Reimbursement District and is willing to administer a Reimbursement Agreement wherein property owners who at a later date connect to the above described sanitary sewer and storm mainlines Developer constructed will pay a proportionate share of the construction.

**Financing**

The Developer has financed all of the cost of the Public Improvements, thereby making sanitary sewer and storm sewer service available to the affected properties, other than that owned by the Developer.

**Proposed Reimbursement District Boundary and Size**

The proposed Reimbursement District boundary consists of four tax lots along SE 5<sup>th</sup> Avenue.

Map and Tax Lot	Name	Linear Feet 12" Storm Sewer	Linear Feet 8" Sanitary Sewer	Zoning
18s 47e 10 TL 1305	H2MK, LLC	321 lf	337 lf	Commercial UGA
18s 47e 10 TL 1310	H2MK, LLC	26.21 lf	26.21 lf	Commercial UGA
18s 47e 10 TL 1302	H2MK, LLC	272.25 lf	272.25 lf	Commercial UGA
18s 47e 10AC TL 100	3 D Y, LLC	330 lf	330 lf	Commercial UGA
Developer				
18s 47e 10AC TL 200	Anchor Mini	330 lf	330 lf	Gen. Heavy Com.
<b>TOTALS</b>		<b>1,279.46 lf</b>	<b>1,295.46 lf</b>	

**Actual Cost of the Public Improvements**

The table below shows the actual cost of the Public Improvements serving the area of the proposed Reimbursement District and the portion of the cost for which the Developer should be reimbursed for each Public Improvement.

8" Sanitary Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Sanitary Sewer per LF
\$30,736.50	\$2,305.24	\$75.00	\$33,116.74	1,295.46 lf	\$25.56

12" Storm Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Storm Sewer per LF
\$25,042.50	\$1,878.19	\$75.00	\$26,995.69	1,279.46 lf	\$21.10

Map and Tax Lot	Name	Sanitary Sewer per LF	LF Property Frontage	Total Sanitary Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$25.56	337.00 lf	\$8,614.96
18s 47e 10 TL 1310	H2MK, LLC	\$25.56	26.21 lf	\$669.93
18s 47e 10 TL 1302	H2MK, LLC	\$25.56	272.25 lf	\$6,958.71
18s 47e 10AC TL 100	3 D Y, LLC	\$25.56	330.00 lf	\$8,434.80
			<b>TOTAL</b>	<b>\$24,678.40</b>

Map and Tax Lot	Name	Storm Sewer per LF	LF Property Frontage	Total Storm Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$21.10	321.00 lf	\$6,773.10
18s 47e 10 TL 1310	H2MK, LLC	\$21.10	26.21 lf	\$553.03
18s 47e 10 TL 1302	H2MK, LLC	\$21.10	272.25 lf	\$5,744.48
18s 47e 10AC TL 100	3 D Y, LLC	\$21.10	330.00 lf	\$6,963.00
			<b>TOTAL</b>	<b>\$20,033.61</b>

Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total Owed to Developer
<b>\$24,678.40</b>	<b>\$20,033.61</b>	<b>\$44,712.01</b>

Map and Tax Lot	Name	Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total per Public Improvement
18s 47e 10 TL 1305	H2MK, LLC	\$8,614.96	\$6,773.10	\$16,225.95
18s 47e 10 TL 1310	H2MK, LLC	\$669.93	\$553.03	\$1,288.22
18s 47e 10 TL 1302	H2MK, LLC	\$6,958.71	\$5,744.48	\$13,381.09
18s 47e 10AC TL 100	3 D Y, LLC	\$8,434.80	\$6,963.00	\$16,219.50
	<b>TOTAL</b>	<b>\$24,678.40</b>	<b>\$20,033.61</b>	<b>\$44,712.01</b>

**Annexation**

The four properties that did not participate in the construction costs are currently outside City limits. City policy has required that property be annexed into the city in order to receive sewer service. According to 8-7-4 Use of Public Sewer Restricted (M) No Sewer Connection Outside City: There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council.

**Actual Costs**

The Reimbursement District reimbursement amount is **\$44,712.01**. OMC 8-15-5A states a reimbursement fee shall be computed by the City for all properties within the Reimbursement District, excluding property owned by or dedicated to the City or the State of Oregon, which have the opportunity to use the Public Improvements, including the property of the Developer. The reimbursement fee shall be calculated separately for each Public Improvement. The Developer shall not be reimbursed for the portion of the reimbursement fee computed for the Developer’s own property. Right of way for the other properties has been donated. The Developer donated additional required right of way at no charge to the City.

OMC 8-15-5B states the cost to be reimbursed to the Developer shall be limited to the cost of construction engineering, construction and off-site dedication and/or acquisition of right of way property. Construction engineering shall include surveying and inspection costs and shall not exceed seven and one-half percent (7.5%) of eligible Public Improvement construction costs. Costs to be reimbursed for right of way property shall be limited to the reasonable market value of land or easements purchased by the Developer from a third party in order to complete the Public Improvements.

**Methods of Assessment**

There are several ways to consider and determine “benefits derived” when assessing property within a reimbursement district. Common methods include cost per linear foot of property abutting the improvement, cost per square foot to a property to a depth of 150 feet (Ontario code 8-7-3 (F)) or on a share and share a-like basis if the benefit is considered approximately equal for each parcel.

In this reimbursement district, staff is recommending a cost per linear foot of property abutting the improvement.

The assessment shall be calculated as follows:

Twenty-five and fifty-six cents (\$25.56) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5<sup>th</sup> Avenue adjacent to the sanitary sewer mainline, twenty-one and ten cents (\$21.10) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5<sup>th</sup> Avenue adjacent to the storm sewer mainline, plus accrued simple interest at a rate of five point five percent (5.5%) per annum, starting ~~March 16, 2015~~. The reimbursement finance fee shall be in addition to any other connection charges in effect at the time the connection is made.

**City Standards**

Staff has determined the Public Improvement along SE 5<sup>th</sup> Avenue has met City Standards, and it is fair and in the public interest to create a Reimbursement District.

