

**AGENDA**  
**JOINT MEETING**  
**ONTARIO CITY COUNCIL - ONTARIO PLANNING COMMISSION**  
**CITY OF ONTARIO, OREGON**  
Monday, December 16, 2013, 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 \_\_\_\_\_  
  
Mike Allen \_\_\_\_\_ Rita Kanrich \_\_\_\_\_ Cindy McLeran \_\_\_\_\_ Craig Smith \_\_\_\_\_  
Ed Susman \_\_\_\_\_ Max Twombly \_\_\_\_\_ Michael Rudd \_\_\_\_\_

**2) Pledge of Allegiance**

This Agenda was posted on Wednesday, December 11, 2013, and a study session was held Thursday, December 12, 2013. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

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

**4) Consent Agenda:**

- A) Minutes of Regular Meeting of December 2, 2013 ..... 1-11
- B) Bid Award: 2014 Gravel - Valley Paving & Asphalt ..... 12-22
- C) Approval of the Bills

**5) Public Hearings:**

- A) Ordinance #2686-2013: Amend the UGA to Include the TVCC Livestock Center; Rezone County URA Agricultural to City Public Facility; Annex the 3.7 Acre Site (*1<sup>st</sup> Reading*) ..... 23-60
- B) Ordinance #2687-2013: Amend the UGA to Include 270 Acres for Rail-Dependent Industrial Use; Amend Comprehensive Plan; Apply I-2 Zone; Annex the 278 Acre Site (*1<sup>st</sup> Reading*) ..... 61-148

**6) Department Head Updates: *Thursday***

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

**8) Old Business:**

- A) 2013-2015 IGA for Regional Haz-Mat Emergency Response Team Services (*+ Inserts*) ..... 149

**9) New Business:**

- A) Dork Canal Pipeline Alignment and Grade; Estimated Contribution \$5K ..... 150-152
- B) Engineering Design Agreement w/Anderson-Perry re North Park Blvd. .... 153-173

**10) Discussion/Informational Items (*Thursday Only*)**

- A) Golf Course Operating Contract Proposal (*Under Separate Cover*)

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

**12) Adjourn**

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**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, December 2, 2013**

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, December 2, 2013, 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 Jay Henry, Tori Barnett, Larry Sullivan, Al Higinbotham, Mark Alexander, Alan Daniels, Mike Long, Mark Saito, and Justin Alison. The meeting was recorded, and copies are available at City Hall.

Ron Verini led everyone in the Pledge of Allegiance.

**AGENDA**

Councilor Jones asked Mr. Sullivan, with regard to the draft letter received from Oster, the city's auditor, if he wanted to discuss that letter, would that be an executive session? He wanted the entire Council to have an open discussion about the letter.

Mayor Cammack voiced his opinion that they should wait for the complete letter before having any type of discussion, review, or comments, as there might be changes to this initial one.

Larry Sullivan, City Attorney, stated normally a draft letter from the Auditor would not be a subject that would fall under the guidelines for an executive session.

Councilor Jones stated when they got that letter, which would pertain to the city's finances, what was the next step?

Mr. Sullivan stated any Councilor could ask that something be added to the Agenda. If the Council supported that request, then it was added. The draft letter could be discussed; it just couldn't be done in executive session.

Mayor Cammack reminded them that when the Auditors came with their final letter, they would make a presentation to the Council.

Councilor Verini wanted to wait until they received the final letter, accompanied by the presentation by the Auditors.

Mayor Cammack stated that would also provide an opportunity for the Council to ask questions.

Councilor Fox asked if the Auditors had received the two items they needed, as outlined in the draft letter, in order to complete the Audit. One was the revised capital assets schedule, the other, the Deferred Compensation Plan information.

Mayor Cammack recommended they discuss this item when they got down to the Correspondence section of the Agenda.

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

**LOCAL CONTRACT REVIEW BOARD ACTION**

**Professional Services Agreement w/CK3, LLC re: Planning & Consultant Services**

Larry Sullivan, City Attorney, stated the City of Ontario did not currently have a Planning Director, and was contracting with Winterbrook Planning out of Portland to provide planning services for several large projects. Staff determined that it would be beneficial to enter into a Professional Services Contractor with a local company that was familiar with the city's local land use issues and procedures to handle smaller planning projects. The City Manager contacted CK3, LLC, to provide those services, and entered into a contract with CK3, with an effective date of November 11, 2013.

It was unclear how much would be spent by the city using CK3's planning services. The city's Financial Policies Manual read that contracts for services that exceeded \$5,000 were subject to a competitive bid process. In order to avoid noncompliance with the Financial Policies Manual, it was the City Attorney's opinion that the CK3 Contract should be reviewed by the City Council. The City Council, acting as the Local Contract Review Board, had the authority under Section 7.1 of the Financial Policies Manual to determine that the CK3 Contract was a Professional Services Contract that was exempt from the competitive bidding process. If the Council chose not to make that finding, the city would be limited to spending \$5,000 or less on the CK3 Contract.

Councilor Tuttle asked why they needed to have the contract with CK3. Why couldn't they do a bid from CK3 for a specific project with all associated costs?

Dan Cummings, CK3, stated they could if they wanted to set it up for each project, but it would probably be on the high side. It would be based on how well the applicant put the application together, and everything associated with that. It took him 2½ years to get the Wettstein subdivision done. How could you set a price on that?

Councilor Tuttle stated it was done all the time, why was it different now?

Mr. Cummings stated they could do that, but there were multiple projects. It was his understanding that since they elected to leave the Planner position open, they would use CK3 as needed, and to help Marcy Skinner when she was swamped and needed to get the applications processed in the correct timeframe.

Councilor Tuttle asked how it would look when the Council hired CK3, and he came before the Council for multiple issues. Wasn't that a potential conflict?

Mr. Cummings stated Marcy would handle the simple issues, and they could use the Hearings Officer, Mike Pratt.

Councilor Tuttle stated when it came before the Council for approval, and CK3 was the engineer, the city would have to hire someone else. He was for doing this on a case-by-case basis. Representing the city on the subdivision, but also for the developer, didn't look good on the side of the city. He didn't understand why, if a subdivision was coming in, that CK3 couldn't do a bid on the work. He would do that for an individual. Secondly, there was a potential conflict. A professional services contract implied he was employed by the city until the contract was terminated.

Mr. Cummings stated he'd still have a personal services contract.

Councilor Tuttle stated it would be per job, not open-ended. There would be a new contract every time.

Mr. Sullivan stated one point of a contract was to ensure the person being hired had the qualifications to do the job. When using professional services, do an RFQ, so they could compare the applicants. They couldn't negotiate on price until determining the most qualified. That would be a difficult process for the Council.

Councilor Fox stated with regard to Councilor Tuttle's comments, if CK3 represented a developer for a new subdivision, did CK3 still represent the city on this side?

Mr. Cummings stated his company would either have to recuse, or he could defer that to the Planning Department.

Councilor Tuttle stated they were back in the same boat. Ms. Skinner couldn't do it alone, and CK3 couldn't help on every project. They'd have to hire someone else. He wasn't in favor of the perpetual contact; just do it case-by-case. There wouldn't be that many coming before them.

Jay Henry, City Manager, stated currently the city had a personal services contract with Winterbrook, but they were very expensive. He was hoping to have a cost savings by using a local engineering firm, and reserving Winterbrook for jobs CK3 couldn't help on.

Mayor Cammack stated they couldn't put themselves in a conflict of interest position. Under most situations, they could use this proposed contract.

Councilor Fox verified that was written in the contract. He knew CK3 would recuse when necessary.

Mr. Sullivan stated another issue the Council could consider, was that it would still be up to staff to determine when CK3 was needed on a project. When it was a conflict, the city would have to find another company.

Councilor Fugate asked when the city was going to hire a Planner.

Mr. Henry stated when they showed enough need and work to justify the cost of a full-time Planner. He didn't know when that would occur.

Councilor Fugate asked if it was based on construction in the community, or what?

Mr. Henry stated yes, when economic development was up, and enough work was there for a Planner. He recommended they continue doing what they were doing.

Dan Jones moved, seconded by Norm Crume, that the Mayor and City Council, sitting as a Local Contract Review Board, declare that the November 11, 2013, Contract between the city and CK3, LLC, to provide planning and professional land surveying services, is a Professional Services Contract under Section 7.1 of the Ontario Financial Policies Manual that is exempt from the competitive bidding process. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-no; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/1/0.

Dan Jones moved, seconded by Norm Crume, that the Mayor and City Council ratify the November 11, 2013, contract with CK3, LLC. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-no; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/1/0.

### **CONSENT AGENDA**

Ron Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting Minutes of November 14, 2013; Item B: Meetings List: Jan-Jun, 2014; Item C: Bid Award: GIS Software Program and Upgrade to Data Directions, Inc.; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 7/0/0.

**PUBLIC COMMENTS**

Dan Cummings, Ontario, commended the City Council and city staff for installing the rapid flashing beacon on SW 4<sup>th</sup> and 11<sup>th</sup>. He had lived in Ontario 39+ years, and knew it to be a very dangerous intersection. That location had been improved on in the past, by removing one of the crosswalks, but there had been numerous times where he had hit the brakes when a kid shot out into the street. Living off of 11<sup>th</sup>, he saw a lot of school kids crossing there, who now cut through the hospital parking lot. He believed the money was very well spent on that flashing light sidewalk.

[From written document]

Ruth Rolland, Ontario: *This evening, people have again been conducting an Informational Picket – carrying signs outside City Hall in support of Ontario’s Public Works employees. The City’s Public Works employees continue to work under the conditions of what’s called an Implemented Offer. The employees’ desire, when this came about, was to continue negotiating to seek a mutually agreed working agreement with their employer – the City. But the City Council cut that effort short and just declared that negotiations had been ended. City Council was not interested in negotiating with these employees. The message seemed pretty clear that the City leadership did not respect these employees, either as the real resource that they are to the city, nor as human beings with families, individual dignity and honor. But the public works employees have continually hoped, and even now continue to ask the City Council to reconsider the position they have taken, and finish the negotiation of this contract. It seems a strange paradox that in a City that’s part of the most democratic nation of all time, that working people can be given so little consideration. Negotiations provide a way for people or groups to respectfully listen to and consider the concerns of one another, and to reach agreements that are acceptable between them. Businesses negotiate with customers, and with one another, to the mutual benefit of both. Workers organize to negotiate with their employers because of pretty much the reason that appears to have happened here in Ontario with the Public Works employees. This is not intended to be a country where the weight of power should be used to absolutely overrule the rights of any individual, not even in an employer-worker relationship. There should always be room to meet to hear one another and work on resolving the issues respectfully.*

Connie Nysingh, Ontario, stated when she moved here and worked for the Chamber, she was amazed at what Ontario had to offer. She couldn't believe they had a Cultural Center, which was a true asset in this community. She wasn't a golfer then, but her husband was, so she got involved at the course. While working at the Chamber, they pushed for new businesses to move to this area, and having a golf course was a great amenity Ontario offered. There were many different tournaments that benefited the entire community, such as Help Them to Hope. There was a strong ladies association, of which she is currently President. They'd held several tournaments over the year, inviting people from all over the area, with over 60 people participating. Also, there was a travel team that played in tournaments, and every other year they hosted a tournament in Ontario; that was 64 ladies who did that. It was important to have the course in this community, and it was important to have entertainment for them. Many conventions also include a side event at the course. There had been massive improvement at the restaurant and Matsy's was doing a phenomenal job. Finally, the US flag at the course, that flag was dedicated during the Hawaiian Day Tournament. And, they were all hoping the city could get the swimming pool up and running again, too.

**NEW BUSINESS**

**2013-2015 IGA for Regional Haz-Mat Emergency Response Team Services**

Al Higinbotham, Fire Chief, stated the City of Ontario and the Office of State Fire Marshal had been working together by Intergovernmental Agreement for the Regional Hazardous Materials Emergency Response Team Services. The current contract ended on June 30, 2013. On July 22, 2011, Council approved the 2011-2013 Intergovernmental Agreement. The City of Ontario and the Office of State Fire Marshal have had a partnership since 1992 of continued services with the Regional Hazardous Material Emergency Response Team Services. The city possesses approximately \$750,000 in equipment belonging to the State of Oregon for departmental use.

Should Council elect to not renew the proposed contract, the existing contract between the City of Ontario and the Office of State Fire Marshal would terminate immediately and all equipment and inventory would be returned to the Fire Marshal in Salem. The city expends approximately \$2,400 per year for maintenance and insurance of the vehicles; otherwise, the State Fire Marshal's Office reimbursed all expenses. Termination of the contract would result in approximately \$750,000 worth of equipment being returned to the State of Oregon.

Based on some questions from Councilor Tuttle at the Work Session, he had prepared and distributed a handout which addressed each question. One major one was Article 3, the statement of work. The first sentence read, they shall "not", but in reading on, there was an exception. They were responsible for doing everything on the list. Every call went through Salem, and it had to be pre-authorized before they committed themselves to any response. Article 7 read that benefits, such as PERS, WC, or SS, were not paid for; however, when they filed for repayment, that was all included in the reimbursement. The request that was filed was a fully-burdened cost. Overall, the city made money off the state. There were very few responses that were not state sanctioned. Exhibit J was the same budget across the state, the same contract that went to all the teams in Oregon. He tried to get a copy of what had been spent, but he was unable to obtain one yet. Every team also had an increase of \$20K for equipment.

Councilor Tuttle asked if this new coverage area was larger.

Chief Higinbotham stated no, it was actually smaller, but they did go up to North Power. They used to go into Idaho as well, like to Midvale or Indian Valley, but they no longer crossed the border. Caldwell had its own Haz-Mat team now. They would cross over for a mutual aid response, but they'd only be reimbursed for wages on that, and would only use one or two members.

Councilor Tuttle asked about the routine maintenance - what did they do?

Chief Higinbotham stated it meant checking everything - batteries, cables, oil changes, etc. The city was paid for the equipment that responded, so they recouped that cost. It ran about \$26 for service at Gentry. When they had to replace the battery on the tractor generator, the state paid outright. Any major maintenance was done through the state.

Councilor Tuttle asked if that was done daily.

Chief Higinbotham stated no, it was done every Thursday.

Councilor Tuttle stated the listed amount for yearly maintenance and insurance of the vehicles was \$2400; otherwise, the state paid. Where did that \$2400 come from?

Chief Higinbotham stated the department did pay the liability insurance, as required by the state, and they did maintain the vehicles.

Councilor Tuttle asked if any of the building maintenance, record keeping, and those type of costs were figured in to the \$2400, or the utilities at the station.

Chief Higinbotham stated they were not.

Councilor Tuttle stated they were also making a \$69K a year payment on Station 2, so it was more than the \$2400 to operate for Haz-Mat. They were paying \$5300 for insurance, and they had no calculations on labor, so they were a long way from \$2400 a year to operate Haz-Mat.

Chief Higinbotham stated he tried to get the numbers for what they paid out last year, but he hadn't been able to get those.

Councilor Tuttle stated he didn't like that the estimated cost was \$2400, when they were spending close to \$100K.

Chief Higinbotham stated there were five units, not just two.

Councilor Fox asked why they didn't know how much it cost the city.

Chief Higinbotham stated he had tried to get those numbers from the state, but he hadn't received them yet. Most times, the training costs and hotel costs were paid directly by the state. If members attended, it was reimbursed. He could provide numbers for which the city paid out, but couldn't for the state.

Councilor Fox asked what the repercussions would be if they didn't sign the agreement.

Chief Higinbotham stated all the units would be removed, leaving only Hermiston and Klamath Falls with active Haz-Mat teams and equipment.

Mayor Cammack asked if there was a deadline for signing the agreement.

Chief Higinbotham stated a little. All the other teams had already signed off. Ontario was the last. The actual deadline was a month ago. It had been pulled due to other issues, including submitting it to the insurance company to ensure adequate and proper coverage.

Councilor Jones suggested postponing this action until the next meeting, to allow the Council to arrive at real numbers to the city. They needed a solid figure.

Jackson Fox moved, seconded by Dan Jones, to table this matter until December 16<sup>th</sup>. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**MOU re: 9-1-1 Consolidation**

Larry Sullivan, City Attorney, stated at the Council work session on November 14, 2013, the consensus of the Council was to request that the City Attorney prepare an MOU between the city and Malheur County concerning the status of negotiations between them as to the consolidation of 9-1-1 and dispatch services. The Council reviewed and gave consensus approval to the October 22, 2013 draft of the Intergovernmental Agreement between the parties, which were still incomplete because no date for the consolidation had been agreed on.

The proposed MOU addressed the status of negotiations and identified the one remaining issue to be resolved, namely, the date of consolidation. The MOU also discussed that labor negotiations were ongoing between each party and its employee bargaining unit concerning the impact of the consolidation on the employees affected by the consolidation, and that city staff was continuing to address the impacts that the consolidation would have on the city, including the need for additional or upgraded equipment.

The proposed MOU was sent to County Counsel Stephanie Williams to review. If the city approved it, Ms. Williams would present it to the County Court at its December 4, 2013, meeting. Ms. Williams advised the City Attorney that the County Court had not seen the latest draft of the Intergovernmental Agreement. At this time she had no opinion as to whether the County Court might be willing to sign any agreement, including an MOU, concerning the 9-1-1 consolidation, until all issues were resolved.

Councilor Verini stated he was in favor of the MOU, as it seemed to address his concerns on safety and communication. If the safety and communication issues were not addressed, did that force them to go to contract?

Mr. Sullivan stated if it could be shown that the issues raised were unanticipated. It would have to be truly unexpected.

Councilor Verini stated that getting back to the Chiefs, he wasn't asking for absolute guarantees of safety in the community, but he wanted, from them both, to be 100% behind the move. To tell the Council and the community, that this move was the right thing to do for our community. Doing a consolidation, there would be some hitches, but he wanted, from them both, for him to be comfortable with this decision, they needed to be 100% behind the move. Were they?

Chief Alexander stated no, he couldn't give 100% right now.

Chief Higinbotham stated he couldn't either.

Chief Alexander stated he agreed they needed to do the consolidation, because he didn't currently have a good staffing level, but they would lose a good many things. Answering 9-1-1- calls were not the majority of the dispatcher's job. He was losing staff that performed other things for OPD. He agreed the consolidation needed to be done, but wished it was here in Ontario. They were working diligently to put together the best plan they could. They'd be losing staff who monitored prisoners in the holding cells, among other duties done for the OPD, but his staffing level was unacceptable in the dispatch center.

Councilor Verini asked if Chief Alexander had a game plan for his department when the consolidation occurred.

Chief Alexander stated he wanted to implement all the things they had discussed, *before* staff left the building. He wanted everything in place, tested, and working. He wanted a video feed in the sheriff's office and he wanted working radios. They needed to get the MOU signed, and the IGA done. When those were done, they could implement all the necessary things to make this work. Once the IGA was signed, they were going to start putting things together. Chief Higinbotham would be bringing a resolution forward for the radios for the Fire Department.

Councilor Verini stated when the IGA was signed and the city was moving forward, would Chief Alexander be more comfortable implementing all these things for this community.

Chief Alexander stated no, those had to be in place, tested, and working. Chief Higinbotham was also facing some things. A lot was dependent upon outside contractors, too. He would tell the Council when it was up and ready to go, and that would determine the start date.

Mayor Cammack asked if there was anything he couldn't solve?

Chief Alexander stated he wasn't sure, as this was his first consolidation.

Mayor Cammack stated they seemed to be addressing the problems, to have everything up and running before the move.

Chief Alexander stated they were working on all the things they were aware of.

Councilor Fugate asked why they needed the MOU.

Mayor Cammack stated it wasn't totally necessary.

Councilor Fox asked why they would have it then.

Councilor Fugate stated this would put more pressure on the Chiefs.

Mayor Cammack stated this would put more pressure on the county – to keep things moving along.

Councilor Fugate stated the state tracked all the 9-1-1 statistics. She wanted to know what those were, for both Ontario and Malheur County. They were talking about turning the protection of this city to the care of strangers.

Chief Higinbotham stated he didn't know if they would be any safer. Was it going to work? He didn't know the answer to that, either. If staff was told to do it, they would do it. Everyday brought something new. He was going to have to make revisions in their operations. He didn't know if they'd be safer – time would tell as they moved forward. They were very spoiled right now, with what they had. Ontario's dispatch center was amazing. He didn't know if it would be the same in Vale.

Councilor Verini stated the issues the Chiefs were talking about, were they addressed in the MOU? If there were problems with the safety of "whatever" in our own house, would this give the Council the chance to think on it more, and maybe they couldn't move forward with the IGA?

Mr. Sullivan stated his understanding of the MOU was that the Council was ready to commit to the consolidation, and that the major issue to be resolved was the date. The anticipation was that the city would be able to do the necessary things to make the consolidation work, but that it might take longer to accomplish. Once staff began working through the issues, that might create delays in consolidation. If the city signed the MOU, it would narrow the range of topics that could be engaged in good faith negotiations. The city would not be able to take the IGA and make changes in the language of it. The major issue left to negotiate would be the date the consolidation actually occurred. If the Council wanted to preserve the ability to continue to negotiate the terms of the contract or to add new components, the Council should probably not sign the MOU. If the Council was satisfied the contract was ready to sign with a mutually agreed upon date, then sign. It limited both the options of the county and the city.

Councilor Crume stated if the video feed or the radio repeaters, etc., didn't work as planned, and they were purchased, installed, and didn't work....

Mr. Sullivan stated if the MOU was signed, the Council would have to go to the county to inform them of the issues. They would have to explain what was occurring and how they would be fixed. Legally, they could push back the date.

Councilor Verini asked about the issues just brought up by the Chiefs. There was no system worked out for those types of situations. Was that on the city only, or could it be shared with the county?

Mr. Sullivan stated the MOU was a commitment stating the city would act in good faith for a final IGA. It would have to be a genuine, real issue, not just something minor. It was a fairly loose standard, but was a commitment to move forward. If some Councilors were not committed, because they were not sure about making the commitment, they could wait until they saw resolution of some of the problems. The county might feel the same way, on their own issues. It was just a good faith action.

Chief Higinbotham stated all operational procedures could be worked out, but they just didn't know what the costs were going to be. Everyone was working on the ability to do things, and what they would cost. Everything cost money. Moving the repeater was essential, and he was getting the specs for moving it.

Dan Jones moved, seconded by Larry Tuttle, that the Mayor and City Council approve the Memorandum of Understanding between the City and Malheur County concerning the consolidation of 9-1-1 and dispatch services. Roll call vote: Crume-yes; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-no; Cammack-yes. Motion carried 5/2/0.

**Request for Funding a Drug Officer**

Mark Alexander, Police Chief, stated he would like to replace a Drug Detective, a position cut in April 2013. During the Police Department's Public Input meeting to formulate a strategic plan earlier this year, a presentation was made on the make-up of the Police Department. The presentation compared staffing levels, additional services provided by the department, and calls for service. Feedback supported the belief that the Patrol Division was at minimal staffing to be able to respond to calls for service and conduct basic follow-up on crimes within Ontario.

With the loss of two Police Officers in FY 2011-13, the Gang Enforcement Officer and Drug Task Force Officer were cut in order to maintain that minimum staffing level in the Patrol Division. The Drug Task Force Detective was assigned to a Tri-County Drug Task Force comprising of officers from Malheur, Payette and Washington Counties. This Task Force has been in effect several years. Those two positions had given some control over gangs and drugs in the city, which we continued to enjoy for several months.

In October 2013, Jacob Colman was shot and killed in his Ontario apartment and the case remains unsolved. An officer from the Patrol Division was assigned to work that case. On November 25th, the High School SRO was reassigned from his position in order to assist as well.

The Police Department has gained a great amount of intelligence as a result of this homicide. We currently are experiencing a methamphetamine epidemic in this area with ties to the Mexican Cartel. This was a growing problem that continued without the Ontario Police Department being able to dedicate an officer to the local Drug Task Force. The drug operatives are very well organized. Methamphetamine was being offered at an all-time low cost after being imported into our community. It was being produced with new, very addictive substances; this enabled dealers to get more people hooked and to gain complete control over their lives. These organizations and their followers had been involved in Murder, Attempted Murder, Assault, Kidnapping, Robbery, Burglary, Theft, Rape, Prostitution and related drug possession and trafficking crimes. These were crimes occurring in Ontario that had been documented after the Jacob Colman homicide.

Drug users/dealers that were non-compliant to these organizations were subject to these crimes. The Police Department's fear was that these crimes would continue and get worse under further Cartel control. The Police Department would like to request the Council authorize the hiring of a Police Officer to replace the vacant Drug Detective position.

The loss of Police Officer positions were not recognized in FY 2013-14 and therefore funding does not exist in the current Police Department budget for additional staffing. Approximately \$76,000-\$88,000 (DOE) would be required from Contingency to replace a Police Officer.

Councilor Fox voiced his concern about the money. The audit wasn't going to come back clean. How could they do anything with their books, with the Budget Committee not meeting until May, and the final audit letter not yet received. They couldn't make a decision on this. Where was the money coming from?

Chief Alexander was not aware of the audit letter, and he hadn't provided a solution to the funding issue. He was simply making a request. He was always looking for ways to bring in revenue, but it was difficult to find.

Mayor Cammack stated the preliminary audit report did not say any money was missing, or that the city was short, the only financial adjustment was that they gained a little. But there were other issues on it. They could afford to take the funds from contingency, and he was in full support of this.

Councilor Crume voiced his support, but he would also like to see the gang officer brought back on. On the audit, there were numerous problems. He was privy to the conversation with the auditors, and there were several problems to be addressed. He would use the word "procedural". He was totally in favor of bringing back this officer, and to also bring back the gang enforcement officer. The gang issue and the drug issues were interconnected. He wished the department was able to do more for the community, but understood there were issues that precluded that from occurring. They definitely needed a heavier police presence.

Councilor Tuttle verified Chief Alexander hadn't offered a financial solution, so it would come from contingency.

Chief Alexander stated that was how he prepared the report. He didn't recall exploring any other areas. He didn't have a solution outside of contingency. There were no other revenue sources.

Mr. Henry stated the largest part of any municipal budget was personnel. The actual loaded cost was over \$100K a year. Last year, they had stretched staff. Chief Alexander was sort two officers and a Captain. The city had saved over a million dollars by running so lean, in several departments. Chief Alexander worked hard to make things work, but it was finally to the point where it was needed. He fully supported the Chief's request. The city could afford it, and it was needed.

Councilor Jones stated he was in favor of the drug officer; however, they had a 9-1-1 issue, and over a \$600K savings over three years. The City Manager had asked to do a \$57K review of the department. Now, the City Manager was supporting the addition of another officer. That money wasn't in the budget, but now adding in the review, that's around \$150K. He'd like to take the request into the next budget cycle.

Councilor Verini stated that considering what Chief Alexander had stated about the problems in the community, especially with drugs, for them to not approve the additional officer, put the community more at risk. The money was there. It wouldn't be before them if wasn't a serious issue. He was 100% in favor of brining on another officer.

LeRoy Cammack moved, seconded by Ron Verini, that the Council authorize the hiring of a Police Officer to restore a Drug Detective position, and to utilize funds for the position from General Fund Contingency. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 5/2/0.

#### **Approval to Open Checking Account for Police Department Forfeiture Funds**

Michael Long, Finance Director, stated the purpose of this request was to get approval on record to open a checking account for the Police Department. It would be to deposit forfeiture funds that were held by the Police Department until they received directions from the Court as to who or where the funds were to be distributed.

Staff would like the Council to approve the opening of a checking account and set up a fund within the Trust Fund 050 to account for the funds. The checking account would require two signatures. The individuals authorized to sign the checks would be a combination of two of the Mayor, City Manager, Finance Director, or Police Chief. The Finance Director would locate a bank that had minimum fees for the checking account to open, and the account would be reconciled monthly to the general ledger and bank.

Councilor Tuttle asked if this was required - to be a special account? What had been done in the past?

Mr. Long stated it was required to be an independent account, as required by state statute. Until this point, the funds had been kept in the vault in Finance..

Jackson Fox moved, seconded by Ron Verini, to allow the Finance Director to open up a checking account for the Police Department for forfeiture funds and require two signatures. Also, those to be authorized signers on the account are the Mayor, City Manager, Finance Director, and Police Chief. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

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

- Norm Crume stated with regard to the bills, he had asked at the study session why Ani-Care appeared to be getting paid late; almost a month behind.

Mr. Long stated it wasn't late. Ani-Care hadn't shown the previous payment on their invoice, for the credit from the previous month. Ani-Care had submitted an updated invoice subsequent to the one showing.

- Dan Jones asked when the revised Capital Assets list would be provided to Oster.

Mr. Long stated it was pretty much wrapped up. The second item, the Deferred Compensation, should be in the mail. Oster should have everything they needed.

- Dan Jones asked if the Springbrook migration was on track.

Mr. Long stated it was. It was scheduled to go live in February.

- Dan Jones encouraged the Council to join him in a discussion about the Oster letter regarding the Audit, even if it was only preliminary.

Jackson Fox stated he wanted to know that the requested paperwork was going to the auditor, because Oster stated they would have their letter back ASAP, once they had the documents from staff.

Mr. Long stated it was required to be filed with the state by the end of year.

- Ron Verini reminded everyone Pearl Harbor Day was coming up, December 7<sup>th</sup>.

**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

**CONSENT AGENDA**  
December 16, 2013

TO: Mayor and City Council

FROM: Alan Daniels, Interim Public Works Director  
John Bishop Operations Manager

THROUGH: Jay Henry, City Manager

**SUBJECT: 2014 GRAVEL BID**

DATE: December 9, 2013

---

**SUMMARY:**

Attached is the following document:

- Request for Quote – Valley Paving & Asphalt
- Gravel Bid Recap 2014
- Contract Agreement

Quotes were opened November 25, 2013 to secure a bid price for gravel products for Calendar Year 2014. Requests for Quotes were sent to Duane Bellows Sand & Gravel, Irvco Asphalt & Gravel, and Valley Paving & Asphalt. Bid quotes were received from Valley Paving & Asphalt only.

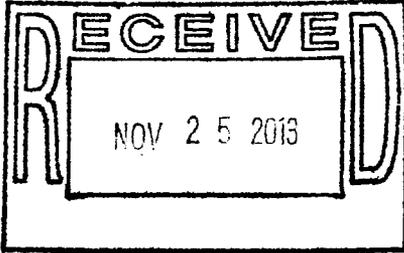
Three options were requested for bids for Crushed Aggregate; three-quarter and one and one-half inch Wash Rock; Rip Rap; Reject Sand; Pit Run and Class 1 & Class 4 Cover Coat Material. The options included:

- A – gravel delivered to any unspecified City site
- B – gravel stockpiled at Contractor's site
- C – gravel stockpiled at Contractor's site and loaded on City trucks

Also requested was a quote for the City to deliver recyclable asphalt to the Contractor's site. The quotes are noted on the attached.

**RECOMMENDED MOTION:**

Staff recommends City Council approve the bid award to Valley Paving & Asphalt, Inc., the only responsive and responsible bidder for the supply of gravel for calendar year 2014, with a possible one-year extension of the contract up to three years.



**CITY OF ONTARIO**  
**Request for Quotation**  
**Inquiry Only - This Is Not an Order**

Requested By:

**John Bishop**

Date:

**11/7/2013**

Phone No.:

**541-889-8572**

Fax

**541-889-3488**

City of Ontario  
 444 SW 4th Street  
 Ontario OR 97914

On this form, please quote your best price, terms, and delivery on the items described below.  
 Substitute offers will be considered if differences in specifications are explained on this form or submit separate letter.  
 Return the completed form to the address above by **November 25, 2013** at 3:00 p.m.

