

**UMATILLA CITY COUNCIL MEETING  
A G E N D A  
COUNCIL CHAMBERS  
APRIL 03, 2018  
7:00 P.M.**

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**1. MEETING CALLED TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA**

**5. PRESENTATION**

5.1 Army Corps Lands within the UGB – Mark Ribich

**6. APPROVAL OF MINUTES**

6.1 March 06, 2018 *pages 1 – 4*

**7. PUBLIC COMMENT:** The Council will hear discussion of unannounced matters pertaining to community business. Council may discuss, but can take no action formally on items not placed on the published agenda. Comments are limited to five (5) minutes per person with a total time for this section being 30 minutes. Attendees are asked to refrain from interrupting the Council session unless the Mayor or Council member(s) specifically request clarification from an audience member.\*

**8. CONSENT AGENDA**

8.1 Paid Invoices

a. CRIS, Inc. *page 7*

b. All Remaining Invoices *pages 5 – 23*

8.2 Court Report – February *page 24*

**9. COMMITTEE REPORTS**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

11.1 Ordinance No. 823 - An Ordinance Granting A Nonexclusive Franchise To Lightspeed Networks, In. dba LSN Hereinafter Referred to as “Grantee,” Its Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunication Services Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 782 *pages 25 - 28*

11.2 Ordinance No. 824 – An Ordinance Granting A Nonexclusive Franchise To Eastern Oregon Telecom, LLC Hereinafter Referred to As “Grantee,” Its Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunications Services Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 776 *pages 29 -32*

11.3 Ordinance No. 825 – An Ordinance Granting A Nonexclusive Franchise To Qwest Corporation, dba CenturyLink QC, Hereinafter Referred To As “Grantee,” Its Successors and Assigns the Right of Privilege to Provide Noncable Telecommunications Services within the City and to Utilize The Public Right of Ways and Repealing Ordinance No. 775 *pages 33 -36*

11.4 Ordinance No. 826 – An Ordinance Granting A Nonexclusive Franchise to Zayo Group, LLC Hereinafter Referred to As “Grantee,” Its Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunications Services within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 780 *pages 37 - 40*

11.5 PA-1-18 – Planning Commission Recommendation – Public Hearing *pages 41 -93*

11.6 Ordinance No. 827 - An Ordinance Amending The City of Umatilla Comprehensive Plan Map and Zoning Map by Changing the Plan Designation of 1.93 Acres from McNary Center Mixed-Use Commercial (MC) to Single Family Residential (R-1) *pages 94 -124*

11.7 Resolution No. 17-2018 - A Resolution Authorizing the Mayor to Sign a Communications Tower Lease Agreement with Eastern Oregon Telecom, LLC for a Portion of Space on the McNary Water Tower *pages 125 - 136*

11.8 Arbor Week and Day Proclamation *pages 137 -138*

## 12. CORRESPONDENCE

13. PUBLIC COMMENT: \*See #7

## 14. MAYOR’S MESSAGE

## 15. STAFF REPORT

15.1 Manager’s Report *pages 139 - 140*

## 16. COUNCIL INFORMATION & DISCUSSION

17. ADJOURN TO EXECUTIVE SESSION – ORS 192.660(2)

## 18. RECONVENE

## 19. ADJOURN

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**CITY OF UMATILLA  
COUNCIL MEETING  
March 06, 2018**

1. **CALLED TO ORDER:** Mayor Dufloth called the regular council meeting to order at 7:00pm.
2. **ROLL CALL**  
**PRESENT:** Councilors Keith, Roxbury, Ray, Ribich, Torres – Medrano, and TenEyck.  
**STAFF PRESENT:** Recorder Sandoval, Manager Pelleberg, Deputy City Manager Ince, Public Works Director Barron, Planner Seitz, Community Development Director Mabbott, Accounting Assistant Horn, and Chief Huxel.
3. **PLEDGE OF ALLEGIANCE:** Pledge of allegiance was recited at 7:00pm.
4. **APPROVAL OF AGENDA:** It was moved by Councilor Roxbury to approve the amended agenda. The motion was seconded by Councilor Ribich. Voted: 6-0. Motion carried unanimously.
5. **APPROVAL OF MINUTES:** It was moved by Councilor TenEyck to approve minutes for February 06, 2018. The motion was seconded by Councilor Keith. Voted: 6-0. Motion carried unanimously.
6. **PUBLIC COMMENT:**  
Boyd Sharp – Gave thanks and appreciation to the community for the attention and taking care of his family during such a hard time. Mr. Sharp asked Mayor Dufloth to read the letter from his youngest son. Mayor Dufloth read the statement that was given to him out loud. Mr. Sharp thanked Ramona Anderson, Raelynn Gallegos, Heidi Sipe, Tina Ridings, Paulette and Daren Dufloth, Mary Detrick, Lyle Smith, Recorder Sandoval, Mark and Joan Ribich. He was impressed how the community was able to come together two consecutive weekends in a row to help two families in need. He thanked everyone from the bottom of his heart.

Kylie Baker – She announced that the Umatilla Public Safety Association had stopped union negotiations with the City. She was there to address some concerns the union had. They had been informally notified that the Code Enforcement Officer would be potentially laid-off, and immediately after receiving that information, they did what they felt was right to do and contacted their attorney. They felt one of their team members was being attacked. Tisa Coffey has been employed by the City for over 14 years. Beyond it being a shock, at the beginning of last week Ms. Coffey was excited to be stepping into an expanding role. At the end of the week, she was notified of potential termination.

Their biggest concern was how this was all brought forward. She had a copy of the Oregon Department of Justice Attorney General Public Records and Meeting Manual. It is over 400 page document. In the document she went through and high-lighted every section she believed and in some instances knew for a fact that a violation of the manual, recommendation, or in some cases the law was made. Unfortunately, there was a lot of green in there. She wants people know that they are aware of that. It makes them question the ethical implications of how these decisions were made. They are more than willing to move forward with the negotiation team, but they are weary.

Beyond having an exemplary work history, Tisa Coffey is a lifetime community member. The City would not find someone who has more information about the community, the members of the community, someone who is as certified as she is, trained with the Oregon Code Enforcement Association. She is certified at the professional level, which is something she went out of her way to do.

Randi Weems - She wanted to know if there was any way to revisit removing the ban of medical marijuana.

Sam Nobles – He wanted to thank Planner Seitz for all his efforts to help him get in contact with the Amazon people to talk about the condition of roads they were using to build the new data centers.

**7. CONSENT AGENDA:**

It was moved by Councilor TenEyck to approve paid invoice CRIS, Inc. The motion was seconded by Councilor Roxbury. Voted: 5-1-0. Councilor Ray abstained. Motion carried.

Councilor TenEyck moved to approved All Remaining Invoices. The motion was seconded by Councilor Torres - Medrano. Voted: 6-0. Motion carried unanimously

**8. COMMITTEE REPORTS:**

Minutes were presented from the Police Committee. Councilor TenEyck added that Chief Huxel and her department would be working on an Emergency Plan.

**9. UNFINISHED BUSINESS:** None.

**10. NEW BUSINESS:**

It was moved by Councilor TenEyck to approve Resolution No. 14 – 2018, Resolution No. 15- 2018, and Resolution No. 16 – 2018. Motion was seconded by Councilor Roxbury. Voted: 6-0. Motion carried unanimously.

It was moved by Councilor Ray to have a first reading on Ordinance No. 822. Seconded by Councilor Keith. Voted: 6-0. Motion carried unanimously.

Recorder Sandoval Read Ordinance No. 822 - **AN ORDINANCE ACCEPTING THE MAINTENANCE OF LIND ROAD.** It was moved by Councilor Ray to approve Ordinance No. 822. Motion seconded by Councilor Torres – Medrano. Voted: 6-0. Motion carried unanimously.

**11. CORRESPONDENCE:** None.

**12. PUBLIC COMMENT:**

Sam Nobles – He introduced himself as the new president of the museum. They were currently working on updating contact information. They were also currently looking for volunteers to work the museum. He was also excited to see Umatilla growing and not was not a bedroom community anymore.