## AGENDA REPORT - PUBLIC HEARING

May 4, 2015

TO: Mayor and City Council

FROM: Pete Friedman, Interim Planning Administrator  
Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: PUBLIC HEARING – ORDINANCE # 2701-2015: RECOMMENDATION OF THE ONTARIO PLANNING COMMISSION ON AN AMENDMENT TO THE CITY ZONING AND DEVELOPMENT CODE, TITLE 10, TO ESTABLISH APPROPRIATE STANDARDS AND LOCATIONS FOR MEDICAL MARIJUANA FACILITIES (First Reading)**

DATE: April 24, 2015

---

### **SUMMARY:**

Attached are the following documents:

- Ordinance No. 2701-2015
- Planning Commission staff report and recommendation

### **BACKGROUND:**

The State of Oregon by legislative enactment has established a process for the licensing and registration of medical marijuana facilities and dispensaries. Currently, the city zoning regulations do not address or allow these uses. The City Council has directed the drafting of appropriate regulations and standards governing the time, manner and place where medical marijuana dispensaries may be allowed within the Ontario city limits.

As recommended, the proposed amendments would:

- Amend Title 10A adding a new chapter 10A-58 entitled “Medical Marijuana Facilities” and providing general and specific conditions for the establishment of these uses.
- Amend Chapter 10A-03 to adding a new section 10A-03-134.5 to provide a definition for a medical marijuana facility.
- Amend Title 10A by prohibiting medical marijuana facilities in all zone districts unless explicitly designated as a conditional use in specific zone districts.
- Amend Chapters 10A-31 to designate medical marijuana facilities as a conditional use in the C-2H ( Heavy General Commercial) zone district.

The zoning amendments in the proposed zoning ordinance mirror the location restrictions imposed in Ordinance 2700-2015, the medical marijuana facility business license ordinance, with one exception. Ordinance 2700-2015 prohibited medical marijuana facilities in a TRO zone and established a 200 foot buffer from a TRO zone. Proposed Ordinance 2701-2015 does away with those restrictions for TRO zones.

A TRO zone is an overlay zone that allows manufactured homes to be located in the City's C-2-H zones. If medical marijuana facilities were prohibited in a TRO zone, or if there was a 200 foot buffer from a manufactured home in a C-2-H zone, it could have the effect of eliminating large areas of a C-2-H zone as a site for a medical marijuana facility.

Under the TRO zoning regulations, residents who choose to live in manufactured homes in a C-2-H zone lose many of the zoning protections normally provided to residences in other zones. They have no expectation that they will be insulated from the kind of commercial and industrial development otherwise allowed in a C-2-H zone. Therefore, staff recommends that the presence of one or more manufactured homes in a TRO zone should not affect the location of a medical marijuana facility that is otherwise properly located in a C-2-H zone. Section 10-58-05 of the proposed ordinance removes the prohibition on locating a medical marijuana facility in a TRO zone that is also located in a C-2-H zone. Section 10-58-15(A)5 of the proposed ordinance specifically exempts TRO zones from the 200 foot buffer required for other residential zones.

if the Council accepts this change in the treatment of TRO zones, staff will bring the medical marijuana business license ordinance back to the Council to reconcile the language of the two ordinances through proposed amendments.

**FINDINGS OF FACT:**

1. The Oregon Legislature enacted House Bill 3460 in 2013 (ORS 475.314) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.
2. Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law.
3. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code.
4. Amendments to Titles 10A. and 10B. have been initiated by the City Council in accord with Section 10B-15, Ontario City Code.
5. The amendment action was referred to the Ontario Planning Commission for a legally advertised public hearing.
6. After reviewing the staff report and taking public testimony, the Planning Commission voted to recommend to the City Council approval of the proposed amendments with certain changes to the draft ordinance.
7. The appropriate legal notice has been provided for this hearing.

**RECOMMENDATION:**

The Planning Commission recommends approval of Ordinance #2701-2015 as presented before City Council.

**PROPOSED MOTION:**

I move that the City Council adopt Ordinance #2701-2015, **AN ORDINANCE AMENDING THE CITY ZONING AND DEVELOPMENT CODE, TITLE 10 ONTARIO MUNICIPAL CODE TO ESTABLISH STANDARDS AND LOCATION FOR MEDICAL MARIJUNA FACILITIES.** on First Reading by Title Only.

**ORDINANCE NO. 2701-2015**

**AN ORDINANCE AMENDING TITLE 10A ("THE ZONING TITLE") OF  
THE ONTARIO CITY CODE TO PERMIT MEDICAL MARIJUANA FACILITIES  
AS A CONDITIONAL USE IN THE C-2-H ZONE  
AND TO PROHIBIT THEM IN ALL OTHER ZONES**

- WHEREAS,** Enrolled Oregon Senate Bill 1531 (2013) authorizes Oregon cities to impose reasonable restrictions on the operation and location of medical marijuana facilities, sometimes known as dispensaries; and
- WHEREAS,** Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law; and
- WHEREAS,** Although the State of Oregon has passed legislation authorizing medical marijuana facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law; and
- WHEREAS,** The City Council has home rule authority to decide where, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute; and
- WHEREAS,** The City's zoning regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, regional, state or federal law; and
- WHEREAS,** The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code; and
- WHEREAS,** Amendments to Title 10A have been initiated by the City Council in accord with Section 10B-15, Ontario City Code; and
- WHEREAS,** Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council; and
- WHEREAS,** A public hearing was held before the Planning Commission on April 13, 2015, and before the City Council on May 4, 2015; and
- WHEREAS,** The appropriate legal notices were provided to the Oregon Department of Land Conservation and Development and to the public in accordance with Oregon law and the Ontario City Code prior to the public hearings; and

**WHEREAS,** Having duly considered the information provided at the public hearings and the recommendations of the Planning Commission, the City Council finds that it is in the public interest to enact reasonable restrictions on the time, place and manner of operation of medical marijuana facilities through amendments and additions to Title 10A (“the Zoning Title”) of the Ontario City Code; and

**WHEREAS,** Notwithstanding the passage of this ordinance with an effective date 30 days after passage, the City Council intends that Ordinance 2699-2015, which became effective on May 1, 2015, and which extends the City’s moratorium on medical marijuana facilities until August 1, 2015, effectively prohibits medical marijuana facilities from commencing business operations until the expiration of that moratorium and any future extensions of the moratorium by the City Council.