**Vendor Information/Quotation Information**

Vendor:

**Valley Paving & Asphalt, Inc.**

P.O. Box 68  
 Ontario, OR 97914

Name/Signature:

*Dick Brewer / Dick Brewer*

Official Title:

*MANAGER*

Date:

*11-19-2013*

Terms:

Shipment Via:

F.O.B.:

Date Shipment

Shipping Weight:

can be Made:

Est. Quantity	Description	Unit Price/ton
2315 Ton	The City of Ontario is requesting bids for the supply and delivery of gravel as specified below. (The amounts estimated to be used are listed in the Est. Quantity column) <b>SUPPLY OF CRUSHED AGGREGATE FOR BASE GRADATION (3/4" - TYPE I; per attached specifications (A) - 802.2.2.A Table 1)</b> <u>A</u> Delivered to Unspecified City Site <u>B</u> Stockpiled at Contractor's Site <u>C</u> Stockpiled at Contractor's Site & loaded on City Trucks	<i>A 8.75/ton</i> <i>B 5.65/ton</i> <i>C 6.35/ton</i>
60 Ton	<b>SUPPLY OF ONE AND ONE-HALF INCH (1 1/2") WASH ROCK</b> <u>A</u> Delivered to Unspecified City Site <u>B</u> Stockpiled at Contractor's Site <u>C</u> Stockpiled at Contractor's Site & loaded on City Trucks	<i>A 13.90</i> <i>B 10.50/ton</i> <i>C 11.50/ton</i>

Est. Quantity	Description	Unit Price/ton
90 Ton	<p>SUPPLY OF THREE-QUARTER INCH (3/4") WASH ROCK</p> <p><u>A</u> Delivered to Unspecified City Site</p> <p><u>B</u> Stockpiled at Contractor's Site</p> <p><u>C</u> Stockpiled at Contractor's Site &amp; loaded on City Trucks</p>	<p>A 13.90/ton</p> <p>B 10.50/ton</p> <p>C 11.50/ton</p>
10 Ton	<p>SUPPLY OF RIP RAP (4" - 8" fractured)</p> <p>Delivered to Unspecified City Site</p> <p>Stockpiled at Contractor's Site</p> <p>Stockpiled at Contractor's Site &amp; loaded on City Trucks</p>	<p>To Be Negotiated</p>
70 Ton	<p>SUPPLY OF REJECT SAND</p> <p><u>A</u> Delivered to Unspecified City Site</p> <p><u>B</u> Stockpiled at Contractor's Site</p> <p><u>C</u> Stockpiled at Contractor's Site &amp; loaded on City Trucks</p>	<p>A 5.20/ton</p> <p>B 2.20/ton</p> <p>C 3.00/ton</p>
740 Ton	<p>SUPPLY OF PIT RUN</p> <p><u>A</u> Delivered to Unspecified City Site</p> <p><u>B</u> Stockpiled at Contractor's Site</p> <p><u>C</u> Stockpiled at Contractor's Site &amp; loaded on City Trucks</p>	<p>A 5.90/ton</p> <p>B 3.00/ton</p> <p>C 3.70/ton</p>
Class 1 - 802 ton Class 4 - 2,300 Ton	<p>SUPPLY OF COVER COAT MATERIAL (Class 1 and Class 4) (per attached specifications (B) - 808.2.2.C. Table 1)</p> <p><u>A</u> Delivered to Unspecified City Site</p> <p><u>B</u> Stockpiled at Contractor's Site</p> <p><u>C</u> Stockpiled at Contractor's Site &amp; loaded on City Trucks</p>	<p>A 12.00/ton</p> <p>B 9.00/ton</p> <p>C 9.80/ton</p>
Per Load	<p>DELIVERY OF RECYCLABLE ASPHALT</p> <p>Asphalt (to be recycled) delivered by City trucks to Contractor's specified site</p> <p>The bidder guarantees delivery of the product within twenty-four (24) hours of the order being placed.</p> <p>All materials must meet City of Ontario specifications: <i>Idaho Standards for Public Works Construction, 2010 Edition, and the City of Ontario Supplemental Standards for Public Works Construction.</i></p>	<p>Free Dump Free</p>

	Description	
	<p>Before materials are accepted, the City will require gradation tests on the 3/4" Type 1 Base Aggregate, Class I Cover Coat and Class 4 Cover Coat materials. These tests will be performed by an independent certified testing lab at the Contractor's expense. The gradation reports will be provided to the City before any material is delivered. The City reserves the right to have its own independent test done on the materials supplied at the City's discretion.</p> <p>The City of Ontario reserves the right to reject or accept any or all bids, or to waive any condition of the bid requirements in the best interest of the City. Location and accessibility will also be considered in the selection of the successful bidder.</p> <p>The successful bidder must supply the City of Ontario with a Certificate of Insurance naming the City of Ontario as the additional insured.</p> <p>A conversion factor of tons per cubic yard is to be provided to the City for all materials to be supplied.</p> <p>All bid prices shall be exclusive of any taxes.</p> <p>All quotes must be received at City of Ontario, 444 SW 4th St., Ontario, OR 97914 by <b>November 25, 2013, 3:00 p.m. (MST)</b></p> <p>The successful bidder agrees to honor the quoted price through calendar year <b>1/1/2014 to 12/31/2014</b>, with automatic renewal, one year at a time, for the succeeding two calendar years unless written notice of intent not to renew is given by either party by November 15 prior to the anniversary date of the current contract.</p>	

**Attachment B**

**IDAHO STANDARD PUBLIC WORKS CONSTRUCTION  
2010 Edition  
808.2.2.C Cover Coat Material  
Table 1**

Aggregate for cover coat material shall conform to one of the following requirements for gradation as specified:

GRADATION TABLE					
SIEVE SIZE	CLASS 1	CLASS 2	CLASS 3	CLASS 4	CLASS 5
PERCENT PASSING					
19 mm (3/4 in.)					100
16 mm (5/8 in.)	100				
12.5 mm (1/2 in.)		100	100	100	80-100
9.5 mm (3/8 in.)	30-55	30-55	40-90	95-100	
4.75 mm (No.4)	0-15	0-15	0-15	0-15	
2.36 mm (No.8)	0-5	0-5	0-5	0-5	7-35
0.075 mm (No.200)	0-2	0-2	0-2	0-2	0-5

The aggregate for Classes I, II, III and IV cover coat material shall have a cleanness value of not less than 82.

For gravel sources at least 70 percent by weight of the particles retained on the 4.75 mm (No. 4) sieve shall have one fractured face or more as determined by Idaho ASASHTO TP 61.

Cover coat material shall not show a loss of more than 40 in the Los Angeles Abrasion Test, Grading C, unless otherwise specified. When tested in accordance with AASHTO T 182, cover coat material shall have a retained asphalt film above 95 percent. Aggregate not meeting this requirement may be used in combination with an anti-strip agent, provided the combination meets the 95 percent requirement.

**Attachment A**

**IDAHO STANDARD PUBLIC WORKS CONSTRUCTION  
2010 Edition  
802.2.2.A**

Table 1 CRUSHED AGGREGATE FOR BASE GRADATIONS PERCENTAGES BY WEIGHT PASSING SQUARE MESH SIEVES		
SIEVE SIZE	NORMAL MAXIMUM SIZE	
	2 in. (Type II)	3/4 in. (Type I)
PERCENT PASSING		
2-12 in	100	
2 in.	90-100	
1-1/2 inc		
1 in	55-83	100
3/4 in		90-100
3/8 in		
No. 4	30-60	40-65
No. 8		30-50
No. 30	10-25	
No.200	0-8	41342

**City of Ontario, OR  
Gravel Bid 2014  
11/25/13 3:00 pm PM**

(Automatic renewal for succeeding two years)

Product	Unit	Estimated Quantity	Valley Paving	Irvco Asphalt	Bellows S & G
3/4" Aggregate Type I Delivered	Ton	2315	\$8.75	No Response	No Response
Suppliers' Site Stockpiled	Ton		\$5.65		
<b>Suppliers' Site Loaded</b>	Ton		\$6.35	\$14,700.25	
1 1/2" Washed Rock Delivered	Ton	60	\$13.90		
Suppliers' Site Stockpiled	Ton		\$10.50		
<b>Suppliers' Site Loaded</b>	Ton		\$11.50	\$690.00	
3/4" Washed Rock Delivered	Ton	90	\$13.90		
Suppliers' Site Stockpiled	Ton		\$10.50		
<b>Suppliers' Site Loaded</b>	Ton		\$11.50	\$1,035.00	
Rip Rap 4" to 8" Delivered	Ton	10	To be negotiated		
Suppliers' Site Stockpiled	Ton		To be negotiated		
<b>Suppliers' Site Loaded</b>	Ton		To be negotiated		
Reject Sand Delivered	Ton	70	\$5.20		
Suppliers' Site Stockpiled	Ton		\$2.20		
<b>Suppliers' Site Loaded</b>	Ton		\$3.00	\$210.00	
Pit Run Delivered	Ton	740	\$5.90		
Suppliers' Site Stockpiled	Ton		\$3.00		
<b>Suppliers' Site Loaded</b>	Ton		\$3.70	\$2,738.00	
Cover Coat Delivered	Ton	Class 1 - 802 ton	\$12.00		
Suppliers' Site Stockpiled	Ton	Class 4 - 2,300 ton	\$9.00		
<b>Suppliers' Site Loaded</b>	Ton	Class 1	\$9.80	\$7,859.60	
Recycled Asphalt	Received	Class 4	\$9.80	\$22,540.00	
<b>TOTALS</b>			\$0.00	\$0.00	
				<b>\$49,772.85</b>	

**Valley Paving & Asphalt, Inc.**  
**Gravel Bid Results**  
**Calendar Year 2014**

<b>Product</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Valley Paving</b>
3/4" Aggregate Type I Delivered	Ton	2315	\$8.75
Suppliers' Site Stockpiled	Ton		\$5.65
Suppliers' Site Loaded	Ton		\$6.35
1 1/2" Washed Rock Delivered	Ton	60	\$13.90
Suppliers' Site Stockpiled	Ton		\$10.50
Suppliers' Site Loaded	Ton		\$11.50
3/4" Washed Rock Delivered	Ton	90	\$13.90
Suppliers' Site Stockpiled	Ton		\$10.50
Suppliers' Site Loaded	Ton		\$11.50
Rip Rap 4" to 8" Delivered	Ton	10	To be negotiated
Suppliers' Site Stockpiled	Ton		To be negotiated
Suppliers' Site Loaded	Ton		To be negotiated
Reject Sand Delivered	Ton	70	\$5.20
Suppliers' Site Stockpiled	Ton		\$2.20
Suppliers' Site Loaded	Ton		\$3.00
Pit Run Delivered	Ton	740	\$5.90
Suppliers' Site Stockpiled	Ton		\$3.00
Suppliers' Site Loaded	Ton		\$3.70
Cover Coat Delivered	Ton	Class 1 - 802 ton Class 4 - 2,300 ton	\$12.00
Suppliers' Site Stockpiled	Ton		\$9.00
Suppliers' Site Loaded	Ton	Class 1	\$9.80
		Class 4	\$9.80
Recycled Asphalt	Load		\$0.00
<b>TOTALS</b>			

## CONTRACT AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between **Valley Paving & Asphalt, Inc.**, hereinafter referred to as the "Contractor" and the **City of Ontario, Oregon** hereinafter referred to as the "Owner."

WITNESSETH THAT:

WHEREAS, pursuant to the invitation of the Owner, extended through a Request for Quotation, the Contractor did in accordance therewith file with the Owner a quote containing an offer which was invited by said notice; and

WHEREAS, the Owner has heretofore determined that said offer was the lowest responsive submitted:

NOW, THEREFORE, IT IS AGREED:

- First: That the Contractor shall comply in every way with the requirements of those certain contract documents entitled: **Gravel – Supply and Delivery.**
- Second: That in consideration of faithful compliance with the terms and conditions of this agreement the Owner shall pay to the Contractor at the times and in the manner provided in said documents an amount based upon the actual quantities of gravel material supplied at the contract unit prices with any cost increases or decreases resulting from approved contract change orders.
- Third: That the length of this contract shall be January 1, 2014 to December 31, 2014, one year at a time for the following two calendar years with automatic renewal for succeeding years unless written notice of intent not to renew is given by either party at least thirty (30) days prior to the anniversary date of this contract.
- Fourth: That the contract documents which are hereby made a part of this Agreement are as follows:
1. Request for Quotation
  2. Specifications
  3. Notice of Award
  4. Certificate of Insurance
  5. Contract Agreement
- Fifth: That the contract amount at the time of award is:  
(See Attached)
- Sixth: That Contractor shall guarantee the supply and delivery of gravel within twenty-four (24) hours of the order being placed.
- Seventh: That Contractor is registered with the State of Oregon Corporations Division. Please indicate your business's current registration type:
- Corporate Registration
- Assumed Business Name Registration

Bidder's Tax Identification Number(s): \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Pursuant to the requirements of ORS Chapter 279C, the following terms and conditions are made a part of this Agreement:

1. The CONTRACTOR agrees that he or she shall
  - a) Make payments promptly, as due, to all persons supplying to the CONTRACTOR labor or material for the performance of the work provided in this Agreement.
  - b) Pay all contributions or amounts due the Industrial Accident Fund from the CONTRACTOR or sub-contractor incurred in the performance of the contract.
  - c) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.
  - d) Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.
2. If the CONTRACTOR fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the CONTRACTOR by any person in connection with this Agreement, as such claim becomes due, the proper office representing CITY may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the CONTRACTOR by reason of this Agreement.
3. No person shall be employed for more than ten (10) hours in any one day, or more than forty (40) hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it.
4. The CONTRACTOR shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of the CONTRACTOR, of all sums which the CONTRACTOR agrees to pay for such services and all moneys and sums which the CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such services.
5. The CONTRACTOR and all employers working under this Agreement are subject employers under ORS 656.017.



## PUBLIC HEARING AGENDA REPORT

December 16, 2013

TO: Mayor and City Council

FROM: Winterbrook Planning  
Alan Daniels, Public Work Director  
Marcy Skinner, Planning & Zoning Technician

THROUGH: Jay Henry, City Manager

**SUBJECT: ORDINANCE #2686-2013: AN ORDINANCE AMENDING THE ONTARIO UGA TO INCLUDE THE TVCC LIVESTOCK CENTER CONSISTENT WITH THE TVCC MASTER PLAN, AMENDING THE ONTARIO COMPREHENSIVE PLAN / ZONING MAP FROM THE MALHEUR COUNTY URA AGRICULTURAL ZONE TO THE CITY PUBLIC FACILITY ZONE, AND ANNEXING THE 3.7-ACRE SITE**

DATE: December 9, 2013

---

### **SUMMARY:**

Attached are the following documents:

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

### **PREVIOUS COUNCIL ACTION:**

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

### **BACKGROUND:**

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

- a) Expansion of the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- b) Assignment of a Public Facility comprehensive plan designation.

- c) Annexation of the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assignation of the City Public Facility (PF) zone to the site.

**RECOMMENDATION:**

Staff recommends:

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

**PROPOSED MOTION:**

I move that the City Council adopt Ordinance #2686-2013, based on the information, findings and facts as set forth in Action 2013-10-07CPAMD and Exhibit 1 – the Planning Commission & City Council staff report, and to **APPROVE** the request to annex and rezone those properties identified in Exhibit 1-Map 1 and further described in Exhibit 1 – Appendix B.

**ORDINANCE NO. 2686-2013**

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

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

**WHEREAS:** This application demonstrates compliance with applicable Statewide Planning Goals and applicable policies of the Ontario Comprehensive Plan, as documented in **Exhibit 1 – Appendix E**; and

**WHEREAS:** The Ontario Planning Commission heard public and agency testimony on this matter and recommended approval of Land Use Action 2013-10-07CPAMD to the Ontario City Council at joint public hearing held on December 16, 2013 (**Exhibit 2 – Planning Commission Minutes**); and

**WHEREAS:** The subject is further described in **Exhibit 3 – Legal Description**; and

**WHEREAS:** The Comprehensive Plan amendment package approved by the Council under this Ordinance shall become effective upon co-adoption of relevant comprehensive plan amendments by the Malheur County Court; and

**WHEREAS:** The subject 3.649-acre property is already developed and uses allowed under City zoning will not result in significant impacts to state transportation facilities; and

**WHEREAS:** At the conclusion of the December 16, 2013 public hearing, the City Council, based upon the Planning Commission’s favorable recommendation and upon a motion duly made and seconded, voted to approve the request as set forth above based on decision criteria, findings of fact and conclusions of law as set forth in this order and exhibits attached hereto by this reference; and

**WHEREAS:** The City Council made the following findings of fact and adopted the following conclusions of law:

**FINDINGS OF FACT:**

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

**CONCLUSIONS OF LAW**

1. The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.
2. The City Council finds that above-mentioned exhibits and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed amendment.

**THE CITY OF ONTARIO ORDAINS AS FOLLOWS:**

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

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

AYES:

NAYS:

ABSENT:

**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
LeRoy Cammack, Mayor

**ATTEST:**

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

**PLANNING COMMISSION AGENDA REPORT**  
Monday, December 16, 2013  
7:00 p.m.

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**I. GENERAL INFORMATION:**

**TO:** Ontario Planning Commission & Ontario City Council

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

**THROUGH:** Jay Henry, City Manager

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

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

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

**STAFF REPORT DATE:** December 1, 2013

---

## **II. SUMMARY & BACKGROUND:**

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

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

### **Proposal**

The proposal is for the following:

- Expand the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- Assign a Public Facility comprehensive plan designation.
- Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Public Facility (PF) zone<sup>1</sup> to the site.

### **Supporting Documentation**

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

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

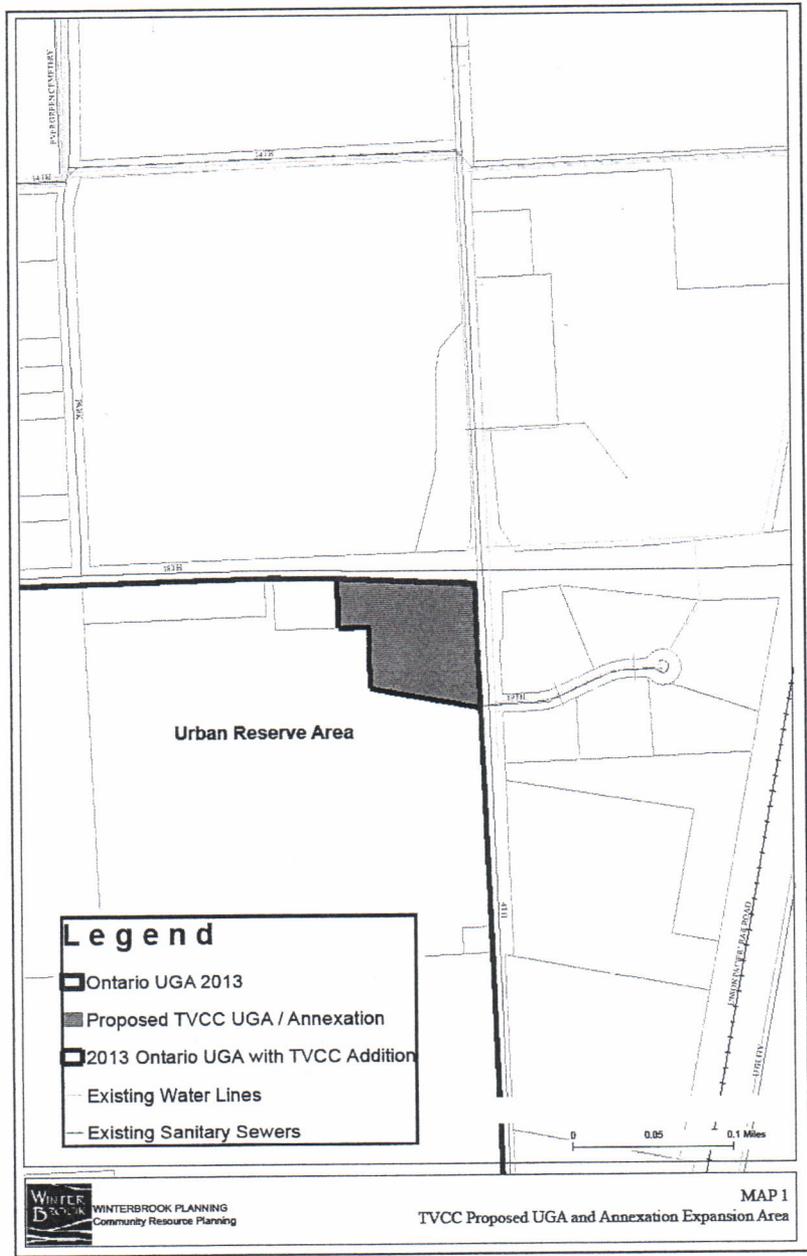
### **Proposed Annexation and Zone Change Area:**

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

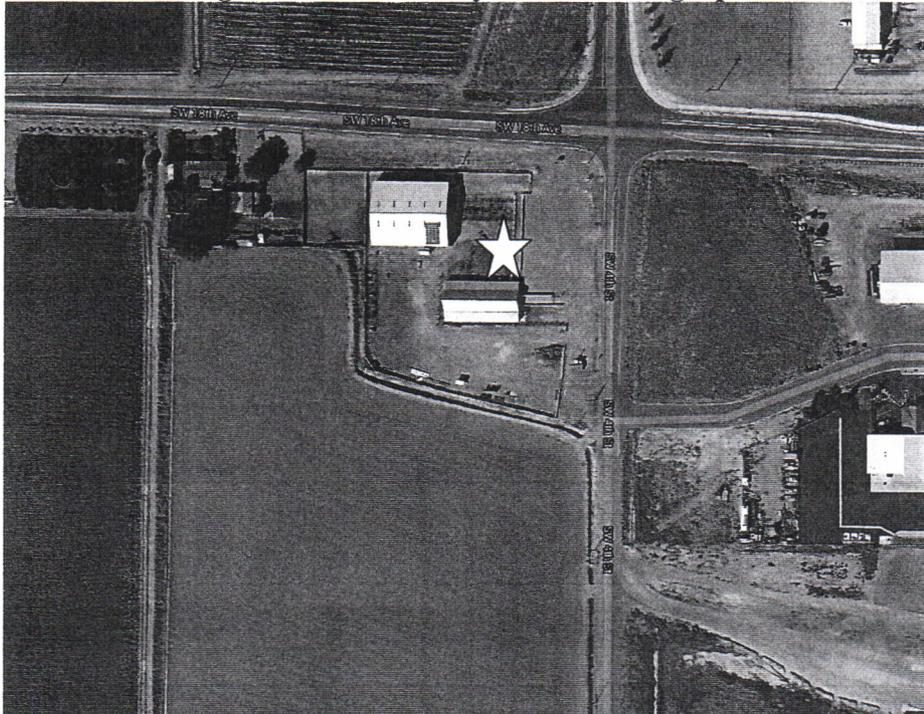
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<sup>1</sup> As modified by the TVCC Master Plan, the City PF zone has additional standards that apply to areas within the TVCC Master Plan (the College Zoning District 10A-51-30).

# Map 1: Comp Plan / Zoning Map of Subject Properties



**Figure 1: Site Vicinity Aerial Photograph**



**Proposed Comprehensive and Zoning Map Amendments**

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

**III. PREVIOUS PLANNING COMMISSION ACTION:**

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

**IV. APPLICABLE CRITERIA AND STANDARDS:**

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

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

**A. Annexation**

**1. Joint Management Agreement Requirements**

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

- 4) *A Joint Technical Review Committee (JTRC) shall be established by the City and the County to coordinate land use decisions in the UGA and URA.*
  - a) *At a minimum, the JTRC will consist of representatives from the planning and public works staffs of the City and the County. In addition, other representatives may participate as appropriate, including, but not limited to, the County Sanitarian, County Assessor, public safety officials, economic development officials and representatives from special districts such as school districts or irrigation districts. The chair of individual meetings shall be the Planning Director from the jurisdiction with lead authority for the issues under review.*
  - b) *The JTRC shall review all land use applications prior to the preparation of a staff report or administrative decision. The purpose of this review is to identify and agree on applicable policies and development standards and specific issues to be addressed by the applicant. This review may occur prior to the submission of an application, similar to a pre-application conference.*

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

**City Staff**

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

**Other Attendees**

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

**By Phone**

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

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

## 2. Statutory Requirements

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

1. Appendix B includes the signed annexation agreement.
2. The property is annexable because it (a) lies inside the Urban Growth Boundary, (b) can be provided immediately with sanitary sewer and water improvements; and (c) is contiguous with the current city limits. The property to be annexed is TL 18S4716A 200.

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

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

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

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

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

- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
- c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.*
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*

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

- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*

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

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

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

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

**Recommended Findings of Fact:**

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

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

Staff recommends approval of this application.

**V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION**

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

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

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

**VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL**

A. Approval:

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

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

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

**B. Denial:**

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

\_\_\_\_\_.

**VII. CONDITIONS OF APPROVAL:**

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

**VIII. Next Steps**

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

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

## **City of Ontario Joint Technical Review Committee (JTRC) Meeting**

DATE 11/6/2013  
TIME 1:30PM

### **Proponents:**

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

### **Project description:**

Address  
Zoning URA, Urban Reserve Area  
Proposed use Livestock Center

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

### **City of Ontario Staff Present**

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

### **Others Present**

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

### **By Phone**

Grant Young	DLCD Representative
Winterbrook	Greg & Jesse from Winterbrook

**City of Ontario Planning and Zoning Application Form**

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



**COMPREHENSIVE PLAN AMENDMENT**

This form shall be used for any legislative code amendment application

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

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

**Applicant(s)** – attach additional sheets as necessary  
Name Treasure Valley Community College  
Address 650 College Blvd  
Ontario, OR 97914  
  
Telephone (541) 212-9576  
email Bbabcock@tvcc.cc  
signature [Signature]

**Property Owner(s)** – attach additional sheets as necessary  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description of proposed action:** See Attached!  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**OFFICE USE ONLY**

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

**DESCRIPTION OF PROPOSED ACTION:**

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

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

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

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

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

## **CHAPTER 10B-15 LEGISLATIVE AMENDMENT PROCEDURES**

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

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

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

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

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

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

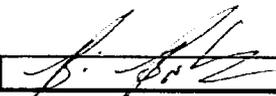
**COMPREHENSIVE PLAN AMENDMENT**    **FILE #** \_\_\_\_\_

**Applicant is:**

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

**AUTHORIZATION:**

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

  
\_\_\_\_\_  
Signature of applicant

9/25/13  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

Attach additional sheets if necessary

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

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

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

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

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

Bob Walker  
City of Ontario Public Works  
December 10, 2013



November 26, 2013

## **NOTICE OF CITY & COUNTY PUBLIC MEETINGS**

### **PUBLIC HEARINGS:**

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

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

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

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

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

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

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

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

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

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

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

#### **Proposal**

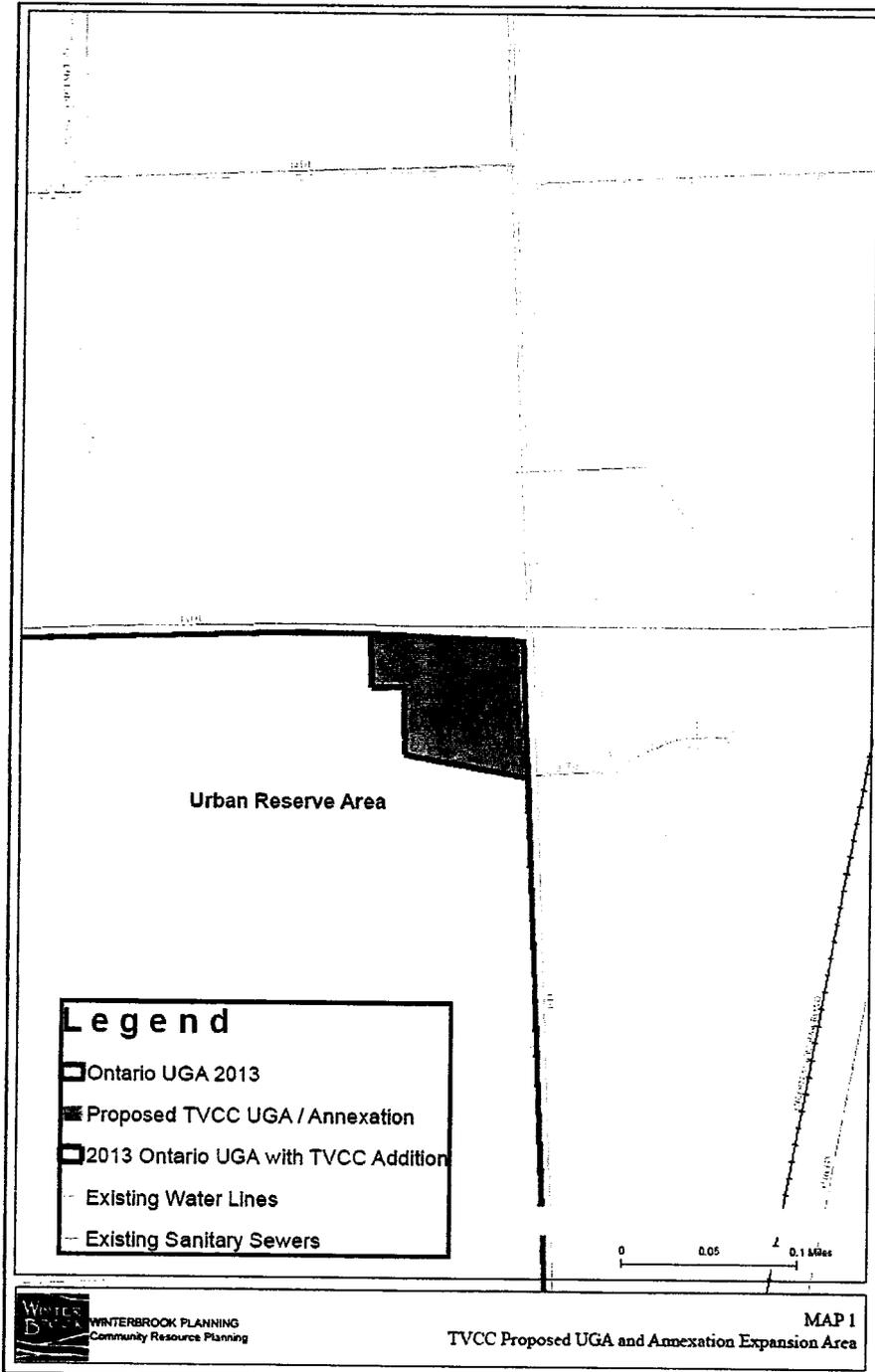
The proposal is for the following:

- Expand the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- Assign a Public Facility comprehensive plan designation.
- Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Public Facility (PF) zone<sup>1</sup> to the site.