**13. MAYOR'S MESSAGE:**

Manager Pelleberg told Council that we were currently looking for zone leaders and dumpster sponsors. We already had a couple business hours signed up.

Part of Mayor Dufloth's message was about community involvement. It was quite enlightening to know that we have a wide variety of backgrounds between staff and council, but there was a lot of commonality. Umatilla is awakening. We never had a mission statement. We finally have one now. We are moving in the right direction. We will make adjustments. Mr. Sharp said it best, community is what it is all about. Change can be uncomfortable, but change is good. We have to reevaluate sometimes.

**14. STAFF REPORT:** Manager Pelleberg said he was going to play on Mayor Dufloth's words, we all came from different backgrounds, but somehow, we are all here, at the right place, and at the right time. We've got momentum and we want to keep that going. We have engaged grant funding from Business Oregon. We have a senior water right that will help our entire region out and we can move forward with some new projects.

Deputy City Manager Ince is working hard on budget stuff. She is doing a wonderful job and he appreciates all the staff's input as we continue to have a growing budget.

Community Development Director Mabbott gave Council an update on all the projects she was currently working on.

**15. COUNCIL INFORMATION & DISCUSSION:**

Councilor TenEyck – He asked people to put the cellular device down. It is not worth it. You may be saving your own life. He would also like to see the topic of medical marijuana dispensary ban put on the agenda for a future workshop. He wanted to thank the community for all its passion.

Councilor Torres – Medrano – She thanked Community Development Director Mabbott for her efforts with public transit. She also thanked everyone in attendance. She also thank the union for showing their support to Tisa Coffey. She believed Ms. Coffey deserved more respect than she had been given.

Councilor Ribich – He thanked everyone for their attendance. He moved from the Seattle area to Umatilla and he loves our community. He also loved the new website and the thanked Deputy City Manager Ince and her crew for all their efforts. He was excited to see the Marina RV Park reservations become accessible via online. Tourism is what we should be about and Deputy City Manager Ince led the charge on that.

Councilor Keith – he asked if there were any updates on the fire hydrants that he brought up last month. Manager Pelleberg stated that the 2 fire hydrants that were of concern had been fixed.

**16. ADJOURN TO EXECUTIVE SESSION –**

**17. RECONVENE:**

18. **ADJOURN:** The March 20<sup>th</sup> meeting was a budget workshop. The next regular meeting will be held on April 03, 2018 at 7:00pm. It was moved by Councilor Ray to adjourn the meeting. The motion was seconded by Councilor Torres - Medrano Voted: 6-0. Motion carried. Meeting adjourned at 8:13 pm.

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Daren Dufloth, Mayor

ATTEST:

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Nanci Sandoval, City Recorder

Report Criteria:  
Detail report type printed

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>5</b>							
5	A Plus Connectors	186974	Water Maintenance	02/15/18	43.08	41376	03/19/18
	Total 5:				43.08		
<b>9</b>							
9	A-1 Industrial Hose & Supply	64887	Sewer Dept Plant Maintenance	03/15/18	251.29	41377	03/19/18
	Total 9:				251.29		
<b>26</b>							
26	AgSource Laboratories	90399797	BOD AND SOLIDS TEST	02/01/18	76.85	41378	03/19/18
		90399798	WATER BOD AND TSS ANALYSIS	02/12/18	76.85	41378	03/19/18
		90399799	WATER BOD AND TSS ANALYSIS	02/19/18	76.85	41378	03/19/18
		90418553	WATER BOD AND TSS ANALYSIS	02/28/18	76.85	41378	03/19/18
	Total 26:				307.40		
<b>38</b>							
38	Alpine Alarm	526450M	Fire Alarm & Security Alarm	01/04/18	684.00	41380	03/19/18
	Total 38:				684.00		
<b>59</b>							
59	Aramark Uniform Services, Inc.	863292933	Police Mats	02/01/18	132.48	41302	03/07/18
		863292935	Mats & Towels	02/01/18	94.78	41302	03/07/18
		863313832	Police Mats	02/15/18	132.48	41302	03/07/18
		863313834	Mats & Towels	02/15/18	94.78	41302	03/07/18
	Total 59:				454.52		
<b>86</b>							
86	Baker, Kylie	CJISAPR18	Per Diem for CJIS LEDS	03/19/18	127.50	41381	03/19/18
	Total 86:				127.50		
<b>92</b>							
92	Banner Bank Mastercard	2418FEB18	POLICE DEPT SUPPLIES	02/28/18	149.94	41304	03/07/18
		2418FEB18	TRAINING	02/28/18	249.77	41304	03/07/18
		2418FEB18	POCKET PRESS	02/28/18	60.44	41304	03/07/18
		2418FEB18	MEMBERSHIP - OACP/IAPE	02/28/18	275.00	41304	03/07/18
		2418FEB18	POLICE EQUIP MAINT	02/28/18	41.99	41304	03/07/18
		4480FEB18	TAHOE- LES SCHWAB	02/28/18	314.38	41304	03/07/18
		4480FEB18	SENATOR/MAYOR - LUNCHEON	02/28/18	116.05	41304	03/07/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
		4480FEB18	LIBRARY COMPUTER CABLES	02/28/18	29.64	41304	03/07/18
		4480FEB18	TAHOE REPAIRS	02/28/18	66.25	41304	03/07/18
		4868FEB18	TRAINING-LODGING	02/28/18	173.24	41304	03/07/18
		4868FEB18	TRAINING-LODGING	02/28/18	173.25	41304	03/07/18
		4868FEB18	SEWER DEPT EQUIPMENT	02/28/18	209.78	41304	03/07/18
		5919FEB18	EAST OREGONION SUBSCRIPTION 1 YEAR	02/28/18	173.67	41304	03/07/18
		5919FEB18	OLA CONFERENCE REGISTRATION - LAMOREAUX	02/28/18	160.00	41304	03/07/18
		5919FEB18	OLA CONFERENCE REGISTRATION - SOTELO	02/28/18	190.00	41304	03/07/18
		5919FEB18	CAR & DRIVER LIBRARY SUBSCRIPTION	02/28/18	24.97	41304	03/07/18
		8522FEB18	R.A.R.E LUNCHEON	02/28/18	43.40	41304	03/07/18
		8522FEB18	MEETING - STRIDE	02/28/18	8.50	41304	03/07/18
	Total 92:				<u>2,460.27</u>		
<b>126</b>							
	126 BJK Truck Parts	H302311	Equipment Maintenance Street Dept	02/22/18	183.82	41383	03/19/18
	Total 126:				<u>183.82</u>		
<b>155</b>							
	155 Brenaman, Catherine	69490123.1	Refund Utility Payment	02/15/18	49.49	41308	03/07/18
	Total 155:				<u>49.49</u>		
<b>183</b>							
	183 Buttercreek Equipment, Inc.	2017-73	Park Maintenance-SOD	12/01/17	15.00	41025	Multiple
		2017-73	Park Maintenance-SOD	12/01/17	15.00-		
	Total 183:				<u>.00</u>		
<b>214</b>							
	214 Cascade Natural Gas Corp.	CITYHALLFE	Natural Gas New City Hall	02/26/18	96.00	41310	03/07/18
		CITYHALLFE	Natural Gas New City Hall	02/26/18	96.00	41310	03/07/18
		CITYHALLFE	Natural Gas New City Hall	02/26/18	95.99	41310	03/07/18
		DRAPERFE	Natural Gas Draper Street	02/26/18	85.72	41310	03/07/18
		SEWERFEB	Natural Gas Sewer Plant	02/26/18	419.77	41310	03/07/18
	Total 214:				<u>793.48</u>		
<b>222</b>							
	222 Center Point Large Print	1559145	Large Print Books for Library	03/01/18	182.76	41386	03/19/18
	Total 222:				<u>182.76</u>		



