

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, October 20, 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, October 15, 2014, and a study session was held Thursday, October 16, 2014, at 12:00 p.m. 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 Council Meeting for September 15, 2014 1-4
B) Minutes of Telephonic Meeting for October 3, 2014 5
C) Approval of the Bills

5) **Department Head Updates: *Thursday Only***

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

7) **New Business:**

- A) Request Notice to Proceed: Professional Engineering Services for WTP Chemical Feed and Raw Water Supply Improvements Evaluations 6-12
B) Ordinance #2696-2014: Create 3-21 of OMC re Establish Tax on Sale of Marijuana and Marijuana-Infused Products in City (*1st Reading*) 13-25

8) **Public Hearings(s)**

- A) Ordinance #2694-2014: Modify TSP to City's Comprehensive Plan - Reclass Reiter Drive to Local Street and its Connection to Malheur Drive (*1st Reading*) 26-41
B) Ordinance #2695-2014: Rezone 10 Properties from C-1 (Neighborhood Commercial) to C-2 (General Commercial) on South Side of SW 4th Avenue (*1st/2nd Reading by Emergency Passage*) 42-85

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

- A) Update: 9-1-1; OPD 10vs12 Hour Shifts; Ordinance/Abatements
B) Proposed Legislation re: Gangs
C) Recreation Board Minutes: 09-17-2014
D) County Court Minutes: 9-24-14 & 10-8-2014
E) Financials

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

11) **Executive Session: (*Thursday and/or Monday*)**

- A) ORS 192.660(2)(a)

12) **Adjourn**

ONTARIO CITY COUNCIL MEETING MINUTES

Monday, September 15, 2014

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, September 15, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

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

Mayor Cammack led everyone in the Pledge of Allegiance.

AGENDA

Mayor Cammack addressed two changes on the Agenda. Under New Business, there were two items that were duplicated. Therefore, Item "E" would be eliminated, and was truly Item "A"; and Item "F" would be eliminated, which was actually Item "C".

Charlotte Fugate moved, seconded by Norm Crume, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Jackson Fox, to approve Consent Agenda Item A: Minutes of the Council Meeting of September 2, 2014; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

NEW BUSINESS

Resolution #2014-131: Transfer Forfeited Funds to Complete Evidence Room Renovation

Mark Alexander, Police Chief, stated the Police Department would like additional funding for unanticipated increases in costs for the Police Evidence Room Remodel Project.

During Fiscal Year 2013-14, the Council approved Phase I of the Police Evidence Room Remodel Project. During Fiscal Year 2014-15, the Council approved Phase II of the Police Evidence Room Remodel Project. On September 11, 2014, following discussion at the Work Session, Council authorized the presentation of Resolution #2014-131 at the Council meeting of September 15, 2014.

The Police Department was approved and started a project in FY 2013/14 to remodel an additional adjacent apartment building with the intent of completing a second phase in FY 2014/15. The second phase would consist of work on the original facility, and mostly addressed safety issues.

The Police Department identified additional costs to the second phase since the adoption of the FY 2014/15 budget. Three of the four air conditioning units have failed and asbestos abatement costs increased since the original estimate in 2013. The ICMA study also identified other issues such as the need for additional firearm storage, and an eyewash station, along with door security and video surveillance. The estimated cost for the addition needs was \$7,000.

Three options were identified for the funding: General Fund Contingency, the Public Safety Fund or the use of abandoned and forfeited funds that had been identified by the Evidence Technician. There was approximately \$7,300 in abandoned and forfeited funds collected over the past several years that could be available for this project.

The Council actually had four available options for this request. They could approve funding the additional needs through General Fund Contingency; approve funding through the Public Safety Fund; approve funding through use of forfeited and abandoned funds; or they could deny the request to make the changes. A total of \$7,300 would be added to the Police Department Capital Building Improvement fund if that was the option selected by the Council.

Mr. Tuttle asked how much was funded for the 14-15 budget for that project, and the Chief was satisfied that by investing money in that area, that would this investment was worthwhile.

Chief Alexander stated that was \$10,500 and would be very worthwhile. There had been approximately \$15K in the prior budget. He invited any of them over for a tour of the facility.

Councilor Verini asked about the bar code tag.

Chief Alexander stated it would be part of what those funds would be used for.

Dan Jones moved, seconded by Jackson Fox, that the Council adopt **RESOLUTION #2014-131, A RESOLUTION ACKNOWLEDGING RECEIPT OF FORFEITED AND ABANDONED CASH AND APPROPRIATING CAPITAL EXPENDITURES WITHIN THE GENERAL FUND**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Real Estate Broker/Agent of Record RFP

Mayor Cammack stated that Larry Sullivan, City Attorney, had provided information to the Council at the previous Thursday Work Session, and a discussion was held on the issue. During that talk, there had been one change to the proposed Request for Agent of Record, which was on Page 9, relating to fees. That correction had been made and was reflected in the proposal.

Mayor Cammack stated in a quick overview, the Council was attempting to designate a real estate broker to deal with the sale of the old city shop property. Mr. Sullivan suggested an RFQ for an Agent that would deal with any sales for the city over a designated period of time. The proposal would be sent to realtors in the area, and those interested would submit a proposal. It would then be a Council decision to proceed.

Jackson Fox moved, seconded by Dan Jones, to **send out the Request for Proposal document prepared by the City Attorney**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Agreement between City of Ontario and St. Luke's Regional Medical Center for Operation of Hearing and Balance Clinic to Assure Access to Low Income Families

Bruce Jensen stated at the Council work session on September 11, 2014, a representative from St. Luke's Regional Medical Center ("SLRMC") presented a proposed Agreement to the Council. The purpose of the Agreement was to allow SLRMC to obtain provider based status for certain off-campus hearing and balance clinics under federal Medicare/Medicaid regulations. Among other requirements, those regulations required a private hospital to have a contract with a state or local government that included the operation of clinics located off the main campus of the hospital to assure access in a well-defined service area to health care services for low-income individuals who were not entitled to benefits under Medicare (or medical assistance under a Medicaid State plan).

The proposed Agreement imposed no obligations on the city other than not to terminate the Agreement except on a 90-days written notice. The consensus of the Council in the work session was to approve the Agreement.

Councilor Jones wanted to know if the location would change.

Mr. Jensen stated it would not.

Councilor Fox asked if this partnership with Ontario would involve any other clinic.

Mr. Jensen stated it would not, jus this one entity.

Mayor Cammack stated for the record that City Attorney Larry Sullivan had reviewed and approved the proposed Agreement.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve the **St. Luke's Agreement Regarding Operation of Hearing and Balance Clinics to Assure Access to Low Income Individuals**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-130: Suspension of SDCs until July 1, 2016

Mayor Cammack stated that following considerable discussions over the previous two/three meetings. As a result of the Thursday Work Session discussion, the City Attorney developed the proposed resolution. The proposed resolution was designed to suspend the imposition of SDCs until July 1, 2016. However, all resolutions passed by the Council were subject to change at any time.

Mayor Cammack stated after hearing comments from Malheur County Economic Development Director Greg Smith and from Alan Daniels, the city's Economic Development Director, along with discussing the matter in several work sessions, a majority of the Council reached a consensus to suspend the imposition of System Development Charges (SDCs) for two years to determine whether it improved the City's economic development efforts. The city was in need of economic development. The city needed more jobs for people in this community, more area for growth, more business support, so it was all good. Currently, the city was stagnant, and this suspension might provide some emphasis towards that effort.

Councilor Fugate stated she had distributed to the Council an article that had been in the Rio Rancho newspaper, the previous location of the current Public Works Director. They had removed their moratorium, and were collecting SDCs again. Also, she wanted the SDC projects reviewed every six months while the suspension was in place. That should reflect any progress, or lack of progress, due to the suspension of the charges.

Jackson Fox moved, seconded by Ron Verini, that the City Council approve **RESOLUTION #2014-130, A RESOLUTION SUSPENDING THE IMPOSITION OF SYSTEM DEVELOPMENT CHARGES UNTIL JULY 1, 2016. [No vote]**

Councilor Crume asked if the resolution could have been worded that with an amendment to this, to add in a review every six months. Not necessarily in the resolution, but in the motion?

Councilor Fox didn't see the reason to add to that to the motion. He believed there would be a motion coming from Councilor Fugate following the current action.

Councilor Fugate indicated she was not going to make a motion, but would ask that the City Manager provide a report to the Council every six months.

Councilor Crume stated he had another issue, but as the City Attorney was out of town, someone had asked if it was legal to do this action, or would it open the city up to legal action. In reading the article provided by Councilor Fugate from Rio Rancho, that city *had* been sued because of impact fees and some type of credits. This concerned him.

Mayor Cammack stated that question had been posed, more than once, regarding the possibility that anyone who had paid SDCs at an earlier time, could ask why they had to pay when someone else now didn't have to, and that person could bring a lawsuit. That could happen, and Mr. Sullivan had previously stated that.

Councilor Fox stated it was not the same. New Mexico had different laws for their impact fees than Oregon had for System Development Fees. SDCs were done by statute in Oregon, and Oregon was extremely strict on the rules. All of those things Mr. Sullivan had already brought before them.

[Retyped Motion for Record]

Jackson Fox moved, seconded by Ron Verini, that the City Council approve **RESOLUTION #2014-130, A RESOLUTION SUSPENDING THE IMPOSITION OF SYSTEM DEVELOPMENT CHARGES UNTIL JULY 1, 2016**. Roll call vote: Crume-yes; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/1/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mayor Cammack stated there were two meetings scheduled for this coming Thursday, September 18th. The Council was scheduled to hold an Executive Session at 4:00 p.m., for a telephone discussion with the Prothman organization concerning City Manager candidates. Prior to that, the Council would be conducting a meeting regarding the Ontario Aquatic Center, to listen to information from Alan Daniels. Two hours had been scheduled for the pool meeting, but he doubted there would be two hours' worth of information to hear, and suggested moving that meeting closer to the 4:00 meeting, so it didn't take so much Council time. However, if Council thought there might be, he was amenable to leaving the times as they were currently established. His suggestion was 2:30 or 3:00.

Council consensus to move the pool meeting to 3:00 p.m., followed by the Prothman telephone meeting at 4:00 p.m.

Councilor Fugate stated she would inform the Recreation Board, as there were some members who wanted to attend the OAC meeting.

Councilor Verini stated with regard to economic development, sometime over the next few work sessions, they needed to begin discussions about a port district for Ontario.

Councilor Fugate stated about eight years previous, there had been a group who formed in an attempt to bring a port district to this area, but for reasons unknown to her, it was dropped. She would look into that.

ADJOURN

Ron Verini moved, seconded by Norm Crume, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

**TELEPHONIC COUNCIL MEETING MINUTES
October 3, 2014**

A special telephonic meeting of the Ontario City Council was called for Friday, October 3, 2014, in the office of the City Recorder, Ontario City Hall, beginning at 10:00 a.m. Council members who participated were LeRoy Cammack, Dan Jones, Ron Verini, Norm Crume, Larry Tuttle, and Jackson Fox. Charlotte Fugate was excused for a training out of the area.

Staff present was City Recorder/Interim City Manager Tori Barnett. No questions were asked by Council prior to the meeting.

Notice of the meeting was provided to the Argus Observer on October 1, 2014.

ADOPTION OF THE BILLS

The regularly scheduled meeting of Monday, October 6, 2014 was cancelled. To enable the City to pay vendors in a timely fashion, the Council needed to approve the submitted bills. Bills were to the Council by the City Recorder on Wednesday, October 1, 2014.

LeRoy Cammack moved, seconded by Ron Verini, to adopt the Agenda as presented. Motion carried 6/0/1.

LeRoy Cammack, seconded by Ron Verini, to adopt the bills as presented. Motion carried 6/0/1.

LeRoy Cammack moved, seconded by Ron Verini, that the meeting be adjourned. Motion carried 6/0/1.

APPROVED:

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

Oct. 20, 2014

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: MURRAY, SMITH & ASSOCIATES, INC., NOTICE TO PROCEED FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT CHEMICAL FEED AND RAW WATER SUPPLY IMPROVEMENT EVALUATIONS

DATE: Oct. 14, 2014

SUMMARY:

Attached are the following documents:

- Proposal for Professional Engineering Services
- 2014 Schedule of Charges
- Proposed Fee Estimate

The City of Ontario invited Murray, Smith and Associates, Inc., (MSA), to amend the City Water Treatment Plant Audit contract to include the first phase of design work to develop a set of construction documents in order to develop a construction project in this current fiscal year.

BACKGROUND:

The scope of work is based on the conclusions of the August 2014 Water Treatment Plant Audit Report. Proposed work is anticipated to be completed in the first week of December 2014. Preliminary Design effort will be developed as a follow up phase. Extension of the MSA contract allows immediate action to begin on critical Water Treatment Plant (WTP) improvements by a qualified engineering team with a deep understanding of the City's WTP challenges.

ALTERNATIVE:

The City Council could choose to not authorize the Notice to Proceed for Murray, Smith and Associates, Inc., and postpone needed improvements. If authorization is denied, options would include either "No Action" where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

FINANCIAL IMPLICATIONS:

Work will be billed on a time and materials basis, in accordance with the schedule of charges. MSA will manage the work identified to the aggregate total budget amount (\$23,791), which shall not be exceeded without prior written authorization from the City.

RECOMMENDATION:

Staff recommends issuing the Notice to Proceed.

PROPOSED MOTION:

I move that the City Council authorize a Notice to Proceed for Professional Engineering Services for the Water Treatment Plant Chemical Feed and Raw Water Supply Improvement Evaluations.



Murray, Smith & Associates, Inc.
Engineers/Planners

1649 W Shoreline Drive, Suite 200 • Boise, ID 83702-6701 • PHONE 208.947.9033 • FAX 208.947.9034

October 13, 2014

Ms. Tori Barnett
Interim City Manager
444 SW 4th Street
Ontario, OR 97914

Re: Proposal for Professional Engineering Services for Water Treatment Plant Chemical Feed and Raw Water Supply Improvement Evaluations

Dear Tori:

Thank you for inviting Murray, Smith & Associates, Inc. (MSA) to amend our Water Treatment Plant (WTP) Audit contract to include this additional follow-on work. The scope of work presented in this letter is based on the conclusions of our August 2014 WTP Audit Report, our meeting with you on September 25th and the City's desire to have meaningful improvements at the WTP evaluated and implemented before July 30, 2015.

Project Goals

The goal of this initial project evaluation task and subsequent design work (contracted separately) are as listed below.

1. Centralization/simplification of the WTP's chemical storage, handling and control systems.
2. Providing control of the raw water supply blend and distribution within the WTP.
3. Eliminating the use of the raw water supply line under a portion of the WTP.
4. Development and comparison of the pros, cons and estimated costs for two raw water supply and chemical feed control options:
 - A – same raw water blend and chemical feed for entire WTP*
 - B – independent “old” and “new” WTP train water blend and chemical feed*
5. Use the results of item 4 above and WTP pilot testing (by others) to refine and determine the preferred option to implement.

In general, these goals address improvement items 3 thru 10 from our August 2014 WTP Audit Report. This work will also partially address improvement items 17 and 31 from the WTP Audit Report.

Project Tasks

The following work elements are proposed to complete the initial project evaluation work.

1. ***Raw Water Supply Hydraulics Review*** - Determination of existing raw water supply hydraulic conditions and options by field and office investigation of raw water supply pumps, location and condition of yard piping, and size/adequacy of existing valving. *It is assumed that CH2M HILL resources can be used to collect pump operational flow and head data as well as potholing to locate and expose existing yard piping.*
2. ***Raw Water Supply Electrical Review*** - Review of existing raw water supply pump electrical systems and adaptability. In particular, a determination of what work is necessary to provide variable frequency drive control to aid project goals.
3. ***“New” Plant Chemical System Consolidation Review*** – Review of the existing equipment and space available at the City’s “new” WTP train to determine its adequacy as a central location for all of the City’s near term (i.e. - with third WesTech unit added) chemical storage and feed system needs. Review will also include an evaluation of the arrangement and condition of the existing chemical feed supply and distribution piping.
4. ***Improvement Option Schematics*** – Based on the findings of the previous three work elements, schematics for recommended raw water supply and chemical feed improvements will be developed for the two options described previously under “Project Goals”.
5. ***Improvement Option Costs*** - Development of cost opinions for the construction of the work item 4 improvement options.
6. ***Summary technical memorandum*** – Preparation of an electronically distributed technical memorandum to document the results and recommendations of the consultant team. This memorandum will be used as the basis of design for the selected improvements.

Project Budget

The work will be billed on a time and materials basis, in accordance with the attached schedule of charges. MSA will manage the work identified to the aggregate total budget amount (\$23,791), which shall not be exceeded without prior written authorization from the City.

If the total budget is increased or follow-on work contracted, MSA’s excess costs expended prior to such an increase will be allowable to the same extent as if such costs had been incurred after the approved increase.

Ms. Tori Barnett
October 13, 2014
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Project Schedule

Assuming a Notice to Proceed by mid-October 2014, the proposed work is anticipated to be completed in the first week of December 2014.

MSA and their subconsultants will make every effort to complete the work in a timely manner; however, it is agreed that MSA cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not reasonably have been foreseen at the time this work was executed.

Please let us know if you have any questions or comments regarding our proposal or if you need anything additional from us to move this work forward. Thank you.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.



Craig B Anderson, P.E.
Principal Engineer

Enclosures



2014 SCHEDULE OF CHARGES

Personnel:

Labor will be invoiced by staff classification at the following hourly rates, which are valid from January 1, 2014 to December 31, 2014. After this period, the rates are subject to adjustment.

Principal Engineer IV	191.00
Principal Engineer III	183.00
Principal Engineer II	177.00
Principal Engineer I	172.00
Professional Engineer IX	164.00
Professional Engineer VIII	156.00
Professional Engineer VII	148.00
Professional Engineer VI	140.00
Professional Engineer V	132.00
Professional Engineer IV	125.00
Engineering Designer IV	125.00
Professional Engineer III	117.00
Engineering Designer III	117.00
Engineering Designer II	108.00
Engineering Designer I	99.00
Technician IV	120.00
Technician III	107.00
Technician II	93.00
Technician I	79.00
Administrative III	85.00
Administrative II	79.00
Administrative I	69.00

Project Expenses:

Expenses incurred in-house that are directly attributable to the project will be invoiced at actual cost. These expenses include the following:

Computer Aided Design and Drafting	\$16.00/hour
Mileage	Current IRS Rate
Communications Charge	1% of Invoiced Labor
Postage and Delivery Services	At Cost
Printing and Reproduction	At Cost
Travel, Lodging and Subsistence	At Cost

Outside Services:

Outside technical, professional and other services will be invoiced at actual cost plus 10 percent to cover administration and overhead.

**CITY OF ONTARIO - WTP Chemical Feed & Raw Water Supply Improvement Evaluations
PROPOSED FEE ESTIMATE**

TASKS	ESTIMATED FEES										EXPENSES SUBTOTAL	TOTAL		
	PM & QA/QC	Hydraulics Evaluation	Senior Drafter	Admin Assistant	Process Lead	ICE Lead	General Assistant	Total Hours	LABOR SUBTOTAL	Expenses Breakdown				
										CAD			Reproduction, Printing & Postage	Mileage & for Travel
Project Management	2							6	\$ 670	\$ -	\$ 100	\$ 770		
Raw Water Supply Hydraulics Review	4	32		4				36	\$ 4,452	\$ -	\$ 200	\$ 4,652		
Raw Water Supply Electrical Review	2					16		18	\$ 3,031	\$ -	\$ 100	\$ 3,131		
New Plant Chemical System Consolidation Review	2				16			18	\$ 4,556	\$ -	\$ 200	\$ 4,756		
Improvement Option Schematics	2	8	20					30	\$ 3,690	\$ 320		\$ 4,010		
Improvements Option Costs	2				8			18	\$ 3,266	\$ -		\$ 3,266		
Summary Technical Memorandum	2	8		4	2	4		24	\$ 3,206	\$ -		\$ 3,206		
TOTAL - ALL TASKS	16	48	20	8	26	20	12	150	\$ 22,871	\$ 320	\$ 600	\$ 23,791		

AGENDA REPORT
October 20, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: **ORDINANCE 2696-2014: AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO** (*First Reading*)

DATE: October 14, 2014

SUMMARY:

Attached are the following documents:

- Oregonian article regarding Marijuana taxation ordinances
- Ordinance 2696-2014 to Establish a Tax on the Sale of Marijuana and Marijuana-Infused Products in the City of Ontario.

BACKGROUND:

Measure 91, pending on the November 4, 2014 statewide ballot, legalizes production, sale and use of recreational marijuana in Oregon, in addition to the already-legal (under state law) sale and use of medical marijuana. Measure 91 also establishes a state tax on marijuana sales: \$35 per ounce for flowers, \$10 per ounce for leaves and \$5 per immature plant. After certain deductions, ten percent of this tax revenue would go to cities. Until 2017, this would be divided among cities according to population. After that, it would be divided in proportion to the number of licensed producers and sellers in each city.

Measure 91 includes language saying that “no county or city of this state shall impose any fee or tax” on marijuana. Nevertheless, in recent weeks a number of cities have adopted or are considering their own gross receipts taxes on marijuana sales. There are some who intend to argue that the words “shall impose” are prospective and would not clearly preempt local taxes in effect before the effective date of Measure 91. Others speculate that the Legislature may consider amendments to Measure 91 if it passes, providing an opportunity for lawmakers to expressly “grandfather” pre-existing local marijuana taxes.