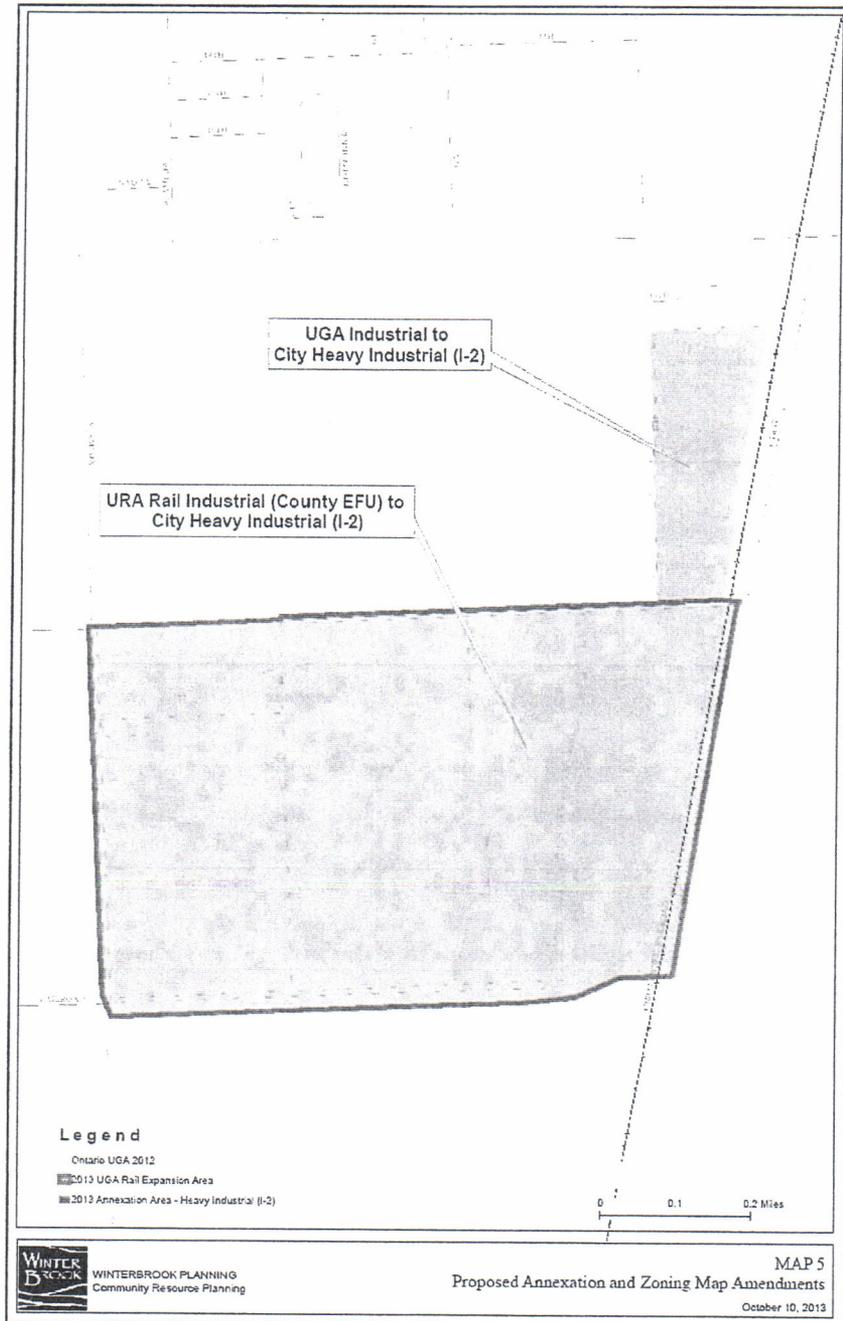
**Proposed Annexation and Zone Change Area:**

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

**Map 1: Comp Plan / Zoning Map of Subject Properties**



## Map 1: Comp Plan / Zoning Map of Subject Properties



### UGA Expansion Area Description

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

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

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

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

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

**Proposed Annexation and Zone Change Area:**

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

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

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

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

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

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VALE, OR 97918

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NAMBA FARMS INC  
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RAY, SARAH M  
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WHALEY, TOM R & TRENA A  
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RESIDENT  
2000 SW 4TH ST  
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RESIDENT  
2645 ALAMEDA DR  
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RESIDENT  
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RESIDENT  
1980 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2101 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2177 SW 4TH ST  
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RESIDENT  
1682 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
104 E ISLAND RD  
ONTARIO, OR 97914

RESIDENT  
420 RAILROAD AVE  
ONTARIO, OR 97914

RESIDENT  
3889 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
3894 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
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ONTARIO, OR 97914

RESIDENT  
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ONTARIO, OR 97914

RESIDENT  
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RESIDENT  
1801 SW 4TH ST  
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218 SW 19TH AVE  
ONTARIO, OR 97914

RESIDENT

2930 ALAMEDA DR

ONTARIO, OR 97914

RESIDENT

201 SW 19TH AVE

ONTARIO, OR 97914

RESIDENT

121 SW 19TH AVE

ONTARIO, OR 97914



## MEMORANDUM

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

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### Maps:

Map 1: TVCC Proposed UGA and Annexation Expansion Area

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Appendix A: Annexation Agreement

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## INTRODUCTION

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

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

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

**Figure 1: Aerial Photograph of Proposed UGA Expansion Area**



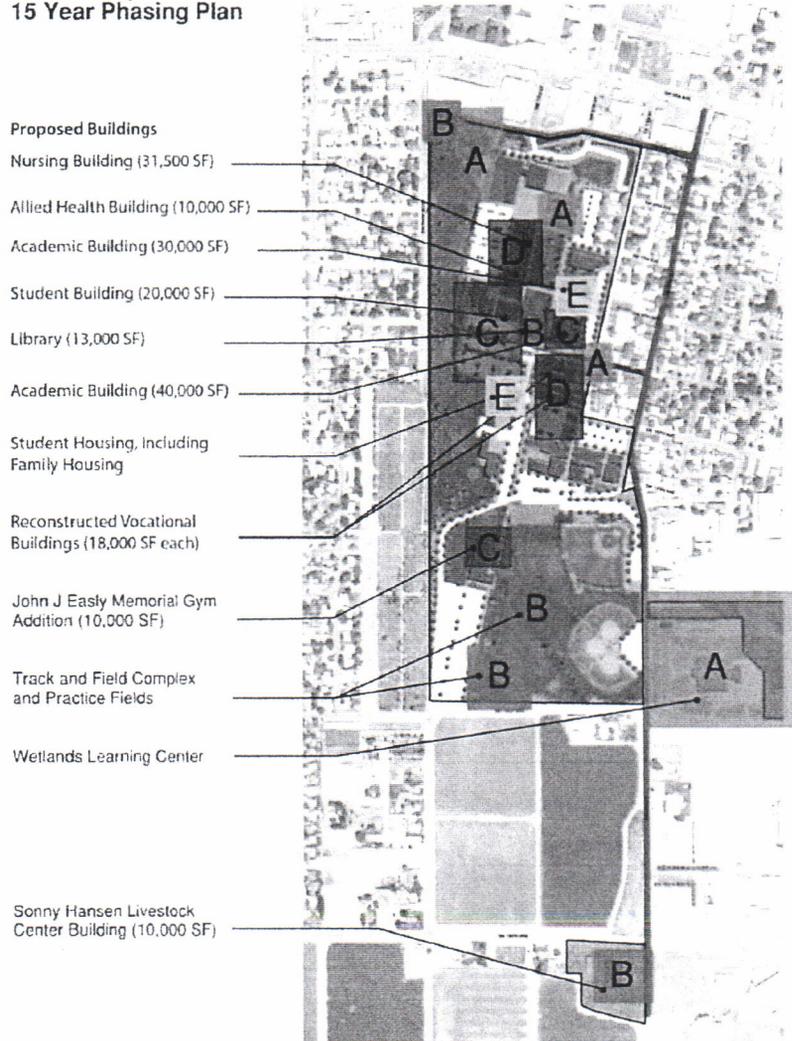
## NEED FOR LIVESTOCK CENTER AND PUBLIC FACILITY LAND

### 2012 Campus Master Plan

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

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

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



**Public Facility Land Need**

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

**Table 1: Public Facility Land Need<sup>1</sup>**

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

Source: Ontario Comprehensive Plan

## **EVALUATION OF ALTERNATIVE SITES**

### **197.298 Priorities**

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

### **Goal 14 Locational Factors**

The Goal 14 Locational Factors are addressed below.

#### **Factor 1: Efficient accommodation of identified land needs**

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

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

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

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

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

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

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

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

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

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

## **TRANSPORTATION**

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

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

## COMPLIANCE WITH COMPREHENSIVE PLAN POLICIES

### Compliance with City Comprehensive Plan Policies

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

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

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

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

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

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

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

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

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

#### *10-14-8 Policies: Urbanization*

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

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

## Compliance with Malheur County Comprehensive Plan Policies

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

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

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

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

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

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

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

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

*A text or zoning map amendment significantly affects a transportation facility if it: 1. Changes the functional classification of an existing or planned transportation facility; 2. Changes standards implementing a functional classification system; 3. Allows types or levels of land use that would result in levels of travel or access what*

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

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

## **ANNEXATION TO THE CITY OF ONTARIO**

As stated in OAR 660-014-0060:

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

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

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

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

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

## **CONCLUSION**

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

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

## PUBLIC HEARING AGENDA REPORT

December 16, 2013

TO: Mayor and City Council

FROM: Winterbrook Planning  
Alan Daniels, Public Works Director  
Marcy Skinner, Planning & Zoning Technician

THROUGH: Jay Henry, City Manager

**SUBJECT: ORDINANCE #2687-2013: AN ORDINANCE AMENDING THE ONTARIO UGA BY APPROXIMATELY 270 ACRES FOR RAIL-DEPENDENT INDUSTRIAL USE, AMENDING THE CITY'S COMPREHENSIVE PLAN AND TSP, ANNEXING APPROXIMATELY 276 TAX LOT ACRES AND APPROXIMATELY 2 ACRES OF SW 4<sup>TH</sup> STREET, AND APPLYING CITY HEAVY INDUSTRIAL (I-2) ZONING TO THE ANNEXED PARCELS**

DATE: December 9, 2013

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### **SUMMARY:**

Attached are the following documents:

- Ordinance #2687-2013
- Exhibit 1: Planning Commission Staff Report
- Exhibit 2: Joint Technical Review Committee Meeting Minutes
- Exhibit 3: Public Notice documentation
- Exhibit 4: UGA & Comprehensive Plan Amendment Justification (Maps 1-5 attached)
  - Appendix A: Second (2013) Addendum to the 2007 Ontario Urbanization Study
  - Appendix B: Proposed Comprehensive Plan Text and Policy Amendments
  - Appendix C: Proposed TSP Amendments (*Winterbrook Planning*)\*
  - Appendix D: Transportation Impact Study (*Lancaster Engineering*)\*
  - Appendix E: Public Facilities Report
  - Appendix F: Annexation Information and Signed Annexation Agreements (*Ontario Public Works*)\*

*\*When available*

### **PREVIOUS COUNCIL ACTION:**

In 2013, the Council approved scoping to move forward with a UGA amendment for rail-dependent industrial lands.

**BACKGROUND:**

On December 16, 2013 the Planning Commission continued the public hearing related to the Comprehensive Plan Amendment package as set forth in Action 2013-10-08CPAMD and Exhibit 1 (Planning Commission Staff Report). This package included:

- a) Expansion of the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs.
- b) Assignment of an Industrial Comp Plan designation with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users.
- c) Amendment of the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs.
- d) Annexation of the rail-dependent industrial site to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 248-acre site;
- e) Annexation of four intervening tax lots (28.1 acres) and approximately 2.3 acres of SW 4<sup>th</sup> Street right-of-way between the industrial site and the existing city limits and assign Heavy Industrial (I-2) zoning to the annexed parcels;
- f) Amendment of the Ontario Transportation System Plan (TSP) to designate SW 4<sup>th</sup> Street south of SW 18<sup>th</sup> Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion.

**RECOMMENDATION:**

Staff recommends that the City Council open the public hearing and take public testimony of this consolidated land use application. Upon State Agency concurrence with the Public Facilities Analysis (Exhibit 4, Appendix E), the Transportation Impact Analysis (Exhibit 4, Appendix D), and receipt of signed annexation agreements (Exhibit 4, Appendix F), staff is prepared to recommend approval of the land use application.

However, because these reports and annexation agreements were not available for public or state agency review prior to the mailing of the staff report in December 9, 2013, **staff recommends that the public hearing for these items be continued until January 21, 2014** (the second regularly-scheduled City Council meeting in January). This continuance will allow sufficient time for ODOT and DLCDC to review and comment on the public facilities and transportation impact analyses, and to allow staff sufficient time to work with property owners to determine their annexation preferences.

**PROPOSED MOTION:**

I move that the City Council continue the public hearing on **ACTION 2013-10-08 CPAMD** to January 21, 2014. The purpose of this continuance is to allow public and agency testimony on incomplete items in Exhibit 4, Appendices D (Transportation Impact Study) and F (Annexation Agreements). Public testimony at the continued public hearing will be limited to the above-mentioned technical items and any implications they may have to approval, denial or approval with conditions of ACTION 2013-10-08 CPAMD.

THIS IS A PLACEHOLDER FOR ORDINANCE 2687-2013

LARRY SULLIVAN IS WORKING ON THIS

**PLANNING COMMISSION & CITY COUNCIL AGENDA REPORT**

Monday, December 16, 2013

7:00 p.m.

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**I. GENERAL INFORMATION:**

**TO:** Ontario Planning Commission & Ontario City Council

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

**THROUGH:** Jay Henry, City Manager

***SUBJECT:* LAND USE ACTION #2013-10-08 CPAMD, ORDINANCE #2687-2013:**

- Expand the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of street (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) right-of-way to meet identified rail-dependent industrial land needs;
- Amend the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs;
- Amend the Comp Plan to include a policy to protect the rail-dependent industrial site for its intended purpose by establishing a 50-acre minimum parcel size and limiting the use of this site to uses that require direct rail access;
- Annex the rail-dependent industrial site to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 248-acre site;
- Annex four intervening tax lots (28.1 acres) and approximately 2.3 acres of SW 4<sup>th</sup> Street right-of-way between the industrial site and existing city limits and assign Heavy Industrial (I-2) zoning to the annexed parcels;
- Amend to Ontario Transportation System Plan (TSP) to designate SW 4<sup>th</sup> Street south of 18<sup>th</sup> Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion that are identified in the Transportation Impact Study found in Exhibit 4, Appendix D.

**SUBJECT PROPERTIES:** As shown on Map 1 below, the proposed rail-dependent UGA expansion area (248 acres) is bordered by Island Avenue to the north, the Oregon Eastern Railroad (OERR) short line to the south, Alameda Drive to the west, and the Union Pacific Railroad (UPRR) to the east. The site is entirely within the acknowledged Ontario Urban Reserve Area (URA) and designated for future rail-dependent industrial use.

The four intervening parcels (28.1 acres) and proposed for annexation and zone change are located between the rail-dependent industrial site and the current city limits, adjacent to and east of SW 4<sup>th</sup> Street. The SW 4<sup>th</sup> St ROW adjacent to the intervening properties is also proposed for inclusion within the UGA and annexation; this ROW covers approximately 2.3 acres.

**APPLICANT/PROPERTY OWNER:** The City of Ontario initiated this application. The City's address is 581 SW 33<sup>rd</sup> Street, Ontario, Oregon 97914. Property owner consent to annex agreements (when signed) will be included in Exhibit 4, Appendix F.

**STAFF REPORT DATE:** December 9, 2013

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## **II. SUMMARY & BACKGROUND:**

The primary purpose of this application is to provide a serviceable, rail-dependent industrial site to attract employment to the City of Ontario. The annexation of UGA properties between the existing City Limits and the proposed UGA expansion area is also proposed.

The Ontario Comprehensive Plan (updated in 2007) and the Ontario Urbanization Study (adopted in 2007) provided the factual basis for the 2007 establishment of a 50-year Urban Reserve Area (URA) by the City of Ontario and Malheur County. These plans identified major 20-year land deficits in two categories: (1) industrial land, and (2) public facilities land (mostly to meet identified park needs).

Comprehensive Plan Policy 10-14-8-3 commits the City to periodically expand the Urban Growth Area (UGA) to maintain a continuous 20-year land supply:

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

Comprehensive Plan Policy 10-14-8-7 designates land specifically for rail-dependent industrial reserve use at the terminus of the OERR with the UPRR mainline.

Since the Malheur County Rail Study was completed in 2006, the City of Ontario and Malheur County have recognized the need one or more large, rail-dependent industrial sites within the Ontario UGB. The Second Addendum to the Ontario Urbanization Study (Exhibit 4, Appendix A) justifies the need for a 250-acre rail-dependent site within the rail-dependent industrial reserve area at the east terminus of the OERR short line. Because the proposed rail-dependent industrial site is within the acknowledged Ontario Urban Reserve Area (URA), this area is the “highest priority” classification for inclusion within the UGA under ORS 197.298, Priorities for urban growth boundary expansion. As documented in Exhibit 4, Appendix E, this area can be provided efficiently with public and private facilities necessary to support planned development. As documented in Exhibit 4, Appendix D, development of this site, with proposed mitigation measures, will not adversely affect state or local transportation facilities.

In addition to its commitment to providing high-paying manufacturing jobs, Ontario has a strong commitment to protecting its agricultural economy by maintaining its regional irrigated rural land supply. The excellent farmland within Ontario’s URA originally was desert; irrigation is required to make this and other farm land in Malheur County productive. To ensure that there is no net loss in irrigated agricultural land as a result of this (or future) UGA expansion proposals, Ontario and Malheur County adopted a plan policy earlier this year to ensure that irrigation rights from agricultural land brought into the Ontario UGA are transferred to nearby farm land without comparable irrigation rights. Such water rights transfer will be ensured through agreements between property owners and responsible water districts –and through signed annexation agreements between property owners and the City of Ontario. Four properties served

by SW 4<sup>th</sup> Street are located between the rail-dependent industrial site and the existing city limits. These intervening properties are proposed for annexation and zone change from URA Industrial to City Heavy Industrial (I-2).

### **Proposal**

The specific land use proposal is for the following:

- Expand the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs.
- Assign an Industrial Comp Plan designation with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users.
- Amend the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs.
- Annex the rail-dependent industrial site to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 248-acre site;
- Annex four intervening tax lots (28.1 acres) and approximately 2.3 acres of SW 4<sup>th</sup> Street right-of-way between the industrial site and the existing city limits and assign Heavy Industrial (I-2) zoning to the annexed parcels;
- Amend to Ontario Transportation System Plan (TSP) to designate SW 4<sup>th</sup> Street south of 18<sup>th</sup> Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion.

### **Supporting Documentation**

<b>LAND USE MAP:</b>	<b>MAP 1: Annexation and Plan / Zone Change Area</b>
<b>EXHIBITS:</b>	<b>Exhibit 1: Staff Report (this document)</b>
	<b>Exhibit 2: Joint Technical Review Committee Meeting Minutes</b>
	<b>Exhibit 3: Public Notice documentation</b>
	<b>Exhibit 4: UGA &amp; Comprehensive Plan Amendment Justification</b>
	<b>Appendix A: Second (2013) Addendum to the 2007 Ontario Urbanization Study</b>
	<b>Appendix B: Proposed Comprehensive Plan Text and Policy Amendments</b>
	<b>Appendix C: Proposed TSP Amendments*</b>
	<b>Appendix D: Transportation Impact Study (TIS – Lancaster Engineering)*</b>
	<b>Appendix E: Public Facilities Report (Ontario Public Works)*</b>
	<b>Appendix F: Annexation Information and Signed Annexation Agreements*</b>

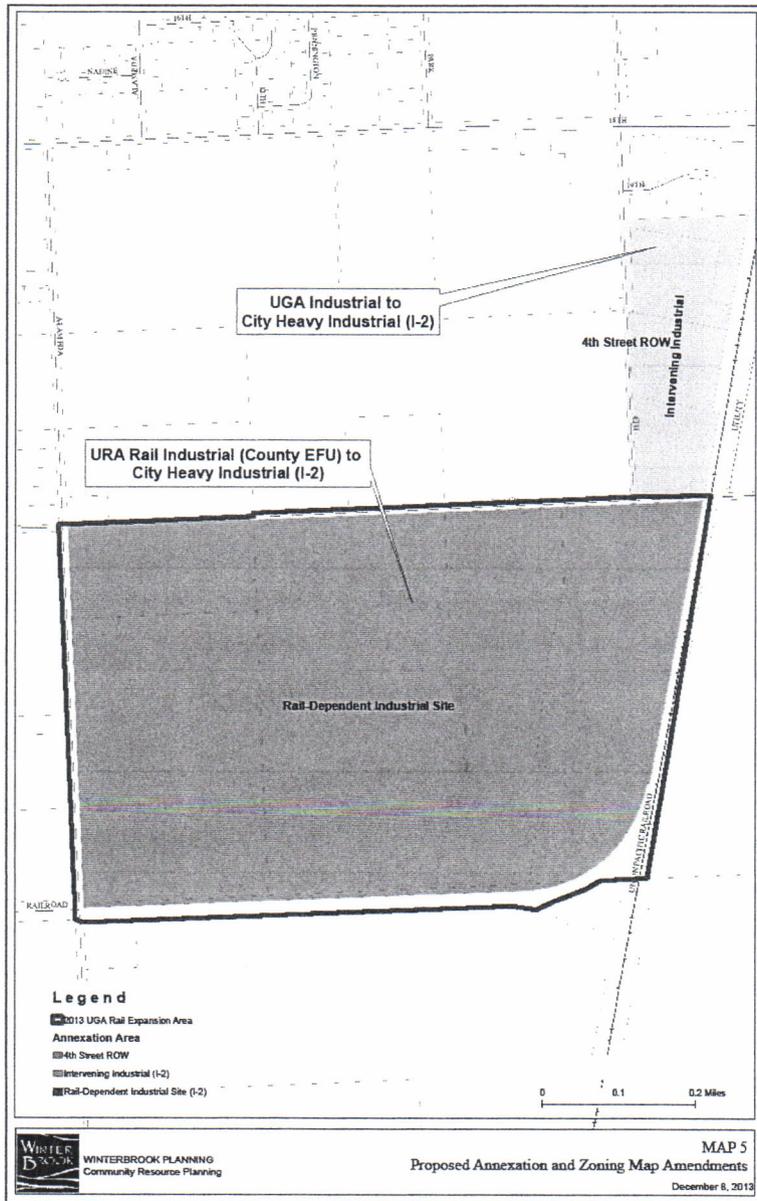
\*Staff Note: The Public Facilities Analysis, Transportation Impact Study and Signed Annexation Agreements for the subject properties were not completed at the time this staff report was mailed. Oregon statutes require that staff reports be available at least seven days prior to the public hearing. Moreover, affected state agencies (notably the Oregon Department of Transportation and the Oregon Department of Land Conservation & Development) will not have had adequate time to review these important documents. Based on research conducted to date, staff is confident that the subject properties can be

efficiently provided with sanitary sewer, water and transportation facilities. However, the lack of the formal reports and signed annexation agreements leads staff to recommend that the public hearing be continued until January 20, 2014. Please see recommended motion at the end of this staff report.

**Proposed Annexation and Zone Change Area:**

Map 1 (Map 5 in Exhibit 4), inserted below and attached in larger format to this document, shows the proposed annexation and Comp Plan / Zone Change areas.

**Map 1: Comp Plan / Zoning Map of Subject Properties**



## **Proposed Comprehensive and Zoning Map Amendments**

This staff report supports the proposed UGA amendment, Comprehensive Plan amendments, TSP amendment, annexation to the City and amendment of the Comprehensive Plan and Zoning Map for the subject parcels – from URA Rail Industrial and UGA Industrial to City Heavy Industrial.

### **III. PREVIOUS PLANNING COMMISSION ACTION:**

Nothing substantive on this request.

### **IV. APPLICABLE CRITERIA AND STANDARDS:**

Zone changes (including changes to the UGA boundary) must meet the requirements of Section 10-20-30 of the OZO, including applicable Comp Plan policies, Statewide Planning Goals and Administrative Rules. Annexations must meet the statutory requirements of ORS 222. Annexations and zone changes for property outside the existing city limits are subject to the procedural requirements of the Ontario – Malheur County Urban Growth Management Agreement (UGMA).

#### **A. Joint Management Agreement Procedural Requirements**

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

- 4) *A Joint Technical Review Committee (JTRC) shall be established by the City and the County to coordinate land use decisions in the UGA and URA.*
  - a) *At a minimum, the JTRC will consist of representatives from the planning and public works staffs of the City and the County. In addition, other representatives may participate as appropriate, including, but not limited to, the County Sanitarian, County Assessor, public safety officials, economic development officials and representatives from special districts such as school districts or irrigation districts. The chair of individual meetings shall be the Planning Director from the jurisdiction with lead authority for the issues under review.*
  - b) *The JTRC shall review all land use applications prior to the preparation of a staff report or administrative decision. The purpose of this review is to identify and agree on applicable policies and development standards and specific issues to be addressed by the applicant. This review may occur prior to the submission of an application, similar to a pre-application conference.*

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

#### **City Staff**

- Larry Sullivan                      City Attorney
- Bob Walker                         Public Works Director

- Al Higinbotham      Fire Chief
- Dan Shepard        Engineering Department
- Bret Turner         Project Manager
- Alan Daniels        Chief Innovations Officer

**Other Attendees**

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

**By Phone**

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

The JTRC supported the project provided that adequate street and utility improvements are made; no objections were raised. Exhibit 2 contains the JTRC meeting minutes.

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

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

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

**Staff Findings:** UGA amendment justification and findings are attached as Exhibit 4 to this document. As described in detail in Exhibit 4, the proposed UGA expansion to include rail-dependent industrial lands meets identified needs for targeted rail-dependent industrial firms identified in the Ontario EOA, and therefore is consistent with Statewide Planning Goal 9 (Employment) and Need Factors 1 and 2 of Goal 14 (Urbanization).

Exhibit 4, Section 4 (Statewide Goal Consistency Analysis) indicates conformance with all applicable statewide planning goals. Exhibit 4, Section 5 shows conformance with all applicable City comprehensive plan goals and policies.

- b. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
- c. *The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical,*

*social or market conditions generally affecting the area which make the proposed change appropriate.*

- d. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
- e. *The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*

**Staff Findings:** As discussed extensively in Exhibit 4, the proposed UGA amendment and zone change provides sufficient land to meet identified rail-dependent industrial siting needs. The proposal is consistent with and builds on existing plans for the proposed expansion area – the proposed rail-dependent industrial site is URA Rail Industrial, and the intervening area also proposed for annexation is UGA Industrial.

- f. *The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*

**Staff Findings:** The Development Services Director has shown that the subject parcels can be efficiently provided with adequate public facilities in Exhibit 4, Appendix E. The proposed TSP amendment (re-classification of SW 4<sup>th</sup> Street from a local street to a major collector – Exhibit 4, Appendix C) will ensure that street capacity is consistent with planned demands.

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

**Staff Findings:** The proposed zoning map changes are consistent with urban reserve and comprehensive plan designations for the subject parcels. The subject parcels are adjacent to railroad lines, developed industrial land, and undeveloped URA land that currently is in farm use – all uses that are generally compatible with heavy industrial development. Potential adverse impacts from industrial development are mitigated by City development standards for heavy industrial zoning, and by EPA clean air and water requirements.

#### **Recommended Findings of Fact:**

Criteria a & b: As this is a Comprehensive Plan Amendment to change zoning classification, the amendment itself must be shown to be consistent with the Comp Plan and with applicable Statewide Planning Goals. The above section of this report shows the proposed rezone to be consistent with the Comp Plan and the Goals.

Criteria c & d. The City Public Works Director has prepared a public facilities analysis (Exhibit 4, Appendix E) demonstrating (a) that the City can serve the subject parcels plus

land already within the City Limits, and (b) explaining how sewer and water services can be extended to serve the subject parcels. The TIS will be coordinated with ODOT and will include recommended measures to ensure that identified impacts to state and local transportation facilities are adequately mitigated.

### C. Annexation Requirements

#### Properties Proposed for Annexation

Table 1 on the following page lists properties proposed for annexation.

Except for the SW 4<sup>th</sup> Street ROW, all annexed properties will be assigned City Heavy Industrial zoning.

**Table 1: List of Properties Proposed for Annexation to the City of Ontario**

Tax Ref #	Tax Assessor's Map	Tax Lot #	Acres	Owner
<b>Intervening Properties East of SW 4<sup>th</sup> Street (30.4 Acres)</b>				
18497	18S4716A	600	4.0	Evans Grain
18340	18S4716A	700	8.1	Evans Grain
15205	18S4716A	900	8.2	Weaver
7780	18S4716A	1100	7.8	Weaver
SW 4 <sup>th</sup> Street Right-of-Way			2.3	Malheur County
<b>Rail Dependent Industrial Properties (248 Acres)</b>				
7787	18S4716	1400	0.2	Navarrete
7788	18S4716	1500	0.3	Navarrete
7786	18S4716	1600	19.1	Duyn/Navarrete
7789	18S4716	1800	57.6	Kameshige
7790	18S4716	1800	0.9	Kameshige
7791	18S4716	1300	79.0	Duyn/Navarrete
7792	18S4716	1200	40.2	Duyn/Navarrete
7793	18S4716	1100	47.6	Duyn/Navarrete
7841	18S4721 (northern portion)	200	3.0	Treasure Valley Renewable Resources

#### Annexation Review Criteria

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

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

1. Exhibit 4, Appendix F will include the signed annexation agreements.

2. Provided that the intervening properties (Tax Lots 600, 700, 900 and 1400) have signed annexation agreements, they are annexable because they (a) lie inside the UGA boundary, (b) are contiguous with the current City Limits, and (c) can be readily provided with urban services. Malheur County has signed an annexation agreement for the SW 4<sup>th</sup> Avenue ROW (Exhibit 4, Appendix F).

3. Provided that the rail-dependent industrial properties (Tax Lots 1100, 1200, 1300, 1400, 1500, 1600, 1800 and 200) have signed annexation agreements, they are annexable because they (a) will become part of the Ontario UGA as a result of this action, (b) are contiguous with the SW 4<sup>th</sup> Avenue ROW and intervening properties listed below, and (c) can be readily provided with urban services as documented in Exhibit 4, Appendices D and E.

## V. SUMMARY CONCLUSION AND STAFF RECOMMENDATION

Staff recommends that the Planning Commission and City Council open the public hearing and take public testimony of this consolidated land use application.

Upon State Agency concurrence with the Public Facilities Analysis (Exhibit 4, Appendix E), the Transportation Impact Analysis (Exhibit 4, Appendix D), and receipt of signed annexation agreements (Exhibit 4, Appendix F), staff is prepared to recommend approval of the land use application.

However, because these reports and annexation agreements were not available for public or state agency review prior to the mailing of the staff report in December 7, 2013, **staff recommends that the public hearing for these items be continued until January 20, 2014** (the second regularly-scheduled City Council meeting in January). This continuance will allow sufficient time for ODOT and DLCD to review and comment on the public facilities and transportation impact analyses, and to allow staff sufficient time to work with property owners to determine their annexation preferences.

## **VI. SUGGESTED MOTIONS FOR CONTINUANCE**

### **A. Suggested Planning Commission Motion**

I move that the Planning Commission continue the public hearing on **ACTION 2013-10-08 CPAMD** to January 20, 2014. The purpose of this continuance is to allow public and agency testimony on incomplete items in Exhibit 4, Appendices D (Transportation Impact Study), E (Public Facilities Analysis and F (Annexation Agreements).

Public testimony at the continued public hearing will be limited to the above-mentioned technical items and any implications they may have to approval, denial or approval with conditions of ACTION 2013-10-08 CPAMD.

### **B. Suggested City Council Motion**

I move that the City Council continue the public hearing on **ACTION 2013-10-08 CPAMD** to January 20, 2014. The purpose of this continuance is to allow public and agency testimony on incomplete items in Exhibit 4, Appendices D (Transportation Impact Study), E (Public Facilities Analysis and F (Annexation Agreements).

Public testimony at the continued public hearing will be limited to the above-mentioned technical items and any implications they may have to approval, denial or approval with conditions of ACTION 2013-10-08 CPAMD.