**NOW THEREFORE,** The Common Council For The City Of Ontario Ordains As Follows:

**Section 1.** Ontario City Code Section 10A-03-134.5 is hereby added to Chapter 10A-03 (“Definitions”) of Title 10A of the Ontario City Code:

**10A-03-134.5 MEDICAL MARIJUANA FACILITY**

A facility designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346. The facility includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

**Section 2.** The following Chapter 10A-58 is hereby added Title 10A of the Ontario City Code and is entitled “Medical Marijuana Facilities”:

**CHAPTER 10A-58 MEDICAL MARIJUANA FACILITIES**

**10A-58-05 MEDICAL MARIJUANA FACILITY AS PROHIBITED USE IN CERTAIN ZONES**

Except in the C-2-H zone, in which it is specifically designated as a conditional use by Section 10A-58-10, a medical marijuana facility defined in Section 10A-03-134.5 is a prohibited use in all other zones, including but not limited to the following zones in Title 10A, but not including TRO zones in Chapter 23 that are located in C-2-H zones:

- Chapter 11 (RS-50);
- Chapter 13 (RD-40);
- Chapter 17 (RM-10);
- Chapter 19 (R-MH);
- Chapter 27 (C-1);
- Chapter 29 (C-2);
- Chapter 33 (C-3);
- Chapter 37 (IBP);
- Chapter 39 (I-1);
- Chapter 41 (I-2);
- Chapter 45 (AD);
- Chapter 49 (PD); and
- All urban growth area zones, including the following zones in Chapter 52: UGA I-1, UGA I-2, UGA E-2, UGA E-5, UGA-C and UGA-R.

## **10A-58-10 MEDICAL MARIJUANA FACILITY AS CONDITIONAL USE IN C-2-H ZONE**

Unless lawfully prohibited by Section 3-20-2 and any amendments thereto imposing a moratorium on medical marijuana facilities within the jurisdiction of the City of Ontario, a medical marijuana facility is a conditional use in the C-2-H zone, as provided in Chapter 31 of Title 10A.

## **10A-58-15 MEDICAL MARIJUANA FACILITY GENERAL AND SPECIAL CONDITIONS**

A medical marijuana facility located in a C-2-H zone is subject to Chapter 10B-25 (“Conditional Use Permits”) of Title 10B, and to the conditions generally imposed upon conditional uses in the C-2-H zone. The following special conditions shall also apply to a medical marijuana facility:

(A) Location Restrictions. A medical marijuana facility is prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school attended primarily by minors;
2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors, such as a Head Start school or a Boys and Girls Club, but not including child care facilities that are neither registered or certified by the State;
3. within 1,000 feet of a public park, public playground, public recreation center or public facility;
4. within 1,000 feet of another medical marijuana facility;
5. within 200 feet of residential zones, including those designated in Chapter 11 (RS-50), Chapter 13 (RD-40), Chapter 17 (RM-10), Chapter 19 (R-MH), and Chapter 52 (UGA-R) of Title 10A, but not including TRO zones in Chapter 23 that are located in C-2-H zones;
6. within 1,000 feet of a certified or registered child care facility licensed by the State of Oregon;
7. on the same tax lot as a smoking club or marijuana grow site; or
8. any combination of the above.

(B) Other Restrictions. A medical marijuana facility is subject to the following additional restrictions:

1. A facility shall be designed so that all transactions occur within the interior of the facility, out of the view of the public. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. Walk-through windows, drive-through windows or other outside delivery systems are prohibited.
2. The facility must use an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

3. The facility shall be located in a permanent building, not in a trailer, cargo container or motor vehicle.
4. The exterior of the facility shall have an exterior consistent with other buildings on abutting lots in the neighborhood so as not to cause blight.
5. A facility must install and maintain all security devices required by the Oregon Health Authority.
6. Prior to commencing business operations, a facility must have a current medical marijuana business license issued by the City of Ontario under Chapter 22 of Title 3 of the Ontario City Code.

**Section 3.** Section 10A-31-10 is hereby amended by adding that portion that is underlined and by deleting that portion that is stricken:

**10A-31-10 - CONDITIONAL USES.**

The following uses and structures common to all zones as listed in Chapter 10A-53 are allowed in the C-2-H Zone.

1. Utility facilities, other than distribution lines, necessary for the functioning of that utility;
2. Medical marijuana facility as provided in Chapter 10A-58.

**Section 4. Severability.** The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

**Section 5.** This ordinance shall become effective 30 days after passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NAYS:  
ABSENT:

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Ronald Verini, Mayor

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

# PLANNING COMMISSION AGENDA REPORT

Monday, April 13, 2015

## I. GENERAL INFORMATION:

**TO:** Planning Commission

**FROM:** Pete Friedman, Planning and Zoning Administrator  
Larry Sullivan, City Attorney

**SUBJECT:** **ACTION 2015-03-06 ZCA:** A request by the City of Ontario to amend the city zoning and development code, Title 10 Ontario Municipal Code to establish appropriate standards and locations for the establishment of medical marijuana facilities.

**APPLICANT:** City of Ontario

---

## II. SUMMARY & BACKGROUND

The State of Oregon by legislative enactment has established a process for the licensing and registration of medical marijuana facilities and dispensaries. Currently, the city zoning regulations do not address or allow these uses. The City Council has directed the drafting of appropriate regulations and standards governing the time, manner and place where medical marijuana dispensaries may be allowed within the Ontario city limits.