Enactment of Ordinance 2696-2014 would establish a tax on gross receipts from marijuana sales in Ontario, effective before the effective date of Measure 91 on December 4, 2014, so long as it is passed before November 4, 2014. There is a legal argument that a city cannot pass an ordinance that imposes taxes by an emergency clause under the Oregon Constitution, so the City will not be able to waive the waiting period.

Ordinance 2696-2014 is modeled on, with much language identical to, ordinances adopted or being considered by Lake Oswego, Ashland, Hillsboro, Tigard, Milwaukie and others.

Like most of the reviewed city ordinances, Ordinance 2696-2014 imposes a tax of five percent (5%) of gross sales for medical marijuana, and ten percent (10%) of gross sales for recreational marijuana. There are some cities that have exempted medical marijuana from the tax, although it appears that most ordinances tax both types.

Sellers of marijuana are liable for the tax, and are required to submit quarterly returns specifying total sales with tax calculations. Sellers will be allowed to retain five percent of the tax to defray administrative costs. A ten percent penalty will be imposed on late payments, with an additional ten percent penalty after 60 days. If nonpayment is due to fraud, a 25 percent (25%) penalty is imposed. Interest accrues on unpaid taxes at the rate of one percent per month.

The City Manager or his or her designee is granted the authority to administer tax collection processes. Persons disputing the City Manager's decisions as to the amount of the tax, interest or penalties may appeal to the City Council.

Financial information submitted in connection with the tax is confidential, except under certain listed circumstances. The City will have the ability to audit the books and records of marijuana sellers to confirm the correctness of any tax return or to estimate taxes due.

Section 3-21-15 of Ordinance 2696-2014 states that nothing in the ordinance shall be construed as establishing that marijuana sellers are authorized or licensed to sell marijuana or marijuana infused products in the City. In other words, the passage of this ordinance does not permit the sale or marijuana or marijuana infused products, and does not waive the moratorium placed on medical marijuana dispensaries by the City. If Ballot Measure 91 does pass, it may have the effect of legalizing such sales, of course. If Ballot Measure 91 does not pass, Ordinance 2696-2014 will still authorize the City to impose a tax on marijuana sales if the City chooses to enforce the ordinance at any time.

RECOMMENDATION:

Staff makes no recommendation with respect to Ordinance 2696-2014.

PROPOSED MOTION:

I move that the City Council approve Ordinance 2696-2014, AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO, on First Reading by Title Only.

Measure 91: Cities pre-emptively taxing recreational pot seek safety in numbers

Photo Gallery

By Ian K. Kullgren | ikullgren@oregonian.com

Follow the author | [Follow on Twitter](#)

October 07, 2014 at 8:28 AM, updated October 07, 2014 at 8:56 AM

Positioning themselves for a monumental showdown with the state, a growing number of cities and towns in Oregon are racing to impose local taxes on recreational marijuana before next month's vote on whether to legalize the drug.

Last week, **Hillsboro joined at least a dozen municipalities** that have approved or are considering taxing legal pot, despite language in Measure 91 aimed at preventing exactly that. The hope is to pressure state lawmakers into amending the law, if it passes, to allow local governments to levy additional sales taxes — otherwise, cities will find themselves waging an uphill battle in court, legal experts say.

One thing is certain: There will be a legal fight if voters approve legal marijuana. It's just a question of where.

Section 42 of **Measure 91** states: "No county or city of this state shall impose any fee or tax ... in connection with the purchase, sale, production, processing, transportation, and delivery of marijuana items." Section 58 takes it a step further: "(the state law) shall be paramount and superior to and shall fully replace and supersede any and all municipal charter enactments or local ordinances inconsistent with it."

Meanwhile, the list of localities seeking to impose their own taxes keeps growing by the week. The issue has received even more attention as larger cities in Washington County are weighing such proposals. Leaders in Forest Grove also **passed a 10 percent recreational marijuana tax on Sept. 22**, and officials in Cornelius, Lake Oswego and Oregon City approved similar ordinances this past week.

To the east, Oregon City has approved a tax, and officials in Gresham, Troutdale and Fairview are considering following suit.

Meanwhile, officials in Hillsboro, are angling to be grandfathered into the law by the state Legislature if Ballot Measure 91 takes effect next year.

"If [Measure 91 is] passed, the state has the sole taxing authority, so from a legal perspective, there was an interest in getting our council this option ahead of that," said Hillsboro city spokesman Patrick Preston prior to the vote.

Some attorneys representing city governments contend the measure's language, while seemingly clear-cut, oversteps the state's authority to regulate local laws. The argument reaches back to Home Rule, a longstanding legal principle in Oregon and elsewhere that protects localities' right to govern themselves.

"The city has the authority to do what it wants as long as it's constitutional, unless there is a clear statutory prohibition," said David Lohman, the city attorney for Ashland, which in August became the first city to approve a tax.

Because there is no state law to contradict — at least not yet — the local taxes should be allowed to stay, Lohman said.

"I would hope the Legislature would make it very clear that what we enacted is allowed," Lohman said. "We don't want to have

le battling in court about this. Let's make it very clear, by statute."

measure's advocates aren't buying their reasoning.

seems like they're doing exactly what I think we pretty clearly intended couldn't be done," said Dave Kopilak, the chief drafter of Measure 91. "They just look around and what everyone else is doing and figure they need to do something before Election Day."



8, 2014 - Portland - Dave Kopilak, a Portland attorney who drafted the Oregon legalization initiative. Beth Nakamura/The Oregonian | Beth.Nakamura | bnakamura@oregonian.com

Measure 91's drafters copied the language of the two sections nearly verbatim from the state liquor code, Kopilak said, which prohibits municipalities from collecting local taxes on alcohol.

If the state Legislature refuses to grandfather these cities and towns, the next step would inevitably be a battle in court, legal experts say.

"This tees up pretty hardcore for a state versus local government lawsuit," said Hilary Bricken, a Seattle-based recreational marijuana attorney. It would be a hard sell for the cities, she added, considering Measure 91 is so explicit in its intent.

Oregon's proposal gives state lawmakers more leverage to change pot laws than in Colorado or Washington. Colorado's ballot measure came in the form of a constitutional amendment, and

Washington's requires a supermajority vote for any changes within the first two years.

Measure 91 contains no such restrictions, thus making the state Legislature an obvious entry point for those seeking reform, said David Berger, a Portland marijuana attorney. If the proposal passes, lawmakers could change it during the next session.

challenging to speculate on what the Legislature may or may not do," Berger said. "They certainly have the legal authority to legislate on an issue, but I can tell you on both sides of the aisle, there's a certain respect for the will of the people."

Drafters of Measure 91 intend for top-down control in order to keep prices low enough to compete with the black market. In return, 25 percent of the revenue collected by the state would be returned to local law enforcement.

The amount would be proportional to each place's population until 2017, after which it would depend on the number of dispensaries in each city or town: The more dispensaries, the greater the tax revenue.

"I think localities should be really happy and realize the state is taking a chunk of the money and giving it directly to them," said Tamar L. Rosen, an attorney for the Drug Policy Alliance, which supports Measure 91.

Some local leaders, though, say a local tax is a way to deter marijuana sellers from moving in without having to wait for a local ballot measure, as the proposal would require.

"I don't want it to be a deterrent," Troutdale Mayor Doug Daous **said at a city council meeting** last month. "I don't want to be the city that's not attractive to the sales of marijuana."

Even fellow opponents of the measure agree a win for cities would be difficult if the issue ends up in court.

One reason you see city councils scrambling to do it is a very thorny legal issue," Clatsop County District Attorney Josh Marquis, a

ading opponent of marijuana legalization, said at a Washington County Public Affairs Forum debate Sept. 29. "I suspect your cities
re going to spend hundreds of thousands of dollars each fighting this."

Ian K. Kullgren

IK .ammill of The Oregonian staff and Eric Apalategui contributed to this report.

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ORDINANCE No. 2696-2014

**AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE
TO ESTABLISH A TAX ON THE SALE OF MARIJUANA
AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO**

WHEREAS, Section 2.1 of Chapter II of the Ontario City Charter provides that the City has all the powers and authority that the constitution, statutes and common law of the United States and the State of Oregon expressly or impliedly grant or allow municipalities as fully as though the Charter specifically enumerated each of those powers; and

WHEREAS, the City desires to tax the sale or transfer of marijuana and marijuana-infused products within the City.

NOW, THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

SECTION 1. The following Chapter 21 "Marijuana Tax" is added to Title 3 of the Ontario City Code:

Chapter 3 Marijuana Tax.

- 3-21-1 Purpose.**
- 3-21-2 Definitions.**
- 3-21-3 Tax Imposed.**
- 3-21-4 Amount and Payment, Deductions.**
- 3-21-5 Seller Responsible for Payment of Tax.**
- 3-21-6 Penalties and Interest.**
- 3-21-7 Failure to Report and Remit Tax – Determination of Tax by City Manager.**
- 3-21-8 Appeal.**
- 3-21-9 Refunds.**
- 3-21-10 Actions to Collect.**
- 3-21-11 Violation.**
- 3-21-12 Confidentiality.**
- 3-21-13 Audit of Books, Records or Persons.**
- 3-21-14 Forms and Regulations.**
- 3-21-15 Not a License.**
- 3-21-16 Severability.**

3-21-1 Purpose.

For the purpose of this Chapter, every person who sells marijuana, medical marijuana, or marijuana-infused products in the City of Ontario is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the sale of marijuana, medical marijuana and marijuana-infused products.

3-21-2 Definitions.

As used in this Chapter, unless the context requires otherwise:

“City Manager” means the City Manager of the City of Ontario or his/her designee.

“Gross sales” means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this Chapter.

“Marijuana” means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Oregon medical marijuana program” means the office within the Oregon Health Authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the state of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, office or employee of any of the them.

“Purchase” or “sale” means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused products within the City.

“Registry identification holder” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

“Seller” means any person who is required to be licensed or has been licensed by the state of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

“Tax” means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this Chapter.

“Taxpayer” means any person obligated to account to the City Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this Chapter.

3-21-3 Tax Imposed.

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this Chapter. The City Manager is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the marijuana tax.

3-21-4 Amount and Payment, Deductions.

1. In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax as follows:

a. Five (5) percent of the gross sale amount paid to the seller by a registry identification cardholder.

b. Ten (10) percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

2. The following deductions shall be allowed against sales received by the seller providing marijuana or marijuana-infused products:

a. Refunds of sales actually returned to any purchaser;

b. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

3-21-5 Seller Responsible for Payment of Tax.

1. Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the City Manager, on forms provided by the City Manager, specifying the total sales subject to this Chapter and the amount of tax collected under this Chapter. The seller may request or the City Manager may establish shorter reporting periods for any seller if the seller or City Manager deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the City Manager.

2. At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

3. Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the City Manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the City Manager may order such a change. The City Manager may establish shorter reporting periods for any seller if the City Manager deems it necessary in order to ensure collection of the tax. The City Manager also may require additional information in the return relevant to payment of the liability. When a shorter return period is requested, penalties and interest

shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

4. Every seller required to remit the tax imposed in this Chapter shall be entitled to retain five (5) percent of all taxes due to defray the costs of bookkeeping and remittance.

5. Every seller must keep and preserve, in an accounting format established by the City Manager, records of all sales made by the dispensary, and any such other books or accounts as may be required by the City Manager, for a period of three (3) years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

3-21-6 Penalties and Interest.

1. Any seller who fails to remit any portion of any tax imposed by this Chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax, in addition to the amount of the tax.

2. Any seller who fails to remit any delinquent remittance on or before a period of 60 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

3. If the City determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs 1 and 2 of this section.

4. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one (1) percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

5. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

3-21-7 Failure to Report and Remit Tax – Determination of Tax by City Manager.

If any seller should fail to make, within the time provided in this Chapter, any report of the tax required by this Chapter, the City Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Manager shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this Chapter and payable by any seller, the City Manager shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this Chapter. In case such determination is made, the City Manager shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in section 3-21-8. If no appeal is filed, the City Manager's determination is final and the amount thereby is immediately due and payable.

3-21-8 Appeal.

Any seller aggrieved by any decision of the City Manager with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a written notice of appeal with the City Manager within thirty (30) days of the serving or mailing of the determination of tax due. The City Council shall hear and consider any records and evidence presented bearing upon the City Manager's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Council shall be final and conclusive. Any amount found to be due shall be immediately due and payable upon the service of notice.

3-21-9 Refunds.

1. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded as provided in subparagraph 2 of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Manager within one (1) year of the date of payment. The claim shall be on forms furnished by the City.

2. The City Manager shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City Manager shall notify the claimant in writing of the City Manager's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City Manager to be a valid claim, in a manner prescribed by the City Manager a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify City Manager of claimant's choice no later than fifteen (15) days following the date City Manager mailed the determination. In the event claimant has not notified the City Manager of claimant's choice within the fifteen (15) days period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

3. Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three (3) years after the date on which the overpayment was made to the City.

4. No refund shall be paid under the provisions of this section unless the claimant establishes the right to a refund by written records showing entitlement to the refund and the City Manager acknowledges the validity of the claim.

3-21-10 Actions to Collect.

Any tax required to be paid to any seller under the provisions of this Chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller that has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City of Ontario for the recovery of such amount. In lieu of filing an action for the recovery, the City of Ontario, when taxes due are more than thirty (30) days delinquent, may submit any outstanding tax to a collection agency. So long as the City of Ontario has complied with the provisions set forth in ORS 697.105, in the event the

City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty (50) percent of the outstanding tax, penalties and interest owing.

3-21-11 Violation.

1. Violation of any provision of this Chapter shall constitute an unclassified civil violation which shall be processed according to the procedures established in Chapter 4 "General Penalty" of Title 1 of this Code. Each violation of a separate provision of this Chapter shall constitute a separate offense and each day that a violation of this Chapter is committed or permitted to continue shall constitute a separate offense. It is a violation of this Chapter for any seller or other person to:

- a. Fail or refuse to comply as required herein;
- b. Fail or refuse to furnish any return required to be made;
- c. Fail or refuse to permit inspection of records;
- d. Fail or refuse to furnish a supplemental return or other data required by the City;
- e. Render a false or fraudulent return or claim; or
- f. Fail, refuse or neglect to remit the tax to the City by the due date.

2. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

3-21-12 Confidentiality.

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this Chapter. Nothing in this section shall prohibit:

1. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana or marijuana-infused products are sold or provided; or

2. The disclosure of general statistics in a form that would not reveal an individual sellers' financial information; or

3. Presentation of evidence to the court or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this Chapter; or

4. The disclosure of information when such disclosure of conditionally exempt records is ordered under public records law procedures; or

5. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six (6) months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

3-21-13 Audit of Books, Records or Persons.

1. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the city limits and be open at any time during regular business hours for examination by the City Manager or an authorized agent of the City Manager.

2. If the examinations or investigations disclose that any reports of sellers filed with the City Manager pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the City Manager may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

3. The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid ninety-five (95) percent or less of the tax owing for the period of examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of one (1) percent per month, or the portion thereof, from the date the original tax payment was due.

4. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Ontario Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

5. Every seller shall keep a record in such form as may be prescribed by the City of all sales of marijuana and marijuana-infused products. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the City Manager.

6. Every seller shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

3-21-14 Forms and Regulations.

The City Manager is authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of the marijuana tax and in particular, and without limiting the general language of this Chapter, to provide for:

1. A form of report on sales and purchases to be supplied to all sellers;

2. The records that sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this Chapter.

3-21-15 Not a License.

This Chapter shall not be construed as establishing that sellers are authorized or licensed to sell marijuana or marijuana-infused products within the City of Ontario.

3-21-16 Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 2. Effective Date. This ordinance will be effective thirty (30) days after its enactment by the City Council.

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.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT - PUBLIC HEARING

October 20, 2014

TO: Mayor and City Council

FROM: Marcy Siriwardene, Planning Technician
City of Ontario Planning Commission

THROUGH: Tori Barnett, Interim City Manager
Dan Cummings, Interim Planning & Zoning Administrator

SUBJECT: **PUBLIC HEARING - ORDINANCE #2694-2014: AN ACTION TO MODIFY THE TRANSPORTATION SYSTEM PLAN (TSP) TO THE CITY'S COMPREHENSIVE PLAN. THIS ACTION IS SPECIFIC TO THE RE-CLASSIFICATION OF REITER DRIVE TO A LOCAL STREET AND ITS CONNECTION TO MALHEUR DRIVE. THIS ORDINANCE AMENDS THE CITY'S COMPREHENSIVE LAND USE PLAN; DEALING WITH SPECIFIC SECTIONS OF THE TSP. THE SUBJECT PROPERTY IS DESIGNATED AS ASSESSOR'S MAP #18S4704, TAX LOT 1602 AND MAP #18S4704BC; TAX LOT 100; APPROXIMATELY 10.56 ACRES IN SIZE**

DATE: October 13, 2014

SUMMARY:

Attached are the following documents:

- Ordinance # 2694-2014 (*including Figures 1-4*)
- Exhibit "A-1 & A-2" – Assessor's Maps of subject property
- Exhibit "B" – Figure 7-1a: Existing Roadway Classification Map
- Exhibit "C" – Figure 7-9a
- Exhibit "D" – Pages 3-8 of Section 3.4.4 of the TSP plan showing Reiter Drive as a Collector
- Exhibit "E" – Thompson Engineer's Letter dated July 3, 2014

PREVIOUS COUNCIL ACTION:

Feb, 2006 Under Ordinance No. 2560-2005, the city adopted a new Transportation System Plan (TSP) within the City of Ontario Comprehensive Plan in which it designated Reiter Drive as a Collector Street and showed it connecting NW 4th Avenue north to Malheur Drive.

Aug, 2008 Under Ordinance No. 2619-2008, the city approved the Annexation and Rezoning of this property to City RS-50 Zone.

BACKGROUND:

The applicant is proposing to reclassify the listing of Reiter Drive in the Transportation System Plan (TSP). Reiter Drive is constructed from NW 4th Avenue north for approximately 600 feet through the subdivision known as the Village Addition but is not constructed through the applicant's property but is anticipated to connect NW 4th Avenue and Malheur Drive. This segment is currently classified as a future collector street in the TSP. The applicant requests to reclassify this segment of Reiter Drive from NW 4th Avenue to a local street ending in a cul-de-sac and not continue over the crest of the hill to Malheur Drive.

FINDINGS OF FACT:

1. The TSP identifies Reiter Drive and NW 12th Street as collector roads. These roads are parallel and separated by approximately 515 feet.
2. Reiter Road is approximately 790 feet east of N Verde Drive.
3. North of NW 4th Avenue, Reiter Drive currently exists for approximately 600 feet. It has front on housing with direct driveway access for 13 houses. There is approximately 36 feet of pavement from back of curb to back of curb. There is on-street parking.
4. Reiter Drive is currently constructed to local road standards with rolled curb and gutter.
5. If Reiter Drive is extended due north, it would intersect Malheur Drive very near an existing horizontal curve in Malheur Drive, which may create sight distance issues.
6. There is vertical topographic relief of approximately 20-25' that will create construction problems if Reiter Drive is extended to Malheur Drive.
7. The area can be served by one collector road in the north south direction. It will also be served by Hunter Lane in the east west direction.
8. NW 12th Street is more centrally located in the zone and will not have the horizontal alignment issues. There are also existing houses on NW 12th Street, but they are set back farther from the roadway than Reiter Drive.
9. Making Reiter Drive a local road will encourage walking and bicycling on the roadway due to the fact that the roadway will be narrower and friendlier to pedestrians and cyclists. This will be in compliance with Section 3.8 of the TSP.
10. Anticipated traffic: A traffic assessment letter dated January 21, 2014 was prepared by Thompson Engineers and submitted to the City of Ontario. This letter indicated that the proposed development and existing development will result in approximately 210 daily trips on Reiter Drive, which will fall well below the maximum volumes recommended for local roads by most jurisdictions.
11. Eliminating Reiter Drive as a collector road will require the area bounded by N Verde Drive, Malheur Drive, NW 4th Avenue, and NW 10th Street to be served by NW 12th Street as a north-south collector and Hunter Lane as an east-west collector. The acreage of this area is approximately ¼ section, or 160 acres. A review of Google Earth indicates that approximately 43 acres is already developed and obtains access directly to existing arterial roads. The proposed development consists of approximately 14 acres and will use Reiter Drive as the primary access. This leaves approximately 103 acres of theoretically buildable acreage. If the entire area were to be built out at 4 units per acre, there would be less than 412 houses. Based on the ITE Trip Generation Manual rate of 9.57 trips per single family dwelling unit, we estimate the area will generate less than 4,000 trips per day. With four connection points to the transportation system, neither Hunter Lane nor NW 12th Street should see volumes greater than 2,000 vehicles per day.

The applicant and his engineering representatives met with city staff in several PDAC meetings regarding this action and it is the city staff opinion that it would be in the best interest of the public to reclassify Reiter Drive to a local street and also not require the street section to continue over the hill and connect to Malheur Drive allowing for a cul-de-sac at the end of Reiter Drive. The request was also asked of the Oregon Department of Transportation and it was their opinion that the street classification and spacing was a function of the city to approve.