## **VII. NEXT STEPS**

If the Planning Commission and City Council decide to continue the public hearing on this matter, the review, local adoption and Land Conservation and Development acknowledgment process should work as follows:

- The Planning Commission and City Council will hear public testimony regarding this application on December 16, 2013.
- The joint public hearing will be continued until a date certain (staff recommends January 20, 2014) to allow sufficient time for public and agency review and comment on the Public Facilities Analysis (Exhibit 4, Appendix E), the Transportation Impact Study (Exhibit 4, Appendix D), and signed annexation agreements (Exhibit 4, Appendix F).
- A revised staff report, completed Exhibit 4 Appendices (D, E and F), public and agency comments, and Ordinance #2687-2013 (adopting this rail-dependent industrial UGA expansion and associated comprehensive plan text and map amendments).
- If the Planning Commission recommends approval (or approval with conditions), the City Council will consider and vote on the proposed Ordinances. Council changes will be noted and included in the final ordinances and exhibits to both Ordinances.
- The Mayor would then sign the ordinance and Winterbrook will work with City Planning staff to forward the adopted UGA amendments to Malheur County for its review.
- It is anticipated that the Malheur Planning Commission will hold a public hearing on this matter on December 19, 2013. It is our understanding the County staff will recommend that this public hearing be continued to a date certain. Since the County Planning Commission meets the fourth Thursday of each month, the likely continuance date will be January 23, 2014.
- A public hearing before the County Court is scheduled for January 8<sup>th</sup>, 2014; this public hearing will also be continued to a date certain to allow time to consider the Malheur Planning Commission recommendation on this matter. Since the County Court meets each Wednesday, the likely continuance date will be January 29, 2014.
- If Malheur County co-adopts Ontario's proposal, Winterbrook and City staff will work with DLCD representative Grant Young to prepare the notice to the Department of Land Conservation & Development of final local decision.
- If the DLCD Director approves the proposed UGA amendments (and there are no objections from participating parties), the City and County ordinances will be "acknowledged" and in effect.

## City of Ontario Joint Technical Review Committee (JTRC) Meeting

DATE 11/6/2013  
 TIME 1:30PM

### Rail Dependent Industrial Lands-Project 78

- 245 Acres north of Railroad Avenue
- The project is expected to use 5 million gallons of water per day
- Domestic water is not necessary for processing, it may be possible to use the water from the Snake River (it was discussed that TMDL restricts discharge to the Snake River)
- The sanitary sewer may need to go to lagoons onsite, there is not currently enough capacity (Bob suggested an adjacent system for a lesser cost) we can handle 30,000 gallons per day of domestic wastewater
- possible land applying irrigation for waste disposal of process water
- A PW memo is required by the consultants for the domestic sewer and water
- ODOT won't allow using Railroad Avenue unless extended to the north (which isn't feasible)
- ODOT recommended using SW 4<sup>th</sup> Street to SE 2<sup>nd</sup> Street (will be improved by STIP funding)
- The consultants needed to know if there was enough ROW on SW 4<sup>th</sup> Street, check TSP
- They also needed to know what paving standard would be used from the site going to SW 18<sup>th</sup> Avenue (should be designed for trucks)
- A signal light at SW 4<sup>th</sup> Street and SW 18<sup>th</sup> Avenue was discussed
- Alan Daniels stated that the SDCs on this project would be significant
- A possible Deferred Improvement Agreement (DIA) was discussed for all users
- The street should be built fully including sidewalks as it's anticipated to have many employees
- A late comer's fee may be needed to repay the developer
- Alan Daniels mentioned 1.3 miles along SW 18<sup>th</sup> Avenue to possibly receive STIP monies
- A usage-based LID was discussed
- Larry Sullivan said that they could not force adjacent property owners into an LID
- Alan Daniels stated that he had talked to the property owners about annexation agreements
- The transferring of irrigation rights will not be necessary on the intervening properties
- It was suggested that the annexation NOT be run as an emergency clause
- DEQ permits- an air quality discharge permit would take a year to receive (Salem is good with this project)

### City of Ontario Staff Present

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

### Others Present

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

**By Phone**  
Grant Young  
Winterbrook

DLCD Representative  
Greg & Jesse from Winterbrook



November 26, 2013

## NOTICE OF CITY & COUNTY PUBLIC MEETINGS

### PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

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

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

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

### **Proposal**

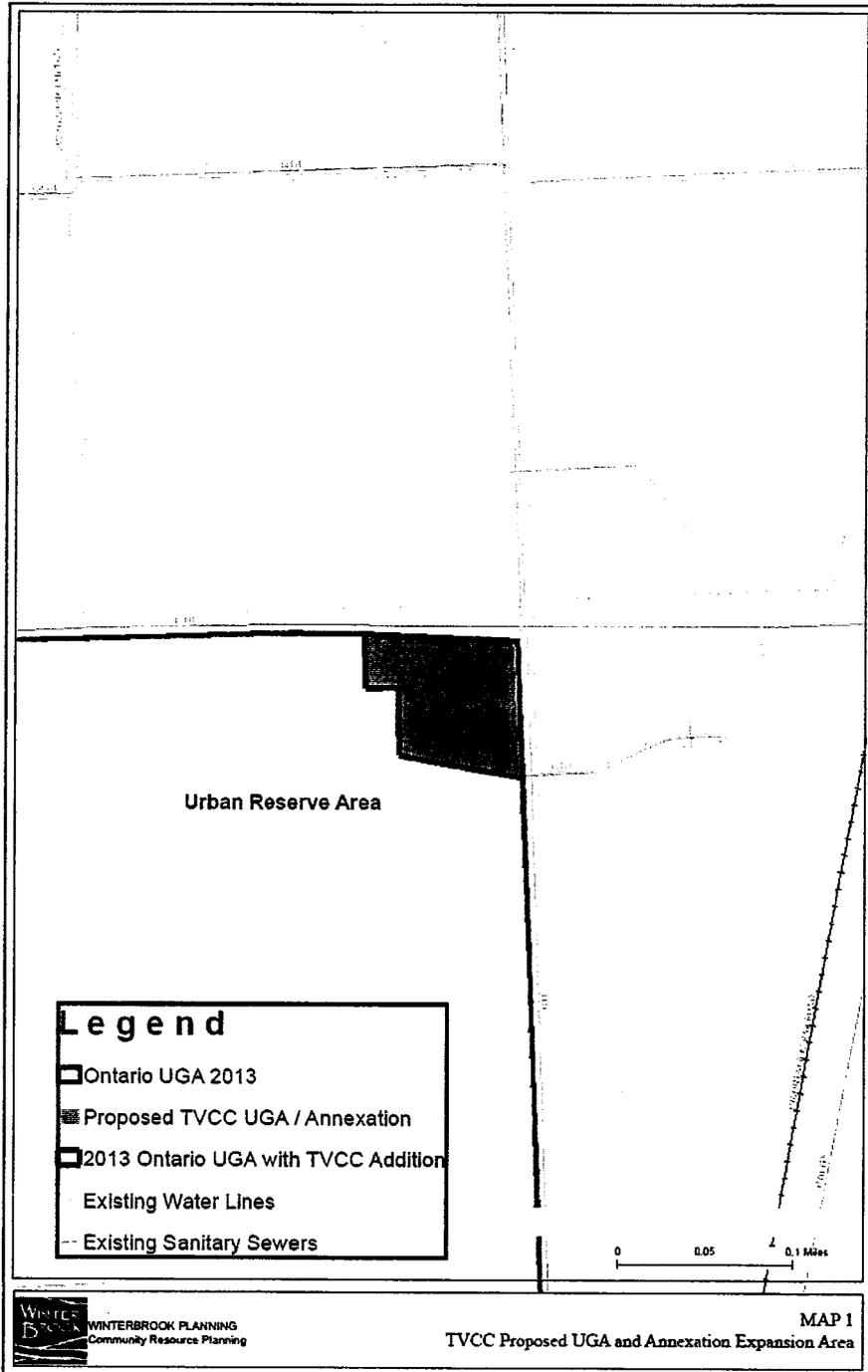
The proposal is for the following:

- Expand the Ontario Urban Growth Boundary (UGA) to include 3.7 acres to meet identified TVCC Master Plan and Public Facility land needs identified in the Ontario Comprehensive Plan.
- Assign a Public Facility comprehensive plan designation.
- Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Public Facility (PF) zone<sup>1</sup> to the site.

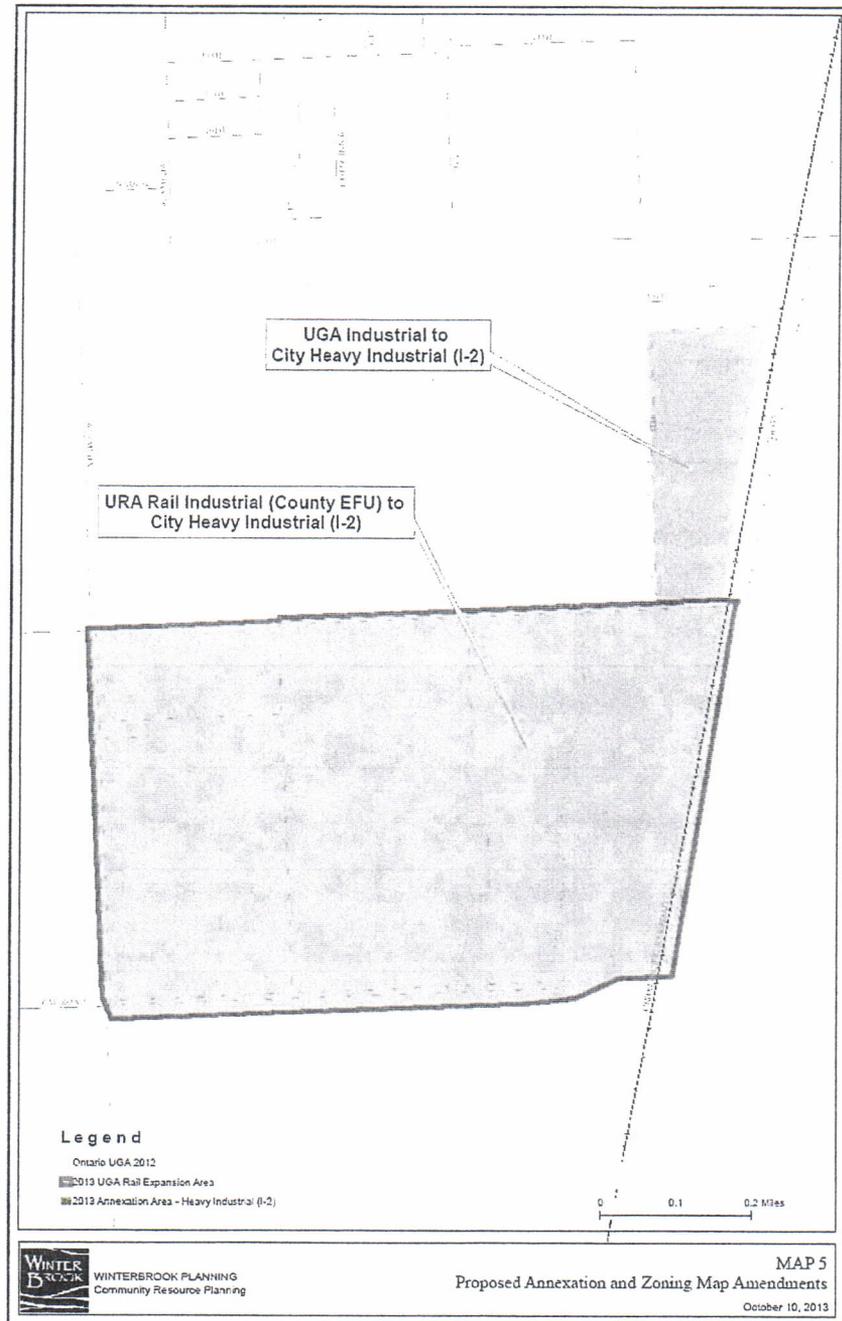
**Proposed Annexation and Zone Change Area:**

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

**Map 1: Comp Plan / Zoning Map of Subject Properties**



## Map 1: Comp Plan / Zoning Map of Subject Properties



### UGA Expansion Area Description

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

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

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

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

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

**Proposed Annexation and Zone Change Area:**

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

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

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

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

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

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ONTARIO, OR 97914

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ONTARIO, OR 97914

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

CLAYTON, JIMMIE A & ANN  
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ONTARIO, OR 97914

COLEY, CARROLL C & CHARLOTTE L  
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GRANITE, OR 97877

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FRAZIER AVIATION LLC  
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ONTARIO, OR 97914

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JARAMILLO FAMILY TRUST  
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PORTLAND, OR 97239

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ONTARIO, OR 97914-8840

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KITAMURA, RICKY L  
151 LAUREN DR  
ONTARIO, OR 97914

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

MALHEUR COUNTY  
251 B ST W  
VALE, OR 97918

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

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

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

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

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

POINTS, FRANK L & BARBARA J  
2415 ALAMEDA DR  
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RAY, SARAH M  
2440 SUNSET DR  
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REYNOLDS, MILTON G  
P O BOX 1023  
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SIMPLOT, J R CO  
P O BOX 27  
BOISE, ID 83707

SYPHERS, GARY R & INA  
2430 SUNSET DR  
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TOP ONIONS USA INC  
170 E ISLAND RD  
ONTARIO, OR 97914

TREASURE VALLEY COMM COLLEGE  
650 COLLEGE BLVD  
ONTARIO, OR 97914

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

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

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

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

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

RESIDENT  
2601 W ISLAND RD  
ONTARIO, OR 97914

RESIDENT  
2000 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2645 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
3822 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
1980 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2101 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2177 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
1682 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
104 E ISLAND RD  
ONTARIO, OR 97914

RESIDENT  
420 RAILROAD AVE  
ONTARIO, OR 97914

RESIDENT  
3889 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
3894 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
1700 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
2531 SUNSET DR  
ONTARIO, OR 97914

RESIDENT  
700 SW 18TH AVE  
ONTARIO, OR 97914

RESIDENT  
1801 SW 4TH ST  
ONTARIO, OR 97914

RESIDENT  
3866 ALAMEDA DR  
ONTARIO, OR 97914

RESIDENT  
218 SW 19TH AVE  
ONTARIO, OR 97914

RESIDENT  
2930 ALAMEDA DR  
ONTARIO, OR 97914

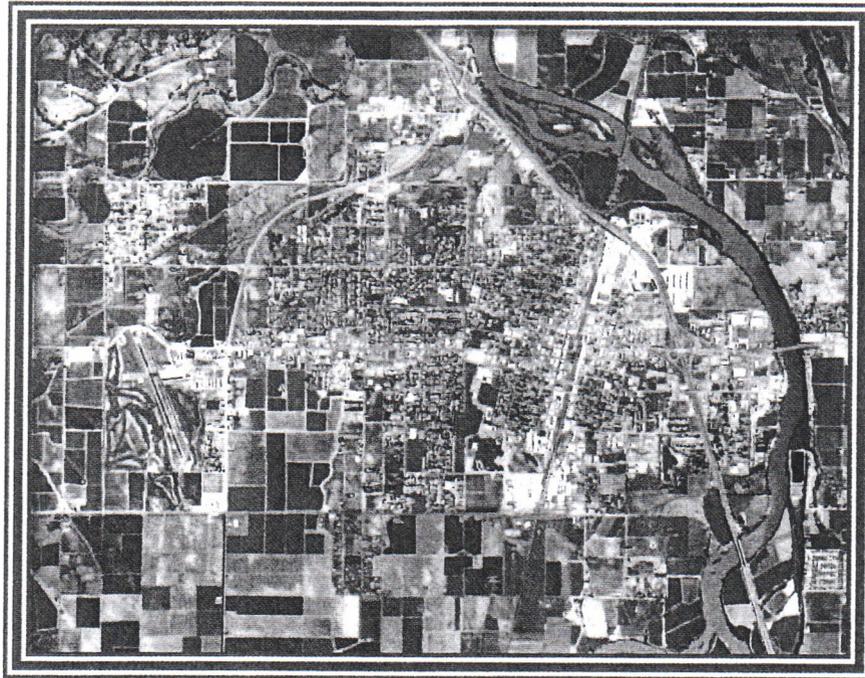
RESIDENT  
201 SW 19TH AVE  
ONTARIO, OR 97914

RESIDENT  
121 SW 19TH AVE  
ONTARIO, OR 97914

# CITY OF ONTARIO

## URBAN GROWTH AREA & COMPREHENSIVE PLAN AMENDMENT

### Justification and Findings



DECEMBER 8, 2013

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# CITY OF ONTARIO

## URBAN GROWTH AREA & COMPREHENSIVE PLAN AMENDMENT

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- PROPOSAL:** This narrative supports the following proposed amendments to the Ontario Comprehensive Plan (Comp Plan):
1. Expand the Ontario Urban Growth Boundary (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way to meet identified rail-dependent industrial land needs.
  2. Assign an Industrial Comp Plan designation with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users.
  3. Amend the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs.
  4. Annex the UGA expansion area to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I2) zone to the 248-acre industrial site;
  5. Amend to Ontario Transportation System Plan (TSP) to designate 4<sup>th</sup> Street south of 18<sup>th</sup> Avenue as a major collector street consistent with preliminary TSP designations and address and mitigate for transportation impacts from the proposed UGA expansion.

**APPLICANT:** The applicant is the City of Ontario. However, this project is of critical importance to Malheur County. Public hearings are scheduled with City and County planning commissions and elected officials.

- Contact Alan Daniels, Chief Innovations Officer, at 541-212-1676 or Marcy Skinner, Planning Technician at 541-881-3224.
- The City is represented in this matter by **Winterbrook Planning** / 310 SW Fourth Avenue, Suite 1100 / Portland, Oregon 97204 / Contact: Jesse Winterowd, Project Planner, at (503) 827-4422.

**LAND USE MAPS:** Maps referenced in this report are found immediately following the Table of Contents. Appendices are found at the end of this report.

**MAP 1: Existing Ontario Comprehensive Plan Map Designations**

**MAP 2: Rail-Dependent Site Alternatives**

**MAP 3: Alternative Site Characteristics**

**MAP 4: Proposed Comprehensive Plan and TSP Map Amendments**

**MAP 5: Proposed Zoning Map Amendments**

**APPENDICES:** This report includes the following appendices:

**Appendix A: Second (2013) Addendum to the 2007 Ontario Urbanization Study**

**Appendix B: Proposed Comprehensive Plan Text and Policy Amendments**

**Appendix C: Proposed TSP Amendments (in process)**

**Appendix D: Transportation Impact Study (TIS – Lancaster Engineering) (in process)**

**Appendix E: Public Facilities Report (Ontario Public Works)(in process)**

**Appendix F: Annexation Information and Signed Annexation Agreements (in process)**

As shown on Map 4, the proposed UGA expansion area is:

**UGA EXPANSION  
AREA  
DESCRIPTION:**

- located between Island Avenue and Oregon Eastern Railroad, and between Alameda Drive and the Union Pacific Railroad;
- entirely within the acknowledged Ontario Urban Reserve Area (URA); and
- adjacent to the acknowledged Ontario UGA bordered on the southern side by Oregon Eastern Railroad short line, and on the east by Union Pacific Railroad main line.

**UGA EXPANSION  
AREA  
OWNERSHIP  
AND TAX LOTS:**

- Duyn / Navarrete: TLs 18S4716 1100, 1200, 1300, 1600 (Ref#s 7786, 7791, 7792, 7793)
- Kameshige: TL 18S4716 1800 (Ref#s 7789, 7790)
- Navarrete: TLs 18S4716 1400, 1500 (Ref#s 7787, 7788)
- Treasure Valley Renewable Resources: TL 18S4721 200 (Ref# 7841)

**ANNEXATION  
AND REZONE  
AREA  
OWNERSHIP  
AND TAX LOTS:**

- Duyn / Navarrete: TLs 18S4716 1100, 1200, 1300, 1600 (Ref#s 7786, 7791, 7792, 7793)
- Kameshige: TL 18S4716 1800 (Ref#s 7789, 7790)
- Navarrete: TLs 18S4716 1400, 1500 (Ref#s 7787, 7788)
- Evans Grain: TLs 18S4716A 600, 700 (Ref#s 18497, 18340)
- Weaver: TLs 18S4716A 900, 1100 (Ref#s 15205, 7780)
- Treasure Valley Renewable Resources: TL 18S4721 200 (Ref# 7841)

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## INTRODUCTION

The Ontario Comprehensive Plan (updated in 2007) and the Ontario Urbanization Study (adopted in 2007) provided the factual basis for the 2007 establishment of a 50-year Urban Reserve Area (URA) by the City of Ontario and Malheur County. These plans identified major 20-year land deficits in two categories: (1) industrial land, and (2) public facilities land (mostly to meet identified park needs).

Comprehensive Plan Policy 10-14-8-3 commits the City to periodically expand the Urban Growth Area (UGA) to maintain a continuous 20-year land supply:

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

Comprehensive Plan Policy 10-14-8-7 designates land specifically for rail-dependent industrial reserve use at the terminus of the OERR with the UPRR.

The Second Addendum to the Ontario Urbanization Study justifies the need for a 250-acre rail-dependent site within the rail-dependent industrial reserve area at the east terminus of the OERR short line. Because the proposed rail-dependent industrial site is within the acknowledged URA, this area is the "highest priority" classification for inclusion within the UGA under ORS 197.298, Priorities for urban growth boundary expansion. This area can be provided efficiently with public and private facilities necessary to support planned development.

Nevertheless, Ontario has a strong commitment to protecting its agricultural economy by maintaining its regional irrigated rural land supply. The excellent farmland within Ontario's URA originally was desert; irrigation is required to make this and other farm land in Malheur County productive.

To ensure that there is no net loss in irrigated agricultural land as a result of this (or future) UGA expansion proposals, Ontario and Malheur County have adopted a plan policy earlier this year to ensure that irrigation rights from agricultural land brought into the Ontario UGA are transferred to nearby farm land without comparable irrigation rights. Such water rights transfer will be ensured through agreements between property owners and responsible water districts –and through signed annexation agreements between property owners and the City of Ontario.

### Proposed Comprehensive Plan Amendments

This narrative and referenced maps and studies support proposed amendments to the Ontario Comprehensive Plan, the 2007 Urbanization Study, the 2006 Transportation System Plan (TSP), and the Ontario Zoning Map:

1. The proposed UGA expansion area is shown on Map 4 and supported by Appendices A-E.
2. Proposed Comp Plan Map amendments are shown on Map 4.
3. Proposed Ontario TSP amendments are shown on Map 4, described in Appendix C and supported by the TIS found in Appendix D.

4. Proposed Comp Plan text, table and policy amendments are found in Appendix B which includes proposed amendments to Goals 9, 12 and 14 of the Comp Plan.
5. Proposed annexation and rezoning of land within the UGA expansion area are shown on Map 5; Appendix E documents compliance with Ontario Municipal Code, Title 10B-45-10 and ORS 122 annexation requirements (including signed annexation agreements).

#### Goal 14 Requirements

This section addresses requirements for amending the Ontario UGA to accommodate the targeted rail-dependent industrial use.

Goal 14 requires cities and counties jointly to establish and maintain UGAs to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. OAR Chapter 660, Division 024 clarifies procedures and requirements of Goal 14 regarding local government adoption or amendment of a UGA.

Amendments to UGAs are based upon consideration of six factors:

##### Need Factors

1. ***Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments;***
2. ***Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space;***

##### Location Factors

1. ***Efficient accommodation of identified land needs;***
2. ***Orderly and economic provision of public facilities and services;***
3. ***Comparative environmental, energy, economic and social consequences; and***
4. ***Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the urban growth boundary.***

As noted in Goal 14 itself:

***In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.***

As further explained in OAR 660-024-0060(5), cities may identify site requirements for needed employment and apply these requirements to address ORS 197.298 Priorities for urban growth boundary expansion:

***In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need and limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.***

## SECTION 1: NEED FOR ADDITIONAL EMPLOYMENT SITE

Need Factor 1: Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments;

Goal 14, Factor 1 addresses the need to accommodate long-term population growth based on the coordinated population forecast.<sup>1</sup>

The 2007 Ontario Urbanization Study (Table S-1) includes the City's coordinated population and projections from 2006 to 2056. Ontario's population is projected to increase from 11,425 (2006) to 15,692 (2026) at an average annual growth rate of 1.1%. Employment growth is linked directly to population growth and is also projected to increase at 1.1% per year – from 10,430 (2006) to 14,328 (2026).

Ontario's population and employment growth has been impeded by the Great Recession: Ontario's 2010 population was 11,366 in 2010 and is estimated to have decreased slightly in 2011. (US Census) Although US Census figures do not identify the number of new employees in the community since 2006, no major industrial firms have chosen to locate in the Ontario UGA since 2007.<sup>2</sup>

Ontario, Malheur County, and the State of Oregon would like to turn this around. Ontario is now in a position to become a center for rail-dependent industrial and regional transshipment, with its substantial economic benefits. To provide the opportunity for a large rail-dependent employment center, Ontario needs to provide large industrial sites, along the OERR short line, with public and private facilities necessary to support them. If Ontario is successful in attracting a regional transshipment or rail-dependent manufacturing center, it will be more likely to meet its coordinated population and employment projections.

---

<sup>1</sup> Division 015 Urban Growth Boundaries includes a corresponding provision:

**660-024-0040 Land Need (1)** The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision."

<sup>2</sup> There has been no major new industrial employment in the area. – in part because mega data center representatives that looked at Ontario have chosen to locate in other communities east of the Cascades (Prineville and Boardman Oregon, and Wenatchee and Quincy Washington) in large part because they had sites of sufficient size to meet the short-term siting requirements of mega data centers, and Ontario has not been able to provide any suitable rail-dependent industrial sites.

**Table S-1. Population and employment forecasts, Ontario 2006-2026 and 2006-2056**

<b>Year</b>	<b>Population</b>	<b>Employment</b>	<b>Pop/Emp</b>
2006	11,425	10,430	1.1
2026	15,692	14,328	1.1
2056	24,185	21,109	1.1
<b>Change 2006-2026</b>			
Number	4,267	3,898	1.1
Percent	37%	37%	
AAGR	1.5%	1.5%	
<b>Change 2006-2056</b>			
Number	12,760	10,679	1.2
Percent	112%	102%	
AAGR	1.4%	1.3%	

Source: ECONorthwest

As noted in Ontario's 2007 Economic Opportunities Analysis (part of the Urbanization Study) and in the 2012 Addendum to the Urbanization Study, Ontario is part of the Treasure Valley region which includes (a) Ontario, Vale and Nyssa (Malheur County); and (b) Boise and Nampa (Ada and Canyon Counties in Idaho).

A single rail-dependent employment center is likely to employ about 350-700 people (depending on its characteristics and size).<sup>3</sup>

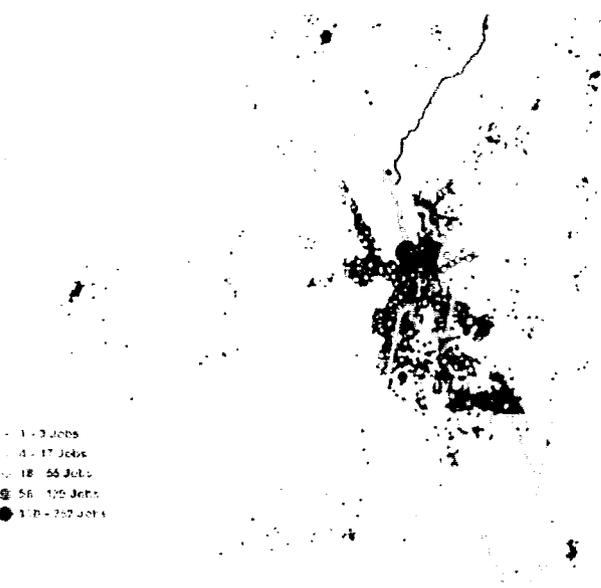
However, not all of these rail-dependent industrial jobs will be filled by people who will live in Ontario. These employees will come from Malheur County, the Treasure Valley region (including Boise and Nampa), and from outside of the area.

The 2007 Ontario Urbanization Report predicted that overall employment would increase by about 3,900 employees – from 10,430 in 2006 to 14,328 in 2026.

The Second Addendum to the 2007 Ontario Urbanization Report projects that up to 700 new on-site jobs will be created in the community if one very large (or two medium sized) rail-dependent industrial uses develop facilities in Ontario. This represents about 18% of projected employment growth during the 20-year planning period.

<sup>3</sup> See Appendix A, Second Addendum to the 2007 Ontario Urbanization Report.

**Ontario, Oregon-Idaho Micropolitan Statistical Area**  
 Malheur County, Oregon + Payette County, Idaho = an integrated labor market



**LABOR SHED** – Where I find My Employer?  
 Statistics: 166,666 workers live in 2,070 miles<sup>2</sup> area

Malheur County, OR: 224,000 states workers  
 Payette County, ID: 64,000 states workers

Weighting jobs by distance:  
 • 100 miles = 100%  
 • 200 miles = 50%  
 • 300 miles = 33%  
 • 400 miles = 25%  
 • 500 miles = 20%

• One location, including other jobs counties: 1,000  
 • 750 drive into the Ontario area to work  
 • 400 live out of the Ontario area to work  
 • 100 live and work in the Ontario area

**The Top 5 – Break down of 16,666 Primary Jobs by Industry Type**

1. Retail Trade: 2,111 (12.6%)
2. Health Care and Social Assistance: 2,077 (12.4%)
3. Educational Services: 2,074 (12.4%)
4. Food and Accommodation: 1,953 (11.7%)
5. Manufacturing: 1,831 (10.9%)

**Jobs by Worker Age**

1. Under 18: 1,000 (6.0%)
2. Age 18-24: 1,077 (6.4%)
3. Age 25-34: 3,353 (20.1%)

**Jobs by Earnings Paid**

1. \$1,000 per month or less: 4,970 (29.8%)
2. \$1,001 to \$1,500 per month: 5,849 (34.9%)
3. More than \$1,500 per month: 4,547 (27.0%)

Source: US Census Bureau – Local Employment Dynamics, 2011 data  
 A. Results by County: Oregon and Idaho Employment Department, June 2012

Malheur County, OR: 224,000 states workers  
 Payette County, ID: 64,000 states workers  
 2,070 miles<sup>2</sup> area  
 166,666 workers live in 2,070 miles<sup>2</sup> area

Rail-dependent industrial employment represents a relatively low percentage of planned employment growth over the next 15 years. But, unlike service and retail sector employers, rail-dependent industrial uses initially consume a lot of land per employee – about 2 employees per acre. Although the acreage needs are great, the employment impact is relatively small.

However, this relatively low employee-per-acre ratio is balanced by a relatively large economic impact. In addition to the 350-700 industrial employees from the rail dependent industrial firm(s), spin-off employment in the retail and service sectors is likely to be about twice times this number. The effect will be to increase the intensity of employment within Downtown Ontario and in existing under-developed retail and service employment centers.

**Need Factor 1 Conclusion**

The 2007 Ontario Urbanization Study projects that both employment and population are expected to grow at 1.1% from 2006 to 2026. The results of this study have been adopted as part of the acknowledged 2007 Comp Plan. Both project that the Ontario URA will accommodate about 4,300 people and 3,900 jobs from 2006-2026.

Providing a site for a rail-dependent employment center is likely to result in 350-700 new manufacturing jobs with an additional 700-1,400 retail and service sector jobs. Ontario population and job growth has not met expectations to date – in part because of the Great Recession and in part because Ontario has not been able to attract a major employer to the community. To the extent that Ontario is successful in attracting one or more large, rail-dependent industrial uses, the new

employment will be consistent with and help to reach Ontario’s adopted, coordinated and acknowledged employment and population projections.

Need Factor 2, related to employment land need, is directly applicable and is quoted and addressed below.

Need Factor 2: Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space;

The following findings address Goal 14, Need Factor 2 and demonstrate unmet need for employment land. The 2007 Urbanization Report contained a detailed Buildable Lands Inventory (BLI). The BLI results were included in Goal 14 tables and text amendments to the Ontario Comprehensive Plan in 2007, and updated in 2009 and February of 2013. Table 1-1 below shows the 2006-2026 need and supply comparison after 2013 data center and public facilities land additions.

**Table 1-1: Comparison of Land Need and Supply, Ontario UGB 2006-2026\***

Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
<b>TOTAL</b>	<b>1,471.5</b>	<b>1,538.8</b>	<b>(67.3)</b>

\*Accounting for 2013 data center and public facilities amendments.