As proposed, the amendments would:

- Amend Title 10A adding a new chapter 10A-58 entitled “Medical Marijuana Facilities” and providing general and specific conditions for the establishment of these uses.
- Amend Chapter 10A-03 to adding a new section 10A-03-134.5 to provide a definition for a medical marijuana facility.
- Amend Title 10A by prohibiting medical marijuana facilities in all zone districts unless explicitly designated as a conditional use in specific zone districts.
- Amend Chapters 10A-29, 10A-31, 10A-33 and 10A-52-40 to designate medical marijuana facilities a conditional use in the C-2 (General Commercial), C-2-H (Heavy General Commercial), C-3 (Central Commercial) and UGA-C (Urban Growth Area Commercial) zone districts; and

**Refer to Exhibit A. the draft ordinance for the text of the specific amendments.**

## III. PREVIOUS PLANNING COMMISSION ACTION

NONE

#### **IV. FINDINGS OF FACT**

1. The Oregon Legislature enacted House Bill 3460 in 2013 (ORS 475.314) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.
2. Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law.
3. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A and 10B of the Ontario City Code.
4. Amendments to Titles 10A. and 10B. have been initiated by the City Council in accord with Section 10B-15, Ontario City Code.
5. Amendments actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.
6. The appropriate legal notice has been provided for this hearing.

#### **Conclusion:**

The city, from time to time, may amend its zoning regulations in response to emerging technologies or business concepts or changes in state law. The proposed amendments to Titles 10A. and 10B. Ontario City Code are in response to changes in state law are intended to provide reasonable regulations for the operation of medical marijuana facilities.

#### **V. RECOMMENDATION**

Staff recommends that the City of Ontario Planning Commission recommend to the City Council, adoption of the proposed amendments attached as Exhibit A. based on the Findings of Fact.

#### **VI. SUGGESTED MOTIONS FOR APPROVAL**

##### **A. Planning Commission Action:**

- 1) I move that the Planning Commission accept the above Findings of Fact and recommend to the City Council, approval and adoption of the proposed amendments to the Ontario Zoning Ordinance establishing the location and standards for the establishment of medical marijuana dispensaries in the City of Ontario.

#### **VII. PLANNING COMMISION ACTION**

On April 13, 2015 the Ontario Planning Commission held a public hearing on the proposed zoning code amendments. After reviewing the staff report and

recommendation and taking public testimony, the Commission voted unanimously to recommend to the Ontario City Council approval of the proposed amendments with the following changes:

1. Amend new section 10A-58-10 to allow medical marijuana dispensaries as a conditional use in the C-2-H (Heavy General Commercial) District and deleting references to the C- 2, C-3 and UGA-C zone districts.
2. Amend new section 10A-58-15 A. Location Restrictions- 7. to read: on the same tax lot as marijuana grow site.
3. Amend new section 10A-58-15 A. Location Restrictions- add a new #8. to read: Within 1,000 feet of a smoking club.
4. Amend new section 10A-58-15 A. Location Restrictions- add a new #9. to read- To allow one (1) dispensary in the Ontario City limits.
5. Amend section 10A-58-15 A. Location Restrictions- Original #8. becomes new #10. *Any combination of the above.*

### **VIII. Exhibits**

Exhibit "A" Draft Zoning Amendments

# Discussion/Information /Hand-Out Items

City Council Meeting  
May 4, 2015

## **MALHEUR COUNTY COURT MINUTES**

**April 15, 2015**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was John Braese of the Malheur Enterprise.

### **ROAD DEPARTMENT**

Road Supervisor Richard Moulton met with the Court. Mr. Moulton presented two Crossing Permits for the Court's consideration. Commissioner Wilson moved to approve Crossing Permit #08-15 to Ruf Excavation for installation of irrigation pipe on Hillcrest Road #872; and Permit #09-15 to Ruf Excavation for installation of pipe on Bishop Road #657. Commissioner Hodge seconded and the motion passed unanimously.

Mr. Moulton also visited with the Court and requested their consideration to possibly purchase property in the Brogan area that has a viable gravel source on it. Approximately 25 acres may be available for purchase. The current owners are in the permitting process now to have 5 acres declared a significant aggregate site on the Goal 5 Resource Inventory. All discussions are preliminary at this time; Mr. Moulton will do further research into the proposal.

### **COMMUNITY IN ACTION (CinA)**

Angie Uptmor from Community in Action met with the Court and requested their approval of projects through Community in Action for the federal 2015-2017 Master Grant Agreement. Projects presented were:

- Emergency Solutions Grant funding for short-term rental assistance to those who are homeless and at risk of homelessness.
- Continuum of Care projects: 1. Long term rental assistance (up to 36 months) and case management to self sufficiency for the homeless and those at risk of homelessness who have a diagnosed disability; and, 2. Short term rental assistance (3 to 6 months) and case

management to self sufficiency for those who are homeless and at risk of homelessness.

Ms. Uptmor explained that Malheur County is a part of the Rural Oregon Continuum of Care, which consists of 28 Oregon counties; Rural Oregon Continuum of Care applies for the federal grant on behalf of all 28 counties. Ms. Uptmor answered various questions from the Court members.

Commissioner Hodge moved to approve Certification of Local Government Approval for Non-Profit Subgrantee's ESG 2015-17 Work Plan; and, Certification of Continuum of Care Endorsement of Subgrantee's ESG 2015-17 Work Plan. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2015-1300 and instrument #2015-1301

### COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of April 8, 2015 as written. Commissioner Hodge seconded and the motion passed unanimously.

### MALHEUR WATERSHED COUNCIL

Commissioner Hodge moved to appoint Debra Odette as a member of the Malheur Watershed Council. Commissioner Wilson seconded and the motion passed unanimously.

County Counsel Stephanie Williams joined the meeting.

### SHERIFF'S OFFICE

Sheriff Brian Wolfe briefed the Court on local wolf activity. A collared wolf was confirmed in the Cottonwood area last weekend. ODFW is monitoring its location. It has been spending time in the Dry Creek area a few miles above Westfall. This morning it was in an alfalfa field off of Bishop Road. The Sheriff's Office will fly the area today and attempt to locate it and obtain photos. There have been no confirmed kills related to the wolf's activity. There was a suspicious death at an Ironside ranch approximately three weeks ago but it cannot be confirmed or denied as a wolf kill.