The area between NW 4th Avenue, Malheur Drive, N Verde Drive, and N Park Blvd can be adequately served by one north-south collector road. Reiter Drive is very close to N Verde Drive. NW 12th Street is more centrally located in the zone. Therefore, Reiter Drive can be reclassified as a local road as requested by the applicant without adverse impact on the transportation system.

The following changes will need to be made to the Transportation System Plan:

1. Page 3.8, Section 3.4.4 – Delete “Reiter Drive from NW 4th Avenue to Malheur Drive” from list of major and minor non-highway collectors.
2. Figure 7-1a City of Ontario System Plan – delete Reiter Drive as a future minor collector and show termination in a cul-de-sac.
3. Figure 7-9a Local Street Network Plan – delete Reiter Drive as an improvement location.

On October 13 the Planning Commission recommended Ordinance #2694-2014 be presented to the City Council for approval, as it was found to meet the goals of the TSP.

RECOMMENDATION:

The Planning Commission recommends approval of Ordinance #2694-2014 as presented before City Council.

PROPOSED MOTION:

I move that the City Council adopt Ordinance #2694-2014, **AN ORDINANCE TO MODIFY THE TRANSPORTATION SYSTEM PLAN (TSP) TO THE CITY'S COMPREHENSIVE PLAN. THIS ACTION IS SPECIFIC TO THE RE-CLASSIFICATION OF REITER DRIVE TO A LOCAL STREET AND ITS CONNECTION TO MALHEUR DRIVE. THIS ORDINANCE AMENDS THE CITY'S COMPREHENSIVE LAND USE PLAN; DEALING WITH SPECIFIC SECTIONS OF THE TSP. THE SUBJECT PROPERTY IS DESIGNATED AS ASSESSOR'S MAP #18S4704, TAX LOT 1602 AND MAP #18S4704BC; TAX LOT 100; APPROXIMATELY 10.56 ACRES IN SIZE**, on First Reading by Title Only.

ORDINANCE #2694-2014

AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) TO THE CITY'S COMPREHENSIVE PLAN. THIS ACTION IS SPECIFIC TO THE RE-CLASSIFICATION OF REITER DRIVE TO A LOCAL STREET AND ITS CONNECTION TO MALHEUR DRIVE. THIS ORDINANCE AMENDS THE CITY'S COMPREHENSIVE LAND USE PLAN; DEALING WITH SPECIFIC SECTIONS OF THE TSP. THE SUBJECT PROPERTY IS DESIGNATED AS ASSESSOR'S MAP #18S4704, TAX LOT 1602 AND MAP #18S4704BC; TAX LOT 100; APPROXIMATELY 10.56 ACRES IN SIZE

WHEREAS, The Ontario Planning Commission and city staff has identified the specific sections of the Transportation System Plan in this ordinance as appropriate for amending; and

WHEREAS, The City Council has determined that it is in the best interests of the city to reclassify Reiter Drive to a local street and its connection to Malheur identified by the Ontario Planning Commission and city staff; and

WHEREAS, The city has held public hearings on the proposed changes on October 13 and October 20; and

WHEREAS, The City Council has reviewed all evidence and testimony submitted at the City of Ontario hearings.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

The following changes will be made to the Transportation System Plan:

1. Page 3-8, Section 3.4.4 - Delete "Reiter Drive from NW 4th Avenue to Malheur Drive" from the list of Major and Minor Non-highway Collectors by lining out as shown on attached exhibit page3-8.
2. Figure 3-1a Existing Roadway Classification – shorten Reiter Drive to show not connecting to Malheur Drive as shown on the attached Figure 3-1a.
3. Figure 7-1a Roadway Classification- change Reiter Drive as future minor collector to local street and shorten as shown on attached Figure 7-1a.
4. Figure 7-9a Local Street Network Plan - shorten Reiter Road as an Improvement location as per the attached Exhibit Figure 7-9a.

WHEREAS, Based upon the foregoing findings of facts, the City Council concludes as follows: The Transportation System Plan amendment is consistent with all applicable criteria and standards; is compatible with adjacent land use; there are no procedural or legal obstacles to the proposed TSP change; and the reclassification of Reiter Drive to a local street is appropriate for the subject site.

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

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED by the Mayor this _____ day of _____, 2014

ATTEST:

LeRoy Cammack, Mayor

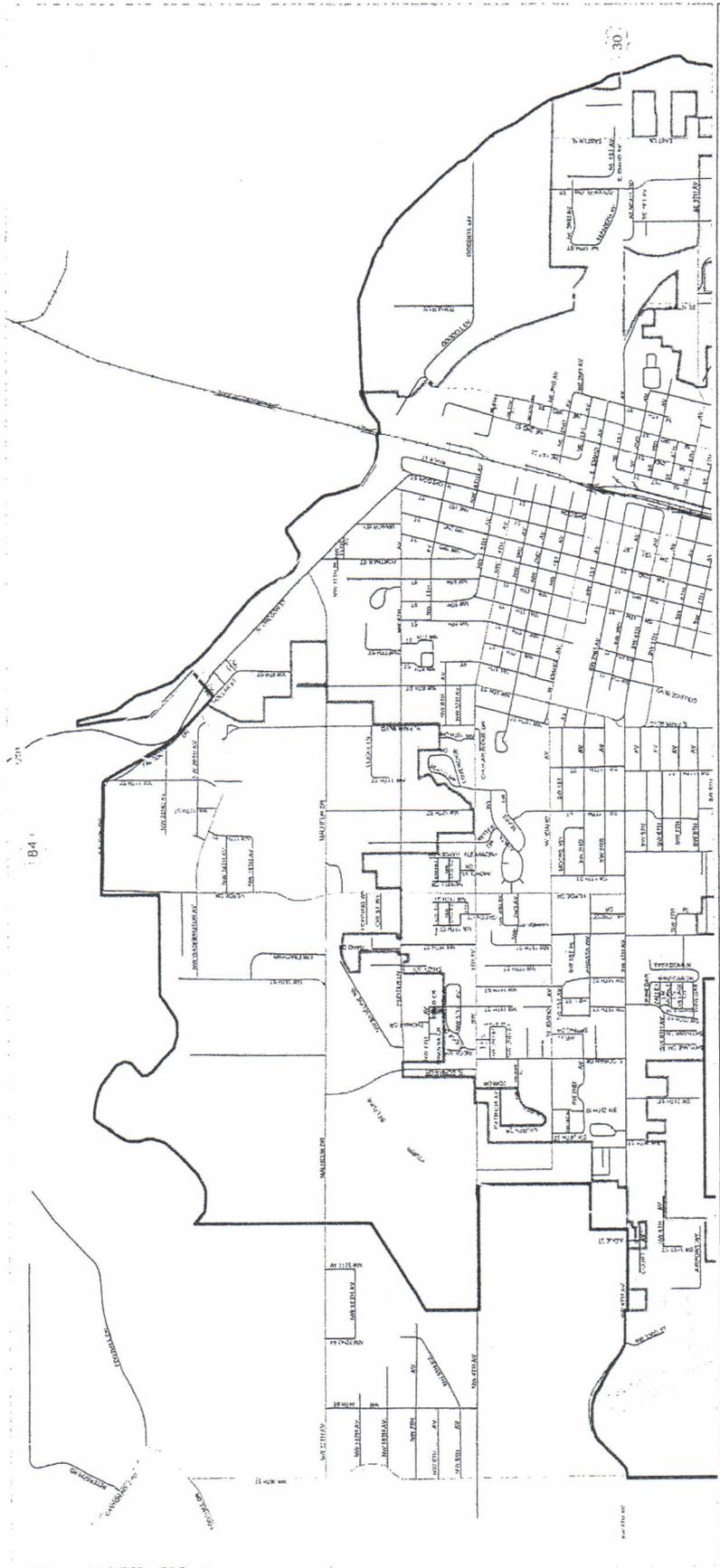
Tori Barnett, MMC, City Recorder

- Oregon Street from Idaho Avenue to SW 4th Avenue
- Sunset Drive from SW 4th Avenue to SW 18th Avenue
- Verde Drive from NW Washington Avenue to SW 4th Avenue
- SE 10th Street from SE 5th Avenue to SE 18th Avenue
- SE 3rd Street from East Idaho Avenue to SE 5th Avenue
- Goodfellow from East Idaho Avenue to SE 5th Avenue
- SE 9th Avenue from SE 2nd Street to Claude Road
- Claude Road from SE 9th Avenue to SE 6th Avenue
- SE 6th Avenue from Claude Road to SE 10th Street (future street)
- SE 12th Avenue from SE 10th Street to SE 2nd Street
- SE 6th Street from SE 9th Avenue to SE 18th Avenue
- SW 14th Avenue from Alameda Drive to East of SW 4th Street
- SW 14th Avenue from Alameda Drive to Sunset Drive (future street)
- Reiter drive from NW 4th Avenue to Malheur Drive
- NW 12th Street from NW 4th Avenue to Malheur Drive (future street)
- NW 18th Street from Malheur Drive to NW Washington Avenue
- NW Washington Avenue from NW 18th Street to Yurri Beltline
- Future Street West of SW 26th Street from West Idaho Avenue to NW 4th Avenue
- SW 4th Avenue from Highway 201 to West UGB
- SW 4th Avenue from South Oregon Street to SW 2nd Street
- Local Collector system between Alameda and Sunset

3.5. BRIDGES

The Oregon Department of Transportation maintains an up to date inventory and appraisal of Oregon bridges. Part of this inventory involves the evaluation of three mutually exclusive elements of bridges. One element identifies which bridges are structurally deficient. This is determined based on the condition rating for the deck, superstructure, substructure, or culvert and retaining walls. It may also be based on the appraisal rating of the structural condition or waterway adequacy. Another element identifies which bridges are functionally obsolete. This element is determined based on the appraisal rating for the deck geometry, underclearances, approach roadway alignment, structural condition, or waterway adequacy. The third element summarizes the sufficiency ratings for all bridges. The sufficiency rating is a complex formula which takes into account four separate factors to obtain a numeric value rating the ability of a bridge to service demand. The scale ranges from 0 to 100 with higher ratings indicating optimal conditions and lower ratings indicating insufficiency. Bridges with ratings under 55 may be nearing a structurally deficient condition. In more general terms, a rating under 55 may indicate that significant maintenance is needed or that replacement should be planned. The exception to this are bridges that were built to a much older standard that are in good condition but do not meet today's design standards. These types of bridges can rate fairly low and under 55. The important factor here is that there are no structural integrity issues and loading problems that limit the type of vehicle and weight that can cross the structure.

There are 9 bridges within the Ontario planning area that are rated by ODOT. Of these 9 bridges, 8 are maintained by ODOT, and the remaining one by Malheur County.



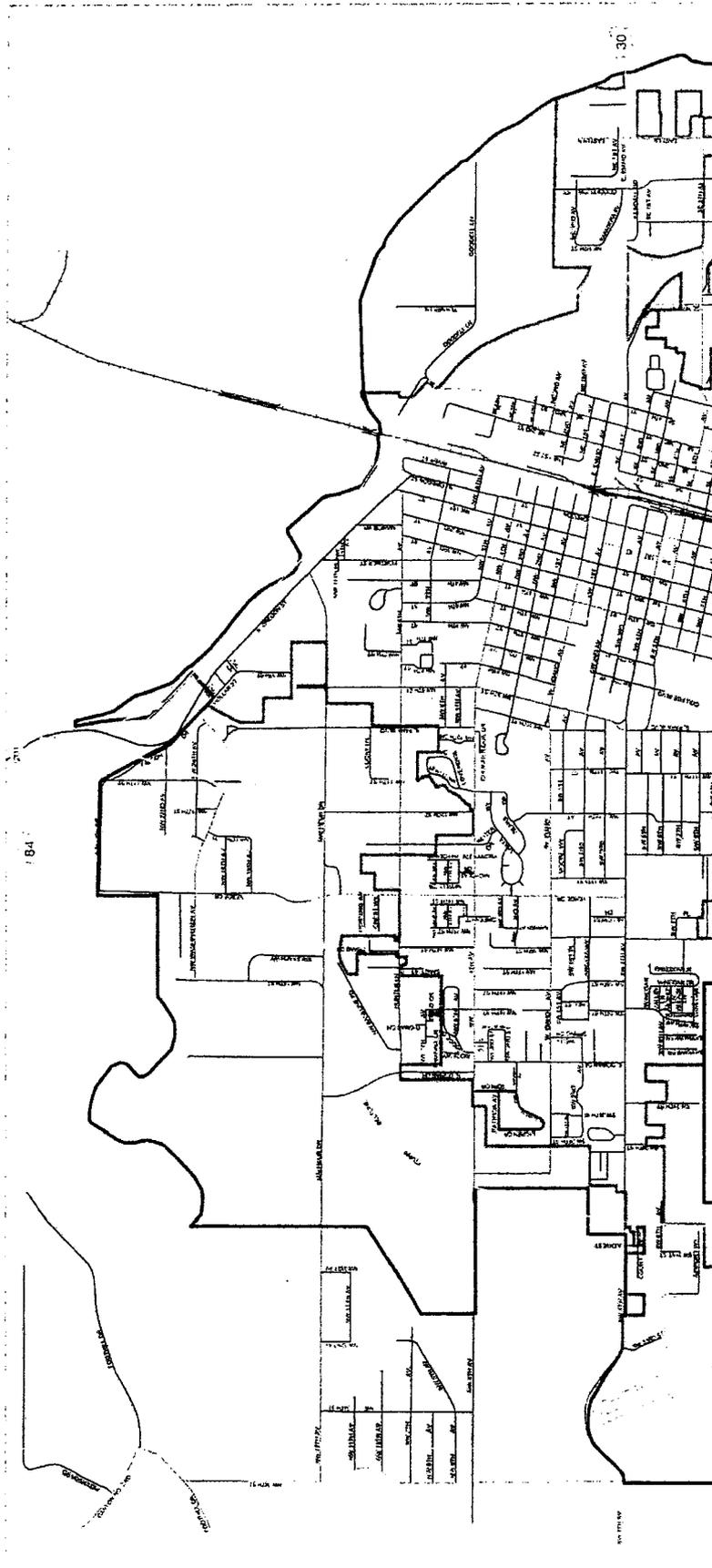
City of Ontario Transportation System Plan

Figure 3-1a
Existing Roadway Classification
October 14, 2014

LEGEND

- State Highway
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local Road

NOT TO SCALE



City of Ontario Transportation System Plan

LEGEND

- State Highway
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local Road

NOT TO SCALE

Figure 7-1a
 Roadway Classification
 October 14, 2014

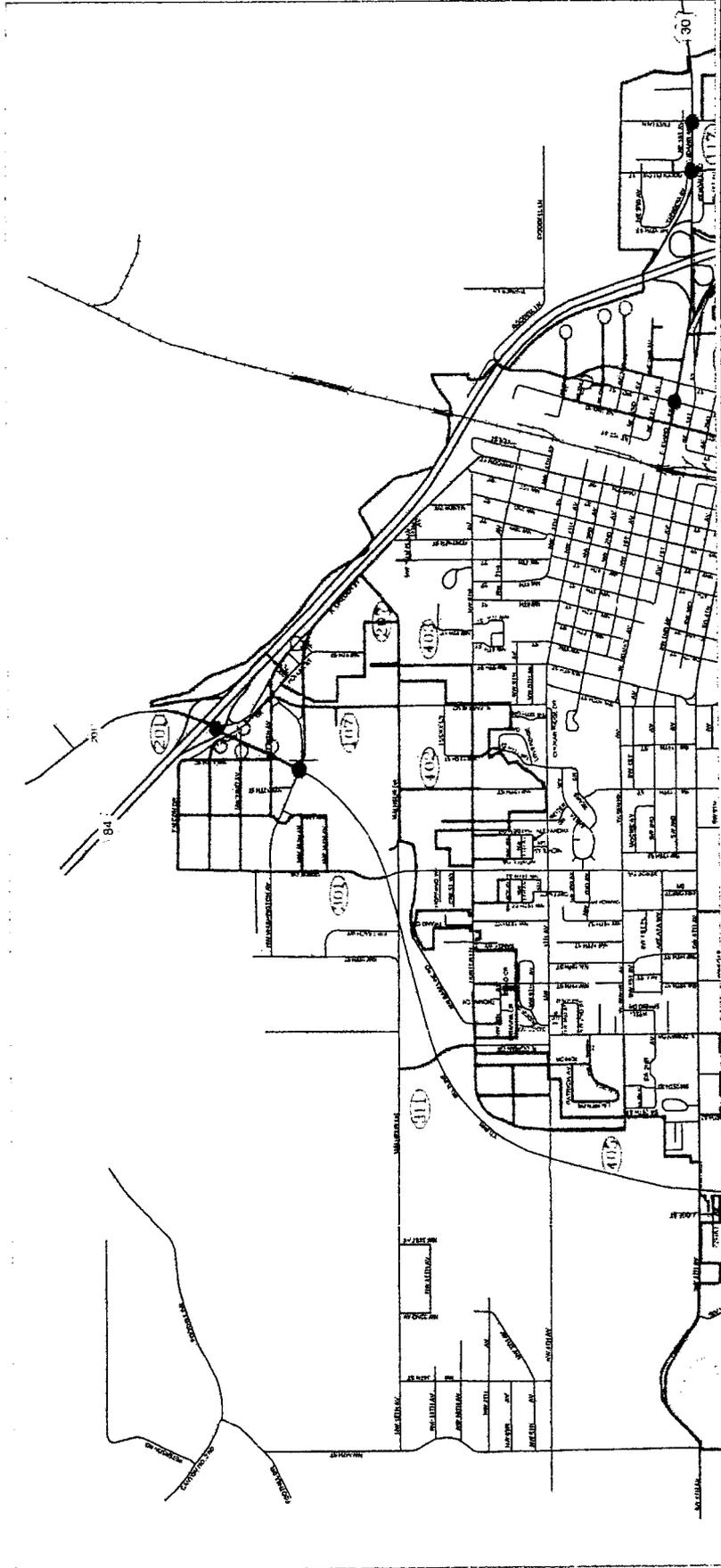


Figure 7-9a
 Local Street Network Plan
 EXHIBIT D
 October 14, 2014

18S47E04BC
 ONTARIO

S.W. 1/4 N.W. 1/4 SEC. 4 T.18S. R.47E. W.M.
 MALHEUR COUNTY
 1" = 100'

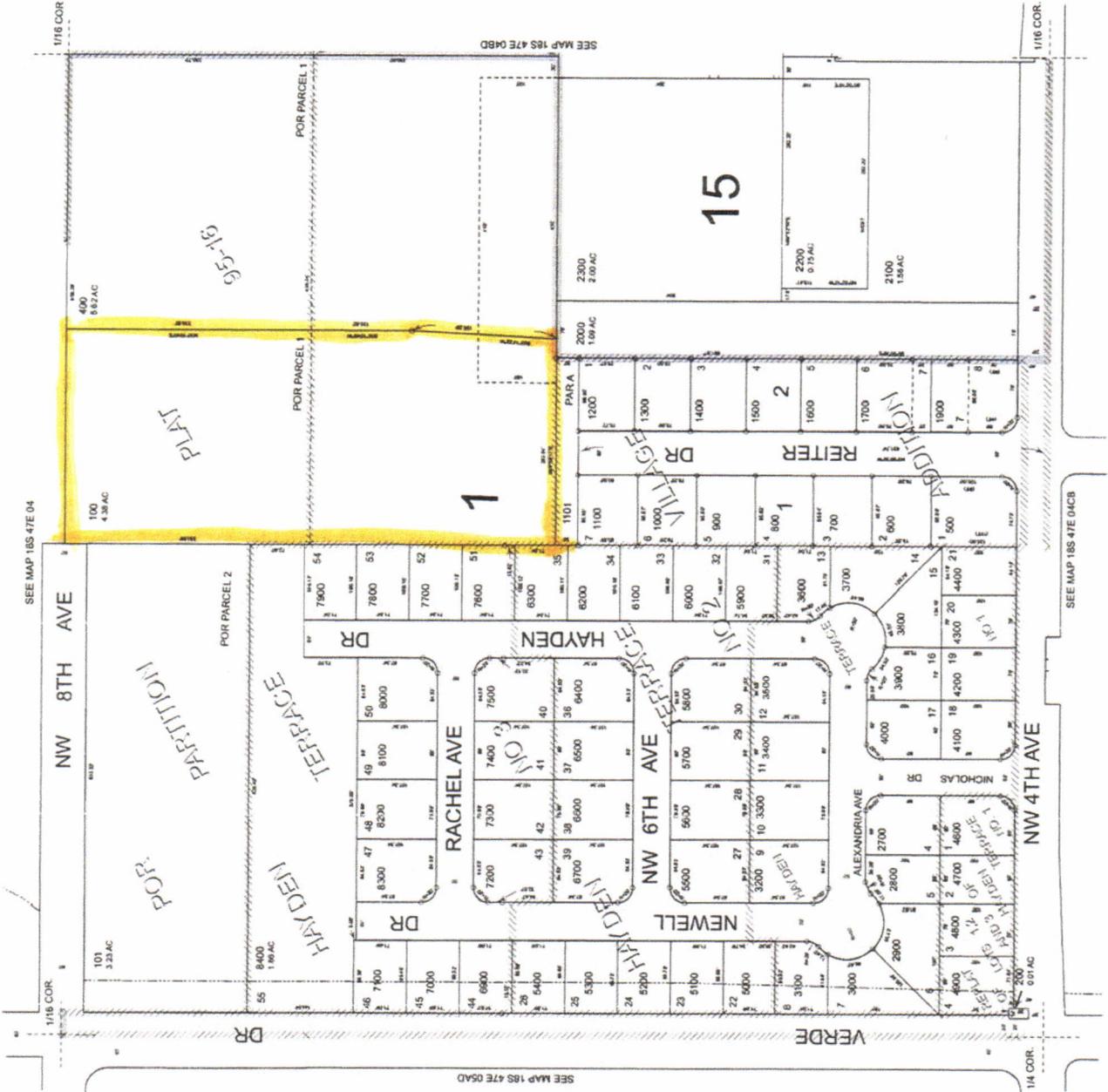
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Revised: MA
 02/19/2014