#### Rail-Dependent Industrial Site Need

As discussed in Appendix A: Second (2013) Addendum to the Ontario Urbanization Study, the *Malheur County Rail Asset Study* (Howell, 2006) documents a need for rail-dependent industrial uses and explains Ontario’s competitive advantages in attracting such uses. Moreover, according to documentation provided by Business Oregon and cited in Appendix A, “Project Rail” is a railcar maintenance and service company that requires a much larger site (in the 150-200 acre range) for its operations, and “Project 78” is larger still (200-400 acres). From an engineering feasibility and marketing standpoint, the site should be serviceable within one year or less with City water and sanitary sewer facilities. Thus, the City has received inquiries from two major rail-dependent users (via Business Oregon) identifying needs for sites ranging from 150-400 acres with suitable access to the UPRR mainline. There are no such sites within the existing UGA.

Representatives from Business Oregon believe that Ontario shares the comparative advantages with these communities that are attractive to potential rail-dependent industrial users. Ontario has:

- A supportive planning and political environment;
- A UPRR mainline and a major rail switching yard;
- Sufficient existing and planned water and sanitary sewer capacity;
- Available state tax incentives;

- Support from state agencies; and
- A large urban reserve area with large, flat and serviceable sites especially reserved for rail-dependent industries.

What Ontario lacks is large, serviceable sites with direct access to the OERR short line – which connects directly with the UPRR mainline within its UGA. The largest industrial site with potential rail access within the existing UGA is 80 acres in size, but this site lacks direct access to the UPRR line because of topographical limitations and UPRR access policy. This parcel also lacks access to a connecting short line. Rail-dependent industrial users demand large sites for rail car storage and loading, manufacturing, connecting rail lines through the property, buffers from adjoining land uses, and possible future expansion. As documented in the Howell study, rail-dependent users often cluster, so a larger site might also serve the needs for two or three mid-size users.

As further documented in the Howell study, Ontario is competing with other western states to attract rail-dependent users. To do so effectively Ontario needs large, serviceable sites that can readily be provided with urban services and annexed to the City. To be competitive in attracting such rail-dependent industrial users in the short-term, Ontario needs to provide at least one large, flat, serviceable site in the 250-acre range, along the OERR short line. Ontario lacks such a site within its current Urban Growth Area.

As noted above, and in the 2007 Urbanization Report and Buildable Lands Inventory (BLI), there are no such sites within the existing UGA. However, there is one site in the 250-acre range that within the URA that is designated for “Industrial Rail-Dependent” users *and* which abuts the UGA boundary. The proposal is to add about 248 acres of Rail-Dependent Heavy Industrial land to meet the identified site need for a rail-dependent industrial user. Table 1-3 below shows the 2006-2026 land need and supply comparison after accounting for rail-dependent industrial need.

**Table 1-3: Comparison of Land Need and Supply, Ontario UGB 2006-2026\***

Generalized Land Use	Buildable Acres	2006-2026	2006-2026
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	0.0	250.0	(250.0)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
<b>TOTAL</b>	<b>1,471.5</b>	<b>1,788.8</b>	<b>(317.3)</b>

\*Accounting for 250-acre rail-dependent industrial land need.

#### Adopted Efficiency Measures

As prescribed in Goal 14:

***Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.***

The *Ontario Urbanization Study* evaluated the capacity of the UGA to meet identified 20-year land needs. Prior to adopting the URA, the City identified a number of efficiency measures for land within the UGA to reduce long-term need for land outside the UGA. As documented in the adopted *City of Ontario and Malheur County 2056 Urban Reserve Area (URA) Justification and Findings Report* (Winterbrook Planning, September 10, 2007), the City implemented a number of measures to reduce the demand for commercial land, while maintaining an adequate supply of industrial sites throughout the 50-year planning period<sup>4</sup>:

However, the need this application addresses is for a 250-acre rail-dependent industrial user(s), as identified and defined in Appendix A. As shown in the Urbanization Study (Tables 3-6 and 5-18), there are no sites adjacent to the OERR short line within the UGA, under any plan designation. Industrially-planned sites adjacent to any rail line within the UGA are all less than 100 acres in size. Therefore, the identified need cannot be accommodated within the existing UGA.

#### Site Suitability Requirements

As explained in OAR 660-024-0060(5):

***In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need and limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.***

As noted in the Economic chapter of the *Ontario Comprehensive Plan*:

*Firms wanting to expand or locate in Ontario will be looking for a variety of site and building characteristics, depending on the industry and specific circumstances. While there are always specific criteria that are industry-dependent and firm-specific, many firms share at least a few common site criteria. In general, all industries need sites that are relatively flat, free of natural or regulatory constraints on development, with good transportation access and adequate public services. The exact amount, quality, and relative importance of these factors vary among different types of firms.*

Appendix A: Second (2013) Addendum to the 2007 *Ontario Urbanization Study* identifies the general characteristics that are important to rail-dependent industrial firms seeking to locate in Ontario. The availability of a short line railroad is critical to meeting rail-dependent industrial siting requirements.

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<sup>4</sup> Quoting from the Ontario URA Justification Report, pp. 17-18:

*"The Size of the Recommended 2056 URA. Earlier in this section, the City and County had demonstrated the need for 2,225 gross buildable acres within the 2056 URA – or about 3.48 square miles – exclusive of rail dependent industrial uses. After accounting for increased single-family residential efficiency, Year 2056 land need has been reduced to 1,803 gross buildable acres – or 3.35 square miles. After accounting for commercial intensification measures discussed above, the need for general commercial land outside the existing UGA has been reduced from 544 to 200 gross buildable acres.*

*This substantial reduction recognizes that: There are over some 150 acres potentially available for "big box" retail in Ontario's Employment Zone – within the floodplain but served by Interstate 84; "Old Town" and the SW 4th Avenue commercial area have substantial redevelopment potential, accounting for an additional 100 acres worth of buildable land need; and Ontario's Business Park and Industrial zones will accommodate office and service uses that typically locate on commercially-designated land, accounting for the remaining commercial land need that can be met without allocating land specifically for commercial uses outside the UGA (94 acres)."*

Additional siting requirements documented in Appendix A for "Tier 1" rail-dependent industrial sites include:

- *Served by the Oregon Eastern Railroad or UPRR's Homedale Branch*
- *Parcels of 50-100 acres*
- *Proximate to the UGB*
- *Flat topography*
- *Limited or no wetland or other environmental constraints*
- *Adequate road access*
- *Available utilities*

According to documentation provided by Business Oregon and cited in Appendix A, "Project Rail" is a railcar maintenance and service company that requires a much larger site (in the 150-200 acre range) for its operations, and "Project 78" is larger still (200-400 acres). From an engineering feasibility and marketing standpoint, the site should be serviceable within one year or less with City water and sanitary sewer facilities.

In 2013, the Ontario Public Works Department demonstrated that it was feasible to provide sanitary sewer, water and transportation facilities to serve a potential industrial site immediately to the north of the proposed UGA expansion area. To meet identified need for a rail-dependent industrial site with characteristics summarized above, the City carefully analyzed all areas adjacent to the UGA when it designated the proposed UGA expansion area as Rail-Dependent Industrial Reserve. The properties within the proposed UGA expansion area are the only properties that (a) comprise at least 200 acres, (b) abut the existing UGA boundary, and (c) have a direct connection to the UPRR main line via the OERR short line. Map 2 shows there is only one site that meets the above criteria.

As shown on Map 3 and documented in Appendices C and F, the proposed site meets Suitability Criteria 1-5. It is 248 acres, flat and buildable, has access to the Oregon Eastern short line railroad, is adjacent to the UGA and within the URA. Moreover this site has three property owners who have signed annexation agreements, are willing to sell at a reasonable price and to transfer irrigation water rights to non-irrigated land outside the Urban Reserve area.

#### Total Employment Land Need and Supply Comparison

Table 1-3 above provides a comparison of identified land need and supply, after accounting for the 2009-2013 UGA amendments, and a 250-acre rail-dependent industrial site need. Unmet year 2026 land needs total:

- Commercial: 11 acres
- Industrial: 22 acres
- Rail-Dependent Industrial: 250 acres
- Public Facility (Residential): 69 acres

The proposed 2013 amendment package includes a 248-acre industrial site to meet identified rail-dependent industrial land needs. Table 1-4 below shows the 2006-2026 land need and supply comparison, including the proposed 2013 rail-dependent industrial UGA amendment.

**Table 1-4: Comparison of Land Need and Supply, Ontario UGB 2006-2026\***

<b>Generalized Land Use</b>	<b>Buildable Acres</b>	<b>2006-2026</b>	<b>2006-2026</b>
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	248.0	250.0	(2.0)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
<b>TOTAL</b>	<b>1,719.5</b>	<b>1,788.8</b>	<b>(69.3)</b>

\*Accounting for this application's proposed rail-dependent industrial UGA amendments.

## SECTION 2: EVALUATION OF ALTERNATIVE SITES

Appendix A: Second (2013) Addendum to 2007 Ontario Urbanization Study concludes that an Industrial site of approximately 250 acres is needed to meet the identified need for a rail-dependent industrial user. Once need has been determined, alternative boundary locations must be evaluated consistent with ORS 197.298 and OAR Chapter 660 Division 024 with consideration of the Goal 14 "locational" factors.

### A. ORS 197.298 Priorities for Urban Growth Boundary Expansion

Under ORS 197.298, land within the URA is "first priority" for inclusion within a UGA:

***"(1) First priority land to be included in an urban growth boundary is that which has been designated urban reserve land under ORS 195.145."***

Map 2 shows one employment site with 200 acres or more adjacent to the Ontario UGA and a short line railroad. This site is within the Ontario URA and therefore is "first priority" for inclusion within the Ontario UGA.

### B. Summary of Why the Proposed Site Best Meets Identified Rail-Dependent Industrial Site Requirements

The proposed rail-dependent industrial site borders the UGA as shown on Map 2. The proposed site is located adjacent to (west of) the Union Pacific Railroad and (east of) Alameda Street, and between OERR short line to the south and Island Road to the north. The site is approximately 248 acres, with flat and well-drained soils. As shown on Map 2, the proposed site is located adjacent to the UGA, UPRR, and the OERR short line. The site is also within the acknowledged URA and designated specifically for "Industrial Rail-Dependent" uses.

### C. Findings Demonstrating Consistency with Goal 14 Location Factors

The four Goal 14 location factors are: (1) Efficient accommodation of identified land needs; (2) Orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic and social consequences; and (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGA.

#### Factor 1: Efficient accommodation of identified land needs

Rail-dependent industrial land needs are detailed above. As indicated in Appendix A and "Tier 1 site requirements" above, the rail-dependent industrial uses currently seeking sites in Oregon require access to rail service and 150-400 acres of buildable and serviceable land. By providing a rectangular 248-acre site adjacent to a short line and the UGA, a rail-dependent industrial user can efficiently develop the proposed site.

The proposed site borders the UGA and services can be efficiently provided via extension along SW 4<sup>th</sup> Street, as described under Factor 2 and shown on Map 3.

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

As stated in OAR 660-009-0005(9), "Serviceable" means the city or county has determined that public facilities and transportation facilities, as defined by OAR Chapter 660, Divisions 011 and 012, currently have adequate capacity for development planned in the service area where the site is located or can be upgraded to have adequate capacity within the 20-year planning period.

Appendix E, Public Facilities Report, documents the City's existing water supply and sanitary sewer treatment capacity. Rail-dependent industrial uses typically can be major consumers of potable water. Appendix E makes it clear that Ontario has the capacity to meet Year 2026 demand for sanitary sewer and water service *and* meet the high-end estimate of 5 MGD peak demand for industrial water service to a rail-dependent industrial use.

- Ontario Public Works estimates the City's water supply at 11.5 million gallons per day (MGD) – 10 MGD from the Snake River, 1.5 MGD from wells. Ontario's water treatment capacity totals 12 MGD. Ontario's 2010 population was 11,440. The demand generated by the 2010 population totals 6.1 MGD. The 2007 Urbanization Report forecast Ontario's 2026 population to be 15,692 – an increase of 4,252 persons from 2010. Application of the 2010 water usage ratio results in a demand of 8.4 MGD by 2026.
- Development of planned rail-dependent uses are likely to consume XXXX. [Note to Reader: Ontario Public Works is currently working with one of the prospective rail-dependent firms to identify water needs more specifically and to prepare plans for meeting these needs in the short-term.]
- Ontario Public Works has determined the City's sewage treatment capacity, with needed improvements, is sufficient to service the proposed expansion areas and the existing UGA. Appendix E provides an analysis of the City's treatment capacity and planned collection facilities.

Appendix E (in process) demonstrates that it is feasible, from an engineering standpoint, to provide sanitary sewer and water service to the proposed site within a year of annexation approval. As such, the proposed site could qualify immediately as a "state certified industrial site."

From a transportation access standpoint, the proposed site has direct access to Railroad Avenue (a future major collector and truck route), Alameda Street (a future major collector) and to SW 4<sup>th</sup> Street (a collector street).<sup>5</sup> As described in Appendices C and D, transportation needs for a rail-dependent industrial use can be met by improving SW 4<sup>th</sup> Street to major collector standards.

As documented in Appendix D (the TIS in process), the proposed site can be developed without exceeding the capacity of existing transportation facilities assuming development of a large rail-

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<sup>5</sup> See Ontario 2008 Urban Reserve Area Traffic Circulation System Expansion Study (*Keller Engineering, 2008*)

dependent industrial use with approximately 350-700 employees. The TIS prepared by Lancaster Engineering has been (will be) fully coordinated with the Oregon Department of Transportation Region 5 staff.

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

*The URA Justification Report* has already considered general ESEE consequences in the establishment of the Ontario URA. There is only one possible site that meets siting requirements for a rail-dependent industrial use. The only other property designated for "Industrial Rail-Dependent" uses is located on the south side of the OERR short line, is not contiguous to the existing UGB, and would be more expensive to serve (because is further from existing utilities), and lacks access to a planned major street. This southern site is potentially useful as a rail-dependent expansion area, but not to meet needs identified in this application.

Factor 4: Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the urban growth boundary

Except for a few small rural residential exception areas, the Ontario UGA is surrounded by Agricultural (EFU) land. The proposed rail-dependent industrial site within the URA is currently designated for Agricultural use. It is surrounded by agricultural land. However, it is separated from Agricultural land to the south by the OERR short line, and from land to the east by UPRR main line. In addition, industrial uses tend to be more compatible with agricultural uses than residential or commercial uses.

Proposed site surrounding uses:

- North: Island Road forms the northern border of the site. A portion of the proposed northern border is industrial land within the existing UGA. The rest is agricultural land within the URA;
- West: The western border of the proposed site is Alameda Drive. To the west of Alameda Drive is Agricultural land within the URA.
- East: The eastern border of the site is UPRR. Beyond the railroad to the east is Agricultural land within the URA.
- South: The southern border of the proposed site is the OERR short line. Land to the south of OERR is Agricultural land within the URA (this area also designated future rail dependent industrial URA).

The alternative Rail-Dependent Industrial site to the south of the OERR short line is also surrounded by agricultural land. Thus, comparatively speaking, there are no major differences between the two sites in terms of potential impacts to agricultural land.

### SECTION 3: TRANSPORTATION

To determine transportation impacts and address local and State facility needs, the City has conducted a transportation impact study (attached as Appendix D) to serve as the basis for updating its Transportation System Plan (TSP). This update was performed in coordination with ODOT and addressed a range of scenarios – including phased development.

As shown on Map 4, primary and initial access to the proposed site will come from SW 4<sup>th</sup> Street, proposed to be upgraded to major collector standards. [Note to Reader: this section to be completed following TIS.]

Appendix D identifies transportation improvements necessary to serve the site under two development scenarios. Funding for these improvements would come primarily from developers and system development charges, with likely support from Business Oregon grant and loan programs.

## SECTION 4: STATEWIDE GOAL CONSISTENCY ANALYSIS

This section addresses compliance with applicable Statewide Planning Goals.

### Goal 1 Citizen Involvement

Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. The City and County engaged in a year-long public involvement process prior to adoption of the URA, the *Ontario Urbanization Study* and extensive amendments to the *Ontario Comprehensive Plan*. Public hearings before both the City and County planning commissions and elected officials were held in the spring and summer of 2007 were duly noticed and held prior to the adoption of the plan amendment package in 2007.

The plan amendment package carries out direction established by the 2007 *Ontario Urbanization Study* by including residential land to meet most of the identified public facilities land need. The amendment also carries out of the direction of Appendix A: Second (2013) Addendum to the 2007 *Ontario Urbanization Study*, by including a suitable site to meet identified rail dependent industrial land needs. Public hearings relating to this application will be duly noticed and held before the City and County Planning Commissions and elected officials prior to adoption of the proposed plan amendment package.

### Goal 2 Land Use Planning

Goal 2 (Land Use Planning) outlines the basic procedures of Oregon's statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that suitable corresponding implementation ordinances must be adopted. The City has inventoried existing land uses, projected buildable land needs by specific land use classifications, and compared these needs with buildable land within the Ontario urban growth area. The resolution of land need and supply is found in the *Ontario Urbanization Study* and in the revised *Ontario Comprehensive Plan* (See Appendix B).

The City and County have shown a high level of coordination in the establishment of the Ontario URA in 2007 and in adoption of this plan amendment package. As referenced above, the City and County adopted coordinated population projections and amended their comprehensive plans to accommodate the establishment of an urban reserve area and associated policies. Additionally, notice of public hearing has been provided in accordance with state and local regulations. All pertinent documentation has been made available to all interested parties. Goal 2 has been properly addressed.

Goal 2 also requires consistency between the comprehensive plan and implementing zoning. This proposal is to include the proposed rail-dependent industrial site into the UGA with a Rail-Dependent Industrial plan / zoning designation.

### Goals 3 Agricultural Lands and 4 Forest Lands

Goal 3 requires counties to inventory agricultural lands and to maintain and preserve them through EFU zoning. Goal 4 requires counties to inventory forestlands and adopt policies that will conserve

forest uses. As stated in 660-024-0020(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required. However, the City has adopted a “no net loss of irrigated agricultural land” policy that will be implemented through signed annexation agreements with property owners and in coordination with affected irrigation districts.

#### Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources

Goal 5 requires local governments to inventory and protect natural resources. There are no inventoried Goal 5 resources on the proposed UGA amendment; therefore, Goal 5 does not apply.

#### Goal 6 Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. Construction of the rail-dependent industrial site would comply with acknowledged Goal 6 policies in the Ontario Comprehensive Plan. By complying with applicable air, water and land resource quality policies, Goal 6 will be properly addressed.

#### Goal 7 Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as floods or landslides. The rail-dependent industrial site is not located in any identified natural disaster or hazard area.

Because the proposed UGA amendment is located entirely outside the 100-year floodplain, the proposal is consistent with adopted Ontario Plan Policy 10-7-4 (OCP, pp. 18-10):

#### **10-7-4 Flooding and Steep Slope Hazard Policies**

1. *The City recognizes that land within the 100-year floodplain has been inappropriately designated for urban uses in the past, resulting in the loss of flood storage capacity and potential hazards to life and property. The City, therefore, is committed to working with Malheur County to avoid this mistake in the future.*

- a. *The City will not propose future UGA expansions for residential, commercial or industrial uses within the flood hazard zones (100-year floodplains) of the Snake or Malheur Rivers.*
- b. *Industrial land within the 100-year floodplain is not considered suitable for meeting the City's long-term employment needs.*

Thus, Goal 7 has been properly addressed.

#### Goal 8 Recreation Needs

Goal 8 requires each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. Ontario's recreation needs were addressed in 2007 revisions to the *Ontario Comprehensive Plan*, and 2013 UGA amendments. As shown on Table 1-4, Goal 8 land needs are mostly met within the existing UGA.

#### Goal 9 Economy of the State

Goal 9 requires cities to provide an estimate of the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement

plan policies. The adopted and acknowledged 2007 Ontario Urbanization Study includes a complete Economic Opportunities Analysis that was prepared in compliance with Goal 9 and the Goal 9 administrative rule. Appendix A: Second (2013) Addendum to the 2007 Ontario Urbanization Study reviews national regional and local trends and documents the need for at least one site of approximately 150-400 acres in size to accommodate the short-term siting requirements of one or more rail-dependent industrial user(s). As indicated in Appendix A, and this application, the City does not have a site capable of accommodating identified rail-dependent industrial needs within its UGA.

Including the proposed site into the UGA will allow the City to provide a site that is suitable for rail-dependent industrial use. Development of this use will have numerous positive economic impacts, as described in these findings and in Appendix A.

For the above reasons, Goal 9 has been adequately addressed.

#### Goal 10 Housing

Goal 10 requires cities to inventory their buildable residential lands, project future needs for such lands, and to plan and zone enough buildable land to meet those needs. The City has addressed the requirements of Goal 10 during the 2007 comprehensive plan update, and the 2013 UGA amendments. The *Ontario Urbanization Study* determined that Ontario has an adequate supply of residential and public facilities land within its current UGA. Therefore, Goal 10 has been adequately addressed.

#### Goal 11 Public Facilities and Services

Goal 11 requires that a city or county develop and adopt a public facility plan for areas within an urban growth area containing a population greater than 2,500 persons during Periodic Review. The purpose of the plan is to help assure that urban development in such urban growth boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement (OAR 660-011-0000). Public facilities and services should be planned in accordance with a community's needs and capacities, rather than reacting to development as it occurs.

To address Goal 11 requirements for this plan amendment package, the Development Services Director has prepared a detailed analysis (Appendix E) demonstrating (a) that the City can serve the proposed UGA amendment site plus land already within the UGA, and (b) explaining how sewer and water services can be extended to serve the proposed site.

As provided in ORS 195.137, "Urban reserve" means lands outside an urban growth area that will provide for: (a) Future expansion over a long-term period; and (b) The cost-effective provision of public facilities and services within the area when the lands are included within the urban growth area. Because the proposed site is located in the acknowledged URA, it has already been determined that the site would have access to cost-efficient public services and facilities.

Additionally, public facilities and services consequences have been considered in the Goal 14 alternatives analysis process. Section 2 of this report includes an analysis of the serviceability of the proposed site within the URA. As demonstrated in Appendix E, the proposed site can be served in the short-term in an orderly and efficient manner. For the above reasons, Goal 11 has been adequately addressed.

#### Goal 12 Transportation

Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0000(1)).

As stated in 660-024-0020(d):

***“the transportation planning rule requirements under OAR 660-012-0060 need not be applied to an urban growth boundary amendment if the land added to the urban growth area is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the area or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.”***

Lancaster Engineering prepared a Traffic Impact Study for the two-phased development of the proposed site with two rail-dependent industrial uses.” (See Appendix D.) Appendix C includes proposed amendments to SW 4<sup>th</sup> Street classification (from local street to major collector) shown in the TSP. With amendments to the TSP to mitigate for impacts from development of the proposed site, the requirements of Goal 12 have been addressed.

#### Goal 13 Energy

Goal 13 requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed urban growth area amendment have been considered in the Goal 14 alternatives analysis process. Therefore, Goal 13 has been adequately addressed.

#### Goal 14 Urbanization

Goal 14 has been complied with as demonstrated in Sections 2 and 3 of this report. The 248-acre site to be included within the Ontario UGA will be reserved exclusively for rail-dependent industrial users as called for in the revised EOA. A 50-acre minimum site size will ensure that the site is retained in large parcels for targeted large-scale, rail-dependent industrial users.

#### Goal 15 through 19

Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject site and no further analysis is required.

## SECTION 5: COMPLIANCE WITH APPLICABLE CITY COMPREHENSIVE PLAN POLICIES

The proposed plan amendment package is consistent with applicable *Ontario Comprehensive Plan* goals and policies for reasons stated below.

### A. Industrial Land Use Policies

As demonstrated in Table 4 below, inclusion of the proposed site into the urban growth area would comply with *Ontario Comprehensive Plan* industrial land use policies.

**Table 4. Industrial Land Use Policies: Consistency Analysis**

Industrial Land Use Policy	Consistency Analysis
1. Industrial areas shall be protected from encroachment by incompatible land uses.	<b>Complies</b> – Including the proposed site into the UGA for a rail-dependent industrial use, with Industrial designation, will not impact existing industrial areas within Ontario.
2. The land use plan shall designate industrial sites of a variety of sizes to provide ample space for new industries; expansion of existing industries, and to provide for competition in the industrial land market.	<b>Complies</b> – The proposed site is needed to meet the site requirements of rail-dependent industries as identified in Appendix A.
3. Industrial sites shall be functionally related to existing or proposed transportation systems. Access through residential areas shall be avoided.	<b>Complies</b> – As shown on Map 4 and Appendices C and D, access to and from the proposed site will be available on SW 4 <sup>th</sup> Street – proposed to be designated as a major collector.
4. Industrial sites shall be grouped to facilitate service by utilities and public safety services.	<b>Complies</b> – The proposed rail-dependent industrial site is adjacent to the OERR short line and UPRR. This provides the most efficient configuration of transportation facilities possible to serve the site. In addition, the proposed site continues a pattern of industrial designation along UPRR.
5. Industrial developments shall provide design features or buffers which protect adjacent non-industrial properties from adverse effects.	<b>Complies</b> – The Ontario Heavy Industrial zone provides protection for adjacent non-industrial properties. Potential impacts from rail-dependent industrial uses will be addressed during the development approval phase.
6. Premature industrial zoning shall be avoided when on productive agricultural land or otherwise conflict with policies of this title. Plans shall be devised which will designate future industrial locations with assurance of agricultural use until the market demands substantial industrial use of that land.	<b>Complies</b> – Ontario has reason to believe that the proposed site will develop for a rail-dependent industrial use within the short-term – that is, over the next five years. Ontario has demonstrated that it is feasible, from an engineering standpoint, to provide full urban services to the proposed site within a year. Consistent with this policy, the proposed site includes an overlay that limits development to sites of at least 50 acres in size (See Appendix B). This precludes development of non-targeted industries, and maintains current activities until substantial industrial use occurs.
7. The lands most suitable for industry shall be protected from intrusion of residential uses.	<b>Complies</b> – Designating the proposed site as Industrial, with a Heavy Industrial zone, will protect this land from intrusion of residential uses. A minimum parcel size of 50 acres has been applied to ensure that the proposed site is reserved for large industrial users.

### B. Economic Development Policies (Goal 9)

As demonstrated in Table 5 below, inclusion of the proposed site into the urban growth area would comply with the City's economic development policies.

**Table 5. Economic Development Policies: Consistency Analysis**

Economic Development Policy	Consistency Analysis
1. <i>The City shall give emphasis to the attraction and development of industries and activities that employ and raise the income level and economic security of the local residents. Particular attention shall be given to the employment of the area's unemployed and underemployed.</i>	<b>Complies</b> – Amending the UGA to include the proposed site would provide the City with a rail-dependent industrial site. As detailed in Appendix A, this would help to attract rail-dependent industries and activities that would provide jobs and contribute to the City's economic growth.
2. <i>Special emphasis in attracting and developing industries shall be given to those for which the local region has an economic advantage.</i>	<b>Complies</b> – The City has a comparative advantage to attract rail-dependent industrial development because of its available and affordable power supply, climate, local focus on and support of attracting industry, proximity to the Idaho border and transportation network (i.e. potential for a site adjacent to the OERR short line and UPRR). Amending the UGA to include the proposed site would allow the City to capitalize on these advantages.
3. <i>Industrial sites shall be planned for the quantity, quality and size sufficient to provide a competitive market for industrial land and to provide the employment sites necessary to support the population and facilities called for in the comprehensive plan.</i>	<b>Complies</b> – The proposed site meets site requirements identified in Appendix A, and consistent with Comprehensive Plan amendments shown in Appendix B
4. <i>The City shall strongly support the expansion and increased productivity of existing employers.</i>	<b>Complies</b> – Amending the UGA to include the proposed site would provide basic employment and help to stimulate local economic activity, contributing to a more stable economic base.
5. <i>Land use plans shall not provide for industrial developments which will generate wastes which will exceed the natural carrying capacity of the local air and streams.</i>	<b>Complies</b> – The UGA amendment would attract rail-dependent industrial development. The Heavy Industrial zone includes standards that limit emissions that may adversely affect the carrying capacity of the land, air or water. Additionally, industrial development would be held to the City's Goal 6 policies ensuring that impact to local air and streams would be minimal. All projects will be required to meet State air and water quality standards and all development will be required to receive permits from the Department of Environmental Quality.
6. <i>Commercial and industrial development proposals shall be evaluated by the city staff to determine the public costs and benefits associated with them. If the development is determined to be desirable and is permitted, the business or industry shall bear its fair and equitable share of the cost, as determined by the City Council, of providing the public facilities which serve it.</i>	<b>Complies</b> – Appendix F includes annexation agreements which recognize the developer's obligation to pay for public facilities improvements necessary to serve the proposed site and intervening land within the UGA.
7. <i>The City shall monitor economic development to determine its effects on population characteristics, income, land requirements and other aspects of public policy.</i>	<b>Complies</b> – Appendix A – Second (2013) Addendum to the 2007 Ontario Urbanization Study, is an update to the City's Economic Opportunities Analysis. As noted in Appendix A, Ontario has not been able to capitalize on multiple recent rail-dependent industrial site inquiries due to lack of a suitable site(s). The proposed site will improve the local economic conditions consistent with adopted public policy.
8. <i>Potential conflicts between commercial and industrial development and agriculture shall be minimized. Agricultural lands shall be conserved whenever possible.</i>	<b>Complies</b> – This policy is addressed in Section 2 of this report. Rail-dependent industrial uses do not conflict with agricultural uses because their operational characteristics (like agricultural operations) typically are noisy and dusty. . Moreover, the proposed site is bordered on all sides by existing roads and railroads, which provide buffers to existing agricultural areas – all within the URA. To the south is an area that is planned for future rail-dependent industrial uses.
9. <i>Industrial land shall not be so located as to interfere with the enjoyment of residential land, and residences and manufactured home parks shall be prohibited from encroaching on lands most suitable for and planned for</i>	<b>Complies</b> – The proposed rail-dependent industrial site is adjacent to two railroad lines and continues an existing pattern of industrial development along UPRR. The designations for land bordering the site are Agricultural and Industrial..

<p><i>industry.</i></p> <p>10. <i>Commercial and industrial developments shall contribute to the costs of building and maintaining central public facilities (such as the water treatment plant) on a basis appropriate to the type and scale of the development. Costs shall be determined by the city council and recovered through various development user fees.</i></p>	<p><b>Complies</b> – Compliance with this policy is ensured by the provisions of signed annexation agreements found in Appendix F, by the Heavy Industrial zone and by SDC provisions of the Ontario Municipal Code.</p>
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C. Urbanization Policies (Goal 14)

As demonstrated in Table 6 below, inclusion of the proposed rail-dependent industrial site into the UGA complies with applicable urban growth policies.

**Table 6. Urbanization Policies: Consistency Analysis**

<b>Urbanization Policy</b>	<b>Consistency Analysis</b>
<p>1. <i>Ontario will coordinate with Malheur County in the establishment and maintenance of a 50-Year Urban Reserve Area (URA).</i></p>	<p><b>Complies</b> – The City and County coordinated to establish the URA in 2007.</p>
<p>2. <i>Ontario will monitor land development on an annual basis and compare the supply of buildable land against the land needs identified in the Ontario Urbanization Study (2007).</i></p>	<p><b>Complies</b> – The City has monitored the buildable land compared to the needs identified in Appendix A, and has determined that the proposed site would help the city meet rail-dependent industrial site need requirements.</p>
<p>3. <i>Ontario will periodically expand the Urban Growth Boundary (UGA) to maintain a continuous, 20-year supply of buildable land for employment, housing and public/semi-public needs.</i></p>	<p><b>Complies</b> – The proposed site is needed within the UGA in order for the City to meet identified target industry site needs and therefore maintain a 20-year supply of land for employment needs. The proposed site is also needed to meet short-term (within the next five years) demand for rail-dependent industrial firms.</p>

## SECTION 6: COMPLIANCE WITH THE MALHEUR COUNTY COMPREHENSIVE PLAN:

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

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

**Response:** In 2007, Malheur County and the City of Ontario jointly adopted an Urban Reserve Area (URA) immediately outside the Ontario Urban Growth Area (UGA). The purpose of the URA was to identify lands that will be "first priority" for inclusion within the Ontario UGA when need is shown.