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>226</b>							
226	CenturyLink	0453FEB18	Police Dept T31 Line	02/25/18	93.23	41311	03/07/18
	Total 226:				93.23		
<b>263</b>							
263	Coleman Oil Company	0466213-IN	Sewer Plant Biodiesel	03/01/18	1,857.27	41313	03/07/18
	Total 263:				1,857.27		
<b>267</b>							
267	Columbia Harvest Foods	FEB2018	SUPPLIES	02/28/18	21.97	41387	03/19/18
		FEB2018	VISIT HANSELL/SMITH	02/28/18	56.20	41387	03/19/18
	Total 267:				78.17		
<b>273</b>							
273	Commercial Tire	225779	Police Dept Vehicle Maintenance	02/20/18	133.52	41314	03/07/18
		225926	Police Dept Vehicle Maintenance	02/24/18	175.08	41314	03/07/18
	Total 273:				308.60		
<b>277</b>							
277	Concrete Special Ties, Inc.	33566	Concrete Supplies	02/22/18	24.31	41315	03/07/18
	Total 277:				24.31		
<b>302</b>							
302	CRIS Inc.	022818-M	Contract Service Agreement	02/28/18	12,500.00	41317	03/07/18
		022818-M	SUPPLIES	02/28/18	42.53	41317	03/07/18
	Total 302:				12,542.53		
<b>308</b>							
308	Crystal Springs	9262940 030	Water for Police Department	03/07/18	63.95	41388	03/19/18
	Total 308:				63.95		
<b>348</b>							
348	Dept of Consumer & Business S	117753	Air Tank Permits	03/01/18	112.00	41318	03/07/18
		117754	Air Tank Permits	03/01/18	112.00	41318	03/07/18
	Total 348:				224.00		
<b>351</b>							
351	DEQ - Water Quality Division	WQ18STM-2	Municipal Stormwater Permit Annual Fee	03/02/18	2,635.00	41390	03/19/18
	Total 351:				2,635.00		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>388</b>							
388	Duke's Auto Plus	11229	Auto Repairs 10 Dodge Charger	03/01/18	550.00	41319	03/07/18
	Total 388:				550.00		
<b>397</b>							
397	Dynamic Computer Consulting, I	11621	Computer & Network Services	02/28/18	1,399.50	41320	03/07/18
		11684	Proof Point Security monthly	02/28/18	216.50	41320	03/07/18
	Total 397:				1,616.00		
<b>400</b>							
400	East Oregonian	25604	Notice of Planning Commission	02/19/18	350.52	41321	03/07/18
		25986	Notice of Planning Commission	02/20/18	408.72	41321	03/07/18
	Total 400:				759.24		
<b>405</b>							
405	Eastern Oregon Telecom, LLC	8743FEB18	Telephone/Fiber Services	03/01/18	123.97	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	71.47	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	383.99	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	495.28	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	214.41	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	244.86	41322	03/07/18
		8743FEB18	Telephone/Fiber Services	03/01/18	415.52	41322	03/07/18
	Total 405:				1,949.50		
<b>428</b>							
428	Engraving Specialties	7479	Signs for E.Horn	03/09/18	13.00	41392	03/19/18
		7479	Sign for E.Horn	03/09/18	13.00	41392	03/19/18
	Total 428:				26.00		
<b>441</b>							
441	Estate of Eugene Challis	59032001	UTILITY REFUND 830 8TH ST	02/20/18	79.90	41324	03/07/18
	Total 441:				79.90		
<b>456</b>							
456	FEI #3011 Waterworks	0623331	Replace Chamber & Registered borrowed WW	02/08/18	2,151.85	41325	03/07/18
	Total 456:				2,151.85		
<b>494</b>							
494	G & S Tire Factory	1-85812	Street Dept Tires -Blue Truck	02/22/18	605.05	41393	03/19/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
Total 494:					605.05		
<b>554</b>							
554	Gotcha Covered	952497	Cleaning Services	03/10/18	443.84	41394	03/19/18
		952497	Cleaning Services	03/10/18	383.98	41394	03/19/18
		952497	Cleaning Services	03/10/18	383.98	41394	03/19/18
		952497	Cleaning Services	03/10/18	248.20	41394	03/19/18
Total 554:					1,460.00		
<b>560</b>							
560	Grainger	9659500764	Water Dept Maintenance	01/04/18	14.56	41327	03/07/18
		9659602677	Water Dept Maintenance	01/04/18	19.77	41327	03/07/18
Total 560:					34.33		
<b>587</b>							
587	H.D. Fowler Company	14754762	Water Dept Supplies Meters etc	02/26/18	305.68	41328	03/07/18
Total 587:					305.68		
<b>623</b>							
623	Heller & Sons Dist., Inc.	51990	CHEV RONDO HDZ 15	03/13/18	95.46	41395	03/19/18
		CL07360-IN	Gasoline for Police Cars	02/28/18	1,914.99	41330	03/07/18
		CL07361-IN	Gas for Public Works Vehicles	02/28/18	441.34	41330	03/07/18
		CL07361-IN	Gas for Public Works Vehicles	02/28/18	720.42	41330	03/07/18
		CL07361-IN	Gas for Public Works Vehicles	02/28/18	285.57	41330	03/07/18
		CL07361-IN	Gas for Public Works Vehicles	02/28/18	716.08	41330	03/07/18
Total 623:					4,173.86		
<b>627</b>							
627	Hermiston Auto Parts, Inc.	647-568129	Sewer Dept Equip Maintenance	02/12/18	40.73	41331	03/07/18
		647-568342	Street Equipment Maintenance	02/16/18	2.77	41331	03/07/18
		647-568613	Sewer Dept Equip Maintenance	02/23/18	177.15	41331	03/07/18
Total 627:					220.65		
<b>637</b>							
637	Hermiston Quicky Lube	417236	Oil Change 2010 Dodge Charger	02/15/18	37.95	41332	03/07/18
Total 637:					37.95		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>659</b>							
659	Home Depot Credit Services	1044166	Street Equip Maint	02/06/18	56.89	41334	03/07/18
		1045097	Water Dept Maintenance Supplies	02/16/18	109.95	41334	03/07/18
		2044047	MAINTENANCE - CITY HALL	02/05/18	19.97	41334	03/07/18
		2109816	Park Maintenance	01/26/18	9.95	41334	03/07/18
		44244	Building Maintenance - Water Dept	02/07/18	13.24	41334	03/07/18
		8043558	Park Maintenance	01/30/18	40.02	41334	03/07/18
Total 659:					<u>250.02</u>		
<b>671</b>							
671	House of Mowers	FACADE18	FACADE GRANT PAYMENT	03/19/18	487.50	41398	03/19/18
Total 671:					<u>487.50</u>		
<b>693</b>							
693	Ingram	32981619	Library Books	02/01/18	15.57-	41336	03/07/18
		32984143	Library Books	02/01/18	158.72	41336	03/07/18
		32984144	Library Books	02/01/18	9.19	41336	03/07/18
		33003097	Library Books	02/02/18	32.38	41336	03/07/18
		33010912	Library Books	02/04/18	29.79	41336	03/07/18
		33078071	Library Books	02/07/18	15.59	41336	03/07/18
		33078072	Library Books	02/07/18	60.57	41336	03/07/18
		33078073	Library Books	02/07/18	18.00	41336	03/07/18
		33171284	Library Books	02/13/18	16.19	41336	03/07/18
		33171285	Library Books	02/13/18	15.57	41336	03/07/18
		33171286	Library Books	02/13/18	17.39	41336	03/07/18
		33171287	Library Books	02/13/18	14.97	41336	03/07/18
		33171288	Library Books	02/13/18	16.19	41336	03/07/18
		33228341	Library Books	02/16/18	16.19	41336	03/07/18
		33279078	Library Books	02/20/18	16.80	41336	03/07/18
		33279079	Library Books	02/20/18	15.60	41336	03/07/18
		33279080	Library Books	02/20/18	15.60	41336	03/07/18
		33395202	Library Books	02/27/18	16.19	41336	03/07/18
		33395203	Library Books	02/27/18	48.59	41336	03/07/18
		33418435	Library Books	02/28/18	18.29	41336	03/07/18
		DISCOUNT0	Discount Available	02/28/18	5.48-	41336	03/07/18
Total 693:					<u>530.76</u>		
<b>697</b>							
697	Intermountain ESD	525P018290	Quarterly Newsletter	03/08/18	767.76	41399	03/19/18
Total 697:					<u>767.76</u>		
<b>712</b>							
712	J U B Engineers, Inc.	114871	Phase 1 Final Design Services	02/21/18	6,199.16	41337	03/07/18
		115295	ENGINEERING	03/13/18	556.09	41400	03/19/18
		115295	6th St Project Engineering	03/13/18	1,901.25	41400	03/19/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
		115295	Bonney Ln Water/Swr Service Analysis	03/13/18	1,900.85	41400	03/19/18
		115295	KIWANIS FALLS LANDSCAPE DESIGN	03/13/18	3,613.50	41400	03/19/18
		115296	Beneficial Reuse Feasibility Analysis	03/13/18	10,038.33	41400	03/19/18
		115298	Phase 1 Final Design Services	03/13/18	19,659.87	41400	03/19/18
	Total 712:				<u>43,869.05</u>		
<b>714</b>							
714	J. P. Cooke Co.	500447	Dog Licenses	03/06/18	52.82	41338	03/07/18
	Total 714:				<u>52.82</u>		
<b>720</b>							
720	James C. Fulper dba Health Opt	75882	Police Physicals-Koehler	02/28/18	231.00	41401	03/19/18
		75902	Police Physicals-BUTLER	02/23/18	231.00	41339	03/07/18
		76164	DOT Physical - Whitaker	03/09/18	95.00	41401	03/19/18
	Total 720:				<u>557.00</u>		
<b>746</b>							
746	Jones-Scott co.	40297	Dirt Street Maintenance	02/21/18	58.71	41340	03/07/18
	Total 746:				<u>58.71</u>		
<b>760</b>							
760	Kennedy, Keith	03816D	Boots from clothing allowance	03/07/18	210.60	41403	03/19/18
	Total 760:				<u>210.60</u>		
<b>770</b>							
770	KIE Supply Corp	351290	Street Department EquipMaintenance	02/07/18	31.29	41341	03/07/18
		356695	Sewer Dept Maintenance	02/22/18	93.55	41341	03/07/18
		356932	Sewer Dept Maintenance	02/23/18	26.04	41341	03/07/18
	Total 770:				<u>150.88</u>		
<b>780</b>							
780	Krogh, Theresa	FEB2018	Weddings	02/28/18	50.00	41343	03/07/18
	Total 780:				<u>50.00</u>		
<b>785</b>							
785	Kuhn Law Offices	33054	Legal Services	03/05/18	332.50	41404	03/19/18
		33054	Legal Service	03/05/18	542.50	41404	03/19/18
	Total 785:				<u>875.00</u>		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>809</b>							
809	Law Enforcement Systems, Inc.	201798	Abandoned Vehicle Labels (250)	03/01/18	50.00	41405	03/19/18
	Total 809:				50.00		
<b>869</b>							
869	Marten Transport	180607	BAIL REFUND CRAIG SMITH	02/28/18	150.00	41344	03/07/18
	Total 869:				150.00		
<b>933</b>							
933	Mid-American Research Chemic	0629187-IN	Sewer Supplies	02/16/18	281.69	41346	03/07/18
	Total 933:				281.69		
<b>995</b>							
995	Norco	23199418	Cylinder Rental	02/28/18	38.95	41349	03/07/18
		23199418	Cylinder Rental	02/28/18	38.95	41349	03/07/18
	Total 995:				77.90		
<b>996</b>							
996	North Central Labs of Wisc	402801	Water Test Supplies	02/22/18	298.65	41350	03/07/18
	Total 996:				298.65		
<b>1008</b>							
1008	NW Farm Supply	B174473	SEWER DEPT MAINTENANCE	02/28/18	3.96	41351	03/07/18
		C98421	Street Personal Protective Equipment	02/01/18	51.96	41351	03/07/18
	Total 1008:				55.92		
<b>1040</b>							
1040	OR Dept. of Transportation	RVB21972	DEICING CHEMICALS	02/28/18	340.52	41406	03/19/18
	Total 1040:				340.52		
<b>1052</b>							
1052	Oregon Dept of Revenue	STATEASSE	State Court Assessments	02/28/18	30,087.40	41352	03/07/18
	Total 1052:				30,087.40		
<b>1053</b>							
1053	Oregon Dept of State Lands	19322	Waterway Lease 33462-ML	02/21/18	4,767.87	41353	03/07/18
	Total 1053:				4,767.87		
<b>1059</b>							
1059	Oregon Municipal Judges Assn.	2018	Annual Dues Judge Krogh				