ONTARIO
 18S47E04BC



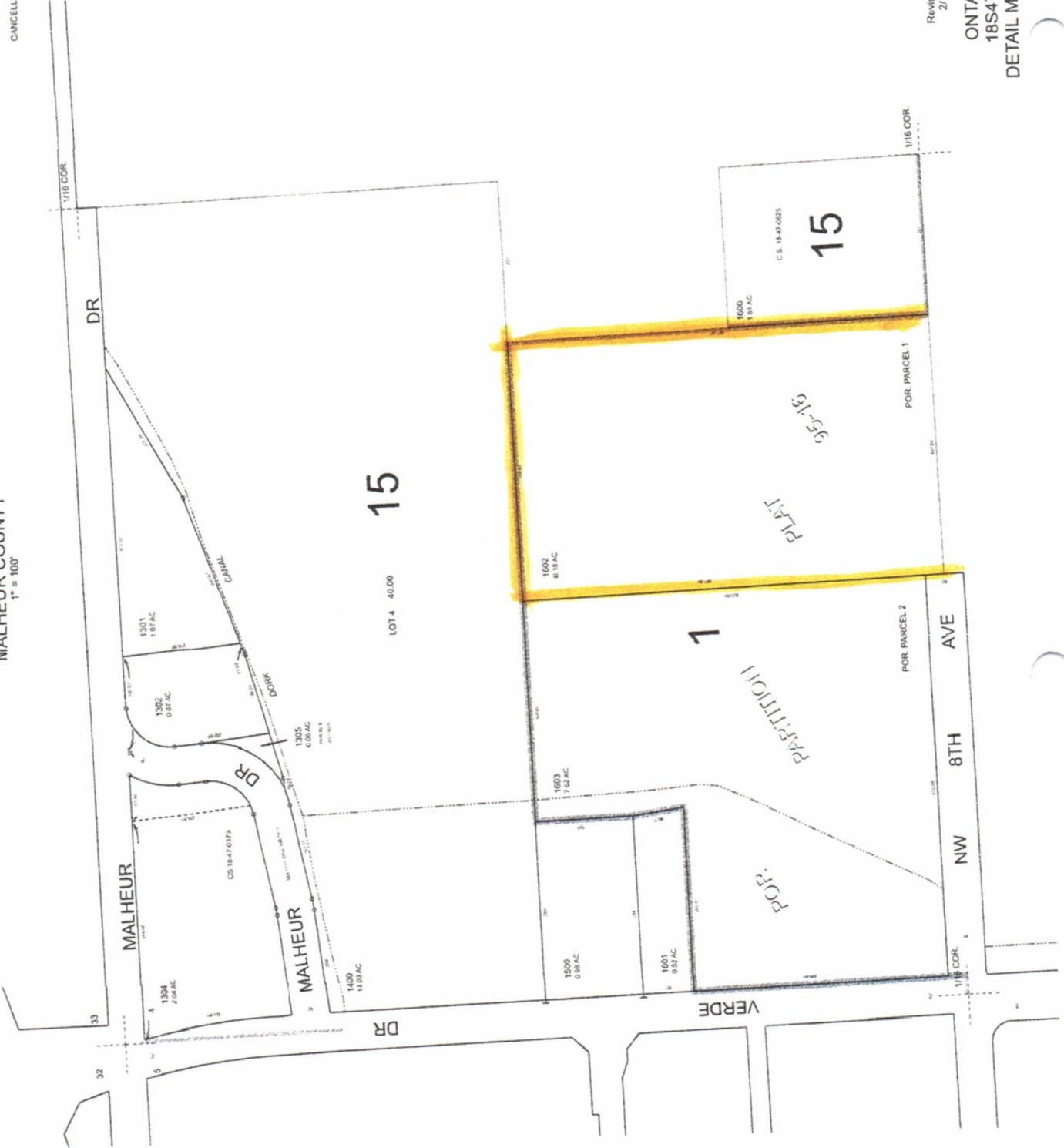
THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

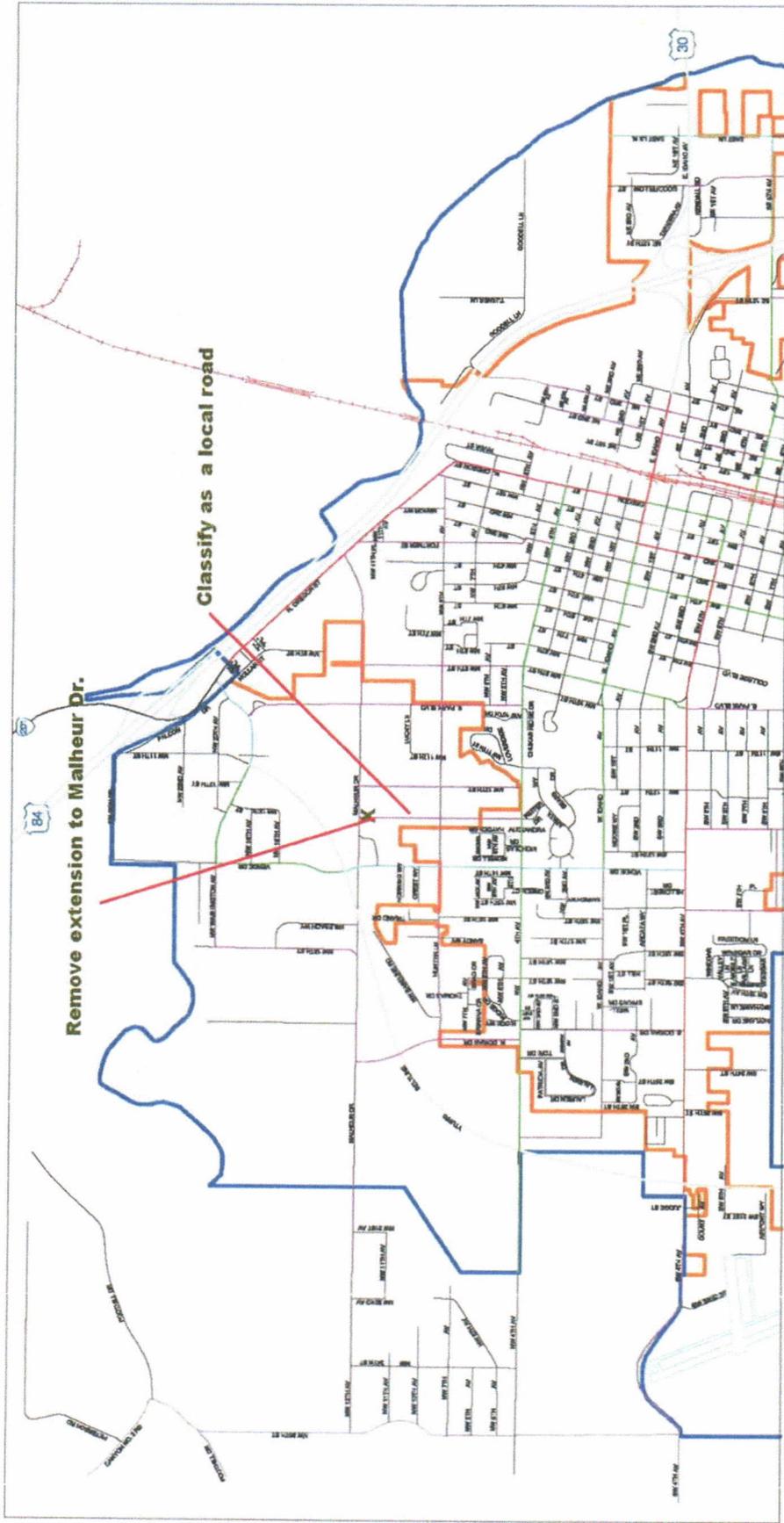


18S47E04
 DETAIL MAP 2
 ONTARIO
 CANCELLED

DETAIL MAP NO. 2
 SEC. 4 T. 18S. R. 47E. W.M.
 MALHEUR COUNTY
 1" = 100'

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY





City of Ontario Transportation System Plan

Figure 7-12
 Roadway Classification

- LEGEND**
- State Highway
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local Road

Figure 7-9a
Local Street Network Plan
EXHIBIT 20-14
February 21, 2014



LEGEND
Improvement Location ———

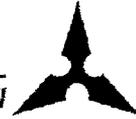
NOT TO SCALE

- Oregon Street from Idaho Avenue to SW 4th Avenue
- Sunset Drive from SW 4th Avenue to SW 18th Avenue
- Verde Drive from NW Washington Avenue to SW 4th Avenue
- SE 10th Street from SE 5th Avenue to SE 18th Avenue
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There are 9 bridges within the Ontario planning area that are rated by ODOT. Of these 9 bridges, 8 are maintained by ODOT, and the remaining one by Malheur County.



Anticipated Traffic

A traffic assessment letter dated January 21, 2014 was prepared by our office and submitted to the City of Ontario. This letter indicated that the proposed development and existing development will result in approximately 210 daily trips on Reiter Dr., which will fall well below the maximum volumes recommended for local roads by most jurisdictions.

Eliminating Reiter Dr. as a collector road will require the area bounded by N. Verde Dr, Malheur Dr., NW 4th Ave, and NW 10th St to be served by NW 12 St as a north-south collector and Hunter Lane as an east-west collector. The acreage of this area is approximately ¼ section, or 160 acres. A review of Google Earth indicates that approximately 43 acres is already developed and obtains access directly to existing arterial roads. The proposed development consists of approximately 14 acres and will use Reiter Road as the primary access. This leaves approximately 103 acres of theoretically buildable acreage. If the entire area were to be built out at 4 units per acre, there would be less than 412 houses. Based on the ITE Trip Generation Manual rate of 9.57 trips per single family dwelling unit, we estimate the area will generate less than 4,000 trips per day. With four connection points to the transportation system, neither Hunter Lane or NW 12th St. should see volumes greater than 2,000 vehicles per day.

Recommendation:

The area between NW 4th Avenue, Malheur Drive, N. Verde Dr., and N. Park Blvd can be adequately served by one north south collector road. Reiter Drive is very close to N. Verde Drive. NW 12th Street is more centrally located in the zone. Therefore, Reiter Drive can be reclassified as a local road as requested by the applicant without adverse impact on the transportation system.

The following changes will need to be made to the Transportation System Plan:

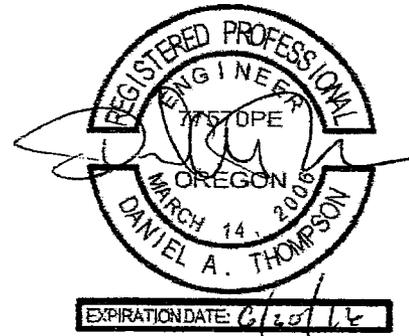
1. Page 3.8, Section 3.4.4 - Delete "Reiter drive from NW 4th Avenue to Malheur Drive" from list of Major and Minor Non-highway Collectors
2. Figure 7-1a City of Ontario System Plan – delete Reiter Road as future minor collector and show termination in a cul-de-sac.
3. Figure 7-9a Local Street Network Plan – delete Reiter Road as an Improvement location

Should you have any questions, please call.

Sincerely,

Daniel A. Thompson, P.E.

cc John Carpenter, T-O Engineering
Ralph Poole, Camp and Poole Distributing
Dan Cummings, CK3, LLC



AGENDA REPORT - PUBLIC HEARING

October 20, 2014

TO: Mayor and City Council

FROM: Marcy Siriwardene, Planning Technician
City of Ontario Planning Commission

THROUGH: Tori Barnett, Interim City Manager
Dan Cummings, Interim Planning & Zoning Administrator

SUBJECT: **PUBLIC HEARING - ORDINANCE #2695-2014: AN ORDINANCE TO REZONE TEN (10) PROPERTIES FROM CITY NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2). THE SUBJECT PROPERTIES ARE LOCATED ALONG THE SOUTH SIDE OF SW 4TH AVENUE WITH THREE OF THE PROPERTIES KNOWN AS TAX LOTS 4100, 4200, AND 4203 ON TAX MAP 18S47E09BA, AND THE OTHER 7 PROPERTIES KNOWN AS TAX LOTS 100, 200, 300, 301, 302, 303, AND 500 ON TAX MAP #18S47E09BB, AND DECLARING AN EMERGENCY**

DATE: October 13, 2014

SUMMARY:

Attached are the following documents:

- Ordinance #2695-2014 (*including Exhibit "A-C"*)
- Exhibit "A" – Vicinity Map: 18S47E09BA
- Exhibit "B" – Vicinity Map: 18S47E09BB
- Exhibit "C" – Property Description
- Exhibit "D" – Traffic Study

At its regular meeting of October 13, 2014 the Planning Commission heard the rezone proposal contained in Planning File 2014-08-10 RZ, which was applicable to 10 properties located along the South side of SW 4th Avenue with three of the properties known as Tax Lots 4100, 4200, and 4203 Assessor's Map 18S47E09BA which are between SW 11th Street and SW 12th Street and the other 7 properties known as Tax Lots 100, 200, 300, 301, 302, 303, and 500 Assessors Map 18S47E09BB that are between SW 12th Street and Alameda Drive.

PREVIOUS COUNCIL ACTION:

The parcel known as Tax Lot 500 previously was granted a conditional use permit to continue using the parcel as a Service Station/Convenience Store.

BACKGROUND:

The applicants are requesting that these properties be rezoned to General Commercial (C-2) to allow for better use and development of the properties.

The Planning Commission addressed the proposed rezone from City Zone classification C-1 Neighborhood Commercial to a City Zone classification of C-2 General Commercial for Tax Lots 100, 200, 300, 301, 302, 303, and 500 Assessor's Map 18S47E09BB, and Tax Lots 4100, 4200, and 4203 Assessor's Map 18S47E09BA, multiple properties located along SW 4th Avenue, Ontario.

FINDINGS OF FACT:

Whereas, the proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B;

Whereas, the subject site is within the City of Ontario Urban Growth Area and thus approved under the rules and regulations of the State of Oregon for annexation to the City;

Whereas, the subject Urban Growth Area is classified as Residential and the proposed zone is RM-10 High Density Residential which is consistent with the UGA classification. Alternatively, RD-40 Duplex Residential is also under consideration and is equally consistent with the Plan;

Whereas, the new property owner has formally requested that the subject site be annexed, the primary purpose of the annexation is to use the seven (7) acre site for a variety of activities related to the Presbyterian Care Center services which require City utilities and services;

Whereas, within the same neighborhood there are two other privately operated facilities that provide services to the elderly or infirm. One of these is immediately across NW 4th Ave from the subject site;

Whereas, the subject site is immediately adjacent to the City boundary;

Whereas, development of the site will include widening of the 4th Ave right-of-way across its frontage as well as associated construction of street improvements;

Whereas, city emergency services are available to this site in a manner similar to other land in the City; and

Whereas, appropriate notices have been given for this proposal and the public hearings it requires.

Conclusion is that the proposed rezone is consistent with all applicable criteria and standards. It is therefore concluded that there are no procedural or legal obstacles to the proposed annexation and rezone of this proposal.

RECOMMENDATION:

The Planning Commission recommends approval of Ordinance #2695-2014 as presented before City Council. The Commission is requesting passage of the ordinance as an emergency.

PROPOSED MOTIONS:

- 1) I move that the City Council elect to pass Ordinance #2695-2014 by emergency.
- 2) I move that the City Council accept the Findings of Fact as presented (or amended).
- 3) I move that the City Council adopt Ordinance #2695-2014, AN ORDINANCE REZONING TEN (10) PROPERTIES FROM CITY NEIGHBORHOOD COMMERCIAL (C-1), TO CITY GENERAL COMMERCIAL (C-2). THE SUBJECT PROPERTIES ARE LOCATED ALONG THE SOUTH SIDE OF SW 4TH AVENUE WITH THREE OF THE PROPERTIES KNOWN AS TAX LOTS 4100, 4200, AND 4203 ON TAX MAP 18S47E09BA, AND THE OTHER 7 PROPERTIES KNOWN AS TAX LOTS 100, 200, 300, 301, 302, 303, AND 500 TAX MAP 18S47E09BB, **ON FIRST READING, BY TITLE ONLY AND DECLARING AN EMERGENCY.**
- 4) I move that the City Council adopt Ordinance #2695-2014, AN ORDINANCE REZONING TEN (10) PROPERTIES FROM CITY NEIGHBORHOOD COMMERCIAL (C-1), TO CITY GENERAL COMMERCIAL (C-2). THE SUBJECT PROPERTIES ARE LOCATED ALONG THE SOUTH SIDE OF SW 4TH AVENUE WITH THREE OF THE PROPERTIES KNOWN AS TAX LOTS 4100, 4200, AND 4203 ON TAX MAP 18S47E09BA, AND THE OTHER 7 PROPERTIES KNOWN AS TAX LOTS 100, 200, 300, 301, 302, 303, AND 500 TAX MAP 18S47E09BB, **ON SECOND AND FINAL READING AND DECLARING AN EMERGENCY.**

ORDINANCE #2695-2014

AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP OF TEN (10) PROPERTIES FROM CITY NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION. THREE OF THE SUBJECT PROPERTIES ARE KNOWN AS TAX LOTS 4100, 4200, AND 4203 ON TAX MAP 18S47E09BA, AND THE OTHER SEVEN PROPERTIES ARE KNOWN AS TAX LOTS 100, 200, 300, 301, 302, 303 AND 500 ON TAX MAP 18S47E09BB

- WHEREAS,** The Ontario Planning Commission has identified the properties enumerated in this ordinance as appropriate for rezoning; and
- WHEREAS,** The City Council has determined that it is in the best interests of the City to rezone the properties identified by the Ontario Planning Commission; and
- WHEREAS,** The City has held public hearings on the proposed changes on October 13 and October 20; and
- WHEREAS,** The City Council has reviewed all evidence and testimony submitted at the City of Ontario hearings.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

- A. The maps and findings of facts attached hereto are hereby adopted and herein incorporated by reference.
- B. Based upon the findings of fact pertaining to each corresponding property, the following changes shall be made to the Ontario Zoning Map:
 1. The Ontario Zoning Map shall be amended by changing the zone from "Neighborhood Commercial (C-1)" to "General Commercial (C-2)" for the property listed in the findings of fact designated as Exhibit "A" Vicinity Map 18S47E09BA, Tax Lots 4100, 4200, and 4203.
 2. The Ontario Zoning Map shall be amended by changing the zone from "Neighborhood Commercial (C-1)" to "General Commercial (C-2)" for the property listed in the findings of fact designated as Exhibit "B" Vicinity Map 18S47E09BB, Tax Lots 100, 200, 300, 301, 302, 303, and 500. Exhibit "C" includes the legal description for all properties.

WHEREAS, Based upon the foregoing findings of fact, the City Council concludes as follows: The proposed General Commercial (C-2) Zone amendment is consistent with all applicable criteria and standards; is compatible with adjacent land use; meets the need to allow private occupation of this land; there are no procedural or legal obstacles to the proposed Plan and Zone change; and the C-2, General Commercial classification is appropriate for the subject site.