The proposed plan amendment brings approximately 248 acres of URA land for Heavy Industrial (rail-dependent industrial) use. Since URA lands are "first priority" for inclusion, and only URA lands are proposed for inclusion, the proposed UGA amendment is consistent with the comprehensive plan.

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

**Response:** As explained in Section 1:

- A detailed analysis of buildable land within the existing UGA (the BLI) was performed in 2007;
- Appendix A (Second (2013) Addendum to the 2007 Ontario Urbanization Study) identifies a need for a rail-dependent industrial site of 150-400 acres, adjacent to a short line railroad. The 2007 BLI indicates that no sites larger than 80 acres are available within the UGA, and no sites are available adjacent to a short line railroad so these needs must be met outside the UGA.

By designating 248 acres of land for heavy industrial use, rail-dependent industrial site need will be met – at least until this property is developed for one or more rail-dependent industrial users.

Section 2 of this application considered alternative URA sites to meet the industrial land need. After considering the requirements of Statewide Planning Goal 14 (Urbanization), this application found that the proposed site is the only site that meets identified site requirements within the Ontario UGA or URA.

In conclusion, the proposed amendment package includes a rail-dependent industrial site to meet identified site needs.

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

**Response:** This criterion is not directly applicable. However, as documented in Appendix E (Public Facilities Report), the City can provide adequate urban sewer and water service to this area within six months following annexation to the City.

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

*A text or zoning map amendment significantly affects a transportation facility if it: 1. Changes the functional classification of an existing or planned transportation facility; 2. Changes standards implementing a functional classification system; 3. Allows types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)*

**Response:** Appendices C and D contain proposed TSP amendments and a traffic impact study. As detailed in Appendix D, proposed improvements mitigate for significant transportation impacts generated by the proposed plan amendment. The City and Lancaster Engineering coordinated closely with the Oregon Department of Transportation (ODOT) in preparing Appendices C and D.

## SECTION 7: ANNEXATION TO THE CITY OF ONTARIO

As stated in OAR 660-014-0060:

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

As proposed in this application, the proposed site will have a City Industrial plan designation implemented by the City's Heavy Industrial zoning. The Heavy Industrial zone is identified in the City Zoning Code as an Industrial Zone. Sections 2-5 of this report demonstrate that the Industrial plan designation and Heavy Industrial zoning comply with applicable Statewide Planning Goals and policies of the *Ontario Comprehensive Plan*.

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

Owners of all property to be annexed have signed annexation agreements consenting to annexation of their property to the City. The annexation agreements also commit each owner to pay annexation and consultant fees at the time of development. Appendix F includes the signed annexation agreements.

The following properties are to be annexed and the Zoning Map designations for the following parcels are to be changed from County Agriculture (EFU) to City Industrial – Heavy Industrial (I2):

Ref #	Map	Tax Lot #	Acres	Owner
18497	18S4716A	600	4.0	Evans Grain
18340	18S4716A	700	8.1	Evans Grain
15205	18S4716A	900	8.2	Weaver
7780	18S4716A	1100	7.8	Weaver
7787	18S4716	1400	0.2	Navarrete

7788	18S4716	1500	0.3	Navarrete
7786	18S4716	1600	19.1	Duyn / Navarrete
7789	18S4716	1800	57.6	Kameshige
7790	18S4716	1800	0.9	Kameshige
7791	18S4716	1300	79.0	Duyn / Navarrete
7792	18S4716	1200	40.2	Duyn / Navarrete
7793	18S4716	1100	47.6	Duyn / Navarrete

## CONCLUSION

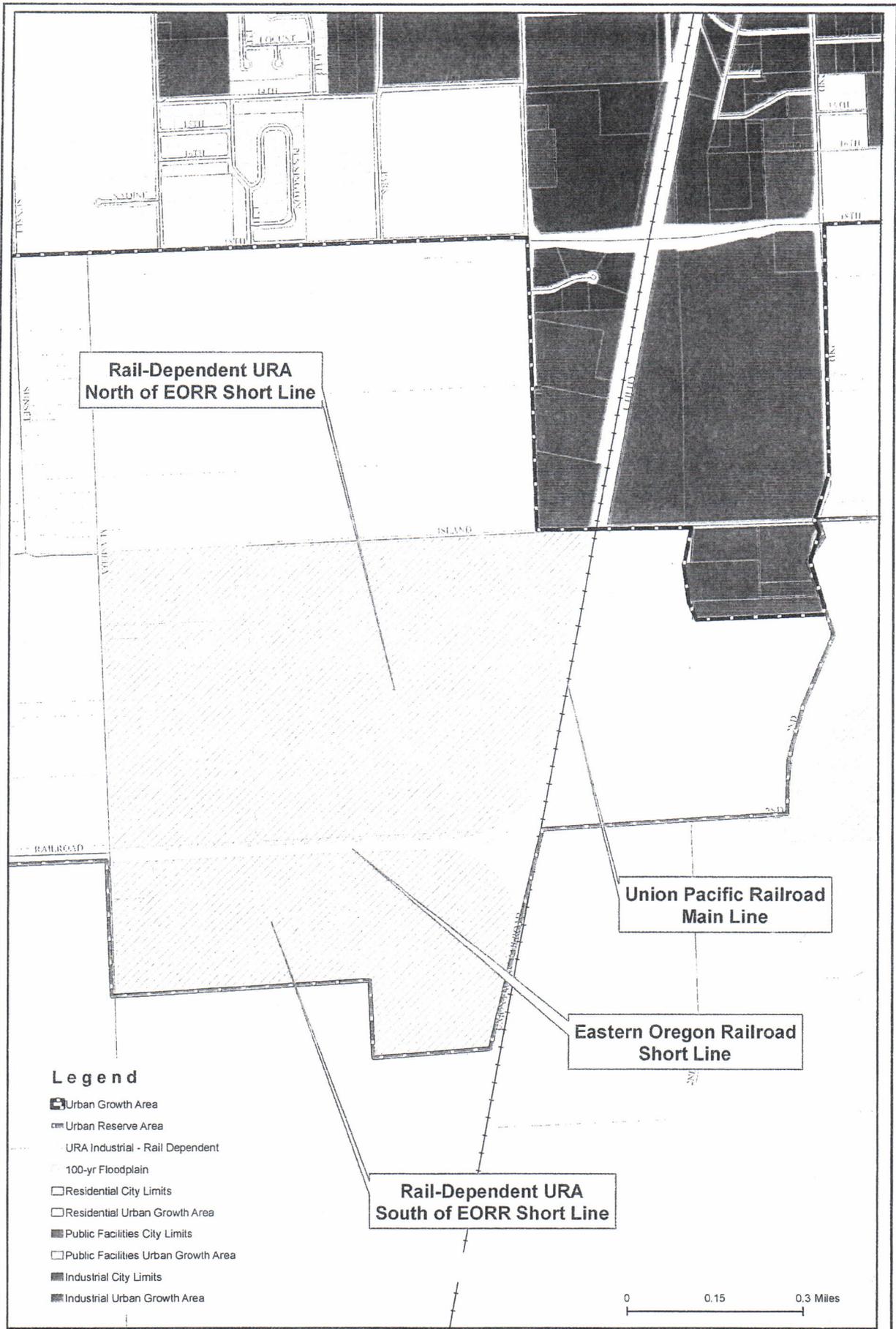
**Based on the findings in Sections 1-6 above, the proposed plan amendment package (including UGA expansion, TSP update, comprehensive plan / zoning map changes, comprehensive plan policy and text amendments, and annexation to the City of Ontario) complies with applicable Statewide Planning Goals and provisions of the *Ontario Comprehensive Plan*, the *Malheur County Comprehensive Plan*, and City and County zoning ordinances.**

**The proposed amendment package directly implements adopted and acknowledged plan policies to identify and meet site needs for targeted industries. The proposed UGA amendment site best meets identified needs of rail-dependent industrial uses for reasons stated in Sections 2 and 3 of this report.**

**Protecting the proposed amendment site from development of sites under 50 acres, and verifying that industrial users *require* access to the OERR short-line will ensure that the site is maintained in its potential for rail-dependent industrial users, and continues to be viable agricultural land until large-scale industrial development occurs. Ontario's "no net loss of irrigated agricultural land" policy will ensure that irrigation rights from farm land added to the UGA will be transferred to dry farm land elsewhere in the area.**

**The TSP amendments as supported by the Transportation Impact Study update will ensure that potential impacts to the state and local transportation system are addressed prior to development of newly annexed land, while allowing the City to plan for the efficient development of the proposed UGA amendment site.**





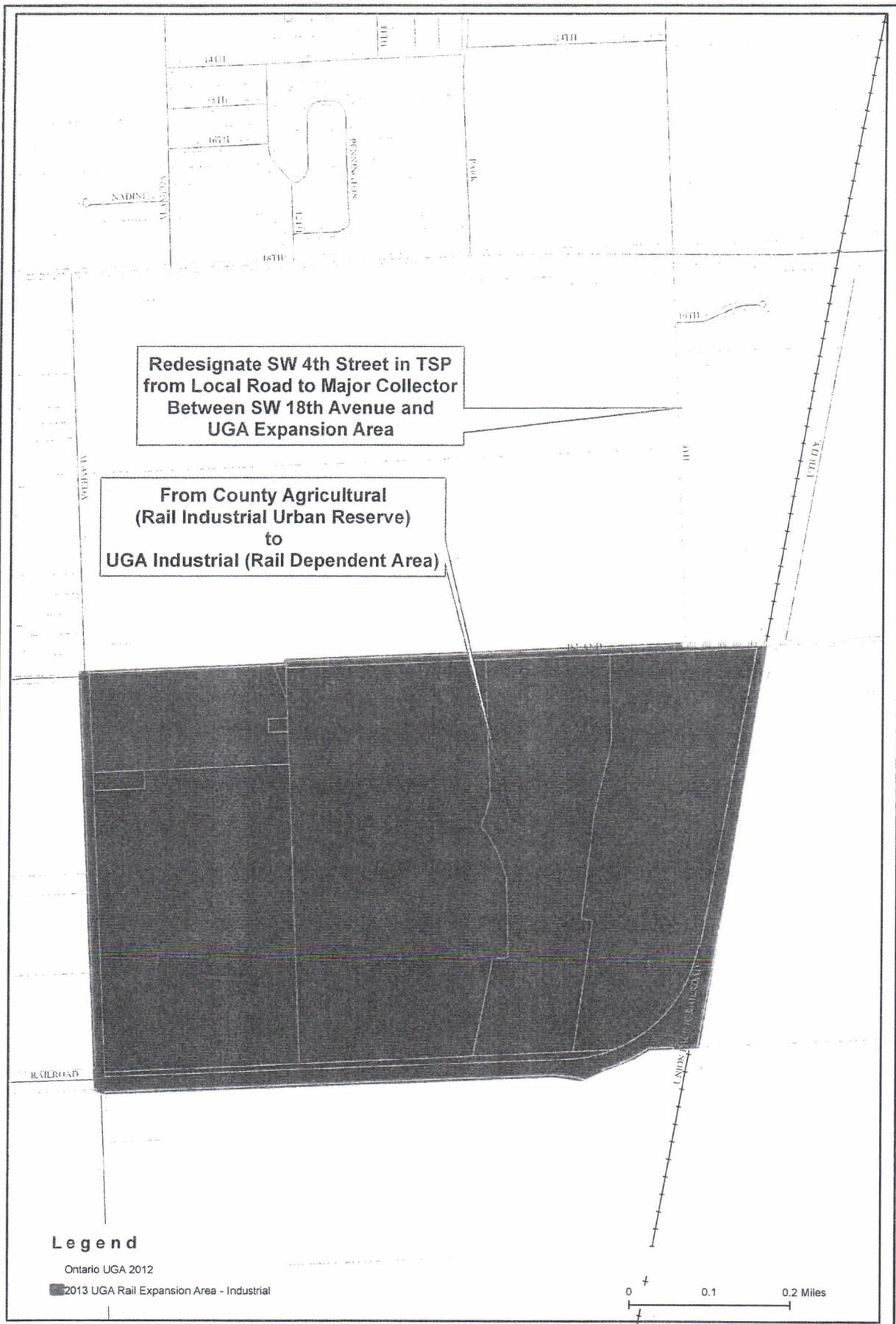
**Legend**

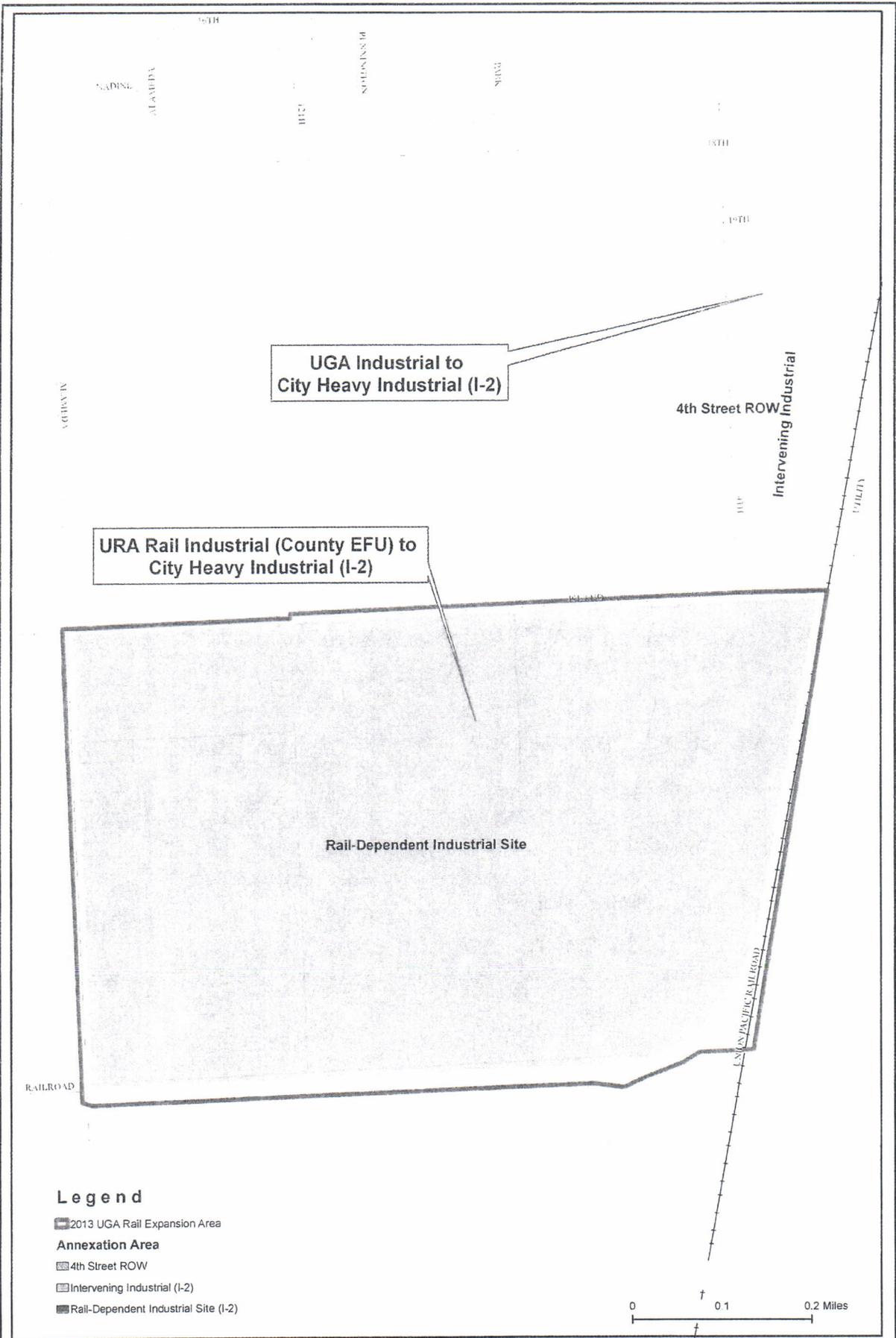
- Urban Growth Area
- Urban Reserve Area
- URA Industrial - Rail Dependent
- 100-yr Floodplain
- Residential City Limits
- Residential Urban Growth Area
- Public Facilities City Limits
- Public Facilities Urban Growth Area
- Industrial City Limits
- Industrial Urban Growth Area

0 0.15 0.3 Miles









# **Appendix A: Second Addendum to the 2007 Ontario Urbanization Study**

**City of Ontario  
Urban Growth Area &  
Comprehensive Plan Amendment Package  
October 10, 2013**

# Second (2013) Addendum to Ontario Urbanization Study

Originally Prepared for the  
City of Ontario

By **ECONorthwest** (2007)

Addendum Prepared by  
**Winterbrook Planning**

October 10, 2013

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# Second Addendum to the 2007 Urbanization Study

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## PURPOSE

This Addendum has two primary purposes:

1. To document the site requirements of rail-dependent industrial and transshipment centers and Ontario's comparative advantages in attracting such centers.
2. To provide a factual basis for changes to the 2007 Urbanization Study (as amended in 2013), the Goal 9 and 14 chapters of the *Ontario Comprehensive Plan* (also amended in 2013), and to provide factual support for an amendment to the Ontario Urban Growth Area (UGA) boundary to provide a suitable site for one or more large rail-dependent firms.

## BACKGROUND

The 2007 *Ontario Urbanization Study* provided technical analysis supporting the 2007 update of the Ontario Comprehensive Plan and factual data supporting an expansion of the UGA and establishment of an Urban Reserve Area (URA). Thus, the 2007 Urbanization Study (1) evaluated growth forecasts, (2) inventoried the City's buildable land supply, (3) identified housing and public facility needs, (4) included an Economic Opportunities Analysis (EOA) and economic development strategies, and (5) determined how much land the City will need to accommodate growth from 2006-2026 and from 2006-2056.

### *Goal 14 Urbanization*

The Goal 14 chapter of the comprehensive plan as amended in early 2013 (Ordinance No. 2674-2013) includes the following revised text with respect to 20-year and 50-year land need:

*"In 2007, the City of Ontario adopted a 2056 URA to meet identified land needs through 2056. The 2056 URA included 1,757 acres for future urban uses. Approximately 500 acres were reserved in the southeast portion of the URA for rail-dependent uses served by both the Union Pacific Railroad and Railroad Avenue.*

*"In 2009, the City of Ontario and Malheur County amended the UGA boundary to meet a large-site industrial land deficit. This expansion included the 77-acre "Wada Site" (nine acres of which was already within the UGB) immediately northwest of the Ontario Regional Airport and served by the Yturri Beltline (Oregon Highway 201).*

*"The 2012 Addendum to the 2007 Ontario Urbanization Study identified an unmet short-term need for two 150-250 acre sites to accommodate (1) a very large mega data center*

and (2) 2-3 smaller data center users. \* \* \* To ensure that Agricultural land is not prematurely included within the Ontario UGA to meet this need, Ontario has adopted a sequential approach. Consistent with Policy 10-14-8(3), Ontario will include one mega data center site within the UGA in early 2013 to meet short-term needs; at such time as this site is developed, Ontario is committed to initiating a second UGA amendment to ensure that a second data center site is immediately available within the UGA.

“In 2013: Public facilities needs identified in the 2007 Comprehensive Plan were reduced by 80 acres to account for a transcription error (30 acres) and double-counting school needs (50 acres). The UGA was expanded to address 105 acres of the adjusted 184-acre public facilities need. The City of Ontario and Malheur identified a need for at least one site of approximately 200 acres to meet the site requirements of mega data centers. Ontario UGA lacks any such large sites; therefore, the UGA was expanded by an additional 199 acres to meet this identified need.

“Table 14-4 updates 2006-2026 Ontario land need and supply numbers based on the expanded 2013 UGA.

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

<b>Generalized Land Use</b>	<b>Buildable Acres</b>	<b>Need 2006-2026</b>	<b>Surplus (Deficit) 2006-2026</b>
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Public Facility	114.9	184.0	(69.1)
Residential	627.9	593.4	34.5
<b>TOTAL</b>	<b>1,471.5</b>	<b>1,538.8</b>	<b>(67.3)</b>

The Goal 14 element of the comprehensive plan includes the following acknowledged policies:

5. Land added to the UGA to meet the needs of mega data centers shall be retained in large parcels (minimum of 50 acres) to ensure that large site size requirements are met consistent with the 2012 Addendum to the Ontario Urbanization Study.
6. To carry out Ontario’s “no net loss of irrigated agricultural land policy,” annexation agreements for properties zoned EFU shall include a specific provision that requires proof of water rights transfer to rural farm land before City water is provided to the subject area.

7. *Ontario will reserve large parcels of URA land (approximately 500 acres) served by both the Union Pacific Railroad and Railroad Avenue to meet regional rail-dependent industrial needs."*

In 2006, Ontario participated in a study of "rail assets" as part of a county-wide industrial lands strategy. In 2012, Business Oregon approached the City regarding the availability of a large site to accommodate a rail-dependent industrial firm. The firm had identified specific site requirements that Ontario was unable to meet. The remainder of this Addendum focuses on site requirements for rail-dependent industrial uses.

### **MALHEUR COUNTY RAIL ASSET STUDY (2006)**

Ontario's been interested in attracting major rail-dependent users for a long time – in part to service its agricultural employment base. Although the City has several industrial sites adjacent to the Union Pacific Railroad (UPRR) mainline, Ontario has had not recent successes in attracting major rail-dependent industrial firms.

#### *Ontario's Competitive Advantages*

In 2006, the City participated in the *Malheur County Rail Asset Study* (Claudia Howells). The study (p. 18) included the following observations regarding Ontario's competitive advantages in attracting rail-dependent employment:

*"The area is generally served by the Union Pacific Railroad (UPRR) a large, Class I railroad that gives its customers access to all domestic markets, international ports and the countries of Mexico and Canada, some directly some through other rail carriers. Ontario is directly served by UPRR and has a sizable marshaling yard in downtown Ontario. Rail-served industries are clustered around the freight yard. \* \* \**

*"The condition of the rail infrastructure within the study area is very good. The quality of service provided by UPRR is acceptable. UPRR's line through Ontario is one of UPRR's major transcontinental freight routes and will always serve the Treasure valley area. \* \**  
\*

*"A newly-designated parcel along the Oregon Eastern Railroad [OERR is] the site of Treasure Valley Renewable Resources. This site was not originally zoned for industrial use and required an exception from the state Department of Land Conservation and Development, a lengthy and laborious process. The experience highlighted the need to designate adequate properties for rail-dependent industrial development.*

*"For manufacturers and agricultural producers that sell to distant markets and produce low to medium value products, rail service is not 'alternative transportation,' it is essential. Because railroads, for the most part are for-profit businesses, it is also*

*essential for them to be able to grow business. For both reasons, communities should take special care in designating and preserving rail-served sites for industrial use, and planning for the redevelopment of 'brown field' or abandoned sites as permanent industrial uses. \* \* \**

*"In conclusion, the rail resource in the study area is strong and capable of attracting new industries that will provide long-term, family-wage employment. There is no question that rail transportation will become increasingly important. Therefore communities that have anticipated the need for rail-dependent sites will be highly competitive in attracting high quality employment."*

The Howell study (p. 17) also recognizes Ontario's unique advantage in having the OERR short line connection with the UPRR main line:

*"Land located along the Oregon Eastern Railroad has the best chance of being developed for rail-dependent or rail-accessible industries. Development of new industries along the UPRR will likely be more difficult. UPRR will be reluctant to give a new shipper access to its main line, because it does not have the track capacity to switch on the main line."*

#### *Site Requirements for Rail-Dependent Industries*

Regarding the site requirements for rail-dependent industries, the Howell study (p. 18) recognizes that being next to the UPRR main line doesn't mean that a site has *access to the line*, and makes the following observations:

*"Being next to a railroad does not necessarily mean that the rail line can be physically accessed. Topography of a particular parcel may restrict the building of a connecting industrial spur. The track structure of the main line may not allow the addition of a switch. Particular locations, such as property within a wye, are not conducive to development. \* \* \**

*"A property may be physically accessible, but the railroad may have no interest in providing service. This is particularly true of the UPRR. UPRR generally will not allow a new switch to be added to its main line, especially if it is single-track location. On the other hand, the Oregon Eastern will be far more agreeable to locating new industries anyway along its line. \* \* \**

*"Generally speaking, railroads prefer to concentrate rail operations rather than stringing customers along the whole of a rail line. This is particularly true of small customers. In other words, efforts should be made to cluster small industries so that the railroad can manage its business as efficiently as possible. \* \* \**

*“Increasingly, especially on the UPRR, industrial rail operations are expected to be self-contained. Car loading and storage tracks should be entirely within the property. This characteristic will drive the need for large properties to accommodate high volume rail business. \* \* \**

*“Rail operations are noisy, and depending on the customer, may operate 24/7. Therefore care should be taken to reduce potential conflicts.”*

The Howell study (p. 19) also identified other critical site requirements, including adjacency to the UGB, parcels sizes of 50-100 acres, flat topography without wetland or floodplain constraints, good road access and access to City utilities. In particular, the study described the characteristics of “Tier 1” rail-dependent properties:

- *Served by the Oregon Eastern Railroad or UPRR’s Homedale Branch*
- *Parcels of 50-100 acres*
- *Proximate to the UGB*
- *Flat topography*
- *Limited or no wetland or other environmental constraints*
- *Adequate road access*
- *Available utilities*

## **BUSINESS OREGON – PROJECT RAIL**

Business Oregon is currently working with a railcar maintenance and services company that is looking for the opportunity to expand their core business in Oregon.

According to “Project Rail” documentation provided by Business Oregon (November 2012),

*“They are looking for suitable property along either - Union Pacific Railroad, BNSF Railway and/or any port location with rail access. They prefer property with track that has dual access (UPRR & BNSF) and is large enough to accommodate multiple unit trains that are 7500 and 8500 each in length. This company is not hesitant to invest in adding the necessary track if other suitable conditions with regards to the property are available.*

*I\* \* \* They are looking for suitable property to lease and/or purchase – the following is a list of items, criteria and/or questions they need answered regarding each site for evaluation purposes.*

1. *Property located off a main line with BNSF, Union Pacific RR, CSX or Norfolk Southern. (Company will consider short lines or ports with rail access based on the volume of traffic).*

2. *Does the property have a switch or switches off the main line? How much track is onsite? And what is the lay-out? Can it accept unit trains? Curvature and condition of track?*
3. *How close in proximity to the main line is the track?*
4. *Switch fees from the railroads? (Example – power on, power off fees or do switch fees apply from the railroad for unit trains or individual cars)*
5. *Location of the closest railroad yard? And how often does the RR switch this facility?*
6. *Any issues with the property being a flooded and is it in a flood zone?*
7. *Buildings onsite? Track through and or beside the structure? Size and layout?*
8. *Any EPA and/or noise restrictions associated with the property and/or community?*
9. *River access? Transloading capabilities? Any concrete pads?*
10. *Number of acres? (Prefer 150 to 200 acres)*
11. *Terms of use? Lease and/or purchase?*
12. *Federal, state and local incentives (Grants, loans, etc.) and names of local, state, and federal officials that may have involvement with the property, funding, grants, low interest loans, etc? Names and contact information for applicable Railroad Industrial Development personnel?*
13. *Utilities – Electric and water required.*

## **BUSINESS OREGON – PROJECT 78**

Business Oregon is also currently working with a rail-dependent manufacturing company that is looking for the opportunity to develop a multi-phase facility in Oregon.

According to “Project 78” documentation provided by Business Oregon (September 2013),

*The project will be developed in multiple phases. The first two phases of development are for the first two of a potential four manufacturing lines. The requirements for phases I and II are listed in the second column in the table on the next page. The investment and employment figures could roughly double with the implementation of the additional phases. The third column in the table bellows represents the minimum project investment*

and employment once all phases are implemented. This chosen location will also be a strong candidate for other company operations to be determined.

They will accept and evaluate sites that only meet the Phase 1 & 2 requirements, but locations that exceed the Phase 1 & 2 requirements and allow for expansions that can accommodate Total Build Out requirements will have a significant advantage.

	<b>Phase 1 &amp; 2</b>	<b>Total Build Out (additional operations)</b>
<i>Capital Investment</i>	\$700 million	\$1.4 billion+
<i>Employment</i>	347 full time employees	700+ full time employees
<b>Site Size</b>	<b>200 acres minimum</b>	<b>400+ acres preferred</b>
<i>Rail Traffic</i>	30-35 per week	60-70+ per week
<i>Truck Traffic</i>	700 trucks per week	1,400+ trucks per week
<i>Electricity Usage</i>	430,000 MWh per year	860,000 MWh per year min.
<i>Electrical Connected Load</i>	52 MW	104 MW min.
<i>Natural Gas</i>	2,000,000 DTH	4,000,000 DTH min.
<i>Potable Water</i>	30,000 gallons/day	60,000 gallons/day min.
<i>Industrial Water</i>	2.5 million gallons/day	5 million gallons/day min.
<i>Industrial Wastewater</i>	1.8 million gallons/day	3.6 million gallons/day min.
<i>Sanitary Wastewater</i>	5,000 gallons/day	10,000 gallons/day min.
<i>Nonhazardous Waste (Sludge)</i>	30 tons/day	60 tons/day
<i>Nonhazardous Solid Waste (Other)</i>	220 tons/year	440+ tons/year

- **General operating conditions:**
  - Operation will run 24 hours a day, 7 days a week
  - A large percentage of raw materials will be imported from Canada, South America and U.S. locations.
- **Transportation needs:**
  - Direct access to rail service on site required
  - Proximity and excellent quality access to interstate and major highways
  - Proximity to intermodal facility
- **Electric requirements:**
  - Dependable electric power is required, redundancy is preferred.
  - Demand factor of 95%
- **Natural Gas requirements:**
  - Minimum pressure of 40 psi at the property line is needed.
  - Ability to purchase direct from transmission companies is strongly preferred.
- **Water:**
  - Potable, gray and raw water for industrial process water are all feasible although gray or raw water are preferred.

- *Industrial wastewater:*
  - *Treatment facility will be built onsite. Time and ability to obtain an NPDES permit will be critical to the decision.*
  - *Discharge to a surface water source is preferred.*
- *Sanitary wastewater:*
  - *Treatment provided by others (municipal or other) is preferred.*
- *Nonhazardous waste:*
  - *Potential to recycle sludge is beneficial*
- *Air Emissions:*
  - *The facility is expected to be a major source and will require a Title V Air Permit*
  - *Anticipated emissions are listed on the next page:*

<i>Emissions</i>	<i>Phase 1 &amp; 2</i>	<i>Total Build Out</i>
<i>PM 10</i>	<i>88 tons per year</i>	<i>176 tons per year</i>
<i>PM 2.5</i>	<i>62 tons per year</i>	<i>124 tons per year</i>
<i>NOx</i>	<i>90 tons per year</i>	<i>180 tons per year</i>
<i>CO</i>	<i>126 tons per year</i>	<i>252 tons per year</i>
<i>SO<sub>2</sub></i>	<i>3 tons per year</i>	<i>6 tons per year</i>
<i>VOC</i>	<i>245 tons per year</i>	<i>490 tons per year</i>

- *Other requirements:*
  - *Site must be zoned for industrial operations or, in an area without zoning, site must be in an area suitable for heavy industrial development.*
  - *Site with existing infrastructure that may reduce capital costs will have an advantage. Brownfield sites are acceptable so long as minimal environmental remediation is required and the company may receive a total release from liability from previous contamination.*
  - *Site must be free of wetlands, endangered species or other environmentally unacceptable conditions that would significantly impact or delay development of the site.*
  - *Site must be capable of being under full control within 90 days of a final location decision.*
  - *The site must be outside the 100-year flood plain as defined on FEMA flood plain maps and must be at a level that is feasible to raise above the 500-year flood plain.*
  - *Community support for the development of an industrial facility at this location is important. Aesthetics are important to the company.*
  - *Tallest structures on the site are 100' (85' building with 15' exhaust stacks).*
  - *Noise is expected to be significantly less than 80 decibels at the fence line*
- *Community attributes*
  - *Population of greater than 100,000 within normal commuting distance is strongly preferred*
  - *Strong manufacturing workforce culture*

## WHAT DOES ONTARIO HAVE TO OFFER?

Although Ontario is located on a main line with a major switching yard, many of its rail-dependent sites have flooding constraints, and some are located near residential areas. Although there are large sites adjacent to the UPRR main line, larger sites do not have direct access to this line. In particular, Ontario currently lacks rail-dependent sites of 150-200 acres that are served by a short line with direct access to the UPRR mainline, can be served by public utilities, have direct access to the UPRR line, and are located outside the floodplain.