Sheriff Wolfe and Undersheriff Johnson are putting together a workshop for ranchers and interested public to educate participants on what to do if they suspect a wolf kill. The workshop will be held in late May and include evidence preservation and proper notification. Commissioner Hodge and Ms. Williams offered the assistance of the County Wolf Committee. Sheriff Wolfe will update the committee members regarding the current wolf siting and activity.

#### PROPOSED LEASE FOR EXTENSION OFFICE

Ms. Williams briefed the Court on an agreement prepared by Oregon State University (OSU) for the County building that houses the Extension Service. There has never been a written agreement with OSU for use of the building. Ms. Williams has been working with OSU for the past year to draft an agreement for the building. The document currently under review is a Space Use Agreement. Ms. Williams explained her proposed changes to the agreement; the Court requested Ms. Williams forward the changes to OSU.

#### CHECK REGISTER

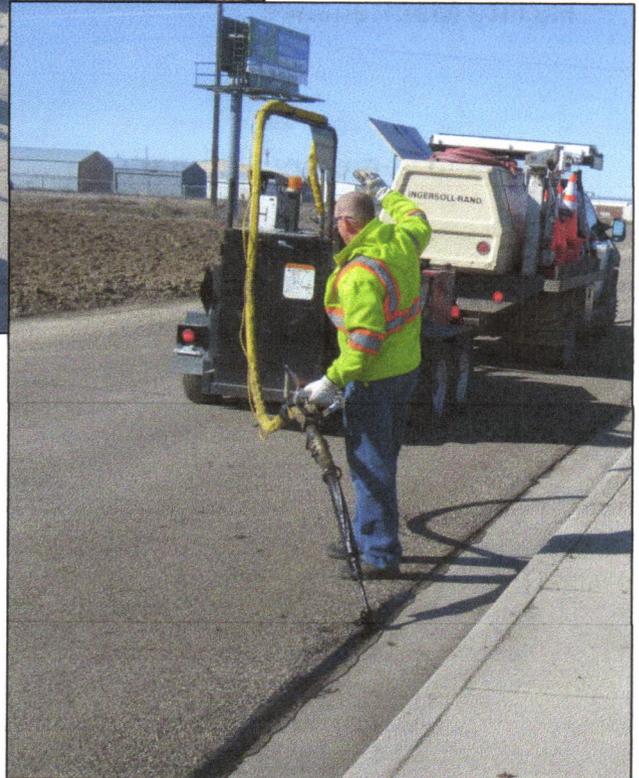
The Court signed the AP (accounts payable) register for March 2015.

#### COURT ADJOURNMENT

Court was adjourned.



# Public Works



City of Ontario, Oregon

# March 2015

## **Table of Contents**

**Utility Maintenance Summary**

**Street Department**

**Water / Wastewater Summary**

**Facility Maintenance**

**Parks and Cemetery Summary**

**Engineering Division Summary**

## **Utility Maintenance Activity Summary**

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

Sewer Collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the City. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from Snake River Correctional Institution.

The City has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout the City limits. Duties include Storm drain maintenance and repair, cleaning of approximately eleven miles of Storm drain lines and cleaning the catch basins.

The following is a brief detail of collection and distribution activities for the month of March:

- Installed two new water services.
- Repaired two manhole covers that were below grade in a playground.
- Cleaned nine sections of problem sewer.
- Lift stations Supervisory Control and Data Acquisition (SCADA) was upgraded with a combination of CH2M experts and Advanced Control Systems (ACS) representative.
- Approximately 100 padlocks were changed out to new higher grade lock.
- Crew attended Eastern Oregon Short School Training for Water and Wastewater Operators in Pendleton, Oregon.
- Completed 47 utility locates.
- Three water meters or radio read meter interface units (MIUs) were changed out for repair.

## Street Activity Summary

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

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging due to water and sun; and provides a moisture barrier and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to taxpayers and should last a minimum of eight years with minimal maintenance required. The City chipseals approximately 7 miles per year.

The following is a brief detail of activities for the month of March:

- Crack fill 30 percent of 2015 chip seal Maintenance Area 5.
- Sign maintenance.
- Vehicle maintenance.
- Shop maintenance.
- Third round of street sweeping 50 percent of the town.



Sean Edmundson,  
CH2M Public Works  
street crew, crack  
sealing along SW 24<sup>th</sup>  
Street, Maintenance  
Area 5.



Jeremy Delehant and  
Leo Rojas, CH2M  
Public Works street  
crew, crack sealing  
along SW 6<sup>th</sup> Avenue  
at Highway 201,  
Maintenance Area 5.



## Water Activity Summary

### **Water:**

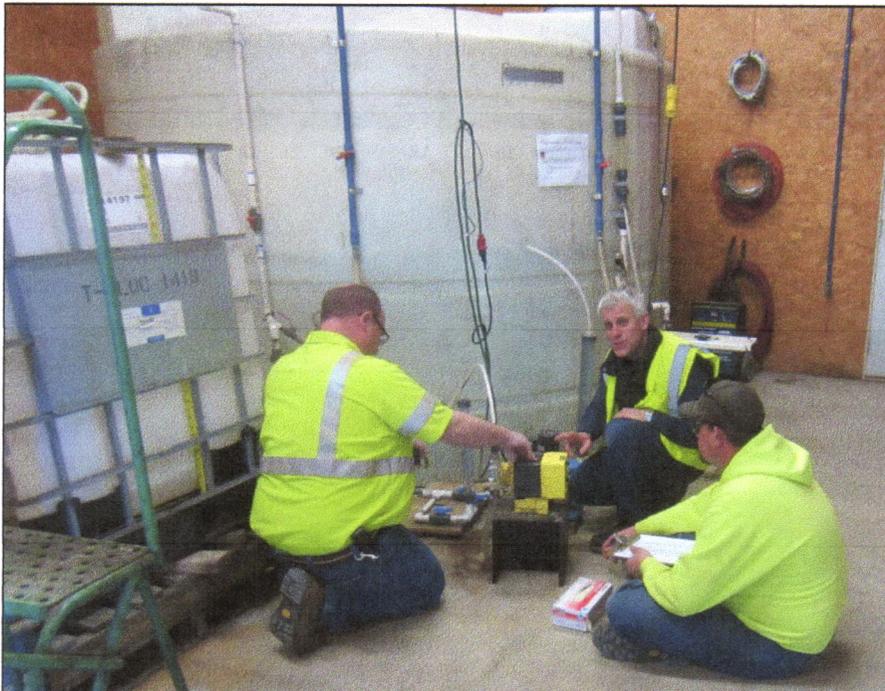
Critical water treatment plant performance parameters are shown in the table below. Note that the first parameter label has been changed from “Gallons Treated” to “Gallons Delivered”. “Gallons Delivered” is a better term for the output of the treatment plant. March water demand began to show an increase from February. Average filter run times have fallen back to low levels. This is strong evidence that the filter media needs to be replaced. One reason filter run time is less, is that we have increased the flow through the plant. We cannot measure the total amount of water delivered to each filter with this plant.