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
			- 2018	03/06/18	100.00	41355	03/07/18
	Total 1059:				100.00		
<b>1082</b>							
1082	OXARC	30263793	FIRE EXTINGUISHER SERVICE CALL	02/07/18	161.75	41356	03/07/18
		30273861	MAINTENANCE- WATER DEPT	02/20/18	26.80	41356	03/07/18
	Total 1082:				188.55		
<b>1086</b>							
1086	Pacific Power	0021MAR18	205 Powerline/McNary Ind Park/WWTP	02/22/18	7,152.64	41357	03/07/18
		0039MAR18	McFarland Well	02/26/18	1,457.04	41357	03/07/18
		0047MAR18	McNary Mobil Phase 2	02/28/18	269.93	41357	03/07/18
		0054MAR18	City Park Restrooms	02/22/18	231.73	41357	03/07/18
		0062MAR18	Shop Complex	03/15/18	29.73	41407	03/19/18
		0070MAR18	8th & F SE Corner	03/15/18	35.84	41407	03/19/18
		0088MAR18	8th & E SS Park	03/15/18	143.08	41407	03/19/18
		0096MAR18	6th & A St Decorative Light	02/22/18	24.09	41357	03/07/18
		0104MAR18	Street Lights	03/01/18	2,371.01	41357	03/07/18
		0112MAR18	800 6th St/City Hall/Library	03/15/18	261.69	41407	03/19/18
		0112MAR18	800 6th St/City Hall/Library	03/15/18	261.69	41407	03/19/18
		0112MAR18	800 6th St/City Hall/Library	03/15/18	261.71	41407	03/19/18
		0120MAR18	300 6th St	03/15/18	729.06	41407	03/19/18
		0146MAR18	Bud Draper Dr	03/15/18	3,722.83	41407	03/19/18
		0153MAR18	Water Booster Station	03/15/18	2,110.92	41407	03/19/18
		0161MAR18	Water Tank Port	03/15/18	3,771.44	41407	03/19/18
		0179MAR18	285 Radar Rd Booster Pump	02/26/18	441.36	41357	03/07/18
		0187MAR18	Div 7 Naches Ave Lift	03/15/18	32.38	41407	03/19/18
		0377MAR18	Bath House Marina	02/22/18	743.45	41357	03/07/18
		0385MAR18	Fish Cleaning Station Marina	02/22/18	17.87	41357	03/07/18
		0393MAR18	West End Comfort Station	02/22/18	17.87	41357	03/07/18
		0401MAR18	15 HP Pump Marina Levy	02/22/18	97.78	41357	03/07/18
		0419MAR18	Quincy Ave N 2nd Marina office bldg	02/22/18	92.47	41357	03/07/18
		0427MAR18	Marina Park	02/22/18	1,577.19	41357	03/07/18
		0435MAR18	1710 Quincy St Marina	02/22/18	774.26	41357	03/07/18
		0443MAR18	Umatilla Marina St Lights	03/14/18	193.31	41407	03/19/18
		0476MAR18	Street Light Powerline/730	02/22/18	21.46	41357	03/07/18
	Total 1086:				26,843.83		
<b>1133</b>							
1133	Platt	P636595	Street Dept Equipment Maintenance	02/02/18	10.30	41358	03/07/18
	Total 1133:				10.30		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>1141</b>							
1141	Postmaster	2018BOX277	P O Box Rental Marina	03/01/18	88.00	41359	03/07/18
	Total 1141:				88.00		
<b>1166</b>							
1166	Psych Services of Pendleton	EVAl17	Psych Eval New Police Recruits	12/05/17	450.00	41411	03/19/18
	Total 1166:				450.00		
<b>1178</b>							
1178	Quill Corporation	3588790	Police Dept Supplies	12/29/17	58.83	41360	03/07/18
		3599609	Police Dept Supplies	01/01/18	50.91	41360	03/07/18
		3627240	Police Dept Supplies	01/02/18	17.25	41360	03/07/18
		4167506	Office Supplies	01/19/18	61.72	41360	03/07/18
		4167506	Office Supplies	01/19/18	12.26	41360	03/07/18
		4167506	Office Supplies	01/19/18	24.73	41360	03/07/18
		4167506	Office Supplies	01/19/18	36.99	41360	03/07/18
		4167506	Office Supplies	01/19/18	36.99	41360	03/07/18
		4167506	Office Supplies	01/19/18	24.73	41360	03/07/18
		4167506	Office Supplies	01/19/18	3.62	41360	03/07/18
		4439994	Office Supplies	01/30/18	39.39	41360	03/07/18
		4439994	Office Supplies	01/30/18	7.83	41360	03/07/18
		4439994	Office Supplies	01/30/18	15.78	41360	03/07/18
		4439994	Office Supplies	01/30/18	23.61	41360	03/07/18
		4439994	Office Supplies	01/30/18	23.61	41360	03/07/18
		4439994	Office Supplies	01/30/18	15.78	41360	03/07/18
		4439994	Office Supplies	01/30/18	2.32	41360	03/07/18
		4486186	Office Supplies	01/30/18	8.78	41360	03/07/18
		4486186	Office Supplies	01/30/18	1.75	41360	03/07/18
		4486186	Office Supplies	01/30/18	3.52	41360	03/07/18
		4486186	Office Supplies	01/30/18	5.26	41360	03/07/18
		4486186	Office Supplies	01/30/18	5.26	41360	03/07/18
		4486186	Office Supplies	01/30/18	3.52	41360	03/07/18
		4486186	Office Supplies	01/30/18	.52	41360	03/07/18
		4669770	BUILDING DEPT SUPPLIES	02/07/18	11.99	41360	03/07/18
		4677781	Planning Supplies	02/07/18	23.99	41360	03/07/18
		4720494	BUILDING DEPT SUPPLIES	02/07/18	14.39	41360	03/07/18
		4853852	Office Supplies	02/14/18	1.51	41360	03/07/18
		4853852	Office Supplies	02/14/18	.30	41360	03/07/18
		4853852	Office Supplies	02/14/18	.61	41360	03/07/18
		4853852	Office Supplies	02/14/18	.91	41360	03/07/18
		4853852	Office Supplies	02/14/18	.91	41360	03/07/18
		4853852	Office Supplies	02/14/18	.61	41360	03/07/18
		4853852	Office Supplies	02/14/18	.08	41360	03/07/18
		4986146	Office Supplies	02/20/18	30.76	41360	03/07/18
		4986146	Office Supplies	02/20/18	6.11	41360	03/07/18
		4986146	Office Supplies	02/20/18	12.32	41360	03/07/18
		4986146	Office Supplies	02/20/18	18.43	41360	03/07/18
		4986146	Office Supplies	02/20/18	18.43	41360	03/07/18