However, in 2007, Ontario anticipated the need for large, rail-dependent industrial sites. Based on consideration of the Howell study, ECONorthwest worked with Winterbrook Planning, the city of Ontario, Malheur County, and the Oregon Departments of Agriculture and Land Conservation and Development, to evaluate alternative rail-dependent sites – focusing on large and serviceable sites with access to both the UPRR main line and the EORR short line.

The result was a decision to assign a “rail-dependent industrial reserve” designation to large parcels on both sides of the EORR short line – at its terminus with the UPRR main line. As stated in Urbanization Policy 7: approximately 360 acres<sup>1</sup> are reserved especially for rail-dependent uses in the URA:

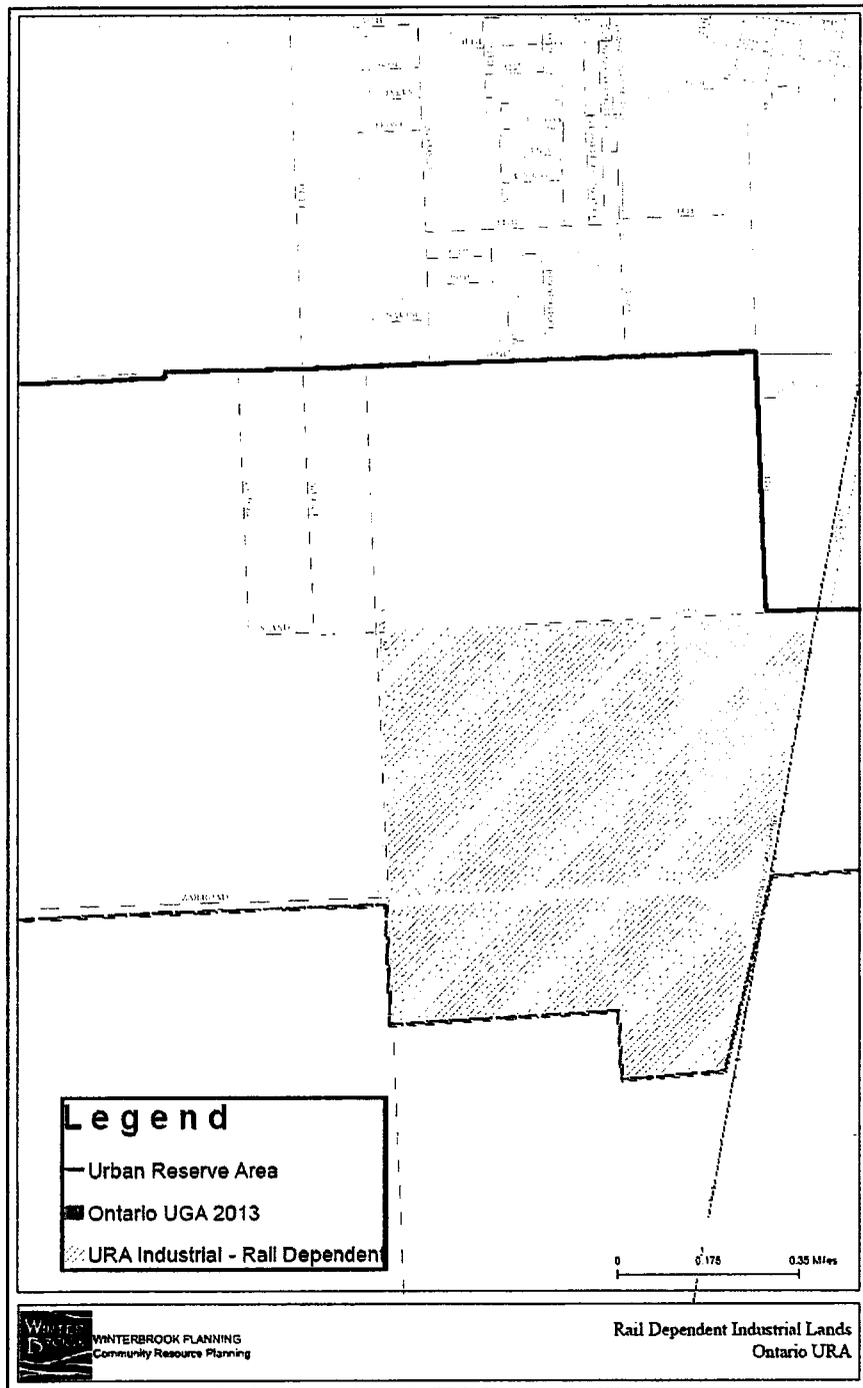
7. *Ontario will reserve large parcels of URA land (approximately 500 acres) served by both the Union Pacific Railroad and Railroad Avenue to meet regional rail-dependent industrial needs.”*

Figure 1 shows the 360-acre Rail-Dependent Industrial Reserve Area.

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<sup>1</sup> As a result of Department of Agriculture comments in 2007, the rail-dependent industrial reserve area was reduced from 500 to 360 acres.

**Figure 1: Rail-Dependent Industrial Reserve Area**



## CONCLUSION

Ontario has distinct comparative advantages when it comes to meeting the siting requirements of rail-dependent industrial and transshipment centers. Ontario has:

- A supportive planning and political environment;
- A UPRR mainline and a major rail switching yard;
- Sufficient water and sanitary sewer capacity;
- Available state tax incentives;
- Support from state agencies; and
- A large urban reserve area with large, flat and serviceable sites especially reserved for rail-dependent industries.

## RECOMMENDATION

Based on Ontario's comparative advantages as documented in the *Malheur County Rail Assets Study* – it is reasonable to conclude that Ontario could be successful in attracting rail-dependent industrial and transshipment centers. Based on criteria identified by two potential rail-dependent users, a site of 150-400 acres with direct access to the UPRR main line is needed.

To be competitive in attracting such centers in the short-term (over the next five years), Ontario should provide two large, flat, serviceable sites in the 250-acre range. Ontario currently has no sites of greater than 90 acres within its Urban Growth Area – and no large sites with direct access to the UPRR main line.

At the same time, Ontario recognizes the primary almost \$300,000 contribution that agriculture contributes to Malheur County's economy. The Ontario Comprehensive Plan recommends against premature conversion of agricultural land until it is needed for urban development. (Policy 10-3-4)

To balance these somewhat competing objectives, Winterbrook recommends a conservative, sequential approach to UGA expansion: Ontario should include one site of approximately 250 acres within the UGA in 2014. If this site develops rapidly as expected, Ontario should consider amending the UGA to include a second site for one or more additional rail-dependent industries.

# **Appendix B: Proposed Comprehensive Plan Policy and Text Amendments**

**City of Ontario  
Urban Growth Area &  
Comprehensive Plan Amendment Package  
October 10, 2013**

# Appendix B: Ontario Comprehensive Plan Policy and Text Amendments

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The following proposed amendments to the Ontario Comprehensive Plan are shown in *italic font* and are part of the December 2013 Ontario Comprehensive Plan Amendment package.

Comprehensive Plan references in this document are based on the Ontario Comprehensive Plan as of Ordinance 2674-2013 (February 2013).

## GOAL 9: ECONOMIC DEVELOPMENT

### 10-9-1: Findings General

**[Insert following the third paragraph in this section.]**

*In 2013 the City also adopted the Second (2013) Addendum to the 2007 Ontario Urbanization Study. This Addendum documented the short-term and medium term need for one or more large sites to meet the site requirements of “rail-dependent industrial” users within the Ontario UGA.*

#### 10-9-2 Findings: National, State and Regional Trends

**[Insert following the last paragraph in this section.]**

*As indicated in the Malheur County Rail Asset Study (Howells, 2006) and as borne out by two inquiries to Business Oregon since 2010 regarding potential rail-dependent industrial sites in Eastern Oregon, there is a rising demand for large industrial sites with direct rail access in Eastern Oregon.*

#### 10-9-3 Findings: Ontario's Comparative Advantage

**[Insert following the last paragraph in this section.]**

##### Rail-Dependent Industrial

*With respect to rail-dependent industrial needs (in addition to the aforementioned competitive advantages of plenty of water and sewer capacity, a trained or trainable labor force, and pro-growth community attitude), with the 2013 rail-dependent industrial land additions Ontario has the competitive advantage of being able to provide large, flat and serviceable sites with access to a short-line railroad connecting directly with the Union Pacific Railroad main line.*

#### 10-9-4 Findings: Site Suitability Requirements

**[Insert prior to Table 9-3 in this section.]**

*Ontario also seeks to attract multiple rail-dependent industrial users to the community. To achieve this policy objective, Ontario amended its UGA to include a 245-acre Rail Industrial site north of the Oregon Eastern Railroad short line. This site can be provided with sanitary sewer and water service within a year or less, and has access via the short line to the Union Pacific Railroad main line. This site may be purchased by a single large user or several medium-sized users; however, this site is reserved exclusively for rail-dependent users requiring a site of 50 acres or more.*

#### 10-9-7 Policies: Economic Development

**[Insert following Policy 14 in this section.]**

*15. Ontario seeks to attract multiple rail-dependent industrial users to the community. Ontario has demonstrated that it is feasible to provide sanitary sewer, water and transportation facilities within a year following annexation to the City. Ontario is committed to providing a competitive short-term supply of fully serviced rail-dependent sites with Heavy Industrial zoning. Sites included within the UGA for rail-dependent industrial users shall be reserved in large parcels of at least 50 acres, and*

*shall only be developed for rail-dependent uses. Rail dependent uses are industrial uses that cannot function without, and require regular and direct access to, rail facilities.*

## **Goal 14: URBANIZATION**

### 10-14-1 Findings: General

**[Insert following the last paragraph in this section.]**

*In 2013 the City adopted the Second (2013) Addendum to the 2007 Ontario Urbanization Study. This Addendum documented the short- and medium-term need for one or more large sites to accommodate “rail-dependent industrial” users within the Ontario UGA.*

### 10-14-5 Findings: Long Range Buildable Lands Needs

**[Insert following the last paragraph in this section.]**

*The Second (2013) Addendum to the 2007 Ontario Urbanization Study identified an unmet short-term need for rail-dependent industrial sites in the 150-400 acre range to accommodate (1) a rail-dependent manufacturing firm and/or (2) a railcar maintenance and service company. The City of Ontario and Business Oregon are working to accommodate interested rail-dependent users known as Project Rail and Project 78. To ensure that Agricultural land is not prematurely included within the Ontario UGA to meet this need, Ontario has adopted a sequential approach. Consistent with Policy 10-14-8(3), Ontario will include one rail-dependent industrial site within the UGA in early 2014 to meet short- and medium-term needs; at such time as this site is developed for rail-dependent uses, Ontario is committed to initiating a second UGA amendment to ensure that a second rail-dependent industrial site is immediately available within the UGA.*

### 10-14-6 Findings: Comparison of Land Need and Supply

**[Replace all text and table in this section.]**

*In 2007, the City of Ontario adopted a 2056 URA to meet identified land needs through 2056. The 2056 URA included 1,757 acres for future urban uses. Approximately 500 acres were reserved in the southeast portion of the URA for rail-dependent uses served by both the Union Pacific Railroad and Railroad Avenue.*

*The 2007 Comprehensive Plan identified a Year 2026 UGA deficit of about 354 acres in the following land use categories:*

- Commercial (11 acres)
- Industrial (89 acres)
- Public Facilities (254 acres)\*
- Residential 35 acre surplus.

\* Public facilities need included city and county facilities, park, school, fraternal, and religious needs.

*In 2009, the City of Ontario and Malheur County amended the Urban Growth Area (UGA) boundary to meet a large-site industrial land deficit. This expansion included the 77-acre "Wada Site" (nine acres of which was already within the UGB) immediately northwest of the Ontario Regional Airport and served by the Yturri Beltline (Oregon Highway 201).*

*In 2013:*

1. *Public facilities needs identified in the 2007 Comprehensive Plan were reduced by 80 acres to account for a transcription error (30 acres) and double-counting school needs (50 acres). The UGA was expanded to address 105 acres of the adjusted 184-acre public facilities need.*
2. *The City of Ontario and Malheur County identified a need for at least one site of approximately 200 acres to meet the site requirements of mega data centers. Ontario UGA lacked any such large sites; therefore, the UGA was expanded by an additional 199 acres to meet this identified need.*
3. *In late 2013, the City of Ontario and Malheur County identified a need for at least one site of approximately 250 acres with direct access to the EORR short line to meet the site requirements of rail-dependent industrial users. Ontario UGA lacked any such large sites; therefore, the UGA was expanded by an additional 245 acres to meet this identified need.*

*Table 14-4 updates 2006-2026 Ontario land need and supply numbers based on the expanded 2013 UGA.*

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

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

10-14-8 Policies: Urbanization

**[Insert following Policy 7 in this section.]**

8. *Land added to the UGA to meet the needs of rail-dependent users shall be retained in large parcels (minimum of 50 acres) to ensure that large site size requirements for rail-dependent industrial users are met consistent with the Second (2013) Addendum to the Ontario Urbanization Study.*

THIS IS A PLACEHOLDER FOR APPENDIX C: Proposed TSP Amendments\*

\*Will be handed out when available.

THIS IS A PLACEHOLDER FOR APPENDIX D: Transportation Impact Study (TIS – Lancaster Engineering)\*

\*Will be handed out when available.

**PROJECT 78 – INDUSTRIAL LANDS**  
**ALTERNATIVE INFRASTRUCTURE COSTS**

An initial infrastructure cost estimate of \$28,200,200 from the Public Works Department for the Rail Dependent Lands was prepared on January 16, 2013. This document examines an alternate infrastructure cost estimate that would include providing access to the site on SW 4<sup>th</sup> Street south from SW 18<sup>th</sup> Avenue. The City of Ontario provide only for domestic water and sewer, and assists the developer with obtaining water rights for their industrial usage. The City would also explore options available for industrial wastewater disposal. This alternative could significantly reduce the cost requirements to the City and eliminate the need for water treatment upgrades and the sewer infrastructure required to provide for the industrial water and wastewater. This alternative also eliminates the need for the developer to utilize the City's more expensive treated potable water for a lower quality industrial water.

The water and sewer infrastructure currently located in SW 4<sup>th</sup> Street south of SW18<sup>th</sup> Avenue is more than adequate to meet the domestic needs of the proposed Industrial Developer. The domestic needs of the developer are such that it would not overload the capacities of the water treatment plant nor the wastewater treatment plant. Therefore, the City would not require capital to upgrade either of these facilities. However, System Development Charges for water and sewer would apply and be based upon the size of the water service required.

Access to the site would be from Highway 201 on SW 18<sup>th</sup> Avenue to SW 4<sup>th</sup> Street then south on SW 4<sup>th</sup> Street to Island Road. The potential to use Railroad Avenue to access Highway 201 was examined. ODOT states this would not be approved as Railroad Avenue intersects Highway 201 next to a railroad crossing which does not allow enough stacking room for traffic traveling north on Highway 201 attempting to turn right on Railroad Avenue. In order to utilize Railroad Avenue the intersection with Highway 201 would have to be moved north of its present location a considerable distance to allow sufficient separation from the railroad crossing. This would require the procurement of easements and approval from ODOT which could be costly and time consuming.

**PROJECT 78 COST ESTIMATE**

The SW 4<sup>th</sup> Street Alternative for providing water, wastewater, and transportation infrastructure necessary to serve the 267 acres south of Island Road to Railroad Avenue between Alameda Avenue and the railroad tracks which is referred to as Project 78 is outlined below.

The domestic water infrastructure would require a water main from the 12-inch water line in SW 4<sup>th</sup> Street to the Industrial facility. To provide adequate fire protection, an on-site 2 million gallon reservoir with booster facilities would be required.

The domestic wastewater infrastructure would require a gravity sewer main from the 12-inch sewer line in SW 4<sup>th</sup> Street to the Industrial facility.

The transportation infrastructure would require reconstruction of SW 18<sup>th</sup> Avenue from Highway 201 to SW 4<sup>th</sup> Street in addition to construction on SW 4<sup>th</sup> Street in order to adequately serve the site.

The following table outlines the costs for these infrastructure improvements.

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>\$/UNIT</u>	<u>TOTAL</u>
1	Mobilization, Administration, Bonds & Insurance	Ea	1		<u>\$490,000</u>
<b>Water System</b>					
<b>Elements</b>					
2	12" Pipeline	L.F.	1,945	\$100	\$194,500
3	Tie ins and interconnect 2 Mil Gal Steel Water	Ea	1	\$5,000	\$5,000
4	Storage Tank	Ea	1	\$2,400,000	\$2,400,000
<b>Water Elements Subtotal</b>					<b><u>\$2,599,500</u></b>
<b>Wastewater</b>					
<b>Elements</b>					
5	12" Sewer Main	L.F.	1,900	\$100	\$190,000
<b>Wastewater Elements Subtotal</b>					<b><u>\$190,000</u></b>
<b>Transportation</b>					
<b>Elements</b>					
6	SW 18th Ave Hwy 201 to SW 4th St.	L.F.	9,112	\$700	\$6,378,400
7	SW 4th St - 18th Ave to E Island Rd.	L.F.	2,575	\$700	\$1,802,500
<b>Transportation Elements Subtotal</b>					<b><u>\$8,180,900</u></b>
<b>Estimated Construction Costs</b>					<b>\$11,460,400</b>
<b>Engineering Costs</b>					<b>\$1,719,600</b>
<b>Total Estimated Costs</b>					<b><u>\$13,180,000</u></b>

Note: The transportation costs for SW 4<sup>th</sup> Street can be reduced somewhat due to Deferred Improvement Agreements with other property owners adjacent to the street.

**PROJECT 78**  
**INDUSTRIAL WATER AND WASTEWATER**

A cursory investigation indicates that a feasible alternative for providing industrial water to the Project 78 development would be from the Snake River which is located approximately one-half mile east of the site. This would require either wells drilled adjacent to the Snake River or a direct river intake, pumps to deliver the water to the industrial site, a pipeline from the pumps to the site, and a railroad undercrossing.

The developer would also need a water right. As a municipality, the City of Ontario generally has a priority for water rights. A recent internal assessment indicates that the City would have sufficient Snake River water rights for the first phase of the development. We have discussed this internally and the City, with Council approval, would likely be in a position to provide these rights at a modest to no cost. The advantage here is that the ability to transfer water rights to a land adjacent to the City is a fairly straightforward process with the Department of Water Resources. This type of arrangement would allow a period of about four years to secure either expanded water rights through the municipality or for the developer to work through the process and protocols for securing their own rights or supplemental rights. The City of Ontario is eager to work through these issues as an active partner to the developer.

There are a few options for disposal of the Industrial Wastewater. These include reuse of the wastewater, storage and land application, treatment and discharge to the river. The last option would be expensive and time consuming due to regulatory requirements. The City of Ontario has experience with storage and land application and is more than willing to assist the developer in exploring this option. It is recommended that the developer consider reuse options so the amount of wastewater to land apply is reduced.

Bob Walker/Jerry Elliott  
Ontario Public Works Department  
November 26, 2013

THIS IS A PLACEHOLDER FOR APPENDIX F: Annexation Information and Signed Annexation Agreements\*

\*These will be handed out when available.

## **AGENDA REPORT – OLD BUSINESS**

December 16, 2013

TO: Honorable Mayor and City Council

FROM: Al Higinbotham, Fire Chief

THROUGH: Jay Henry, City Manager

**SUBJECT: 2013-2015 INTERGOVERNMENTAL AGREEMENT FOR REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM SERVICES**

DATE: December 9, 2013

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### **SUMMARY:**

- See Handout 8A

The City of Ontario and the Office of State Fire Marshal have been working together by intergovernmental agreement for the Regional Hazardous Materials Emergency Response Team Services. The current contract ended on June 30, 2013.

### **PREVIOUS COUNCIL ACTION:**

12-02-13 Council did not approve the 2013-2015 Intergovernmental Agreement and requested more solid figures of what this cost the City. Action tabled to 12-16-13.

### **ALTERNATIVE:**

Approve contract renewal with the State of Oregon, through the Office of State Fire Marshal.

Re-negotiate the contract with the State of Oregon, through the Office of State Fire Marshal.

### **FINANCIAL IMPLICATIONS:**

See handout 8A.

Termination of the contract would result in approximately \$750,000 worth of equipment being returned to the State of Oregon.

### **RECOMMENDATION:**

Staff recommends approval of the biennial 2013-2015 Intergovernmental Agreement.

### **PROPOSED MOTION:**

I move the Council authorize the Mayor and City Manager to sign the biennial 2013-2015 Intergovernmental Agreement between the City of Ontario and the Office of State Fire Marshal.

**AGENDA REPORT**  
December 16, 2013

TO: Mayor and City Council

FROM: Alan Daniels, Public Works Director

THROUGH: Jay Henry, City Manager

**SUBJECT: APPROVAL OF PUBLIC WORKS DEPARTMENT PROVIDING COSTS FOR REVIEWING STATE AND FEDERAL REQUIREMENTS PLUS PROVIDING PIPELINE ALIGNMENT AND GRADE FOR ESTIMATED COST OF \$5,000**

DATE: December 9, 2013

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**SUMMARY:**

Attached is the following document:

- Letter from City Manager to Riley Hill

The City Manager indicates that the Public Works Department is supportive of providing for the costs associated with reviewing the state and federal regulations plus providing pipeline alignment and grade for piping the remaining portion of the Dork Canal from NW Washington Avenue to the southerly right-of-way of Interstate 84.

**BACKGROUND:**

In association with the NW Washington Avenue project, the Dork Canal was diverted into a 72" RCP from the south property line of the Poole Brothers property to the north side of NW Washington Avenue. Riley Hill would like to pipe the remaining portion of the Dork Canal from the north side of NW Washington Avenue to the southerly right-of-way of Interstate 84. He has requested that the City provide for some of the engineering costs in an amount of \$5,000.

This action is for City Council approval to have the city contribute \$5,000 for reviewing state and federal requirements, plus providing for the pipeline alignment and grade.

**FINANCIAL IMPLICATIONS:**

City will contribute \$5,000 from the Public Works Budget for this proposal.

**RECOMMENDATION:**

Staff recommends the City Council approve the this request.

**PROPOSED MOTION:**

I move the City Council **APPROVE THE USE OF \$5,000 FROM THE PUBLIC WORKS DEPARTMENT'S BUDGET TO PROVIDE FOR REVIEWING STATE AND FEDERAL REGULATIONS PLUS PROVIDE FOR PIPELINE ALIGNMENT AND GRADE FOR PIPING THE DORK CANAL FROM NW WASHINGTON AVENUE TO THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 84.**



## City of Ontario

Office of the City Manager

444 SW 4<sup>th</sup> Street

Ontario, OR 97914

Voice (541)881-3223

Fax (541)889-7121

[jay.henry@ontariooregon.org](mailto:jay.henry@ontariooregon.org)

December 4, 2013

Mr. Riley Hill  
PO Box 428  
Ontario, Oregon 97914

RE: Engineering for Piping Dork Canal

Dear Mr. Hill,

The Public Works Department has reviewed your request for the City to provide the engineering requirements to pipe the Dork Canal from Northwest Washington Avenue to Interstate 84. City Staff is supportive of your request and the Public Works Department will recommend that the City Council approve it. Staff will be recommending a "not to exceed" cost to the city of \$5,000 for this project.

The estimated cost for reviewing state and federal requirements and providing pipeline alignment and grade is estimated at \$5,000 by the Public Works Department. This is within the Public Works Department's budget and I am supportive of the City providing these engineering requirements. Of course, this will still require the approval of City Council. I will ask the Mayor to place this request on the next City Council Agenda for approval. The Public Works Department will provide a staff report, but I would recommend that you also attend if you have the time. The next Council Work Session is Thursday, December 12 and the next action meeting of the Council is Monday, December 16 at 7:00 P.M.

I hope this memo answers your questions and if I can be of any further service, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Jay Henry". The signature is written in a cursive, flowing style.

Jay Henry  
Ontario City Manager

Cc: Alan Daniels; Tori Barnett  
Mayor LeRoy Cammack

**AGENDA REPORT**  
December 16, 2013

TO: Mayor and City Council

FROM: Alan Daniels, Public Works Director

THROUGH: Jay Henry, City Manager

**SUBJECT: APPROVAL OF ENGINEERING DESIGN AGREEMENT WITH ANDERSON PERRY & ASSOCIATES FOR N. PARK BOULEVARD**

DATE: December 16, 2013

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**SUMMARY:**

Attached is the following document:

- Anderson Perry Agreement for the design of North Park Boulevard from south of N.W. 16<sup>th</sup> Avenue to Malheur Drive and improvements at the intersection at N. Park Boulevard and Malheur Drive.

This agreement with Anderson Perry and Associates of La Grande, Oregon provides for the preparation of plans, specifications and estimates for the construction of new asphalt pavement, concrete curb, gutter and sidewalk on the west side of N Park Boulevard; extension of existing water, sanitary sewer, and storm sewer; roadway illumination; and coordination with franchise utilities.

**PREVIOUS COUNCIL ACTION:**

June 2013 Budget Approved for design and partial construction

**BACKGROUND:**

This project is to provide the engineering design for extending N. Park Boulevard from south of N.W. 16<sup>th</sup> Avenue to Malheur Drive. The completion of this roadway in conjunction with the recently completed N.W. Washington Avenue will not only provided a much needed north-south route for the City but will open this area up for commercial/industrial development.

Public Works Staff received formal responses to the RFP for this project from three firms on September 18, 2013. The formal responses were from Anderson Perry Associates of La Grande, Oregon, CH2M-Hill of Boise, Idaho, and Holladay Engineering of Payette, Idaho. Bob Walker, Bret Turner, Jerry Elliott and Larry Tuttle each reviewed the proposals. Each of the firms presented an excellent proposal and it was obvious that each of them could be successful in preparing the plans and specifications. However, we ranked the firms based on schedule, resumes (qualifications of the personnel to be assigned to the project), references and similar projects completed, and locations where the work will be completed. The committee selected Anderson Perry as the highest ranked firm based on their proposal.

The project will be designed to Federal Highway Administration and ODOT standards. Anderson Perry and Associates has significant experience in preparing plans and specifications to these standards and performed very effectively in the Phase 1 of the North Oregon Street project and the shelf ready projects they previously designed for the City which are S.E. 2<sup>nd</sup> Street and N Oregon Street Phase 2.

This motion is for approval to have the City Manager execute the attached agreement with Anderson Perry.

**FINANCIAL IMPLICATIONS:**

This project was included in the 2014 budget as STR-7 in the amount of \$320,000. The Anderson Perry agreement for design services is a lump sum of \$77,800 with an estimate time and material cost for legal descriptions and exhibits plus environmental services of \$11,700. Funds remaining under this CIP will be utilized for partial construction of the roadway.

**RECOMMENDATION:**

Staff recommends approval of the Agreement between the City of Ontario and Anderson-Perry.

**PROPOSED MOTION:**

I move the City Council approve the **AGREEMENT BETWEEN THE CITY OF ONTARIO OREGON AND ANDERSON PERRY AND ASSOCIATES INCORPORATED OF LA GRANDE OREGON FOR THE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF NORTH PARK BOULEVARD FROM SOUTH OF N.W. 16<sup>TH</sup> AVENUE TO MALHEUR DRIVE IN THE AMOUNT OF \$77,800 PLUS TIME AND MATERIALS COSTS ESTIMATED AT \$11,700** and authorize the City Manager to sign the agreement on behalf of the City of Ontario.

## AGREEMENT FOR ENGINEERING SERVICES

THIS AGREEMENT, made this \_\_\_\_\_ day of December, 20\_\_\_\_, by and between the City of Ontario, Oregon, hereinafter referred to as the OWNER, and Anderson Perry & Associates, Incorporated, hereinafter referred to as the ENGINEER:

The OWNER intends to construct N. Park Boulevard from south of N.W. 16th Avenue to Malheur Drive and improve the intersection at N. Park Boulevard and Malheur Drive. The project generally consists of construction of new asphalt concrete pavement, concrete curb and gutter, and concrete sidewalk on the west side of N. Park Boulevard. Utility work includes extension of existing water, sanitary sewer, and storm sewer sized to accommodate future development and existing land uses in the immediate surrounding area, roadway illumination, and coordination with franchise utilities. The limits of the project are shown the OWNER-provided map, Exhibit "A." Right-of-way (R/W) acquisition will be required for construction of the new alignment.

Design of the project will be funded by the OWNER; construction of the project is not funded at the time this Agreement was executed.

The ENGINEER agrees to provide professional services including surveying, preliminary engineering, exhibits and sketches for R/W acquisition, final design and Contract Documents, and construction engineering services for the project. The ENGINEER's design approach and key concerns of the OWNER are outlined in detail in the ENGINEER's proposal dated September 18, 2013. A summary of the anticipated total project cost is attached as Exhibit "B."

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

### SECTION A - ENGINEERING SERVICES

#### DESIGN ENGINEERING

Upon approval by the OWNER for the ENGINEER to proceed, the ENGINEER shall provide design of the project utilizing the Oregon Department of Transportation (ODOT) Standard Drawings, Standard Specifications, and approved ODOT Drawing formats. ODOT formats are being used in anticipation of potential ODOT funding sources for future construction. The design services shall include:

1. Pre-design Coordination Meeting
  - A pre-design coordination meeting will be held with the OWNER's appropriate staff and other appropriate entities to review the project and discuss critical design issues, objectives, needs, schedule, etc. This meeting may also include

an on-site walkthrough to address existing site conditions that may affect the design.

- Deliverable: Pre-design coordination meeting minutes.

## 2. Geotechnical Evaluation

- At the OWNER's request, a geotechnical evaluation will not be performed for this project.
- Existing geotechnical reports prepared for other projects within the vicinity of the project will be provided by the OWNER and will generally be relied upon for this project, assuming similar subgrade conditions.

## 3. Design Survey

- A field topographic survey to identify existing R/W location, property lines, ground elevations, existing utilities, culverts, environmental features, and other items as required to perform the roadway design will be prepared.
- Deliverable: Copy of survey base maps.

## 4. Preliminary Plans

- Preliminary Plans (approximately 30 percent complete) will be prepared for the project, including Plan and profile sheets; typical roadway sections; water, sanitary sewer, and storm drain improvements; preliminary list of total anticipated Plan sheets; and identification of potential utility conflicts. A preliminary construction cost estimate will be prepared.
- Preliminary Plans will be provided to the OWNER for review and comment. A Preliminary Plan review meeting will be held with the OWNER to obtain comments and suggestions based on the OWNER's review of the Preliminary Plans.
- Deliverables: Three sets of Preliminary Plans, preliminary construction cost estimate, list of potential utility conflicts, and preliminary R/W and easement acquisition sketches; Preliminary Plan review meeting minutes.