<b>Parameter</b>	<b>This Month</b>	<b>Last Month</b>	<b>Difference</b>
Gallons Delivered (Millions)	147.9	125.9	22.0
Old Filter Plant Incoming Water (Million Gallons)	117.8	95.1	22.7
Filter 1 Range (Hours)	17.2 – 46.0	35.4 – 59.9	Down
Filter 1 Average (Hours)	37.0	48.0	-11.0
Filter 2 Range (Hours)	13.2 – 43.4	35.6 – 58.3	Down
Filter 2 Average (Hours)	28.0	42.6	-14.6
New Plant Incoming water	46.8	34.0	12.8

The following is a brief detail of activities for the month of March:

- Loaded and shipped out 44,000 pounds of GAC filter media. Coordinated shipping, loading and payment to the City.
- Sprayed for weed abatement and management.
- Evaluated facilities for critical spares and backup equipment needs.
- Excavated and freshened residual solids drying beds using street department front end loader.
- Received 25 HP compressor and tank for river influent screen blowout operations.
- Completed comprehensive test of the backup power system and updated operators on re-initiation of operations following a power failure.
- Repaired retrieved data from failed hard drive used to operate the plant and store data.
- Selected Pump service and troubleshooting vendor.
- Received price quotes for roof replacement of shop structure.
- Coordinated with CH2M compliance experts and the Oregon Health Authority engineer to clarify monitoring and reporting criteria.

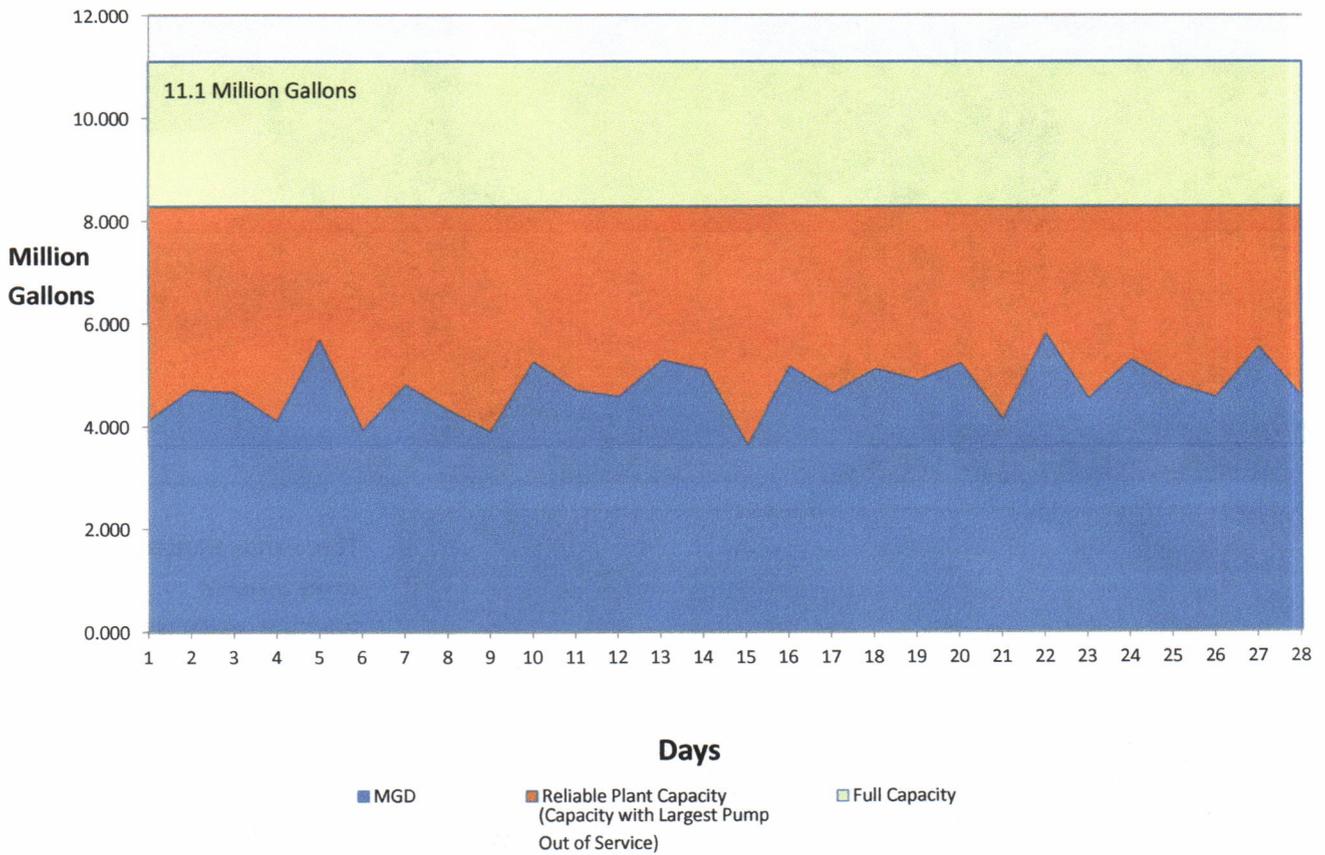
- Calibrated chemical feed pumps and built performance curves for each unit.
- Initiated removal of accumulated solids.
- Received quotes for repair of spalled and failed concrete.
- Prepared first draft of the annual Consumer Confidence Report.
- Submitted State Fire Marshal hazardous material compliance reports.