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
		4986146	Office Supplies	02/20/18	12.32	41360	03/07/18
		4986146	Office Supplies	02/20/18	1.82	41360	03/07/18
		4997595	Office Supplies	02/20/18	34.70	41360	03/07/18
		4997595	Office Supplies	02/20/18	6.90	41360	03/07/18
		4997595	Office Supplies	02/20/18	13.90	41360	03/07/18
		4997595	Office Supplies	02/20/18	20.80	41360	03/07/18
		4997595	Office Supplies	02/20/18	20.80	41360	03/07/18
		4997595	Office Supplies	02/20/18	13.90	41360	03/07/18
		4997595	Office Supplies	02/20/18	2.04	41360	03/07/18
		5129455	Office Supplies	02/26/18	45.02	41412	03/19/18
		5129455	Office Supplies	02/26/18	8.95	41412	03/19/18
		5129455	Office Supplies	02/26/18	18.04	41412	03/19/18
		5129455	Office Supplies	02/26/18	26.98	41412	03/19/18
		5129455	Office Supplies	02/26/18	26.98	41412	03/19/18
		5129455	Office Supplies	02/26/18	18.04	41412	03/19/18
		5129455	Office Supplies	02/26/18	2.63	41412	03/19/18
		5129455	SUPPLIES - BUILDING DEPT	02/26/18	43.73	41412	03/19/18
		5137409	Planning Supplies - ADOBE	02/26/18	270.65	41412	03/19/18
		5493754	Police Dept Supplies	02/27/18	105.43	41412	03/19/18
	Total 1178:				<u>1,319.94</u>		
<b>1193</b>							
1193	Recorded Books, LLC	75724986	Books on Tape for Library	02/21/18	125.96	41361	03/07/18
	Total 1193:				<u>125.96</u>		
<b>1237</b>							
1237	Ross Machine & Steel Sales, Inc	S21425	Sewer Dept Equip Maint	03/14/18	33.50	41413	03/19/18
	Total 1237:				<u>33.50</u>		
<b>1259</b>							
1259	Sanitary Disposal, Inc.	FEB18	Refuse Collection	02/28/18	43,601.96	41415	03/19/18
		FEB18	Marina Refuse	02/28/18	694.75	41415	03/19/18
		JAN18	Refuse Collection	01/31/18	42,589.14	41415	03/19/18
		JAN18	Marina Refuse	01/31/18	694.75	41415	03/19/18
	Total 1259:				<u>87,580.60</u>		
<b>1260</b>							
1260	Sanitary Disposal, Transfer St	551454	Trash	03/14/18	8.01	41416	03/19/18
	Total 1260:				<u>8.01</u>		
<b>1293</b>							
1293	Shelco Electric	62923	Pump Repair - Radar Rd	02/28/18	3,438.00	41363	03/07/18
	Total 1293:				<u>3,438.00</u>		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>1311</b>							
1311	Simplot Grower Solutions	757098173	Agri Star Gly Star Plus	03/09/18	390.00	41417	03/19/18
		757098173	HERBACIDE PRAMITOL	03/09/18	1,062.50	41417	03/19/18
		757098269	HERBACIDE PRAMITOL	03/12/18	1,275.00	41417	03/19/18
	Total 1311:				<u>2,727.50</u>		
<b>1332</b>							
1332	Smitty's Ace Hardware	569202	water dept maintenance	02/01/18	35.58	41364	03/07/18
		569206	Street Maintenance	02/01/18	28.36	41364	03/07/18
		569209	PARKS MAINTENANCE	02/01/18	6.31	41364	03/07/18
		569225	PARKS MAINTENANCE	02/01/18	.12	41364	03/07/18
		569294	PARKS MAINTENANCE	02/02/18	2.19	41364	03/07/18
		569299	Street Maintenance	02/02/18	85.93	41364	03/07/18
		569301	Street Equip Maintenance	02/02/18	21.99	41364	03/07/18
		569325	water dept maintenance	02/02/18	312.93	41364	03/07/18
		569444	water equipment maintenance	02/05/18	75.97	41364	03/07/18
		569923	PARKS EQUIPMENT MAINTENANCE	02/07/18	29.96	41364	03/07/18
		570148	water dept maintenance	02/14/18	16.98	41364	03/07/18
		570150	PARKS MAINTENANCE	02/14/18	65.97	41364	03/07/18
		570290	PARKS MAINTENANCE	02/16/18	16.58	41364	03/07/18
		570297	PARKS MAINTENANCE	02/16/18	136.89	41364	03/07/18
		570312	PARKS MAINTENANCE	02/16/18	7.19	41364	03/07/18
		570519	Street Equip Maintenance	02/20/18	75.98	41364	03/07/18
		570918	PARKS MAINTENANCE	02/26/18	140.28	41364	03/07/18
		570977	Sewer Dept. Maintenance	02/27/18	11.99	41364	03/07/18
		570982	Marina Maintenance	02/27/18	80.09	41364	03/07/18
		571087	water dept maintenance	02/28/18	61.32	41364	03/07/18
		DISCMAR18	Discount available	02/28/18	30.10-	41364	03/07/18
		DISCMAR18	Discount available	02/28/18	15.05-	41364	03/07/18
		DISCMAR18	Discount available	02/28/18	10.00-	41364	03/07/18
		DISCMAR18	Discount available	02/28/18	5.06-	41364	03/07/18
	Total 1332:				<u>1,152.40</u>		
<b>1387</b>							
1387	Table Rock Analytical Lab	20245	Coliform drinking water tests	03/13/18	240.00	41418	03/19/18
	Total 1387:				<u>240.00</u>		
<b>1392</b>							
1392	Talos Engineering, Inc.	1011	Cellular Texting System	03/09/18	55.00	41419	03/19/18
	Total 1392:				<u>55.00</u>		
<b>1433</b>							
1433	Titan Truck Equipment & Acces	1193838F	Street Dept Maintenance	12/27/17	20.00	41420	03/19/18
	Total 1433:				<u>20.00</u>		