## 5. Advance Plans

- Advance Plans (approximately 60 percent complete) will be prepared incorporating comments received on the Preliminary Plans and including all anticipated Plan sheets (including temporary traffic control plans, Erosion and Sediment Control Plans [ESCP], intersection details, illumination plans, and signing and striping plans). Utility conflict resolutions will be finalized, and an updated construction cost estimate will be prepared. Special Provisions will be

prepared based on the Advance Plan design. Copies of the Advance Plans and Specifications will be provided to the OWNER for review and comment.

- An Advance Plan review meeting will be held with the OWNER to obtain comments and suggestions based on the OWNER's review of the Advance Plans.
- Deliverable: Three sets of Advance Plans and Specifications, an updated construction cost estimate, and Advance Plan review meeting minutes.

#### 6. Final Plans and Contract Documents

- The comments received on the Advance Plans will be incorporated into the Plans (approximately 90 percent complete), Special Provisions, construction cost estimate, and Contract Documents. Verification of final Special Provisions will be performed and final estimated construction costs will be prepared. Three copies of the bidding documents will be prepared and furnished for review and approval by the OWNER, its legal counsel and other advisors as appropriate, and appropriate agencies.
- If requested by the OWNER, the Plans and Contract Documents can be split into Schedule A and Schedule B to accommodate phased construction.
- A final Plan review meeting will be conducted with the OWNER.
- Final Plans and Contract Documents will be prepared, and the project will be ready for bidding at the conclusion of this phase.
- Deliverable: Three sets of final Plans, Contract Documents, Special Provisions, construction schedule, and final construction cost estimate. Bidding documents will be complete and ready for bidding.

7. The ENGINEER's services under the Design Engineering Phase shall be considered complete when the final Bidding Documents are approved by the OWNER and other governmental authorities having jurisdiction.

### **RIGHT-OF-WAY SERVICES**

Upon approval by the OWNER of the alignment and R/W limits identified in the Preliminary Plans submittal, the ENGINEER shall prepare legal descriptions and exhibits for proposed R/W and easement acquisitions. For the purposes of this Agreement, it is assumed that four exhibits will be required. If additional descriptions or exhibits are required, an amendment to this Agreement shall be prepared defining the scope and fee for additional services. Negotiation and acquisition of R/W and easements shall be accomplished by the OWNER.

1. Prepare a R/W base map showing existing R/W, existing monuments, and property ownership of parcels adjacent to or potentially affected by the project. The survey shall be prepared utilizing available federal, state, county, and city records.

2. Prepare legal descriptions and exhibits for all proposed R/W and easement acquisitions.
3. A Map of Survey for final R/W monumentation will be prepared and filed with Malheur County. Monuments will be set for the new R/W location.

### **ENVIRONMENTAL SERVICES**

1. The ENGINEER shall conduct a site visit and perform an environmental review to identify potential environmental or cultural resources concerns within the limits of the proposed improvements.
2. An ESCP will be prepared to Oregon Department of Environmental Quality (DEQ) standards for the project limits. An application for a new National Pollutant Discharge Elimination System General Permit 1200-C will be prepared and submitted to the DEQ. Coordination with DEQ for review of the ESCP will occur and revisions necessary to achieve approval of the 1200-C Permit application will be made. The OWNER shall be responsible for all fees associated with the application.
3. If additional environmental evaluation or documentation is requested by the OWNER, these services can be provided as outlined under "Other Engineering Services."

### **CONSTRUCTION ENGINEERING**

After acceptance by the OWNER and appropriate agencies of the Bidding Documents and upon authorization by the OWNER to proceed, the ENGINEER shall:

1. Assist the OWNER in advertising for and obtaining bids for the work and maintain a record of prospective bidders to whom Bidding Documents have been issued. Attend a Pre-Bid Conference, if held, and answer questions from prospective bidders and suppliers.
2. Furnish copies of the Bidding Documents as required by prospective bidders, material suppliers, and other interested parties. The ENGINEER may charge bidders and suppliers for such copies to offset the cost of printing and handling expenses.
3. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.
4. Consult with the OWNER as to the acceptability of the subcontractors, vendors, suppliers, and other persons and entities proposed by the Contractor for those portions of the work as to which such acceptability is required by the Bidding Documents.
5. Attend the Bid opening, prepare a Bid tabulation sheet, and assist the OWNER in evaluating Bids or proposals, and in assembling and awarding a contract for the work.

6. After the award of the construction contract by the OWNER, meet with the Contractor and the OWNER in a Preconstruction Conference to discuss project schedules, procedures, etc.
7. Review and take other appropriate action with respect to Shop Drawings and Samples and other data which the Contractor is required to submit. Such action is only to determine conformance with the information given in the Contract Documents and compatibility with the design concept of the completed project as a functioning whole as indicated in the Contract Documents. Such review or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
8. Provide general engineering review of the work of the Contractor as construction progresses. The ENGINEER shall also provide full-time or part-time Project Representatives on site as appropriate to review the work. The ENGINEER shall keep the OWNER informed as to any known deviations from the general intent of the Contract Documents or agreements made at the Preconstruction Conference. Copies of regular progress reports will be sent to the OWNER and the Contractor. The ENGINEER's undertaking hereunder shall not relieve the Contractor of his/her obligation to perform the work in conformity with the Drawings and Specifications and in a workmanlike manner. The ENGINEER shall not, as a result of such observations of the Contractor's work in progress, supervise, direct, or have control over the Contractor's work, nor shall the ENGINEER have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor, for safety precautions and programs incident to the work of the Contractor, or for any failure of the Contractor to comply with laws, rules, regulations, ordinances, codes, or orders applicable to the Contractor's furnishing and performing the work. Accordingly, the ENGINEER neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.
9. Keep the OWNER informed concerning progress of the work and attend meetings held by the OWNER, outside agencies, and the Contractor as they relate to the project.
10. Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of the work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. The ENGINEER may issue Field Orders authorizing minor variations from the requirements of the Contract Documents.
11. Provide construction staking as may be required to provide control to be used by the Contractor as called for in the Contract Documents.
12. Provide random testing services as the work progresses to monitor the Contractor's compliance with the Contract Documents. Such tests may include soils gradation and compaction tests, concrete tests, etc. Such testing will not replace the

Contractor's own testing nor relieve the Contractor from providing his own quality control.

13. Prepare change orders for the OWNER's approval that are necessary for the proper completion of the work by the Contractor.
14. Review the Contractor's requests for progress payments and, based upon on-site observation, recommend the amounts the Contractor should be paid. Such recommendations of payment will constitute the ENGINEER's representation to the OWNER, based on such observations and review that, to the best of the ENGINEER's knowledge, information, and belief, the work has progressed to the point indicated. In the case of unit price work, the ENGINEER's recommendations of payment will include determinations of quantities and classifications of such work (subject to any subsequent adjustments allowed by the Contract Documents).

By recommending any payment, the ENGINEER shall not thereby be deemed to have represented that observations made by the ENGINEER to check the quality or quantity of the Contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of the work in progress, or involved detailed inspections of the work beyond the responsibilities specifically assigned to the ENGINEER in this Agreement and the Contract Documents. Neither the ENGINEER's review of the Contractor's work for the purposes of recommending payments, nor the ENGINEER's recommendation of any payment including final payment, will impose on the ENGINEER any responsibility to supervise, direct, or control such work or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or the Contractor's compliance with laws, rules, regulations, ordinances, codes, or orders applicable to the Contractor furnishing and performing the work. It will also not impose responsibility on the ENGINEER to make any examination to ascertain how or for what purposes the Contractor has used the monies paid on account of the Contract Price, or to determine that title to any of the work, materials, or equipment has passed to the OWNER free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between the OWNER and the Contractor that might affect the amount that should be paid.

15. Receive and review maintenance and operating instructions, schedules, guarantees, bonds, certificates, or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, and marked-up record documents including Shop Drawings, Samples, and other data and marked-up Record Drawings which are to be assembled by the Contractor in accordance with the Contract Documents.
16. Prepare and furnish to the OWNER one (1) set of reproducible Project Record Drawings showing appropriate record information based on project documentation received from the Contractor and the ENGINEER's Project Representative. It is recognized that these Drawings may contain some discrepancies and omissions and will not necessarily represent "exact" field conditions.

17. Following notice from the Contractor that the Contractor considers the entire work ready for its intended use, and in company with the OWNER, appropriate outside agencies, and the Contractor, conduct an inspection to determine if the work is substantially complete. If, after considering any objections of the OWNER, the ENGINEER considers the work substantially complete, the ENGINEER shall deliver a certificate of Substantial Completion to the OWNER and the Contractor.
18. In company with the OWNER's representatives and appropriate outside agencies, conduct a final inspection to determine if the completed work of the Contractor is acceptable so the ENGINEER may recommend, in writing, final payment to the Contractor.
19. The Construction Engineering services shall be considered complete when the Construction Project is accepted by the OWNER and when Record Drawings have been provided to the OWNER.

### **OTHER ENGINEERING SERVICES**

In addition to the foregoing being performed, the following services may be provided by the ENGINEER when requested by the OWNER in writing for each phase of the project, as required.

1. Provide engineering services as may be required to assist the OWNER in obtaining construction funding for the project. Work may include assistance in preparing technical portions of grant and loan applications, assistance in public meetings, ongoing coordination and agreements with funding agencies, updating cost estimates, and other funding services that may be required.
2. Perform additional environmental review services beyond those summarized in Section A of this Agreement, if such services are needed.
3. Assist the OWNER with obtaining permits, applications, outside utility services, etc., as necessary for the work. The OWNER shall pay all fees associated with such permits and applications, if such fees are required.
4. Redesign work when requested to do so by the OWNER. Such work shall include changes in the design, after the conceptual design stage, that are beyond the control of the ENGINEER, and/or changes in the Bidding Documents after such plans have been accepted by the OWNER.
5. Perform special tests, specialized geological, hydraulic, or other studies, or tests other than as previously outlined herein that may be required on the project.
6. Provide additional administrative services as needed in administering the project, project grants, and other financial assistance programs with outside agencies. Such services may include preparation of requests for funds, reports, coordinating meetings, audit data, and other support as appropriate to help facilitate the overall project development in accordance with local, state, and federal requirements.

7. Prepare to serve or serve as a consultant or witness for the OWNER in any litigation, arbitration, or other dispute resolution process relating to the project.
8. Provide additional or extended services during construction made necessary by (1) emergencies or acts of God endangering the work, (2) work damaged by fire or other cause during construction, (3) a significant amount of defective, neglected, or delayed work by the CONTRACTOR, (4) acceleration of the progress schedule involving services beyond normal working hours, (5) longer construction time than anticipated, or (6) default by the CONTRACTOR.
9. Perform soil tests and borings as required to evaluate subsurface soil conditions.
10. Other services as may be applicable.
11. Provide post-construction engineering services as required. These services could include, but are not limited to, the following:
  - a. Together with the OWNER, visiting the project to observe any apparent defects in the completed work, assisting the OWNER in consultations and discussions with the Contractor concerning correction of such defects, and making recommendations as to replacement or correction of defective work.
  - b. In company with the OWNER, performing a warranty inspection of the project in the eleventh month following Substantial Completion to ascertain whether items of Construction are subject to correction.

## **SECTION B - RESPONSIBILITIES OF OWNER**

1. The OWNER shall provide the ENGINEER with all criteria and full information as to the OWNER's requirements for the project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; furnish copies of all design and construction standards which the OWNER will require to be included in the Drawings and Specifications; and furnish copies of the OWNER's standard forms, conditions, and related documents for the ENGINEER to include in the Bidding Documents, when applicable.
2. The OWNER shall furnish to the ENGINEER all available information pertinent to the project including reports and data relative to previous designs, all existing maps, field survey data, lines of streets and boundaries or rights-of-way, and other surveys presently available. The OWNER shall also provide all known information concerning the existing underground utilities, etc., that could impact the proposed improvements.
3. The OWNER shall provide for full, safe, and free access for the ENGINEER to enter upon all property required for the performance of the ENGINEER's services under this Agreement.

4. The OWNER shall give prompt written notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of a Hazardous Environmental Condition or of any development that affects the scope or time of performance of the ENGINEER's services, or any defect or nonconformance in the ENGINEER's services or in the work of any Contractor.
5. The OWNER shall pay for any agency plan review fees, advertisement for bids, building or other permits, licenses, etc., as may be required by local, state, or federal authorities. The OWNER shall also secure the necessary land easements, rights-of-way, and construction permits. The ENGINEER can assist the OWNER with these tasks, if requested, as outlined in Section A, "Other Engineering Services."
6. The OWNER shall examine all alternate solutions, studies, reports, sketches, Drawings, Specifications, proposals, and other documents presented by the ENGINEER (including obtaining the advice of an attorney, insurance counselor, and other consultants as the OWNER deems appropriate with respect to such examination) and render timely decisions pertaining thereto.
7. The OWNER shall obtain, with guidance from the ENGINEER, reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all Phases of the project designed or specified by the ENGINEER, and such reviews, approvals, and consents from others as may be necessary for completion of each Phase of the project.
8. The OWNER shall advise the ENGINEER in a timely manner of the identity and scope of services of any independent consultants employed by the OWNER to perform or furnish services in regard to the project.
9. The OWNER shall attend the Pre-Bid Conference, Bid Opening, Pre-Construction Conferences, construction progress, warranty inspection, and other project-related meetings and shall review and act upon Change Orders, Applications for Payment, the Certificate of Substantial Completion, and the Final Acceptance Report.

#### **SECTION C - COMPENSATION FOR ENGINEERING SERVICES**

1. The OWNER shall compensate the ENGINEER for "Design Engineering" a lump sum amount of \$77,800. If, during the course of the work, the scope of the work should substantially change, the OWNER and the ENGINEER shall amend this section of the contract as necessary.
2. The OWNER shall compensate the ENGINEER for completion of the "Right-of-Way Services" on a time and materials basis, plus direct reimbursable expenses. The total cost is estimated to be \$8,700. This amount shall not be exceeded without notification to and approval from the OWNER. If, during the course of the work, the scope of the work should substantially change, the OWNER and the ENGINEER shall amend this section of the contract as necessary.

3. The OWNER shall compensate the ENGINEER for performing the "Environmental Services" on a time and materials basis, plus direct reimbursable expenses. The total cost is estimated to be \$3,000. This amount shall not be exceeded without notification to and approval from the OWNER. If, during the course of the work, the scope of the work should substantially change, the OWNER and the ENGINEER shall amend this section of the contract as necessary.
4. The OWNER shall compensate the ENGINEER for "Construction Engineering" on a time and materials basis, plus direct reimbursable expenses. The total cost is estimated to be \$90,000. The total cost has been estimated based on a three-month construction contract. This amount shall not be exceeded without notification to and with approval of the OWNER.
5. The OWNER shall compensate the ENGINEER for "Other Engineering Services" requested by the OWNER on a time and materials basis, plus direct reimbursable expenses.
6. The time and materials cost referred to in this Agreement shall be in accordance with the attached Hourly Fee Schedule, Exhibit "C." The ENGINEER may adjust the Hourly Fee Schedule on or about April 1 of each year.
7. Direct reimbursable expenses shall include, but not be limited to, such direct job costs as the cost of travel, subsistence, lodging, document printing, outside consultants, special tests and services of special consultants, etc. Direct reimbursable expenses shall include a 10 percent additional fee to cover handling, overhead, insurance costs, etc. Mileage shall be charged at \$0.565 per mile for passenger vehicles and \$0.75 per mile for pickups and vans. The mileage costs may be adjusted as needed to reflect actual costs. There shall be no charge for secretarial services, telephone calls, and postage.
8. The OWNER agrees to pay the ENGINEER for the services provided in accordance with this Agreement on a monthly basis. The OWNER agrees to pay the ENGINEER for lump sum work on a percentage basis of the total fee relative to the percent completion of the work. The OWNER agrees to pay the ENGINEER for time and materials work for the actual services provided. The ENGINEER will render to the OWNER an itemized bill at the end of each month, for compensation for such services performed hereunder during such month, the same to be due and payable by the OWNER to the ENGINEER.
9. Past due amounts owed shall include a service fee charge of 12 percent annual interest beginning the 30th day after the date of billing. The ENGINEER may suspend work under this Agreement until the account is paid in full. If collection is made by suit or otherwise, and if the ENGINEER prevails, the OWNER agrees to pay interest until the account and all collection costs, including a reasonable attorney's fee, are paid.
10. Should the construction period be increased over those defined above for any cause, or should any Contractor's performance require an extraordinary amount of review

and coordination, etc., the ENGINEER shall be entitled to additional compensation. An increase in construction time may be due to construction time extensions granted by the OWNER, failure of the Contractor to complete the work within the allowable construction time, poor quality performance of the Contractor, unusual weather, etc. It is agreed that the ENGINEER has no control over the actual time required to complete the work, the Contractor's schedule, the quality of the Contractor's performance, unusual weather conditions, etc. All of these conditions could increase the amount of "Construction Engineering" required to properly complete the work. It is agreed that the OWNER and the ENGINEER shall negotiate a reasonable compensation for these additional services should additional "Construction Engineering" be required.

#### **SECTION D - GENERAL PROVISIONS**

1. Approval of this Agreement by the OWNER and the ENGINEER will serve as written authorization for the ENGINEER to proceed with the services called for in the Agreement.
2. Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employees and agents.
3. In the event any provisions of this Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.
4. The ENGINEER intends to render his services under this Agreement in accordance with generally accepted professional practices for the intended use of the project and makes no warranty expressed or implied. The ENGINEER shall be responsible for the professional quality, technical accuracy, timely completion, and coordination of all designs, Drawings, Specifications, reports, and other services furnished by the ENGINEER under this Agreement. The ENGINEER shall, without additional compensation, correct or revise any errors, omissions, or other deficiencies in his designs, Drawings, Specifications, reports, and other services.
5. Any opinion of the probable construction cost or probable total project cost prepared by the ENGINEER represents his judgment as a design professional and is supplied for the general guidance of the OWNER. Since the ENGINEER has no control over the cost of labor and material, or over competitive bidding or market conditions, the ENGINEER does not guarantee the accuracy of such opinions as compared to Contractor bids or actual cost to the OWNER.
6. This Agreement is to be binding on the heirs, successors, and assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other.

7. This Agreement represents the entire and integrated agreement between the OWNER and the ENGINEER for this project and supersedes all prior negotiation, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the OWNER and the ENGINEER.
8. Original documents, survey notes, tracings, and the like, except those furnished to the ENGINEER by the OWNER, are and shall remain the property of the ENGINEER. Documents, including Drawings and Specifications which contain an ENGINEER's stamp prepared under this Agreement, are instruments of service of the ENGINEER. Reuse of any of the Drawings and Specifications that may be developed during the project by the OWNER on extensions of this project or on any other project without the written permission of the ENGINEER shall be at the OWNER's risk. The OWNER agrees to defend, indemnify, and hold harmless the ENGINEER from all claims, damages, and expenses including attorneys' fees arising out of such unauthorized reuse of the ENGINEER's instruments of service by the OWNER. The ENGINEER shall make available to the OWNER, when requested, all documents, Drawings, pictures, etc., that are prepared as part of the ENGINEER's services under this Agreement. There will be no cost for these documents except for labor, reproduction, and copying costs.
9. There are no third party beneficiaries of this Agreement between the OWNER and the ENGINEER, and no third party shall be entitled to rely upon any work performed or reports prepared by the ENGINEER hereunder.
10. Neither the OWNER nor the ENGINEER shall delegate his duties under this Agreement without the written consent of the other.
11. The OWNER reserves the right to request replacement of any Project Representatives furnished by the ENGINEER.
12. This Agreement may be terminated by either party in the event of default under this contract by the other party. Either party may do so by giving written notice to the other of its intent to terminate this Agreement for substantial failure to perform according to this Agreement, which written notice shall specify the failure and demand correction or remedy thereof in 10 days. In the event of failure to remedy or correct in 10 days, this Agreement may be terminated in writing at the option of the party giving the prior notice. If this Agreement is terminated, the ENGINEER shall be paid for services based on actual man hours worked to the termination notice date, including reimbursable expenses due, less any amount in dispute.
13. Unless otherwise specified within this Agreement, this Agreement shall be governed by the laws of the State of Oregon.
14. The ENGINEER shall acquire and maintain statutory Worker's Compensation insurance coverage, employer's liability, and comprehensive general liability insurance coverage.

15. The OWNER will require that any Contractor or subcontractor performing work in connection with Drawings and Specifications produced under this Agreement shall hold harmless, indemnify, and defend the OWNER and the ENGINEER, their consultants, and each of their officers, agents, and employees from any and all liability claims, losses, or damage arising out of or alleged to arise from the Contractor's (or subcontractor's) negligence in the performance of the work described in the construction Contract Documents, but not including liability that may be due to the sole negligence of the OWNER, the ENGINEER, their consultants, or their officers, agents, and employees.
16. The OWNER and the ENGINEER acknowledge that in a project of this magnitude and complexity, changes may be required as the result of possible omissions, ambiguities, or inconsistencies in the Drawings and Specifications or changes that are identified during construction which will result in an overall better end project for the OWNER, or changes which are necessary due to unusual field conditions or construction circumstances beyond the control of the OWNER, ENGINEER, or Contractor. As a consequence of the above, the OWNER realizes that the Construction Contractor may be entitled to additional payment. The OWNER agrees to set up a reserve in the project budget to be used as required to make additional payments to the Construction Contractor with respect to such changes. When additional payments are due to the Contractor, they will be made in accordance with an approved Change Order.
17. The ENGINEER shall comply with all applicable provisions of the Regulations of the U.S. Department of Commerce (Part 8 of Subtitle 15 of the Code of Federal Regulations) issued pursuant to the Civil Rights Act of 1964, in regard to nondiscrimination in employment because of race, religion, color, sex, or national origin. The ENGINEER shall comply with Executive Order 11246 (41 CFR 60-1.4), Section 503 of the Rehabilitation Act of 1973 (41 CFR 60-741.5(a)), Section 402 of the Vietnam Era Veterans Readjustment Act of 1974 (41 CFR 60-250.5(a)), the Jobs for Veterans Act of 2003 (41 CFR 60-300.5(a)), and, the organizing and collective bargaining Clauses of Executive Order 13496 (29 CFR 471). The ENGINEER shall comply with applicable federal, state, and local laws, rules, and regulations concerning Equal Employment Opportunity.
18. To the fullest extent permitted by law, the OWNER and ENGINEER each agree to indemnify and hold the other harmless, and their respective officers, employees, agents, and representatives from and against liability for all claims, losses, damages, and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, and expenses are caused by the indemnifying party's negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of the OWNER and ENGINEER, they shall be borne by each party in proportion to its negligence.

This Agreement is executed in duplicate the day and year written at the beginning of this Agreement.

OWNER:

**City of Ontario, Oregon**

By \_\_\_\_\_

Type Name \_\_\_\_\_

Title \_\_\_\_\_

(SEAL)

ENGINEER:

**Anderson Perry & Associates, Inc.**

By Brad D. Baird

Type Name Brad D. Baird, P.E.

Title President

(SEAL)

ATTEST

By \_\_\_\_\_

Type Name \_\_\_\_\_

Title \_\_\_\_\_

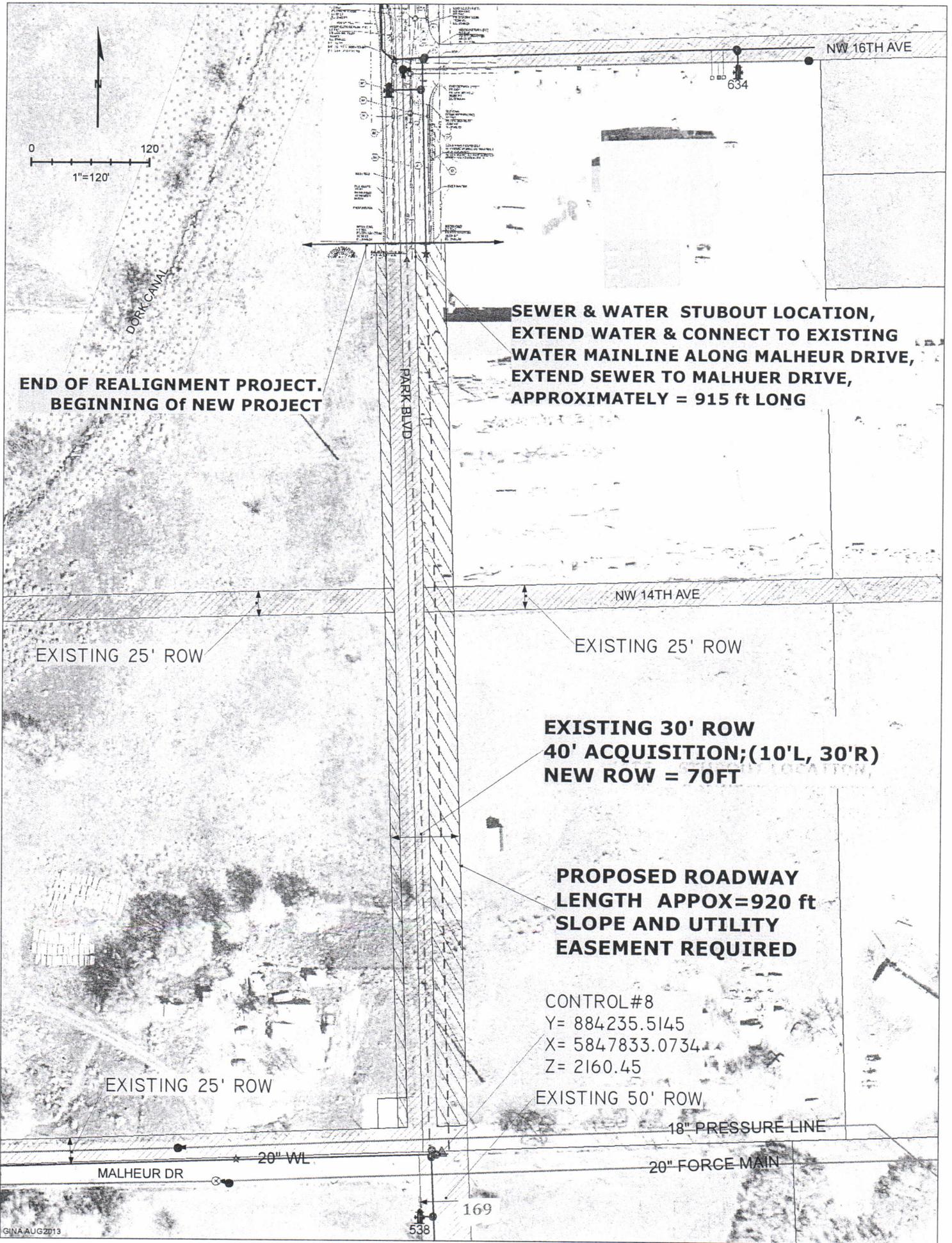
ATTEST

By Howard L. Perry

Type Name Howard L. Perry, P.E.

Title Senior Engineer

# EXHIBIT "A"



**EXHIBIT "B"**  
**N. PARK BLVD EXTENSION**  
**CITY OF ONTARIO, OREGON**  
**ESTIMATED TOTAL PROJECT COST**  
**NOVEMBER 2013**

Construction	
Temporary Protection and Direction of Traffic	\$ 5,000
Mobilization (10%)	80,000
Clearing, Grubbing, and Earthwork	75,000
Aggregate Base	48,000
Concrete Curb and Gutter	40,000
Subgrade Geotextile	10,000
Concrete Sidewalks	48,000
MHMAC Mixture	240,000
Signing and Striping	2,000
Utilities	225,000
Illumination	25,000
	<hr/>
<b>Subtotal Estimated Construction Costs</b>	<b>\$ 798,000</b>
Design Engineering (9.6%)	\$ 77,800
Environmental Services (AP)	3,000
Legal Descriptions and Exhibits (CK3)	8,700
Construction Engineering (10%)	90,000
Construction Contingency (15%)	120,000
	<hr/>
<b>ESTIMATED TOTAL PROJECT COST</b>	<b>\$ 1,097,500</b>

Notes:

AP = Anderson Perry & Associates, Inc.

CK3 = CK3, LLC

EXHIBIT "C"



engineering • surveying • natural resources

HOURLY FEE SCHEDULE

April 16, 2013

<u>TECHNICIANS AND ENGINEERS</u>	<u>HOURLY RATE</u>
Technician .....	\$ 30.00
Technician I .....	\$ 45.00
Technician II .....	\$ 50.00
Technician III .....	\$ 55.00
Technician IV .....	\$ 65.00
Technician V .....	\$ 70.00
Technician VI .....	\$ 75.00
Senior Technician I .....	\$ 85.00
Senior Technician II .....	\$ 90.00
Senior Technician III .....	\$ 95.00
Senior Technician IV .....	\$100.00
Senior Technician V .....	\$105.00
Senior Technician VI .....	\$120.00
Senior Technician VII .....	\$150.00
Staff Engineer I .....	\$ 85.00
Staff Engineer II .....	\$ 90.00
Staff Engineer III .....	\$ 95.00
Project Engineer I .....	\$105.00
Project Engineer II .....	\$110.00
Project Engineer III .....	\$115.00
Project Engineer IV .....	\$120.00
Senior Engineer I .....	\$125.00
Senior Engineer II .....	\$135.00
Senior Engineer III .....	\$140.00
Senior Engineer IV .....	\$150.00
Senior Engineer V .....	\$160.00
Senior Engineer VI .....	\$175.00
Project Representative I .....	\$ 78.00
Project Representative II .....	\$ 83.00
Project Representative III .....	\$ 90.00
Project Representative IV .....	\$ 96.00
Project Representative V .....	\$100.00
Secretary .....	\$ 55.00
Overtime Surcharge .....	\$ 25.00

La Grande, Oregon 97850 / 1901 N. Fir Street, P.O. Box 1107 / (541) 963-8309, Fax (541) 963-5456

Walla Walla, Washington 99362 / 214 E. Birch Street, P.O. Box 1687 / (509) 529-9260, Fax (509) 529-8102

**SURVEYORS AND CREWS**

**HOURLY RATE**

Survey Technician I .....	\$ 55.00
Survey Technician II .....	\$ 60.00
Survey Technician III .....	\$ 65.00
Survey Crew Chief IV .....	\$ 75.00
Survey Crew Chief V .....	\$ 80.00
Survey Crew Chief VI .....	\$ 95.00
Professional Land Surveyor I .....	\$ 85.00
Professional Land Surveyor II .....	\$ 95.00
Professional Land Surveyor III .....	\$105.00
Professional Land Surveyor IV .....	\$120.00
Professional Land Surveyor V .....	\$125.00
GPS Total Station .....	\$ 38.50
Robotic Survey Station.....	\$ 28.50
Total Station .....	\$ 21.00
ATV (4 hour minimum) .....	\$ 28.50
Computer/Plotter .....	\$ 20.00

**OUT OF TOWN WORK**

Mileage will be charged at the applicable IRS rate for vehicles, which is \$0.565 per mile for standard highway vehicles as of April 16, 2013. Mileage will be charged at \$0.75 per mile for vans and pickup trucks. Subsistence and lodging will be billed at actual cost.

**OTHER**

Other miscellaneous, direct, and outside expenses, including special Consultants, will be charged at actual cost plus 10%.

Expert Witness will be charged at two times the standard hourly rate.

All accounts unpaid 30 days after date of invoice will be charged a service fee of 1.0% per month.

**SURVEYORS AND CREWS**

**HOURLY RATE**

Survey Technician I .....	\$ 55.00
Survey Technician II .....	\$ 60.00
Survey Technician III .....	\$ 65.00
Survey Crew Chief IV .....	\$ 75.00
Survey Crew Chief V .....	\$ 80.00
Survey Crew Chief VI .....	\$ 95.00
Professional Land Surveyor I .....	\$ 85.00
Professional Land Surveyor II .....	\$ 95.00
Professional Land Surveyor III .....	\$105.00
Professional Land Surveyor IV .....	\$120.00
Professional Land Surveyor V .....	\$125.00
GPS Total Station .....	\$ 38.50
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