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

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED by the Mayor this _____ day of _____, 2014

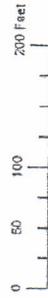
ATTEST:

Leroy Cammack, Mayor

Tori Barnett, MMC, City Recorder

N.E. 1/4 N.W. 1/4 SEC. 9 T. 18S. R. 47E. W.M.
MALHEUR COUNTY

18S47E09BA
ONTARIO



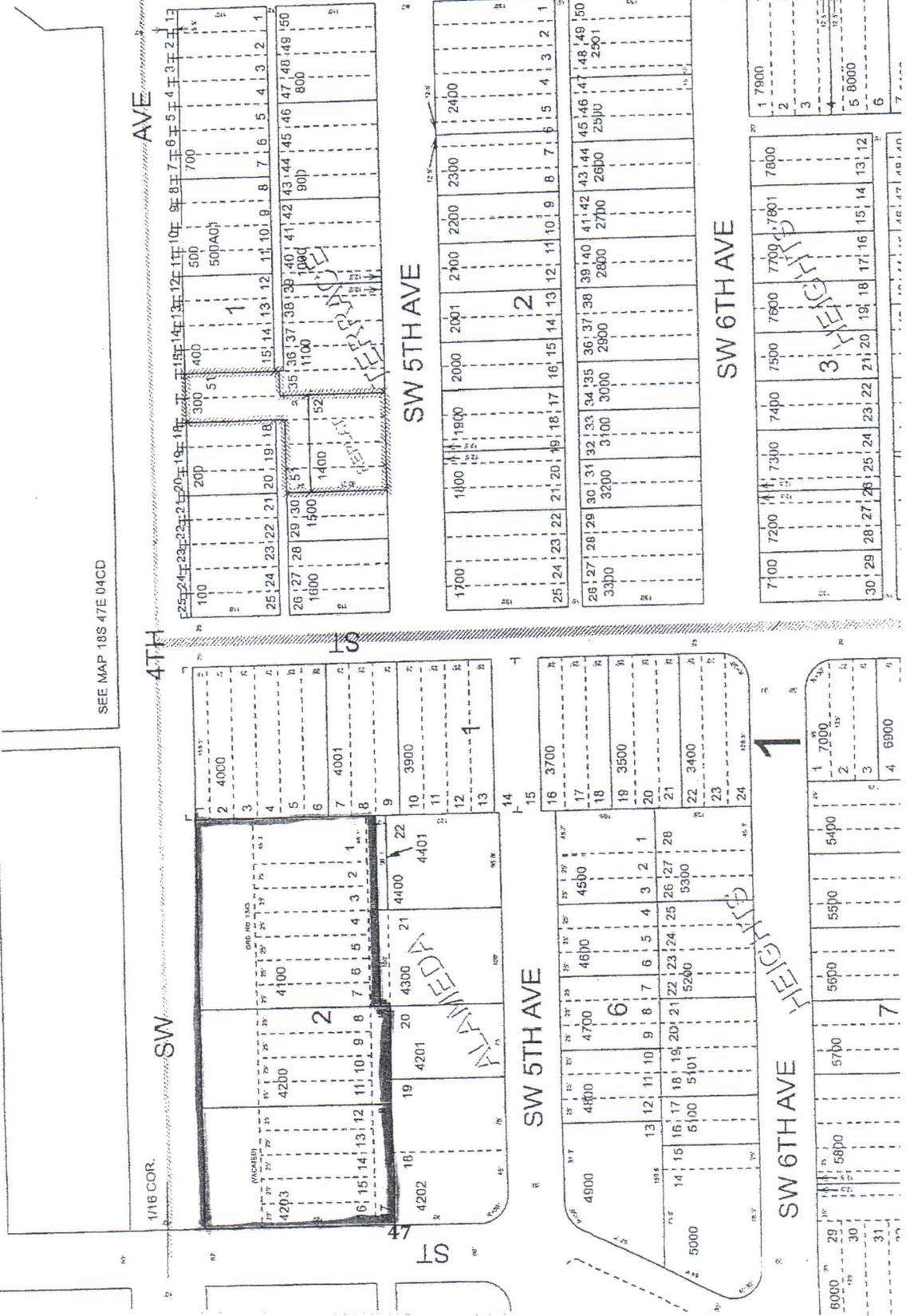
RED FOR
USE ONLY

CANCELLED:
201
600
1100A1
1200
1300
1401
1401
3600
3800
5001
5800
5901
9800
11602
11803
00501

SEE MAP 18S 47E 04CD

1/4 COR.

SEE MAP 18S 47E 09AB



A Jones

1

2

3

4

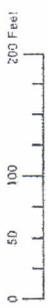
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6

7

HEIGHT

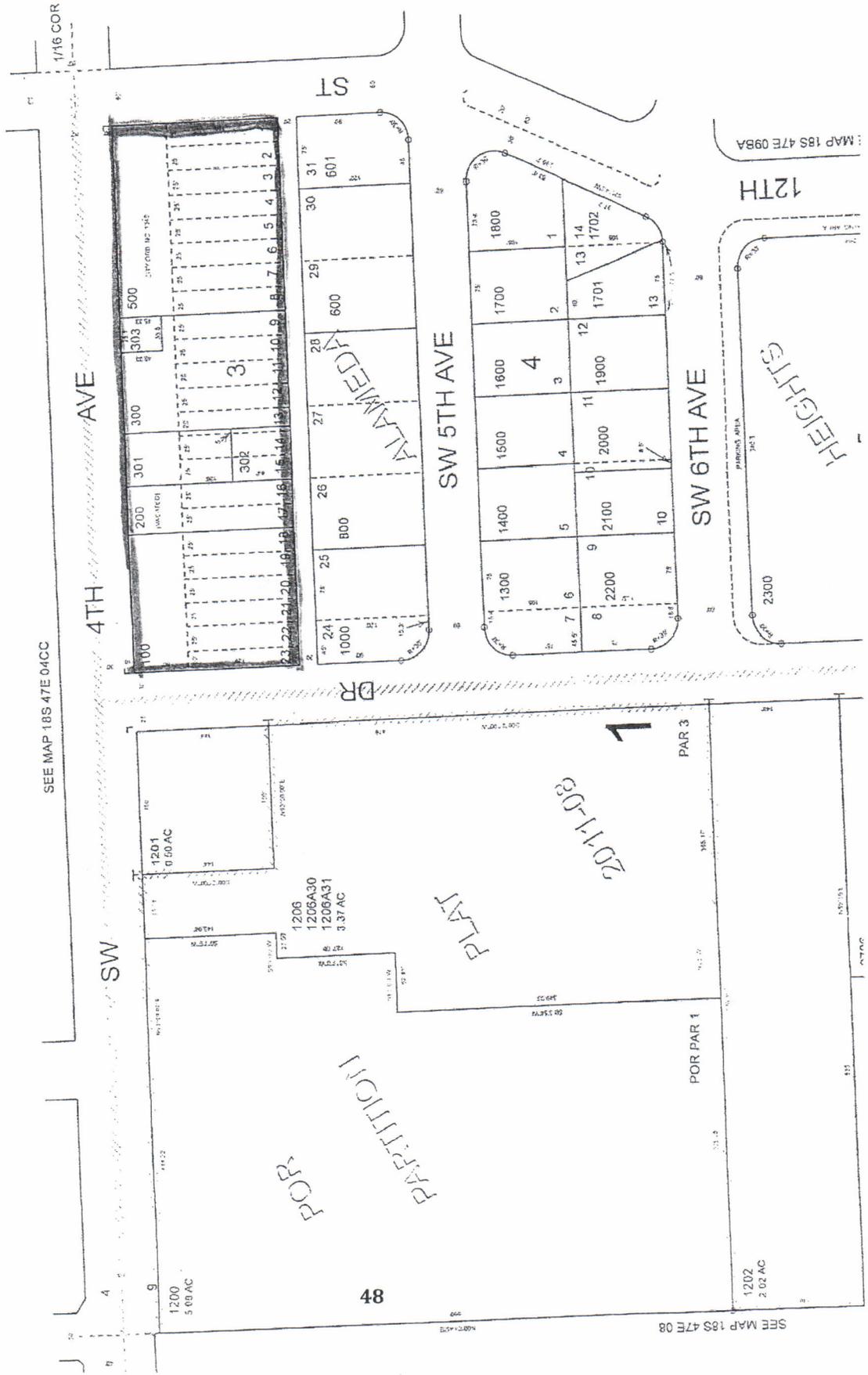
3D FOR ONLY



N.W. 1/4 N.W. 1/4 SEC. 9 T. 18S. R. 47E. W.M.
MALHEUR COUNTY
1" = 100'

18S47E09BB
ONTARIO

- CANCELLED:
- 201
 - 400
 - 700
 - 900
 - 1100
 - 1200A1 THRU
 - 1200A29
 - 1204
 - 1205
 - 2400
 - 2403
 - 2701 THRU
 - 2703
 - 2705
 - 2900 THRU
 - 2803
 - 3000 THRU
 - 3006



SEE MAP 18S 47E 09BA

SEE MAP 18S 47E 08

Land in ALAMEDA HEIGHTS ADDITION, City of Ontario, Malheur County, Oregon according to the Official Plat thereof as follows:

In Block 2: Lots 1 thru 16 inclusive and the West 225 feet of Lot 17 and the North 10 feet of the East 196.1 feet of Lot 17, ALSO all that portion of that certain undesignated area as shown on the Plat of Alameda Heights Addition to Ontario, Malheur County, Oregon being a strip of land 70 feet wide North and South and lying adjacent to and north of the above stated Lots as vacated by City Ordinance No. 1340, Instrument No. 40460. ALSO including one-half of the street right of ways lying adjacent to and on all sides of the above described lands.

In Block 3: Lots 1 thru 23 inclusive, ALSO all that portion of that certain undesignated area as shown on the Plat of Alameda Heights Addition to Ontario, Malheur County, Oregon being a strip of land 70 feet wide North and South and lying adjacent to and north of the above stated Lots as vacated by City Ordinance No. 1340, Instrument No. 40460. ALSO including one-half of the street right of ways lying adjacent to and on all sides of the above described lands.

18S47E09BB
ONTARIO

N.W. 1/4 N.W. 1/4 SEC. 9 T. 18S. R. 47E. W.M.
MALHEUR COUNTY
1" = 100'

CANCELLED:
201
400
700
900
1100
1200A1 THRU
1200A29
1204
1205
2400
2403
2701 THRU
2703
2705
2900 THRU
2903
3000 THRU
3006

Exhibit "B"
Vicinity Map (...BB)
#2695-2014
10-20-2014



1:00 FOR
: ONLY



SEE MAP 18S 47E 08

MAP 18S 47E 09BA

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Traffic Study

SW 4th Avenue Rezone Ontario, Oregon



EXPIRATION DATE: 6/30/16

Prepared For:

Mr. Dan Jones
Ontario Chevron
1218 SW 4th Ave
Ontario, OR

July 31, 2014

Thompson  **Engineers**
Traffic and Civil *Inc.*
181 East 50th St
Garden City, ID 83714
(208) 484-4410

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EXECUTIVE SUMMARY

Introduction

Thompson Engineers, Inc. has been retained to prepare a traffic study to assess possible traffic impacts from a proposed rezone of 10 parcels located on SW 4th Avenue in Ontario, Oregon. The 10 parcels are all currently zoned C-1 and are requesting a rezone to C-2. The purpose of this study is to evaluate the potential traffic impacts resulting from the rezone in compliance with Oregon Code 660-012-0060 Plan and Land Use Regulation Amendments.

Proposed Rezone

There is no proposal to redevelop any of the parcels at this time. All of the parcels are currently developed. Some of the existing land uses do not conform to C-1 zoning. Completing this rezone will bring the land uses into compliance.

Study Area

The area of influence is anticipated to be Ontario, Oregon. The primary impacts will be along SW 4th Avenue. The study area will include the intersections of SW 4th Avenue and N. Verde Drive, and SW 4th Avenue and SW 12th Street.

Findings

The site is fronted east and west with C-2 zoning. Changing the zoning of these parcels from C-1 to C-2 will make the south side of SW 4th Avenue consistent zoning for the entire segment.

There are several land uses that are not permitted under C-1 zoning or would require a conditional use. Making the zoning change will bring these land uses into compliance.

The impetus for making the zoning change is to bring the non complying land uses into compliance. There are no plans to redevelop at this time. This report has assumed that some parcels will redevelop, and we have assumed land uses from the C-2 zoning that will generate traffic at higher rates. It is possible that the parcel redevelop with lower trip generating land uses.

With some minor modification to the operation of the signal at SW 4th Avenue and N Verde Drive, the intersection will operate at an acceptable level of service.

A major development in the area or modifications to the transportation network may affect the results of this study.

Conclusions

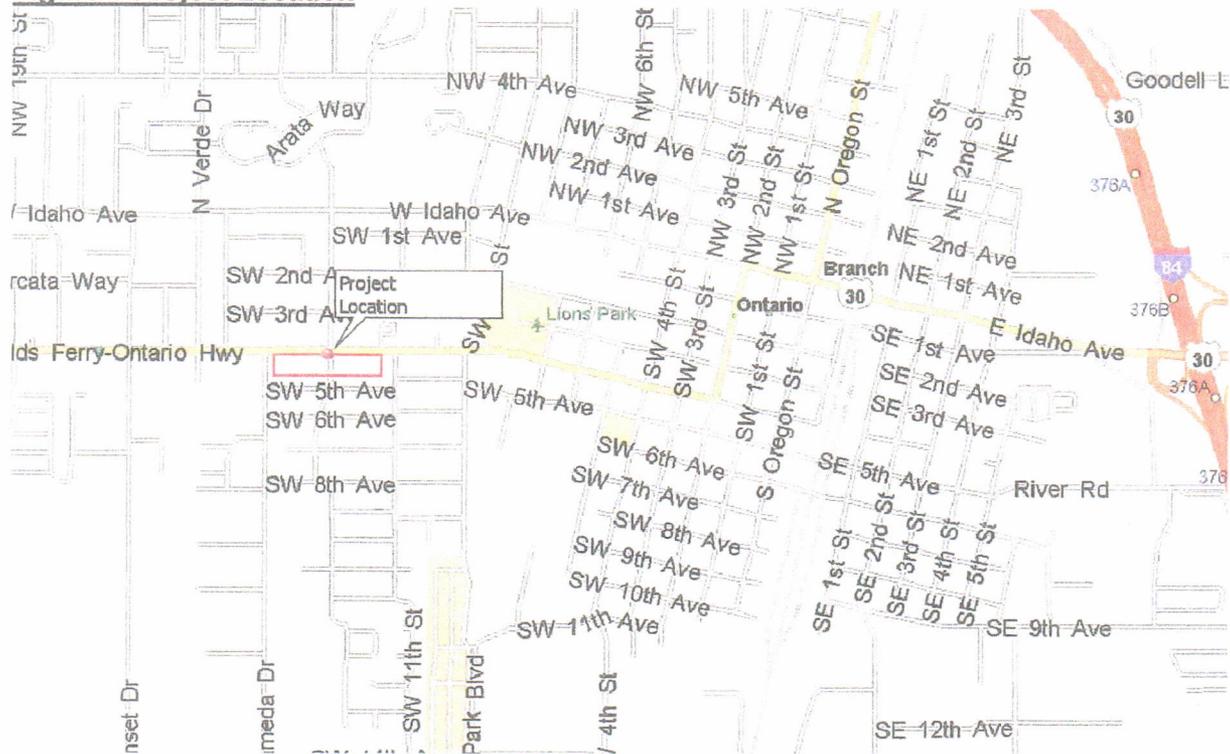
This study identifies transportation impacts associated with the proposed rezone of 10 parcels in the City of Ontario, Oregon, in conformance with Oregon Code 660-012-0060. In order to determine impacts, possible land uses have been assumed. Below are the findings of this report:

- With the change from a C1 zoning to a C-2 zoning, it is possible that some of the parcels in the study could redevelop with land uses that generate traffic at a higher rate than existing land uses.
- Not all of the parcels will redevelop. Some of the parcels are developed with land uses that generate high volumes of traffic already. If these redeveloped, the future traffic volumes would go down.
- Assuming that some of the parcel redevelop with land uses that generate higher volumes of traffic, it is anticipated that approximately 156 new trips would be generated during the PM peak hour.
- The new trips would be distributed along SW 4th Avenue in similar proportions to existing traffic patterns.
- The intersection of SW 4th Avenue and N Verde Drive will operate at an acceptable level of service in the PM peak hour in the study year, but minor modifications to the operation of the traffic signal will be required.
- The intersection of SW 4th Avenue and SW 12th Street will operate at an acceptable level of service for PM peak hour conditions in the study year.
- This change in zoning complies with Oregon Code 660-012-0060, by satisfying paragraph (9) The local government may find that this amendment to the zoning map does not significantly affect the existing or planned transportation facility by meeting the following requirements:
 - The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map.
 - The City of Ontario has a Transportation System Plan, and the proposed zoning change is consistent with this plan.
 - The area subject to the zoning map amendment was not exempted from rule 660-012-0060 at the time of an urban growth boundary amendment.
- Any major redevelopment of the parcels, such as the combination of two or more parcels, that results in an increase of more than 100 vehicle during the PM peak hour, should be subject to a Traffic Impact Study in accordance with the Ontario City Code

INTRODUCTION

Thompson Engineers, Inc. has been retained to prepare a traffic study to assess possible traffic impacts from a proposed rezone of 10 parcels located on SW 4th Avenue in Ontario, Oregon. The 10 parcels are all currently zoned C-1 and are requesting a rezone to C-2. They are located approximately as shown in **Figure 1**. The purpose of this study is to evaluate the potential traffic impacts resulting from the rezone in compliance with Oregon Code 660-012-0060 Plan and Land Use Regulation Amendments.

Figure 1 Project Location



PROPOSED DEVELOPMENT

There is no proposal to redevelop any of the parcels at this time. All of the parcels are currently developed. Some of the existing land uses do not conform to C-1 zoning. Completing this rezone will bring the land uses into compliance. A detail of the existing lots is shown in **Figure 2**.

Figure 2 Lot Detail Plan



The land uses of each parcel is shown in **Table 1**. The FAR is the Floor Area Ratio, which is the ratio of the building footprint to the lot size. The dry cleaner is allowable in a C-1 zoning under a conditional use.

Table 1 – Existing Land Uses

Parcel No.	Address	Land Use	Lot Size	Existing Building size	FAR	Conforming to C-1 Land Use
1	1144 SW 4th St.	Hotel	37,278	8,017	22%	Y
2	1166 SW 4th St.	Auto Parts Store	20,000	6,320	32%	Y
3	1182 SW 4th St.	Hearing Center	25,000	1,500	6%	Y
4	1218 SW 4th St.	Gas Station	36,000	3,672	10%	N
5A	1222 SW 4th St.	Rent A Car	1,615	1,050	65%	Y
5B	1240 SW 4th St.	Dry Cleaner	6,380	2,408	38%	C
5C	1244 SW 4th St.	Storage	3,520	2,752	78%	N
5D	SW 4th St.	Storage	19,519	1,401	7%	N
6	1252 SW 4th St.	Office Equipment Sales	9,000	2,300	26%	Y
7	1294 SW 4th St.	Fitness Center	26,010	7,564	29%	Y

If none of the parcels is redeveloped, there would be no impacts from the proposed rezone. However, a rezone will allow land uses that generate more traffic than allowable under the existing zoning. We have assumed that only some of the parcels will redevelop. We have assumed that lots 3, 5A, 5C and 5D will redevelop with land uses that generate more traffic than land uses allowed under a C-1 zoning. These will include a bank, a drug store, a coffee shop and a auto repair shop. The a typical bank is about 3,000 SF. A drug store will typically have an FAR of 22%, so that is used to estimate the size of the drug store. The purpose is not to imply any particular plan for redevelopment,

but only to find typical land uses that will generate higher volumes of traffic than land uses allowed under C-1. It is possible that one of the existing land uses could redevelop with a land use that generates lower volumes of traffic. The assumed land uses are shown in **Table 2**.

Table 2 – Possible Land Uses

Parcel No.	Address	Land Use	Lot Size	Existing Building size	FAR	Conforming to C-2 Land Use
1	1144 SW 4th St.	Hotel	37,278	8,017	22%	Y
2	1166 SW 4th St.	Auto Parts Store	20,000	6,320	32%	Y
3	1182 SW 4th St.	Bank	25,000	3,000	12%	Y
4	1218 SW 4th St.	Gas Station	36,000	3,672	10%	Y
5A	1222 SW 4th St.	Coffee Shop	1,615	1,050	65%	Y
5B	1240 SW 4th St.	Dry Cleaner	6,380	2,408	38%	Y
5C	1244 SW 4th St.	Auto Repair	3,520	2,500	71%	Y
5D	SW 4th St.	Drug Store	19,519	4,294	22%	Y
6	1252 SW 4th St.	Office Equipment Sales	9,000	2,300	26%	Y
7	1294 SW 4th St.	Fitness Center	26,010	7,564	29%	Y

STUDY AREA CONDITIONS

Study Area

The area of influence is anticipated to be Ontario, Oregon. The primary impacts will be along SW 4th Avenue. The study area will include the intersections of SW 4th Avenue and N. Verde Drive, and SW 4th Avenue and SW 12th Street. The Verde Drive intersection is included because it was included in the Transportation System Plan.

SW 4th Avenue and SW 12th Street is included because it is in the middle of the lots proposed for the zoning change.

Surrounding Land Use

The area south of the subject lots are currently zone for light industrial. The north side of SW 4th Avenue is zoned C-1. West and east of the site is zoned for C-2 General Commercial.

STUDY PERIOD

Study Year

The Study Year for this project is assumed to be 20 years into the future, or 2035. The purpose is to review long term impacts. While the purpose is to estimate impacts, there will be many other factors occurring over the next 20 years that may have more impact on the transportation system than this project.