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
<b>1444</b>							
1444	Traffic Safety Supply Co.	139446	Street Equip Maintenance	02/02/18	271.28	41366	03/07/18
	Total 1444:				271.28		
<b>1465</b>							
1465	Umatilla County	137109	Planning Training - APA Mabbott, Tamra	03/06/18	95.00	41368	03/07/18
	Total 1465:				95.00		
<b>1471</b>							
1471	Umatilla County Finance Dept	COUNTY02-	County Court Assessment	02/28/18	4,319.64	41369	03/07/18
	Total 1471:				4,319.64		
<b>1478</b>							
1478	Umatilla Elect. Coop. Assoc.	002MAR18	60 HP Sewer Pump	03/01/18	64.10	41422	03/19/18
		239FEB18	Lights for Waterfall	02/15/18	53.87	41370	03/07/18
		239FEB18	NE 12th & Hwy 730	02/15/18	8.36	41370	03/07/18
		239FEB18	W 2nd St & Hwy 730	02/15/18	8.00	41370	03/07/18
		240FEB18	5 HP Sewer Pump Wildwood Elect	02/20/18	44.76	41370	03/07/18
		240FEB18	Street Light Electric	02/20/18	9.06	41370	03/07/18
		240FEB18	Hwy 730 / 395	02/20/18	8.00	41370	03/07/18
		240FEB18	Hwy 730 / McNary	02/20/18	8.00	41370	03/07/18
	Total 1478:				204.15		
<b>1488</b>							
1488	Unifirst Corporation	1430210306	Bldg Maint/Supplies CH/Library	01/26/18	31.25	41423	03/19/18
		1430210306	Bldg Maint/Supplies CH/Library	01/26/18	48.41	41423	03/19/18
		1430210306	Bldg Maint/Supplies CH/Library	01/26/18	48.42	41423	03/19/18
		1430210729	Bldg Maint/Supplies CH/Library	02/02/18	30.34	41423	03/19/18
		1430210729	Bldg Maint/Supplies CH/Library	02/02/18	47.00	41423	03/19/18
		1430210729	Bldg Maint/Supplies CH/Library	02/02/18	47.00	41423	03/19/18
		1430211144	Bldg Maint/Supplies CH/Library	02/09/18	30.34	41423	03/19/18
		1430211144	Bldg Maint/Supplies CH/Library	02/09/18	47.00	41423	03/19/18
		1430211144	Bldg Maint/Supplies CH/Library	02/09/18	47.00	41423	03/19/18
		1430211561	Bldg Maint/Supplies CH/Library	02/16/18	41.95	41423	03/19/18
		1430211561	Bldg Maint/Supplies CH/Library	02/16/18	64.99	41423	03/19/18
		1430211561	Bldg Maint/Supplies CH/Library	02/16/18	65.00	41423	03/19/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
		1430211986	Bldg Maint/Supplies CH/Library	02/23/18	30.34	41423	03/19/18
		1430211986	Bldg Maint/Supplies CH/Library	02/23/18	47.00	41423	03/19/18
		1430211986	Bldg Maint/Supplies CH/Library	02/23/18	47.00	41423	03/19/18
	Total 1488:				<u>673.04</u>		
<b>1499</b>							
1499	University of Oregon	3765AC-02	RARE Student Participant Suppo	01/05/18	11,750.00	41424	03/19/18
		3765AC-03	RARE Student Participant Suppo	03/07/18	5,875.00	41424	03/19/18
	Total 1499:				<u>17,625.00</u>		
<b>1503</b>							
1503	US Bank	208572000-2	Sewer Bond Payment	03/06/18	14,952.95	41371	03/07/18
	Total 1503:				<u>14,952.95</u>		
<b>1504</b>							
1504	USA Bluebook	462418	Sewer Dept supplies	01/11/18	492.81	41372	03/07/18
		505038	Sewer Dept supplies	02/28/18	225.51	41372	03/07/18
	Total 1504:				<u>718.32</u>		
<b>1520</b>							
1520	Verizon Wireless	9801784182	2 Water Dept Lines	02/15/18	80.14	41373	03/07/18
		9802763389	Police Department Cell Phones	03/25/18	632.64	41425	03/19/18
		9802763389	2 Water Dept Lines	03/25/18	105.44	41425	03/19/18
		9802763390	Police Air Cards	03/25/18	326.99	41425	03/19/18
	Total 1520:				<u>1,145.21</u>		
<b>1574</b>							
1574	Wildcat Electric, LLC	3590	Marina Electric Repairs	03/13/18	204.95	41426	03/19/18
	Total 1574:				<u>204.95</u>		
<b>1604</b>							
1604	Wright, Bill	CITSUMMIT2	Training/Travel	03/06/18	342.65	41375	03/07/18
	Total 1604:				<u>342.65</u>		
<b>1619</b>							
1619	Zita, Jan	CJIS18	Per diem for CJIS APRIL	03/19/18	127.50	41427	03/19/18
	Total 1619:				<u>127.50</u>		
<b>1676</b>							
1676	Oregon Dept of Transportation	B21972-18	Street Maintenance - Mag				