Top: Randy Bartlett takes residual Chlorine readings at the Canyon Booster Station.

Bottom: Rich Giani (CH2M – Compliance section), Casey Mordhorst and Randy Bartlett work on chemical feed pump calibrations.

### Demand vs. Availability March 2015



## Wastewater:

The table below shows an overview of the operational and treatment parameters for the month of March compared to February. Average flow bounced back from February lows to near what it was in January. Discharge continued to increase as we are purposely lowering the ponds in anticipation of the upcoming manhole rehabilitation project. Pond 4B is lower by nearly a half a foot and Pond 5 has been lowered by nearly 11 inches.

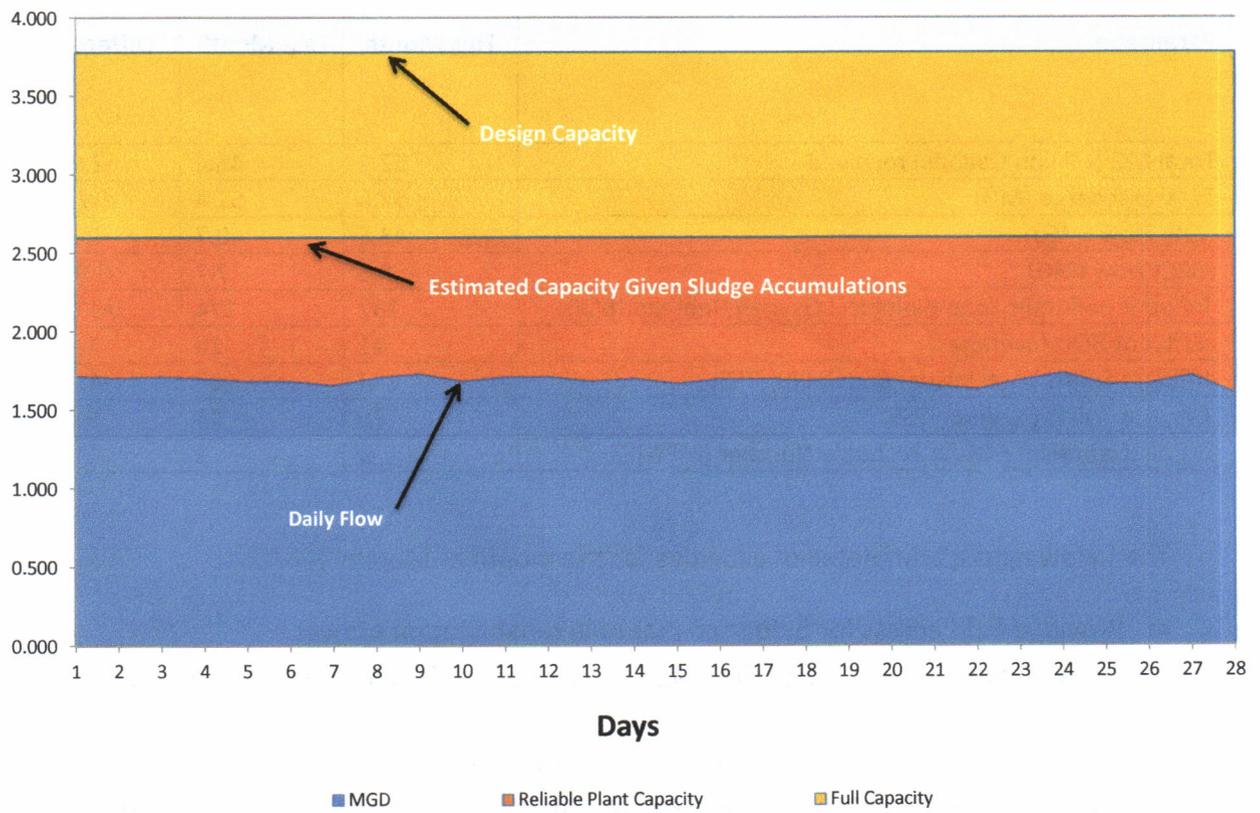
BOD and TSS influent concentrations were lower, again back to near where they were in January. Effluent BOD, TSS and E-coli were well within limits and not significantly different than prior readings. We had no violations or incidents of significance this month.

Parameter	This Month	Last Month	Difference
Total MG (Million Gallons) received	52.1	48.4	-2.9
Total Discharge (MG)	57.6	51.4	6.2
City Flow (MG)	43.5	40.7	-4.6
SRCI Flow (MG)	8.6	7.7	0.9
Influent Pollutant Load Biological Oxygen Demand (BOD)	137	174	-37
Effluent BOD (average)	11	10	1
Influent Solids Total Suspended Solids (TSS)	144	185	-41
Effluent Solids (Average TSS)	25	14	9
E- Coli (Geomean – Most Probable Number [MPN])	3	2	1

The following is a brief detail of activities for the month of March:

- Provided field access for bidder on manhole rehabilitation project.
- Solicited farming proposals to manage Skyline Farms. Issued inquiries and responded to questions.
- Sprayed areas for weed abatement and management.
- Met with possible solar installer to review land requirements and potential conflicts between water reuse and solar generation.
- Initiated cross training on Wastewater Treatment Plant operation with other project staff.
- Completed State Fire Marshal reports for handling and managing hazardous materials.
- Maintained communications with Oregon Department of Environmental Quality for permit review.

### Wastewater Treatment Flows March 2015



## **Facility Maintenance Summary**

The following is a brief detail of activities for the month of March:

- We fixed a leak in the permit building in a restroom and put a new hot water tank in also.
- We turned the boiler off in the pool that was heating the building this winter.
- We met A -1 -Key out at the golf course to change the locks on the club house and the pump house and the shop. We also meet the alarm system company to do some work with the alarm system. We also meet with the school district at the Ontario Golf Course to give them a mower so they could mow the driving range but they could not get it started.
- Used CH2M Corporate contracting support to solicit Heating Ventilation and Air Conditioning (HVAC) proposals and contractors.
- Conducted shut down and restart of HVAC system to reset operation parameters.
- Received CH2M Boise office HVAC field evaluation and recommendation.
- Contacted national supplier of HVAC controls for support.