Peak Hour

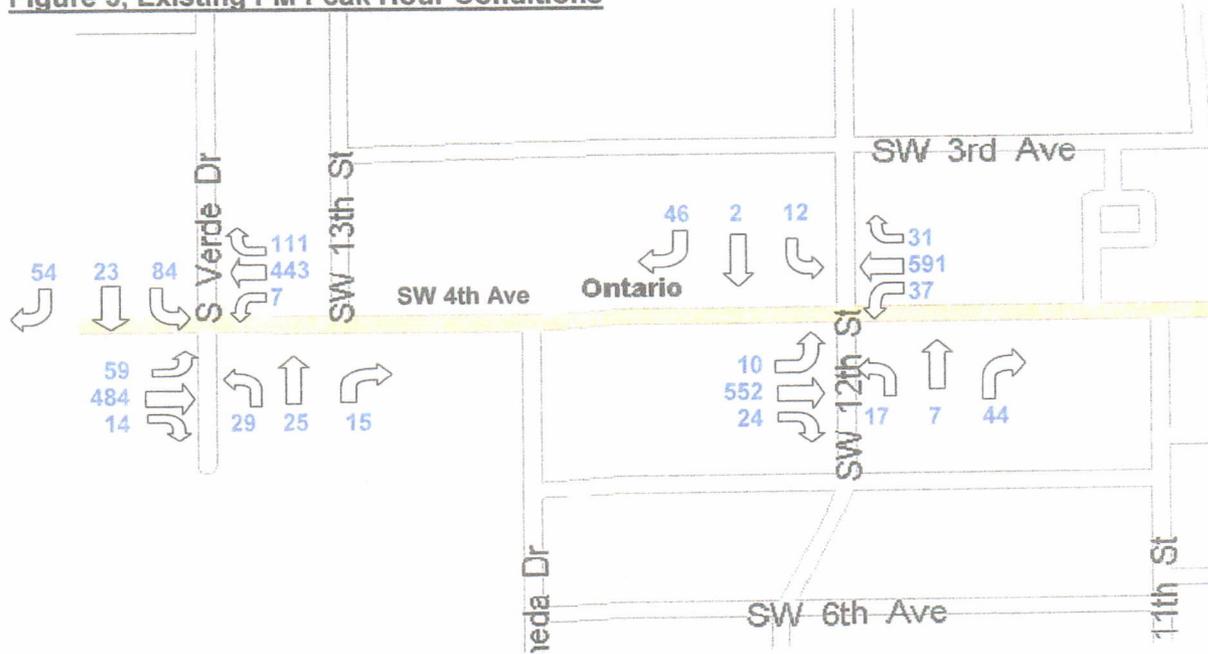
The Ontario Transportation System Plan includes the study of several intersections, including the intersection of SW 4th Avenue and N. Verde Drive. Only the PM peak hour is studied in the TSP. Therefore, only the PM peak hour is studied in this report.

**EXISTING
CONDITIONS**

Traffic Volumes

AM and PM Traffic counts were obtained at the intersections in the study area the week of July 22, 2014. Existing PM Peak Hour traffic volumes are shown in **Figure 3**.

Figure 3, Existing PM Peak Hour Conditions



Road System

SW 4th Avenue is a state highway and a principal arterial roadway. It consists of 2 through lanes in each direction and a center left turn lane. It has a posted speed limit of 35 MPH. It has curb gutter and sidewalk on both sides of the road.

N Verde Drive is a minor arterial. It consists of one lane in each direction but does have a dedicated left turn lane on the southbound approach to SW 4th Avenue. It has curb, gutter and sidewalk on the approach to SW 4th Avenue. The northbound approach at the intersection of N. Verde Drive and SW 4th Avenue is an entrance to a shopping mall.

SW 12th Street is classified as a local road. It has one lane in each direction. It is stop controlled at the intersection with SW 4th Avenue. There is on street parking. There is curb, gutter, and sidewalk in the vicinity of SW 4th Avenue.

System Improvements

At this time there are no planned, and funded improvements scheduled for SW 4th Avenue that would add capacity or alter traffic patterns.

**PROJECTED
TRAFFIC**

Background Traffic

Future traffic is obtained by expanding the existing traffic volumes by a growth factor. Growth rates in Ontario have been very low, or even negative for the past several years. Per customary practice, a growth factor of 2% per year is used. The results should be viewed with caution. Even a low growth rate for an extended period of time can have a dramatic affect on the predicted value. Other factors, such as a major development outside the study area, can have an impact on the traffic volumes. Background PM Peak Hour traffic for the build out year is shown in **Figure 4**.

Off Site Traffic

The area around is fully developed and no significant development is anticipated. Any minor development will be included in the growth factor.

Figure 4, Background 2015 PM Peak Hour Conditions



Site Traffic

Existing Land Uses

Traffic counts from each land use were not obtained due to the complexity of the access to each site. Instead, the existing trip generation from the 10 parcels is estimated using the procedures in the 9th Edition of the Trip Generation Manual published by the Institute of Transportation Engineers. There is not necessarily an exact category for each existing land use, so the closest possible match is used. The estimated trip generation is shown in **Figure 3**.

Tables 3 - Existing Land Use Trip Generation Calculation

Table 3A - Summary of Trip Generation
Existing Land Uses

ITE Code	Land Use	No.	Units	24 hr 2-Way		Total
				Rate	Total	
310	Hotel	22	RM	8.17	180	180
843	Autp Parts Store	6.3	TSF	61.9	390	390
720	Hearing Center	1.5	TSF	39.1	59	59
853	Gas Station C Store	3.6	TSF	845.6	3044	3044
826	Rent A Car	1.0	TSF	44.3	44	44
826	Dry Cleaner	2.4	TSF	44.3	106	106
151	Storage	3.5	TSF	2.5	9	9
151	Storage	1.4	TSF	2.5	4	4
867	Office Equipment	2.3	TSF	45.0	104	104
492	Fitness Club	7.6	TSF	32.9	249	249
Total					4189	4189

Table 3B - Summary of Trip Generation
Existing Land Uses

ITE Code	Land Use	No.	Units	Enter		Enter Total	Exit		Exit Total	Total
				Rate	Total		Rate	Total		
310	Hotel	22	RM	0.30	7	7	0.30	7	7	14
843	Autp Parts Store	6.3	TSF	2.93	18	18	2.95	19	19	37
720	Hearing Center	1.5	TSF	1.00	1	1	2.57	4	4	5
853	Gas Station C Store	3.6	TSF	25.46	92	92	25.46	92	92	184
826	Rent A Car	1	TSF	1.19	1	1	1.52	2	2	3
826	Dry Cleaner	2.4	TSF	1.19	3	3	1.52	4	4	7
151	Storage	3.5	TSF	0.13	0	0	0.13	0	0	0
151	Storage	1.4	TSF	0.13	0	0	0.13	0	0	0
867	Office Equipment	2.3	TSF	1.86	4	4	1.55	4	4	8
853	Fitness Club	7.56	TSF	1.77	13	13	1.77	13	13	26
Total					139	139		145	145	284



Assumed Land Uses

Using the same methods, traffic from the assumed land uses can also be estimated. The trips generated by the C-2 Land Uses is shown in **Table 4**. The new traffic to the system will be the difference between PM peak hour trips generated by the existing land uses and the PM peak hour trips generated by the assumed land uses.

Tables 3 - Existing Land Use Trip Generation Calculation

Table 4A - Summary of Trip Generation
C-2 Zoning Land Uses

ITE Code	Land Use	No.	Units	24 hr 2-Way		Total
				Rate	Total	
310	Hotel	22	RM	8.17	180	180
843	Autp Parts Store	6.3	TSF	61.9	390	390
912	Bank w/ Drive through	3.0	TSF	148.2	444	444
853	Gas Station C Store	3.6	TSF	845.6	3044	3044
937	Coffee Shop	1.0	TSF	818.6	819	819
826	Dry Cleaner	2.4	TSF	44.3	106	106
826	Auto Repair	2.5	TSF	23.7	59	59
881	Drug Store	4.3	TSF	96.9	417	417
867	Office Equipment	2.3	TSF	45.0	104	104
492	Fitness Club	7.6	TSF	32.9	249	249
Total					5812	5812

Table 4B - Summary of Trip Generation
C-2 Zoning Land Uses

ITE Code	Land Use	No.	Units	Enter		Enter	Exit		Exit	Total
				Rate	Total	Total	Rate	Total	Total	
310	Hotel	22	RM	0.30	7	7	0.30	7	7	14
843	Autp Parts Store	6.3	TSF	2.93	18	18	2.95	19	19	37
912	Bank w/ Drive through	3	TSF	12.15	36	36	12.15	36	36	72
853	Gas Station C Store	3.6	TSF	25.46	92	92	25.46	92	92	184
937	Coffee Shop	1	TSF	21.40	21	21	21.40	21	21	42
826	Dry Cleaner	2.4	TSF	1.19	3	3	1.52	4	4	7
826	Auto Repair	2.5	TSF	1.49	4	4	1.62	4	4	8
881	Drug Store	4.3	TSF	4.96	21	21	4.96	21	21	42
867	Office Equipment	2.3	TSF	1.86	4	4	1.55	4	4	8
853	Fitness Club	7.56	TSF	1.77	13	13	1.77	13	13	26
	Total				219	219		221	221	440
Total PM Trips Added						80		76	156	

Trip Distribution

In order to determine impacts, the trips generated by the site must be distributed to destinations throughout Ontario and assigned to the transportation system. The distribution is basically assumed to be on SW 4th Avenue.

Site Traffic

Site traffic is distributed at each intersection in accordance with this distribution and assignment. **Figure 5** shows the distribution of site generated traffic for PM peak hour conditions.

Figure 5 Site Traffic, PM Peak Hour



Total Traffic

The site traffic is then added to the background traffic as determined above. **Figure 6** shows the total traffic at each intersection for PM peak hour traffic conditions for the build out year of 2035.

Figure 6, Total Traffic, 2035, PM Peak Hour



TRAFFIC ANALYSIS

Capacity Analysis and Level of Service

Capacity analysis was performed using the Highway Capacity Software (HCS2010), based on the 2010 edition of the Highway Capacity Manual. Level of service for both stop controlled intersections and roundabout controlled intersections are based on the average delay of vehicles traveling through the intersection. For stop-controlled intersections, the average delay incurred by the minor movements is used to determine the level of service. Copies of the calculations are included in the appendix of this report. Table 5 shows the PM peak intersection analysis.

Table 5 – PM Peak Hour Intersection Analysis Summary

Table 5 - LOS Summary PM Peak Hour Conditions	2014			2035					
	Existing			Background			Total		
	Delay s/v	v/c	LOS	Delay s/v	v/c	LOS	Delay s/v	v/c	LOS
SW 4th Ave and N Verde Dr	14.2		B	13.8		B	13.8		B
NB Approach	27.7	0.45	C	38.1	0.66	D	38.1	0.66	D
SB Approach	50.1	0.99	D	37.1	0.72	D	37.1	0.72	D
EB Approach	7.9	0.11	A	7.9	0.18	A	8.3	0.20	A
WB Approach	9.6	0.04	A	10.1	0.04	B	10.5	0.04	B
SW 4th Ave and SW 12th St.	16.1		C	31.2		D	33.7		D

Intersection Analysis

The intersection of SW 4th Avenue and N Verde Drive is anticipated to function at an acceptable LOS through total PM peak hour traffic conditions in the build out year of 2035. It is anticipated that modifications to the signal operation will be required. In order to achieve an acceptable level of service for the north and south bound directions,



the signal would need to be retimed to provide a split phase for these two movements. Protecting left turns would also improve the level of service.

The intersection of SW 4th Avenue will operate at an acceptable level of service for the given traffic and roadway conditions.

DISCUSSIONS

Zoning Changes

The site is fronted east and west with C-2 zoning. Changing the zoning of these parcels from C-1 to C-2 will make the south side of SW 4th Avenue consistent zoning for the entire segment.

There are several land uses that are not permitted under C-1 zoning or would require a conditional use. Making the zoning change will bring these land uses into compliance.

The impetus for making the zoning change is to bring the non complying land uses into compliance. There are no plans to redevelop at this time. This report has assumed that some parcels will redevelop, and we have assumed land uses from the C-2 zoning that will generate traffic at higher rates. It is possible that the parcel redevelop with lower trip generating land uses.

Traffic Impacts

A growth rate of 2% over 20 years will have a significantly greater impact on traffic operations than the change in zoning. While predicting traffic growth over 20 years can result in unrealistic volumes, SW 4th Avenue is a State Highway and will have a significant amount of traffic passing through the City.

With some minor modification to the operation of the signal at SW 4th Avenue and N Verde Drive, the intersection will operate at an acceptable level of service.

A major development in the area or modifications to the transportation network may affect the results of this study.

CONCLUSIONS

This study identifies transportation impacts associated with the proposed rezone of 10 parcels in the City of Ontario, Oregon, in conformance with Oregon Code 660-012-0060. In order to determine impacts, possible land uses have been assumed. Below are the findings of this report:

- With the change from a C1 zoning to a C-2 zoning, it is possible that some of the parcels in the study could redevelop with land uses that generate traffic at a higher rate than existing land uses.
- Not all of the parcels will redevelop. Some of the parcels are developed with land uses that generate high volumes of traffic already. If these redeveloped, the future traffic volumes would go down.



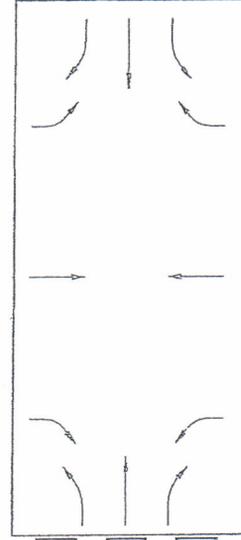
- ▣ Assuming that some of the parcel redevelop with land uses that generate higher volumes of traffic, it is anticipated that approximately 156 new trips would be generated during the PM peak hour.
- ▣ The new trips would be distributed along SW 4th Avenue in similar proportions to existing traffic patterns.
- ▣ The intersection of SW 4th Avenue and N Verde Drive will operate at an acceptable level of service in the PM peak hour in the study year, but minor modifications to the operation of the traffic signal will be required.
- ▣ The intersection of SW 4th Avenue and SW 12th Street will operate at an acceptable level of service for PM peak hour conditions in the study year.
- ▣ This change in zoning complies with Oregon Code 660-012-0060, by satisfying paragraph (9) The local government may find that this amendment to the zoning map does not significantly affect the existing or planned transportation facility by meeting the following requirements:
 - The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map.
 - The City of Ontario has a Transportation System Plan, and the proposed zoning change is consistent with this plan.
 - The area subject to the zoning map amendment was not exempted from rule 660-012-0060 at the time of an urban growth boundary amendment.
- ▣ Any major redevelopment of the parcels, such as the combination of two or more parcels, that results in an increase of more than 100 vehicle during the PM peak hour, should be subject to a Traffic Impact Study in accordance with the Ontario City Code

APPENDIX

TURNING MOVEMENT PEAK HOUR VOL. (UN-ADJ.)

Sh 69 and Columbia

12th St	46	77%	2	3%	12	20%
12th St	PHF = 0.88					
4th St	PHF = 0.50					
4th St	PHF = 0.75					



4th St	10	2%				
	PHF = 0.63					
4th St	552	94%				
	PHF = 0.95					
4th St	24	4%				
	PHF = 0.86					

4th St	31	5%				
	PHF = 0.65					
4th St	591	90%				
	PHF = 0.92					
4th St	37	6%				
	PHF = 0.77					

INTERSECTION:
 North Street:
 South Street:
 East Street:
 West Street:
 JOB #
 COUNT DATE:
 COUNT DAY:
 FIELD CREW:
 COUNT TIME -
 FROM:
 TO:

100%
100%

PEAK MONTH/YEAR ADJUSTMENT:
 GROWTH RATE ADJUSTMENT:
 COUNT DATA INPUT

PHF = 0.71	PHF = 0.58	PHF = 0.85	Total Intersection Adj.
17	7	44	Volume
25%	10%	65%	1373

FROM:	TIME PERIOD	NORTHBOUND			EASTBOUND			SOUTHBOUND			WESTBOUND			TOTAL VOLUMES
		L	T	R	L	T	R	L	T	R	L	T	R	
4:15 PM	4:30 PM	4	2	8	2	129	5	1	0	10	6	131	3	301
4:30 PM	4:45 PM	5	0	12	3	131	7	4	1	12	7	140	5	327
4:45 PM	5:00 PM	6	3	10	4	139	6	2	0	10	10	161	8	359
5:00 PM	5:15 PM	3	2	9	2	145	7	3	0	11	12	152	12	358
5:15 PM	5:30 PM	3	2	13	1	137	4	3	1	13	8	138	6	329
5:30 PM	5:45 PM	2	1	7	3	120	3	4	2	10	5	125	8	290
5:45 PM	6:00 PM	1	1	5	1	108	4	2	1	8	8	112	3	254

HOURLY TOTALS

FROM:	TIME PERIOD	NORTHBOUND			EASTBOUND			SOUTHBOUND			WESTBOUND			TOTAL VOLUMES
		L	T	R	L	T	R	L	T	R	L	T	R	
4:15 PM	5:15 PM	18	7	39	11	544	25	10	1	43	35	584	28	1345
4:30 PM	5:30 PM	17	7	44	10	552	24	12	2	46	37	591	31	1373
4:45 PM	5:45 PM	14	8	39	10	541	20	12	3	44	35	576	34	1336
5:00 PM	6:00 PM	9	6	34	7	510	18	12	4	42	33	527	29	1231

PEAK HOUR VOL. (UN-ADJ.)



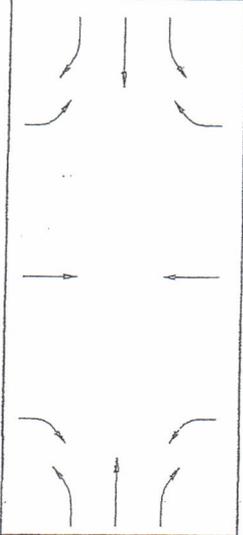
INTERSECTION:
 North Street:
 South Street:
 East Street:
 West Street:
JOB #
COUNT DATE:
COUNT DAY:
FIELD CREW:
COUNT TIME -
FROM:
TO:

Verde

54	34%	23	14%	84	52%
PHF = 0.90					

SW 4th Av

111	20%
PHF = 0.87	
443	79%
PHF = 0.89	
7	1%
PHF = 0.58	



SW 4th Av

59	11%
PHF = 0.78	
484	87%
PHF = 0.97	
14	3%
PHF = 0.50	

PEAK MONTH/YEAR ADJUSTMENT:
GROWTH RATE ADJUSTMENT:
COUNT DATA INPUT

29	42%	25	36%	15	22%
PHF = 0.56					
PHF = 0.78					
PHF = 0.42					
Total Intersection Adj. Volume = 1348					

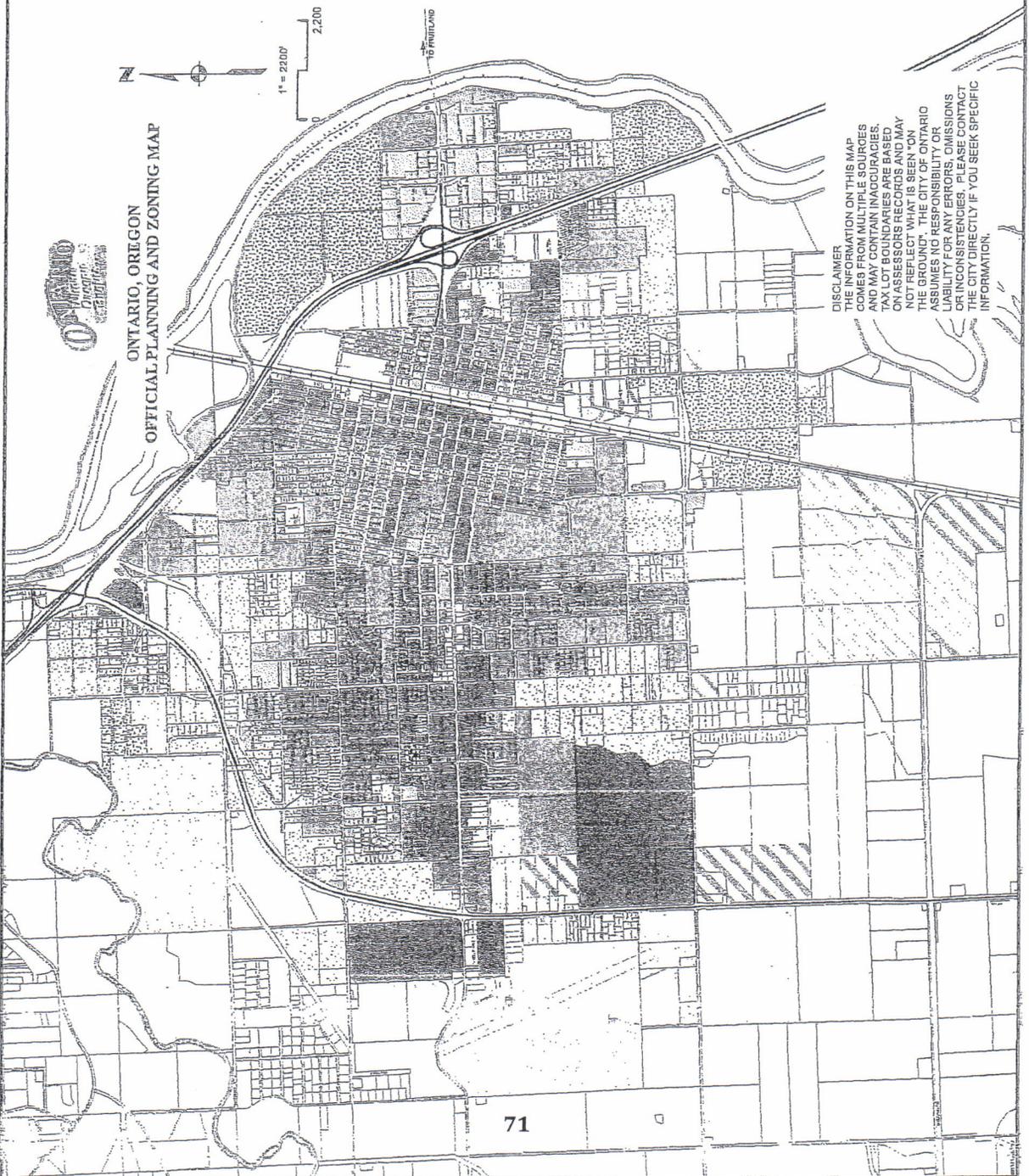
FROM:	TIME PERIOD	NORTHBOUND			EASTBOUND			SOUTHBOUND			WESTBOUND			TOTAL VOLUMES
		L	T	R	L	T	R	L	T	R	L	T	R	
4:15 PM	4:30 PM	6	4	5	10	121	2	10	3	10	2	120	22	315
4:30 PM	4:45 PM	7	7	4	14	122	2	15	6	15	1	118	31	342
4:45 PM	5:00 PM	0	5	9	19	119	2	29	5	12	2	106	28	336
5:00 PM	5:15 PM	13	5	0	16	118	3	17	4	14	1	124	32	347
5:15 PM	5:30 PM	9	8	2	10	125	7	23	8	13	3	95	20	323
5:30 PM	5:45 PM	7	4	3	9	117	3	11	6	12	2	90	18	282
5:45 PM	6:00 PM	5	5	2	10	105	2	9	3	11	2	93	17	264