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
			Chloride	02/02/18	2,207.36	41354	03/07/18
	Total 1676:				2,207.36		
<b>1753</b>							
1753	Jimmy's Johns Portable Toilets L	6464	Marina & RV Park - Monthly Unit	03/01/18	185.00	41402	03/19/18
	Total 1753:				185.00		
<b>1905</b>							
1905	Umatilla Booster Club	2018	Fundraiser Sponsorship	03/07/18	250.00	41367	03/07/18
	Total 1905:				250.00		
<b>1959</b>							
1959	Parthenakis, Peter	170790	Refund Ticket Overpayment	05/31/17	38.00	40242	Multiple
		170790	Refund Ticket Overpayment	05/31/17	38.00		
	Total 1959:				.00		
<b>1967</b>							
1967	Curtis Blue Line	INV166820	Police Clothing Allowance - Rese	03/08/18	186.80	41389	03/19/18
	Total 1967:				186.80		
<b>1970</b>							
1970	Tsui, Matthew	URBANISM1	Per Diem Urbanism Conf 18	03/07/18	428.48	41421	03/19/18
	Total 1970:				428.48		
<b>1982</b>							
1982	Hillebrand, Patrick	MARCH2018	Marina Patrol Services	03/06/18	200.00	41333	03/07/18
	Total 1982:				200.00		
<b>2023</b>							
2023	METSKER, CHERYL	161412-R	RESTITUTION	02/28/18	20.00	41345	03/07/18
	Total 2023:				20.00		
<b>2042</b>							
2042	CANYONVILLE JUSTICE COU	WM457157	JEFFERY HOATSON WM457157	01/11/18	435.00	41385	03/19/18
	Total 2042:				435.00		
<b>2050</b>							
2050	SANDOVAL, NANCI	CIS2018	PER DIEM CIS CONFERENCE	03/02/18	113.50	41414	03/19/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
Total 2050:					113.50		
<b>2052</b>							
2052	CI INFORMATION MANAGMEN	0062005	SHRED SERVICES 64 GAL	02/28/18	39.90	41312	03/07/18
Total 2052:					39.90		
<b>2059</b>							
2059	KONON TRANSPORT LLC	180023	OVERPAYMENT JOSEPH NJAU	02/28/18	40.00	41342	03/07/18
Total 2059:					40.00		
<b>2080</b>							
2080	HORN,ESMERALDA	EDUCODE1	PER DIEM - PERMIT TECH	03/19/18	224.00	41397	03/19/18
Total 2080:					224.00		
<b>2107</b>							
2107	Buttercreek Sod, LLC	2017-114	PARKS MAINTENANCE-SOD	03/15/18	18.00	41384	03/19/18
Total 2107:					18.00		
<b>2108</b>							
2108	Tonkon Torp, LLP	1560276	SIP Agreement w/County	01/17/18	3,098.25	41365	03/07/18
		1561523	SIP Agreement w/County	02/15/18	1,800.00	41365	03/07/18
Total 2108:					4,898.25		
<b>2131</b>							
2131	SEITZ, BRANDON	030818	Per Diem Training	03/08/18	76.50	41362	03/07/18
Total 2131:					76.50		
<b>2153</b>							
2153	BROWN, JAMES	030618	MARINA MAINTENANCE	03/06/18	130.96	41309	03/07/18
Total 2153:					130.96		
<b>2158</b>							
2158	AZTEK LOGISTICS	180219	OVERPAYMENT SUNDAY CASON	02/28/18	235.00	41303	03/07/18
Total 2158:					235.00		
<b>2159</b>							
2159	ELS	173375	BAIL REFUND GARY BERRISFORD	03/06/18	435.00	41323	03/07/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
Total 2159:					435.00		
<b>2160</b>							
2160	NAVAJO EXPRESS	173193	OVERPAYMENT LAWRENCE B COCHRAN	02/28/18	100.00	41347	03/07/18
Total 2160:					100.00		
<b>2161</b>							
2161	BERGER TRANSFER & STORA	180110	OVERPAYMENT TAMMY LUNDBERG	02/28/18	235.00	41306	03/07/18
Total 2161:					235.00		
<b>2162</b>							
2162	NEELAMEKAM, JEYAKUMAR	180168	OVERPAYMENT TICKET	02/28/18	55.00	41348	03/07/18
Total 2162:					55.00		
<b>2163</b>							
2163	BERNABE, BRITTEN	173252	OVERPAYMENT	03/06/18	33.00	41307	03/07/18
Total 2163:					33.00		
<b>2164</b>							
2164	ALVAREZ, RAFAEL R	180319	OVERPAYMENT	02/28/18	150.00	41301	Multiple
		180319	OVERPAYMENT	02/28/18	150.00-		
Total 2164:					.00		
<b>2165</b>							
2165	HAGLE, JERRY	180074	OVERPAYMENT	03/06/18	105.00	41329	03/07/18
Total 2165:					105.00		
<b>2166</b>							
2166	CORBIN, STEPHANIE	180126	OVERPAYMENT	02/28/18	38.00	41316	03/07/18
Total 2166:					38.00		
<b>2167</b>							
2167	BARRET, DAVID	59011070	UTILITY REFUND	02/28/18	11.70	41305	03/07/18
Total 2167:					11.70		
<b>2168</b>							
2168	GB BOOKS	022818	BOOKS	02/28/18	90.00	41326	03/07/18
Total 2168:					90.00		
<b>2169</b>							
2169	HOOFARD, STEPHANIE	39026002	UTILITY REFUND	02/01/18	95.89	41335	03/07/18

Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
Total 2169:					95.89		
<b>2170</b>							
2170	WICKERSHAM, MARK & TWYLI	99057003	UTILITY REFUND	02/01/18	94.90	41374	03/07/18
Total 2170:					94.90		
<b>2171</b>							
2171	AGUIRRE, ARTURO	180319	OVERPAYMENT ON TICKET	03/19/18	150.00	41379	03/19/18
Total 2171:					150.00		
<b>2172</b>							
2172	BEST WESTERN ONTARIO	18017W	RESERVATION #18017W	03/19/18	206.08	41382	03/19/18
Total 2172:					206.08		
<b>2173</b>							
2173	EASTERN OREGON BUSINES	150	WEST COUNTY TRAILS GRANT WRITING	03/02/18	800.00	41391	03/19/18
Total 2173:					800.00		
<b>2174</b>							
2174	HERMISTON GLASS	38833	WELCOME CENTER LOCK	03/01/18	48.96	41396	03/19/18
Total 2174:					48.96		
<b>2175</b>							
2175	PEACE LUTHERAN CHURCH	2JESSICA	CIT BUILDING USAGE	02/07/18	50.00	41408	03/19/18
Total 2175:					50.00		
<b>2176</b>							
2176	PENDLETON CENTER FOR TH	CITTRAININ	CIT TEAM TRAINING	03/19/18	900.00	41409	03/19/18
Total 2176:					900.00		
<b>2177</b>							
2177	PETTERSON, LORI	59047003	UTILITY REFUND	03/12/18	96.52	41410	03/19/18
Total 2177:					96.52		
Grand Totals:					299,599.81		



Vendor Number	Name	Invoice Number	Description	Invoice Date	Invoice Amount	Check Number	Check Issue Date
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Report Criteria:  
Detail report type printed

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# Umatilla Municipal Court

700 6<sup>th</sup> Street, PO Box 130, Umatilla, OR 97882  
(541) 922-4570 Ext.2 Fax (541) 922-5758

March 6, 2018

TO: MAYOR DAREN DUFLOTH  
FROM: THERESA M KROGH , MUNICIPAL JUDGE  
SUBJECT: FEBRUARY 2018 MONTH END REPORT

<u>TOTAL</u>	<u>POLICE TRAINING COUNTY</u>		<u>STATE</u>	<u>REFUNDS</u>
<u>RECEIPTS</u>	<u>FINES</u>	<u>FUND</u>	<u>ASSESS..</u>	<u>ASSESS.</u>
<u>\$61,246.09</u>	<u>\$ 25,240.55</u>	<u>\$ 2.50</u>	<u>\$4,319.64</u>	<u>\$30,087.40</u>
				<u>\$1,596.00</u>

REFUNDS INCLUDES, OVERPAYMENTS, RESTITUTION, REFUNDS TO DEFENDANTS AND BAIL TRANSFERRED TO OTHER COURTS.

FINE TURNOVER FOR FEBRUARY 2018 \$25,240.55

THREE WEDDINGS WERE PERFORMED IN FEBRUARY 2018. TWO IN THE CFourt ROOM AND ONE OUT OF THE COURT ROOM.

Theresa M Krogh  
Municipal Judge for  
The City of Umatilla

:tmk

CC: COUNCIL

**ORDINANCE NO. 823**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO LIGHTSPEED NETWORKS, INC. dba LSN HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS.**

THE CITY OF UMATILLA, OREGON ORDAINS AS FOLLOWS:

**Section 1. Franchise Granted.** Subject to the terms and conditions provided in this Ordinance and further subject to the applicable rules, regulations and ordinances of the City of Umatilla ("City"), and to the extent not in conflict with this Ordinance including Ordinance #772 as may be amended, the City of Umatilla hereby grants to LightSpeed Networks, Inc. dba LSN, its successors and assigns, hereinafter "Grantee," a nonexclusive franchise for the right and privilege to occupy City rights-of-way and appropriate utility easements to provide and maintain a telecommunication system within the City and to place, erect, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, all hereinafter referred to as "streets" within the City, poles, wires and other appliances and conductors for telephone purposes. Following the effective date of this Ordinance, all new wires and other appliances and conductors shall be laid underground, or at Grantee's option and subject to City approval, may be strung upon poles or other fixtures above ground, or to be placed above ground.

**Section 2. Franchise Non-Exclusive.** This franchise and the grant of authority conferred herein are not exclusive. The City reserves the right to grant rights to others to use the City rights-of-way and utility easements during the franchise term. The City may also do any work the City finds desirable on, over or under any street, alley, utility easement or other right-of-way. The Grantee shall respect the rights and property of the City and other authorized users of easements and rights-of-way. This Ordinance does not confer on the Grantee any right, title or interest in any public right-of-way beyond that expressly conferred herein or confer any right or privilege to use or occupy any other property of the City or any other entity.