## **Parks & Cemetery Activity Summary**

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

The following is a brief detail of activities for the month of March:

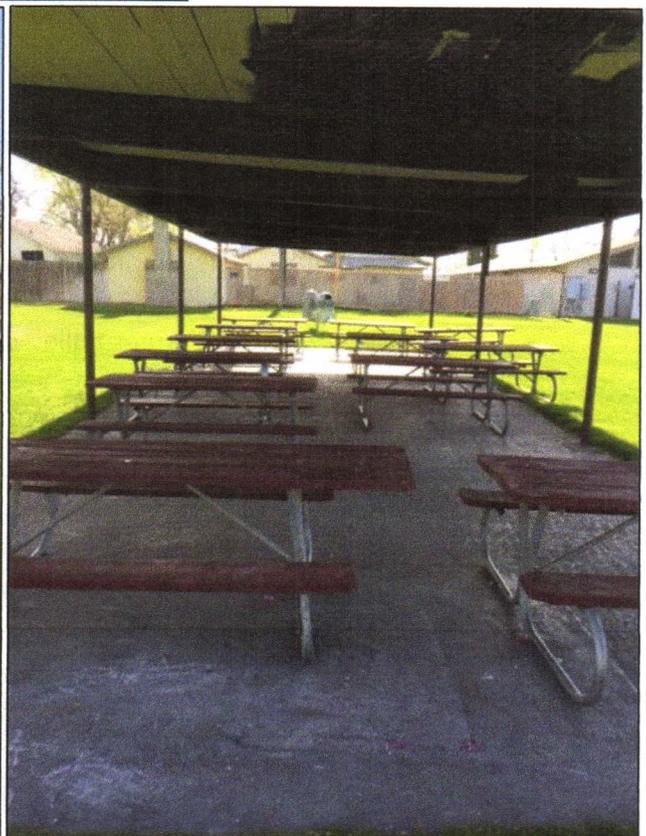
- Dumping trash cans in the park and cemetery. As the weather get wormer we get a lot more trash to dump.
- We had five burials at Evergreen Cemetery and one burial at Sunset Cemetery.
- The Emergency Generator at City Hall worked well this month.
- We finished staining the picnic tables and benches and delivered them back out in the parks.
- We put some pre-emergent in the shrub beds to try to control the weeds.
- Moved some soccer goals around for the Recreation Department.
- We started watering the pots downtown.
- We had the portable toilets put in Lions and Beck Park for the summer.
- We took down the fence at Beck Park the fish and game was using for the fish kill.



(Left) Parks crew started watering the downtown pots, which are filled with fresh flowers by Andrews Seed four times a year.

(Bottom Left) Parks crew set out the soccer goals for the Parks Department.

(Bottom Right) Picnic tables were cleaned, repainted and set out at Beck Kiwanis Park and Lions Park for the summer.



## Engineering Division Activity Summary

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

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also maintains and updates the record maps for all City utilities, right-of-way, easements, land division plots and City base maps.

The following is a brief detail of activities for the month of March:

- Right of Way permits issued: 4
- Work Order Requests: 1  
New water and sewer service at the Food Pantry 762 SW 5<sup>th</sup> St
- Geographic Information System Inquiries/Maps: 20
- Preliminary Design Advisory Committee Meetings (PDAC):  
Single Wide Manufactured Home  
Top Onion  
Confidential business expansion
- Wastewater Treatment Plant Dike Manhole Replacement Bid Opening  
Warrington Construction
- AutoCad training Boise CH2M office
- Fence/Right of Way/Development inquiries – 33
- New Address Notifications - 2
- System Development Charges tallied (but not collected due to moratorium):

	Trans. SDCs	Water SDCs	Sewer SDCs	Monthly Total
July 2014	\$19,857.56	\$975.00	\$962.00	\$21,794.56
August 2014	\$0	\$0	\$0	\$0
September 2014	\$0	\$0	\$0	\$0
October 2014	\$7,250.81	\$0	\$0	\$7,250.81
November 2014	\$113.04	\$1,950.00	\$481.00	\$2,544.04
December 2014	\$0	\$0	\$0	\$0
January 2015	\$0	\$0	\$0	\$0
February 2015	\$0	\$0	\$0	\$0
March 2015	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$27,221.41</b> <b>Transportation</b>	<b>\$2,925.00</b> <b>Water</b>	<b>\$1,443.00</b> <b>Sewer</b>	<b>\$31,589.41</b> <b>Total</b>

- Water Treatment Plant (WTP) Improvements – Continue coordination with Murray Smith and Associates (MSA) regarding final design on WTP improvements.
- Sanitary Sewer Improvements – Coordinated with Anderson Perry and Associates on the project, including near final drawing review, insurance update and invoicing.
- Manhole (MH) Rehabilitation on Wastewater Treatment Plant (WWTP) Dike – Bid opened on March 12; one bidder. With high bid, began discussions regarding Value Engineering alternative.
- East Side Tank – Beginning final design development – coordination with structural team.
- Ontario Aquatic Center – Continued discussions with YMCA regarding pool. CH2M mechanical conducted visit and review of existing drawings. Engaged Hutchison Smith Architects and set up meeting for review of existing drawings.
- Seismic Repairs – Provided documentation to City regarding needs for when next funding event does occur, which could be this spring.
- Public Works Committee – Attended Public Works Committee meeting and provided support on:
  - North Regional Lift Station cost allocation opportunities
  - Utility Billing Policy
- Capital Improvement Project (CIP) Management –
  - Continue working with internal staff and finance director.
- Security Assessment Report – Finalized and sent out bid for fence.
- Sand Shed – Prepared Holladay Engineering plans for advertising and bidding.
- Continue development of CIP.