HOURLY TOTALS

FROM:	TIME PERIOD	NORTHBOUND			EASTBOUND			SOUTHBOUND			WESTBOUND			TOTAL VOLUMES
		L	T	R	L	T	R	L	T	R	L	T	R	
4:15 PM	5:15 PM	26	21	18	59	480	9	71	18	51	6	468	113	1340
4:30 PM	5:30 PM	29	25	15	59	484	14	84	23	54	7	443	111	1348
4:45 PM	5:45 PM	29	22	14	54	479	15	80	23	51	8	415	98	1288
5:00 PM	6:00 PM	34	22	7	45	465	15	60	21	50	8	402	87	1216

Legend

- AD - Airport Development
- C1 - Neighborhood Commercial
- C2 - General Commercial
- C3 - Central Commercial
- C2H - General Heavy Commercial
- CD - College District
- E5 - Employment Zone 5Acres
- (IBP) - Industrial Business Park
- I2 - Heavy Industrial
- I1 - Light Industrial
- PD - Planned Development
- PF - Public Facility
- RD40 - Duplex Residential
- RM10 - High Density Residential
- RMH - Mobile Home
- RS60 - Single Family Residential
- C-JUGA - Commercial UGA
- C(BP)-UGA - Comm Business Park UGA
- E2-UGA - Employment Zone 2Acres UGA
- E5-UGA - Employment Zone 5Acres UGA
- I1-UGA - Light Industrial UGA
- I2-UGA - Heavy Industrial UGA
- PF-UGA - Public Facility UGA
- R-UGA - Residential UGA
- C(BP)-URA - Comm Business Park URA
- C(5AC)-URA - Commercial 5Acres URA
- I-URA - Industrial URA
- (RD)-URA - Industrial Rail Dependent URA
- R-URA - Residential URA



ONTARIO, OREGON
OFFICIAL PLANNING AND ZONING MAP



DISCLAIMER
 THE INFORMATION ON THIS MAP
 IS BASED ON MULTIPLE SOURCES
 AND MAY CONTAIN ERRORS.
 TAX LOT BOUNDARIES ARE BASED
 ON ASSESSORS RECORDS AND MAY
 NOT REFLECT WHAT IS SEEN ON
 THE GROUND. THE CITY OF ONTARIO
 ASSUMES NO RESPONSIBILITY OR
 LIABILITY FOR ANY ERRORS, OMISSIONS
 OR INCONSISTENCIES. PLEASE CONTACT
 THE CITY DIRECTLY IF YOU SEEK SPECIFIC
 INFORMATION.

10A-29-01 PURPOSE.

The C-2 Zone is intended to provide business locations for retail and service uses serving a region-wide clientele. The zone is intended to be located in areas characterized by good accessibility, including those areas which are exposed to heavy automobile traffic.

10A-29-05 PRINCIPAL PERMITTED USES.

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

1. All principal uses allowed in the C-1, Neighborhood Commercial Zone shall be allowed in the C-2 Zone except that dwellings shall be constructed to the space limits of the RM-10, Multi-Family Residence Zone, and only Multi-Family Dwelling developments of 10 or more dwelling units are allowed;
2. Automobile service establishments as defined herein when all repairs or another work are performed within a building, where all refuse and scrap parts are stored in closed containers when possible and screened from view at all points on any public or private property or street and when all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
3. Gasoline service stations, truck stops, minor automotive repair as defined herein;
4. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor;
5. Mortuaries or funeral homes;
6. Dry cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
7. Hotel, motel;
8. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items;
9. Outdoor advertising sign;
10. Residential care facility not limited as to number of clients;
11. Commercial recreation facilities or recreation vehicle park;
12. Rental of small trucks and small trailers only when accessory to a gasoline service station or automobile service establishment;
13. Farm and garden store;
14. Wholesalers with stock involving less than 3,000 square feet of storage space;
15. Auction house;
16. Nursing home;
17. Amusement arcade;
18. Kennel; or
19. Veterinarian.

(Ord. No. 2630-2009, § 1, 7-2-2009)

10A-29-09 EXPRESSLY PROHIBITED USES.

The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Warehouses;
2. Wholesalers with stock involving over 3,000 square feet of storage space;
3. Mobile home or manufactured home parks or subdivisions; or
4. Rental of large tools or construction equipment, trucks or other equipment requiring outdoor storage.

10A-29-10 CONDITIONAL USES.

The following uses are permitted conditionally in the C-2 Zone:

1. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility;
2. Fair, rodeo, stadium, race track or similar facility on a site of more than three acres;
3. Mini-warehouses;
4. Congregate housing facility.

10A-29-15 ACCESSORY USES.

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

10A-29-20 SPACE LIMITS.

The building, development site, open space and yard dimensions applicable to the C-2 Zone are found on the Commercial Space Limits Table, Chapter 10A-35.

10A-29-25 GENERAL PROVISIONS.

The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-2 Zone.

10A-03-173 RETAIL SHOPPING ESTABLISHMENT.

A store or shop engaged in the sale of commodities or goods to individual customers for personal use rather than for resale, including but not limited to:

- Antique store;
- Appliance, television and electronics sales;
- Art gallery, commercial;
- Art and craft supplies, drafting and architecture or engineering supplies and equipment;
- Auto parts and accessory stores, but not including machine shops or installation facilities;
- Bakery;
- Bicycle sales and repair shop;
- Bookstore, except adult bookstore;
- Building supplies, primarily retail;
- Candy and ice cream store;
- Clothing, accessories and dry goods;
- Computer store;
- Cosmetics store;
- Department Store;
- Drug and drug-variety store;
- Fabric store;
- Floor coverings store;
- Florist shop;
- Furniture store;
- Greenhouse;
- General merchandise store;
- Gift and card shop
- Grocery, delicatessen and specialty store;
- Hardware, paint and wallpaper;
- Jewelry store;
- Lawn and garden supply (including plant materials) store;
- Leather goods and luggage store;
- Meat, fish market, retail, provided that no killing, eviscerating, skinning, plucking or smoking of food products occurs on the premise;
- Medical supplies and equipment;
- Music instrument and record store;
- News and tobacco store;
- Pet shop;
- Photographic equipment and supplies store;
- Record sales or rental store;
- Rental of small tools, household and sickroom equipment;
- Shoe store;
- Sporting goods store;
- Stationary store;
- Television sales or rental store;

Toy and hobby store;
Variety store;
Video recordings sales and rentals, except adult.

10A-03-65 CONSUMER SERVICE ESTABLISHMENT.

A store, shop or office providing personal, financial, professional, technical or repair services, assistance or advice to individual customers, including but not limited to:

Accountants;
Answering services;
Appliance repair and rental;
Architects;
Arts and crafts studios;
Attorneys;
Banks, savings and loans, and credit unions;
Barber or beauty shops;
Broker, securities;
Dressmakers or tailors;
Duplicating shop;
Insurance agencies;
Laundry and dry cleaning pick-up station.
Loan offices;
Locksmiths;
Management consultants;
Medical, dental or other health professional offices or clinic for people;
Musical instrument repair shop;
Photographer's studio;
Print shops employing not more than three persons;
Real estate offices, sales and management;
Rental, household and small equipment;
Restaurants without beer or liquor license;
Self service automatic laundry or dry cleaning establishment with fewer than 15 dry cleaning machines and fewer than 50 laundry machines;
Shoe repair;
Taxidermist;
Television, electronics, computer, small appliance repair;
Travel agencies;
Upholstery shop, household furniture;
Watch repair.

10A-27-01 PURPOSE.

To provide for areas of limited impact retail and office establishments, and similar uses, in neighborhoods that are primarily residential without harming the residential character of those neighborhoods.

10A-27-05 PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-1 Zone:

1. Dwellings when constructed according to the space limits of RM-10 Zone;
2. Home occupations meeting standards herein;
3. Retail shopping establishments as defined herein;
4. Consumer service establishments as defined herein;
5. Dance and music studios;
6. Churches;
7. Schools and colleges, public or private, including commercial business or vocational schools or colleges;
8. Park and recreation facilities, public;
9. Private clubs and clubhouses as defined herein;
10. Residential care facilities housing not more than eight clients;
11. Roominghouse as defined herein;
12. Hotel, bed and breakfast, as defined herein;
13. Museums, concert halls, auditoriums and similar cultural facilities;
14. Horticulture and the growing of field crops or hay.
15. Public buildings, none of which may be of industrial character.
16. Business offices and general office buildings.
17. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items with fewer than ten employees. Fabrication of art or crafts objects, bakery goods, or ice cream for on premises sale or as custom orders for delivery.
18. Recreational vehicle park.
19. Medical, dental or other health professional office or clinic for humans.
20. Adult foster care for not more than five patrons.
21. Family day care provider as defined herein;
22. Day care center as defined herein;

(Ord. No. 2630-2009, § 1, 7-2-2009)

10A-27-07 SPECIAL USE LIMITATIONS.

The following limitations or conditions shall apply in addition to any conditions or limitations applying to all zones, to all uses permitted or permissible in the C-1 Zone:

1. All operations shall be conducted within a completely enclosed building, except for nursery stock consisting of green plants and shrubs, for the temporary outdoor display of merchandise located within five feet of principal building, patio or sidewalk

- restaurant service, railroad operations, and play yards of day care centers.
2. All products produced, kept, handled or offered for sale shall be sold only at retail on the premises.
 3. No nonresidential use shall continue normal operations past the hour of 11:00 p.m. or earlier than 7:00 a.m. except pursuant to a conditional use permit.
 4. Not more than two delivery or service vehicles shall be used in the operation of any business.
 5. No permitted or permissible separate business establishment shall occupy a floor area greater than 5,000 square feet to conduct its operations and to store its wares, products, inventory and materials, except that grocery stores may occupy a floor area of 15,000 square feet.
 6. Screening shall be provided along all lot lines abutting residentially zoned or developed property, sufficient to block substantially any view of the nonresidential use and its operation, stored materials and equipment from all points located on or not more than eight feet above the lowest elevation of such residential property, in the event such screening is not sufficient to block totally any view of stored waste or waste receptacles. In no event shall this Section be deemed to require more than full enclosure (including roof) of stored waste including waste receptacles and an opaque fence not more than seven feet in height extending the full length of not more than three sides of the subject property. The required front yard shall be landscaped to the standards set forth under the miscellaneous provisions of this Title.
 7. No use shall be established by the conversion of a building or premises originally designed for use as a gasoline service station or drive-in establishment unless the paved area on the lot in question shall have been reduced, by the addition of natural landscaping, to an area not greater than two hundred percent of the area required by this Title for off-street parking, loading and access thereto.
 8. No nonresidential use shall be established in any structure or premises originally designed for a residential use unless the existing residential character or the building shall be retained. Any design or structural change, additions or extensions shall be consistent with the architectural character of the original building.
 9. No building designed and intended for a business use shall be constructed or established on a development site occupied by a residential building.
 10. No permitted or permissible use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
 11. Space lighting shall be shielded so as to prevent the direct glare of beams onto any adjacent residentially zoned or used property.
 12. Signs may project into any required front or rear yard as set forth in table 6-B of the Uniform Sign Code as adopted in this Title. Signs may project into a required side yard not more than 18 inches. One pole sign for each development site or building shall be allowed in each required front or rear yard.

10A-27-09 EXPRESSLY PROHIBITED USES.

The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principle permitted uses:

1. Automobile service establishment as defined herein;
2. Gasoline service stations;

3. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage.
4. Warehousing, storage and distributing establishments or mini-warehouses;
5. Wholesale establishments with stock on the premises.
6. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor for the consumption on the premises, except for restaurants where such beverages are served incidental to meals.
7. Auction house;
8. Manufactured or mobile home parks or subdivisions.
9. Uses not specifically enumerated as permitted uses in the C-1 Zone, but listed as permitted in another zone or as a conditional use in the C-1 or other Zone.

10A-27-10 CONDITIONAL USES.

The following uses are permitted conditionally in the C-1 Zone:

1. Dry-cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
2. Any permitted or permissible non-residential use that operates later than 11:00 p.m. or earlier than 7:00 a.m.;
3. Mortuaries or funeral homes;
4. Nursing home;
5. Residential care facility housing more than eight clients; and
6. Utility facilities, other than distribution lines, at specific location necessary for the functioning of that utility.

10A-27-15 ACCESSORY USES.

Accessory uses and structures common to all zones as listed in Chapter 10A-53 are allowed in the C-1 Zone.

10A-27-20 SPACE LIMITS.

The building, zoning lot, open space and yard dimensions applicable to the C-1 Zone are found on the Commercial Space Limits Table, Chapter 10A-35.

10A-27-25 GENERAL PROVISIONS.

The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-1 Zone, except that signs may project into any required front or rear yard as set forth in Table No. 6-B (projection of signs) of the Uniform Sign Code. Signs may project into a required side yard not more than 18 inches. One pole sign for each lot or building shall be allowed in any required front or rear yard.

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	D. Thompson			Intersection	SW 12th St and SW 4th Ave			
Agency/Co.	Thompson Engineers, Inc.			Jurisdiction	Ontario and ODOT			
Date Performed	7/29/2014			Analysis Year	2014			
Analysis Time Period	PM Peak Hour							
Project Description 7 Lot Rezone								
East/West Street: SW 4th Ave				North/South Street: SW 12th St				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	10	552	24	37	591	31		
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	11	613	26	41	656	34		
Percent Heavy Vehicles	0	—	—	0	—	—		
Median Type	Two Way Left Turn Lane							
RT Channelized			0				0	
Lanes	1	2	0	1	2		0	
Configuration	L	T	TR	L	T		TR	
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	17	7	44	12	2	46		
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	18	7	48	13	2	51		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0				0	
Lanes	0	1	0	0	1		0	
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	LTR			LTR		
v (veh/h)	11	41	73			66		
C (m) (veh/h)	914	955	398			479		
v/c	0.01	0.04	0.18			0.14		
95% queue length	0.04	0.13	0.66			0.48		
Control Delay (s/veh)	9.0	8.9	16.1			13.7		
LOS	A	A	C			B		
Approach Delay (s/veh)	—	—	16.1			13.7		
Approach LOS	—	—	C			B		

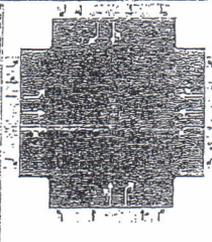
TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	D. Thompson			Intersection	SW 12th St and SW 4th Ave			
Agency/Co.	Thompson Engineers, Inc.			Jurisdiction	Ontario and ODOT			
Date Performed	7/29/2014			Analysis Year	2035 Background			
Analysis Time Period	PM Peak Hour							
Project Description 7 Lot Rezone								
East/West Street: SW 4th Ave				North/South Street: SW 12th St				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	14	758	33	51	811	51		
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	15	842	36	56	901	56		
Percent Heavy Vehicles	0	—	—	0	—	—		
Median Type	Two Way Left Turn Lane							
RT Channelized			0			0		
Lanes	1	2	0	1	2	0		
Configuration	L	T	TR	L	T	TR		
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	23	10	60	16	3	63		
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90		
Hourly Flow Rate, HFR (veh/h)	25	11	66	17	3	70		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L	L	LTR			LTR		
v (veh/h)	15	56	102			90		
C (m) (veh/h)	727	778	237			327		
v/c	0.02	0.07	0.43			0.28		
95% queue length	0.06	0.23	2.02			1.10		
Control Delay (s/veh)	10.1	10.0	31.2			20.1		
LOS	B	A	D			C		
Approach Delay (s/veh)	—	—	31.2			20.1		
Approach LOS	—	—	D			C		

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	D. Thompson			Intersection	SW 12th St and SW 4th Ave		
Agency/Co.	Thompson Engineers, Inc.			Jurisdiction	Ontario and ODOT		
Date Performed	7/29/2014			Analysis Year	2035 Background		
Analysis Time Period	PM Peak Hour				TOTAL		
Project Description 7 Lot Rezone							
East/West Street: SW 4th Ave				North/South Street: SW 12th St			
Intersection Orientation: East-West				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	14	820	33	51	881	61	
Peak-Hour Factor, PHF	0.95	0.95	0.90	0.95	0.95	0.95	
Hourly Flow Rate, HFR (veh/h)	14	863	36	53	927	64	
Percent Heavy Vehicles	0	-	-	0	-	-	
Median Type	Two Way Left Turn Lane						
RT Channelized			0			0	
Lanes	1	2	0	1	2	0	
Configuration	L	T	TR	L	T	TR	
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	33	10	65	16	3	63	
Peak-Hour Factor, PHF	0.95	0.91	0.93	0.95	0.90	0.95	
Hourly Flow Rate, HFR (veh/h)	34	10	69	16	3	66	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration		LTR			LTR		
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	L	L	LTR			LTR	
v (veh/h)	14	53	113			85	
C (m) (veh/h)	706	764	235			315	
v/c	0.02	0.07	0.48			0.27	
95% queue length	0.06	0.22	2.40			1.07	
Control Delay (s/veh)	10.2	10.1	33.7			20.6	
LOS	B	B	D			C	
Approach Delay (s/veh)	-	-	33.7			20.6	
Approach LOS	-	-	D			C	

HCS 2010 Signalized Intersection Results Summary

General Information

Agency	Thompson Engineers			Duration, h	0.25
Analyst	D. Thompson	Analysis Date	Jul 29, 2014	Area Type	Other
Jurisdiction	City of Ontario and ODOT	Time Period	PM Peak Hour	PHF	0.92
Intersection	Verde	Analysis Year	2014 Existing	Analysis Period	1 > 7:00
File Name	Verde 2014 X.xus				
Project Description					



Demand Information

Approach Movement	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	59	484	14	7	443	111	29	25	15	84	23	54

Signal Information

Cycle, s	80.0	Reference Phase	2									
Offset, s	0	Reference Point	End	Green	0.6	2.4	44.3	19.7	0.0	0.0		
Uncoordinated	No	Simult. Gap E/W	On	Yellow	3.0	0.0	4.0	3.0	0.0	0.0		
Force Mode	Fixed	Simult. Gap N/S	On	Red	1.0	0.0	1.0	1.0	0.0	0.0		

Timer Results

	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	1.1	4.0	1.1	4.0		7.0		7.0
Phase Duration, s	7.0	51.7	4.6	49.3		23.7		23.7
Change Period, (Y+R _c), s	4.0	5.0	4.0	5.0		4.0		4.0
Max Allow Headway (MAH), s	3.1	0.0	3.1	0.0		3.2		3.2
Queue Clearance Time (g _s), s	3.1		2.1			20.5		20.6
Green Extension Time (g _e), s	0.0	0.0	0.0	0.0		0.2		0.2
Phase Call Probability	0.76		0.16			0.99		0.99
Max Out Probability	0.00		0.00			0.11		0.13

Movement Group Results

Approach Movement	EB			WB			NB			SB			
	L	T	R	L	T	R	L	T	R	L	T	R	
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14	
Adjusted Flow Rate (v), veh/h	64	271	269	8	307	290		59	11		116	42	
Adjusted Saturation Flow Rate (s), veh/h/ln	1801	1891	1874	1801	1891	1764		264	1602		159	1602	
Queue Service Time (g _s), s	1.1	5.4	5.4	0.1	6.7	6.8		0.9	0.4		1.3	1.7	
Cycle Queue Clearance Time (g _c), s	1.1	5.4	5.4	0.1	6.7	6.8		18.5	0.4		18.6	1.7	
Capacity (c), veh/h	574	1129	1119	583	1072	1000		131	373		117	373	
Volume-to-Capacity Ratio (X)	0.112	0.240	0.240	0.013	0.287	0.290		0.449	0.029		0.992	0.114	
Available Capacity (c _a), veh/h	785	1129	1119	849	1072	1000		274	521		253	521	
Back of Queue (Q), veh/ln (50th percentile)	0.3	2.0	2.0	0.0	2.6	2.5		0.9	0.2		2.9	0.6	
Overflow Queue (Q ₃), veh/ln	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Queue Storage Ratio (RQ) (50th percentile)	0.04	0.05	0.05	0.01	0.07	0.06		0.07	0.01		0.25	0.05	
Uniform Delay (d ₁), s/veh	5.8	7.6	7.6	7.3	9.0	9.0		27.5	23.7		37.8	24.2	
Incremental Delay (d ₂), s/veh	0.0	0.5	0.5	0.0	0.7	0.7		0.9	0.0		21.7	0.0	
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Control Delay (d), s/veh	5.9	8.1	8.1	7.3	9.6	9.7		28.4	23.7		59.6	24.2	
Level of Service (LOS)	A	A	A	A	A	A		C	C		E	C	
Approach Delay, s/veh / LOS	7.9	A			9.6	A		27.7	C		50.1	D	
Intersection Delay, s/veh / LOS	14.2						B						

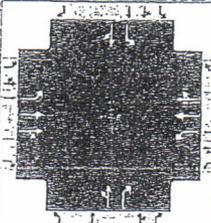
Multimodal Results

	EB			WB			NB			SB		
Pedestrian LOS Score / LOS	2.2	B		2.3	B		2.8	C		2.8	C	
Bicycle LOS Score / LOS	1.0	A		83	A		0.6	A		0.7	A	

HCS 2010 Signalized Intersection Results Summary

General Information

Agency	Thompson Engineers			Duration, h	0.25
Analyst	D. Thompson	Analysis Date	Jul 29, 2014	Area Type	Other
Jurisdiction	City of Ontario and ODOT	Time Period	PM Peak Hour	PHF	0.92
Intersection	Verde	Analysis Year	2035 Background	Analysis Period	1> 7:00
File Name	Verde 2035 BK.xus				
Project Description	7 Lot Rezone				



Demand Information

Approach Movement	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	81	664	19	10	608	152	40	34	21	115	32	74

Signal Information

Cycle, s	80.0	Reference Phase	2										
Offset, s	0	Reference Point	End	Green	0.9	2.6	46.5	7.7	5.3	0.0			
Uncoordinated	No	Simult. Gap E/W	On	Yellow	3.0	0.0	4.0	3.0	3.0	0.0			
Force Mode	Fixed	Simult. Gap N/S	On	Red	1.0	0.0	1.0	1.0	1.0	0.0			

Timer Results

	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	1.1	4.0	1.1	4.0		11.0		10.0
Phase Duration, s	7.4	54.1	4.9	51.5		9.3		11.7
Change Period, (Y+Rc), s	4.0	5.0	4.0	5.0		4.0		4.0
Max Allow Headway (MAH), s	3.1	0.0	3.1	0.0		3.1		3.2
Queue Clearance Time (qs), s	3.4		2.2			5.4		7.4
Green Extension Time (ge), s	0.1	0.0	0.0	0.0		0.2		0.4
Phase Call Probability	0.86		0.21			0.89		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results

Approach Movement	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	88	372	369	11	424	396		80	17	125	115	
Adjusted Saturation Flow Rate (s), veh/h/ln	1801	1891	1874	1801	1891	1763		1841	1602	1810	1680	
Queue Service Time (gs), s	1.4	7.6	7.6	0.2	9.7	9.7		3.4	0.8	5.4	5.3	
Cycle Queue Clearance Time (gc), s	1.4	7.6	7.6	0.2	9.7	9.7		3.4	0.8	5.4	5.3	
Capacity (c), veh/h	477	1160	1150	486	1099	1025		122	107	175	162	
Volume-to-Capacity Ratio (X)	0.185	0.320	0.321	0.022	0.386	0.387		0.657	0.163	0.714	0.709	
Available Capacity (ca), veh/h	1366	1160	1150	1433	1099	1025		1018	886	588	546	
Back of Queue (Q), veh/ln (50th percentile)	0.4	2.8	2.8	0.1	3.7	3.5		1.6	0.3	2.4	2.2	
Overflow Queue (Qs), veh/ln	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Queue Storage Ratio (RQ) (50th percentile)	0.05	0.07	0.07	0.01	0.09	0.09		0.13	0.03	0.20	0.18	
Uniform Delay (d1), s/veh	6.0	7.4	7.4	6.9	9.0	9.0		36.5	35.2	35.1	35.0	
Incremental Delay (d2), s/veh	0.1	0.7	0.7	0.0	1.0	1.1		2.2	0.3	2.0	2.1	
Initial Queue Delay (d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Control Delay (d), s/veh	6.0	8.2	8.2	6.9	10.1	10.1		38.7	35.5	37.1	37.2	
Level of Service (LOS)	A	A	A	A	B	B		D	D	D	D	
Approach Delay, s/veh / LOS	7.9	A		10.1	B		38.1	D		37.1	D	
Intersection Delay, s/veh / LOS	13.8						B					

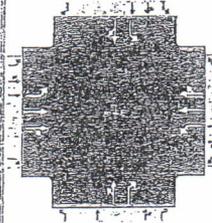
Multimodal Results

	EB			WB			NB			SB		
Pedestrian LOS Score / LOS	2.2	B		2.2	B		2.9	C		2.9	C	
Bicycle LOS Score / LOS	1.2	A		1.2	A		0.6	A		0.9	A	

HCS 2010 Signalized Intersection Results Summary

General Information

Agency	Thompson Engineers			Duration, h	0.25
Analyst	D. Thompson	Analysis Date	Jul 29, 2014	Area Type	Other
Jurisdiction	City of Ontario and ODOT	Time Period	PM Peak Hour	PHF	0.92
Intersection	Verde	Analysis Year	2035 Total	Analysis Period	1 > 7:00
File Name	Verde 2035 TOT.xus				
Project Description	7 Lot Rezone				



Demand Information

Approach Movement	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Demand (v), veh/h	81	739	19	10	683	152	40	34	21	115	32	74

Signal Information

Cycle, s	80.0	Reference Phase	2																					
Offset, s	0	Reference Point	End	Green	0.9	2.6	46.5	7.7	5.3	0.0	Yellow	3.0	0.0	4.0	3.0	3.0	0.0	Red	1.0	0.0	1.0	1.0	1.0	0.0
Uncoordinated	No	Simult. Gap E/W	On	Force Mode	Fixed	Simult. Gap N/S	On																	

Timer Results

	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase	5	2	1	6		8		4
Case Number	1.1	4.0	1.1	4.0		11.0		10.0
Phase Duration, s	7.4	54.1	4.9	51.5		9.3		11.7
Change Period, (Y+R _c), s	4.0	5.0	4.0	5.0		4.0		4.0
Max Allow Headway (MAH), s	3.1	0.0	3.1	0.0		3.1		3.2
Queue Clearance Time (g _s), s	3.4		2.2			5.4		7.4
Green Extension Time (g _e), s	0.1	0.0	0.0	0.0		0.2		0.4
Phase Call Probability	0.86		0.21			0.89		1.00
Max Out Probability	0.00		0.00			0.00		0.00

Movement Group Results

Approach Movement	EB			WB			NB			SB		
	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	5	2	12	1	6	16	3	8	18	7	4	14
Adjusted Flow Rate (v), veh/h	88	412	409	11	465	437		80	17	125	115	
Adjusted Saturation Flow Rate (s), veh/h/ln	1801	1891	1875	1801	1891	1774		1841	1602	1810	1680	
Queue Service Time (g _s), s	1.4	8.6	8.6	0.2	10.9	10.9		3.4	0.8	5.4	5.3	
Cycle Queue Clearance Time (g _c), s	1.4	8.6	8.6	0.2	10.9	10.9		3.4	0.8	5.4	5.3	
Capacity (c), veh/h	445	1160	1151	450	1099	1031		122	107	175	162	
Volume-to-Capacity Ratio (X)	0.198	0.356	0.356	0.024	0.423	0.424		0.657	0.163	0.714	0.709	
Available Capacity (c _a), veh/h	1334	1160	1151	1397	1099	1031		1018	886	588	546	
Back of Queue (Q), veh/ln (50th percentile)	0.4	3.2	3.2	0.1	4.2	3.9		1.6	0.3	2.4	2.2	
Overflow Queue (Q ₃), veh/ln	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Queue Storage Ratio (RQ) (50th percentile)	0.05	0.08	0.08	0.01	0.11	0.10		0.13	0.03	0.20	0.18	
Uniform Delay (d ₁), s/veh	6.2	7.6	7.6	6.9	9.3	9.3		36.5	35.2	35.1	35.0	
Incremental Delay (d ₂), s/veh	0.1	0.9	0.9	0.0	1.2	1.3		2.2	0.3	2.0	2.1	
Initial Queue Delay (d ₃), s/veh	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Control Delay (d), s/veh	6.3	8.5	8.5	6.9	10.5	10.6		38.7	35.5	37.1	37.2	
Level of Service (LOS)	A	A	A	A	B	B		D	D	D	D	
Approach Delay, s/veh / LOS	8.3	A	10.5	B	38.1	D	37.1	D				
Intersection Delay, s/veh / LOS	13.8						B					

Multimodal Results

	EB	WB	NB	SB
Pedestrian LOS Score / LOS	2.2	B	2.2	B
Bicycle LOS Score / LOS	1.2	A	1.2	A

Discussion/Information /Hand-Out Items

City Council Meeting
October 20, 2014

DRAFT

SUMMARY

Requires imposition of sentencing enhancement of 36 to 60 months upon conviction of gang-related felony.

A BILL FOR AN ACT

Relating to criminal street gangs.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Notwithstanding ORS 161.605, the court shall sentence a person who is convicted of a felony to a term of imprisonment that is 36 to 60 months longer than the presumptive or mandatory minimum sentence, whichever would otherwise be imposed, if the person committed the crime:

(a)(A) For the benefit, or at the direction, of a criminal street gang;

or

(B) In association with a criminal street gang; and

(b) With the intent to:

(A) Assist in criminal conduct by criminal street gang members;

(B) Promote the criminal street gang; or

(C) Further the purposes of the criminal street gang.

(2) If the sentence otherwise required by law under subsection (1) of this section is a sentence of probation, the court shall sentence the person who committed the crime under the circumstances described in subsection (1) of this section to a term of imprisonment of 36 to 60 months.

(3) The facts required to be found to sentence a defendant under

1 **this section are enhancement facts, as defined in ORS 136.760, and ORS**
2 **136.765 to 136.785 apply to making determinations of those facts.**

3 **(4) As used in this section:**

4 **(a) "Criminal street gang" means a group of at least three persons**
5 **that has:**

6 **(A) As one of its primary activities the commission of criminal acts**
7 **or acts that if committed by an adult would constitute criminal acts;**

8 **(B) A common name, common style of dress or common identifying**
9 **signs, colors or symbols; and**

10 **(C) At least two members who engage in or have engaged in a pat-**
11 **tern of criminal street gang activity.**

12 **(b) "Pattern of criminal street gang activity" means the commis-**
13 **sion of, or an attempt, solicitation or conspiracy to commit, on sepa-**
14 **rate occasions within a three-year period:**

15 **(A) At least two felony offenses;**

16 **(B) At least three misdemeanor offenses;**

17 **(C) At least one felony and two misdemeanor offenses; or**

18 **(D) A comparable number of acts that if committed by an adult**
19 **would constitute misdemeanors or felonies.**

20 **SECTION 2. Section 1 of this 2015 Act applies to conduct occurring**
21 **on or after the effective date of this 2015 Act.**

22

Minutes
ONTARIO RECREATION BOARD

September 17, 2014@ 3:30 p.m., M.T.
Recreation Center, 745 SW 3rd Ave, Ontario, OR 97914

1) Call to order:

Roll Call: Sheila Hart X Sarah Poe _____ Debbie Schaffeld X
Greg Herrera X Jeremy Roberts _____ Shay Meskill X
Council Liaison Charlotte Fugate X
Recreation Supervisor Debbie Jeffries X

2) Adoption of minutes of August 20, 2014: No minutes available.

3) New Business:

- a) Manny Alvarado, OHS Athletic Director attended the meeting to offer guidance on the upgrading of the softball/baseball fields at the middle school. He supports the effort of the board to get a group together to get the fields renovated for extra practice fields and eventually game fields. The fields would basically be open for all to use as the district would not manage the scheduling of the fields.
- b) The board discussed the renovation. A work day was set for 9AM on Saturday, October 25th. Debbie Schaffeld and Shay Meskill were going to call to let interested parties know about the work day to start working the fields. Greg Herrera and Debbie Jeffries were going to look at cost for the new soil and work up a plan.
- c) Update of Recreation Activities: **Youth Football** is starting at OHS Oct. 4th with the wrestling team doing concessions. There is a charge to attend the event and it traditionally brings in 400 people.
Fall Youth Soccer registration has started with 73 kids enrolled so far.
Sign-ups for **Adult Co-ed volleyball** will start October 22nd.
Youth Volleyball registration starts September 26 with the clinics starting Saturday, October 4th.
Youth Basketball for 5/6th grade boys will be with Payette County Rec. including youth from Ontario, Parma, Weiser, and Payette.
We are waiting for the winners from the Punt, Pass, & Kick competition.

4) Comments from Board Members and/or Visitors

Alan Daniels announced a swim pool meeting being held at the City Thursday, at 3pm.

5) Adjourn: Meeting was adjourned at 4:30 pm

MALHEUR COUNTY COURT MINUTES

SEPTEMBER 24, 2014

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

Also present was public member Doug Dean.

MCOA&CS

Malheur Council on Aging and Community Services (MCOA&CS) Executive Director Loni Debban met with the Court and presented the recommendations of the local Emergency Food and Shelter Program board. Malheur County is eligible for \$12,905 under Phase 31 of the Emergency Food and Shelter Program. Two applications for the funding were received; the Oregon Food Bank applied for funding for emergency food, and MCOA&CS applied for funding for Senior Congregate Meals.

The advisory board recommended the funding be allocated as follows:

Oregon Food Bank: \$6,697 for emergency food

MCOA&CS: \$5,950 for the Senior Congregate Meal program, and Administration funding for the program of \$258.

Commissioner Wilson moved to approve the advisory board's recommendations for funding. Commissioner Hodge seconded and the motion passed unanimously.

Ms. Debban also told the Court that MCOA&CS was awarded funding from the Highly Rural Veterans Transportation Grant Program. MCOA&CS will work with the Veterans Advocates and County Veterans Service Officer for distribution of vouchers for Veterans for transportation to medical appointments.

Mr. Dean commented that the Veterans transportation grant was very beneficial for local Veterans.

MCOA&CS also received a Connect Oregon Grant for the Ontario Multi-Modal Facility Remodel; grant funds are \$140,000 and Match funds are \$35,000.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of September 17, 2014 as written. Commissioner Wilson seconded and the motion passed unanimously.

BOPTA

The Court requested the same persons who served last year on the Board of Property Tax Appeals be asked to serve again for the 2015 year.

DEED - SEPULVEDA

Commissioner Wilson moved to approve Bargain and Sale Deed to Juan Manuel Nunez Sepulveda for Ref. #8127. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2014-3100

WEED BOARD

Weed Inspector Gary Page met with the Court and presented a recommendation to appoint Jean Findley to the weed board. Commissioner Hodge moved to appoint Jean Findley to the Weed Advisory Board. Commissioner Wilson seconded and the motion passed unanimously.

NACO DUES

Commissioner Hodge moved to approve payment of 2015 NACo County Membership Dues in the amount of \$626. Commissioner Wilson seconded and the motion passed unanimously.

SAGE GROUSE BLM EIS COMMENTS

Commissioner Hodge moved to approve payment to Harney County in the amount of \$2433 from Economic Development funds for preparation of comments to the BLM for the Sage Grouse EIS (Environmental Impact Statement). Commissioner Wilson seconded and the motion passed unanimously.

County Court was closed and the ASD session was opened.

BILLS OF SALE

Commissioner Wilson moved to approve Used Ambulance Bill of Sale to City of Vale for a 2008 used Ford ambulance. Commissioner Hodge seconded and the motion passed unanimously. See instrument #****

Commissioner Wilson moved to approve Used Ambulance Bill of Sale to Treasure Valley Paramedics for a 2008 Used Ford ambulance. Commissioner Hodge seconded and the motion passed unanimously. See instrument # *****

The ASD session was closed and County Court reopened.

JUNTURA CUT-OFF ROAD

Commissioner Hodge moved to allocate \$7500 from Economic Development funds to be used as match funds for potential grant funds for the repair of Juntura Cut-Off Road. Commissioner Wilson seconded and the motion passed unanimously.

CORRESPONDENCE - NORRIS

Commissioner Wilson moved to send written correspondence to District Attorney Dan Norris in response to his letter of September 9, 2014 to Administrative Officer Lorinda DuBois regarding DOJ dependency contract funds. Commissioner Hodge seconded and the motion passed unanimously. See instrument #2014-3101

FAIR BOARD

Commissioner Wilson requested the fair board membership discussion be tabled at this time; the other Court members agreed.

COURT ADJOURNMENT

Court was adjourned.

MALHEUR COUNTY COURT MINUTES

OCTOBER 8, 2014

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

Public present was Bob Robertson from Owyhee Mining Co. LLC, Linda Rowe from SWCD, and Kit Kamo and Kristen Nieskens from SREDA.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of September 24, 2014 as written. Commissioner Wilson seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Wilson moved to approve six Crossing Permits to Vale Oregon Irrigation District (VOID) for installation and burial of pipe:

Permit No. 43-14 on S Rd. D #1089

Permit No. 44-14 on S Rd D #1089

Permit No. 45-14 on 7th Ave W #1091

Permit No. 46-14 on 7th Ave W #1091

Permit No. 47-14 on 7th Ave W #1091

Permit No. 48-14 on 6th Ave W #745.

Commissioner Hodge seconded and the motion passed unanimously. Judge Joyce noted that Mr. Moulton will have further discussion with VOID regarding the work on 6th Ave W as that road is pavement. The original permits will be kept on file at the Road Department.

AMENDMENTS - IGA #141420

Commissioner Wilson moved to approve Eighteenth Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #141420; and Nineteenth Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #141420. Commissioner Hodge seconded and the motion passed unanimously. Electronic copies will be returned for recording.

AMENDMENT - IGA #142021

Commissioner Hodge moved to approve Seventh Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Public Health Services. Commissioner Wilson seconded and the motion passed unanimously. The amendment modifies the program element descriptions for the WIC program. A copy will be returned electronically for recording.

FEDERAL LANDS TASKFORCE

Linda Rowe and Kit Kamo met with the Court as representatives of the County's Federal Lands Taskforce. A resolution from the taskforce was presented to the Court. In its resolution, the taskforce recommends that the "Court take an aggressive stance against road closures or any other effort to restrict public use and access to public lands. The exception may be for public safety, or a case by case basis as the immediate need may rise." And that the "Court aggressively defend the historic uses of the lands; including but not limited to grazing, mining, logging, hunting, camping and/or recreational use."

The taskforce also proposed that the Court send correspondence to congressional leaders regarding the proposal by the Oregon Natural Desert Association (ONDA) to create a 2.1 million acre wilderness area in Malheur County, stating that the Court does not endorse, recognize, or in any way accept the proposal. Commissioner Hodge moved to accept the recommendation of the Court and sign the letter prepared by the taskforce. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2014-3254

Additionally, the taskforce has finalized an alternate wilderness proposal to include approximately 1 million acres in Malheur County. The Court requested the proposal be brought before them before it is distributed to federal officials.

Ms. Rowe presented a letter of support from the Soil and Water Conservation District (SWCD) in regards to the efforts of the Federal Lands Taskforce and their recommendations.

SWCD

Ms. Rowe gave a brief update of SWCD activities. The EPA and DEQ are doing a site visit today and will be looking at projects in the Warm Springs/Willow Creek area. Grant applications have been submitted to assist with employing a person for five years to work on the Sage Grouse issues; US Fish and Wildlife has agreed to contribute funds towards the effort also. Six applications for OWEB funds will be submitted this cycle.

OWYHEE MINING CO. LLC

Bob Robertson, President of Owyhee Mining Co and Geologist Consultant Jeff Garcia met with the Court and gave a brief background of their project. Owyhee Mining owns 580 acres between Burns Junction and Rome. The County issued a conditional use permit to Owyhee Mining in August 2010 for mining of zeolite on the property. One of the conditions of the conditional use permit is for Owyhee Mining to enter into a road maintenance agreement with the County regarding the local access road that intersects the property. Owyhee Mining is currently working through the permitting process with DOGAMI. Owyhee Mining also wishes to process the minerals in the overburden. Owyhee Mining may request support and assistance from the County as they proceed through the state permitting processes. Mr. Garcia explained that as part of the reclamation process it may be beneficial to leave the mine as a tourist attraction rather than returning the land to a nonproductive state.

Commissioner Hodge moved to approve Local Access Road Maintenance Agreement between Malheur County and Owyhee Mining Co. LLC. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2014-3252

QUITCLAIM DEED

Ms. Williams presented a Quitclaim Deed with ODOT for property located on Washington Street. The property was part of the condemnation process for the Yturri Beltline and the State believes it was mistakenly placed in the County's name rather than the State's name. The deed conveys the property to ODOT pursuant to ORS 271.400. Commissioner Wilson moved to approve Quitclaim Deed to State of Oregon through its Department of Transportation. Commissioner Hodge seconded and the motion passed unanimously. Map and Tax Lot #17S47E33D 2400 and 4300 ODOT will record the deed.

SHERIFF'S OFFICE

It was noted that the Civil Clerk in the Sheriff's Office had given notice of her resignation. The Sheriff's Office will work with HR to proceed with advertising and hiring for the position.

JOINT PLANNER WITH CITY OF ONTARIO

County staff has not received any feedback from the City of Ontario regarding the applications received for the Joint Planning Administrator position. Follow-up correspondence was recently sent to the City.

COURT ADJOURNMENT

Court was adjourned.