**Section 3. Performance by Grantee.** During the term of this Franchise, the Grantee agrees to comply with all terms and conditions of this Franchise, together with all consistent terms and conditions of Umatilla Ordinance #772, the provisions of which are incorporated herein as though fully set forth.

**Section 4. Term.** This franchise shall expire ten (10) years from the date of Council approval of this ordinance. However, either party may ask for a review of the rates or any terms contained herein in any even numbered year. Unless, any change is agreed to by both parties the privileges and franchise herein granted shall be continuous for the entire term unless there is earlier termination in accordance with this Ordinance.

**Section 5. Franchise Fees.** As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the City, the Grantee shall pay a franchise fee to the City during the term of this Franchise at 7 percent per annum of its gross revenues derived from Grantee's provision of exchange access services as defined by ORS 403.105, services derived within the franchise area, less net uncollectibles on such revenues. Payment of this franchise fee shall be made on a quarterly basis on or before April 30, July 31, October 31 and January 31 for the calendar quarter immediately preceding. If a payment is not mailed by that date, the payment shall be deemed delinquent and shall accrue interest at the rate of 18 percent per annum from the closing date of the applicable reporting period.

**Section 6. Information Required.** With each franchise fee payment, Grantee shall furnish a short statement from its chief financial officer or his/her designee, setting forth the amount and calculation of payment of the franchise fee. In addition, Grantee shall provide all information for its Umatilla operations to the State of Oregon, as is required by state rule or regulation. In the event that an audit of the franchise fee payments results in a determination that an additional payment is due to the City, such additional payment shall be subject to interest at the rate of 18 percent per annum from the date the original payment was due.

**Section 7. Taxes.** Nothing contained in this Ordinance shall be construed to exempt the Grantee from any license, occupation or excise tax or assessment that is or may be lawfully imposed on all entities in the same business as the Grantee.

**Section 8. Fee Re-evaluation.** In the event state law changes to allow an increase in the amount which can be collected without passing this cost onto its citizens, the City Council may increase the franchise fee in any even numbered year. If the Umatilla Council determines that the franchise fee is to be changed, it shall provide Grantee 90 days prior written notice of any change. The effective date of any change of the franchise fee shall be specified by ordinance of the Umatilla Council.

**Section 9. Insurance Requirements.** Grantee shall submit to the City evidence of insurance coverage as is fully set out in Ordinance #772, Section 45 prior to the City granting the franchise.

**Section 10. Remedies.** If Grantee fails to comply with any material provision of this Ordinance or with the applicable sections of Ordinance #772, or if grounds exist for revocation of the franchise under the applicable sections of Ordinance #772, Grantee will forfeit all rights and privileges granted by this Ordinance. This forfeiture and revocation will not occur until Sections 38 and 39 of Ordinance #772 are complied with by the City. Revocation shall not occur if the violation or default by Grantee occurs due to an act of God, fire, flood, storm or other element of casualty, theft, war, disaster, strike, lock-out, boycott, war or other causes beyond the control of Grantee.

All remedies under this Ordinance are cumulative and not exclusive and the recovery or enforcement by one available remedy is not a bar to recovery or enforcement by any other remedy. Each party reserves the right to avail itself to any and all remedies available at law or in equity.

**Section 11. Successors.** This Ordinance shall be binding on all Grantee's successors and assigns. Any transfer of this franchise shall be subject to the successor or assign signing a new acceptance of the franchise Ordinance and filing said written acceptance with the City within 30 days of the transfer and the City authorizing said transfer.

**Section 12. Severability.** If any clause, sentence or any other portion of the Ordinance becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law. If any material portion of the Ordinance becomes illegal, null or void so that the intent of the Ordinance is frustrated, the parties agree to negotiate replacement provisions to fulfill the intent of the Ordinance consistent with applicable law.

**Section 13. State and Federal Law/Jurisdiction.** If any provision of this Ordinance is in conflict with any current or subsequently adopted state or federal law, then this Ordinance shall be interpreted to be revised to the extent necessary to comply with the applicable state or federal law. The laws of the State of Oregon govern this Agreement and its interpretation, performance and enforcement. Venue is in Umatilla County, State of Oregon. In the event there are significant changes in state or federal law which would require revision of this Ordinance in order for the City or for Grantee to be in

compliance with the law, this Ordinance may be changed at any time for such purpose and a new Ordinance will be adopted by the City and accepted by Grantee.

PASSED and ADOPTED by the City Council the 3<sup>rd</sup> day of April, 2018,

Voting yes, Council Members: \_\_\_\_\_

Voting no, Council Members: \_\_\_\_\_

Absent Council Members: \_\_\_\_\_

Abstaining Council Members: \_\_\_\_\_

And SIGNED in authentication by the Mayor this 3<sup>rd</sup> day of April, 2018.

\_\_\_\_\_  
DAREN DUFLOTH, MAYOR

ATTEST:

\_\_\_\_\_  
NANCI SANDOVAL, CITY RECORDER

**ACCEPTANCE**

This franchise ordinance is accepted by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Grantee

\_\_\_\_\_  
By: \_\_\_\_\_  
An authorized Representative

**ORDINANCE NO. 824**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO EASTERN OREGON TELECOM LLC HEREINAFTER REFERRED TO AS “GRANTEE,” ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO. 776.**

THE CITY OF UMATILLA, OREGON ORDAINS AS FOLLOWS:

**Section 1. Repeal.** Umatilla Ordinance No. 776 is hereby repealed in its entirety. Furthermore, all resolutions and ordinances regarding the Grantee’s telecommunications franchise within the City of Umatilla are hereby repealed and superseded by this Ordinance.

**Section 2. Franchise Granted.** Subject to the terms and conditions provided in this Ordinance and further subject to the applicable rules, regulations and ordinances of the City of Umatilla (“City”), and to the extent not in conflict with this Ordinance including Ordinance #772 as may be amended, the City of Umatilla hereby grants to Eastern Oregon Telecom LLC, its successors and assigns, hereinafter “Grantee,” a nonexclusive franchise for the right and privilege to occupy City rights-of-way and appropriate utility easements to provide and maintain a telecommunication system within the City and to place, erect, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, all hereinafter referred to as “streets” within the City, poles, wires and other appliances and conductors for telephone purposes. Following the effective date of this Ordinance, all new wires and other appliances and conductors shall be laid underground, or at Grantee’s option and subject to City approval, may be strung upon poles or other fixtures above ground, or to be placed above ground. Notwithstanding the above, the City acknowledges and agrees that Grantee has existing facilities that have been lawfully placed within the City rights-of-way and utility easements and nothing herein is intended to impact the right of Grantee’s existing facilities to occupy such rights-of-way and utility easements. Additionally, the City acknowledges and agrees that Grantee is exempt from the registration and application requirements and fees set forth in Ordinance No. 772 as may be amended.

**Section 3. Franchise Non-Exclusive.** This franchise and the grant of authority conferred herein are not exclusive. The City reserves the right to grant rights to others to use the City rights-of-way and utility easements during the franchise term. The City may also do any work the City finds desirable on, over or under any street, alley, utility easement or other right-of-way. The Grantee shall respect the rights and property of the City and other authorized users of easements and rights-of-way. This Ordinance does not confer on the Grantee any right, title or interest in any public right-of-way beyond that expressly conferred herein or confer any right or privilege to use or occupy any other property of the City or any other entity.

**Section 4. Performance by Grantee.** During the term of this Franchise, the Grantee agrees to comply with all terms and conditions of this Franchise, together with all consistent terms and conditions of Umatilla Ordinance #772, the provisions of which are incorporated herein as though fully set forth.

**Section 5. Term.** This franchise shall expire ten (10) years from the date of Council approval of this ordinance. However, either party may ask for a review of the rates or any terms contained herein in any even numbered year. Unless, any change is agreed to by both parties the privileges and franchise herein granted shall be continuous for the entire term unless there is earlier termination in accordance with this Ordinance.

**Section 6. Franchise Fees.** As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the City, the Grantee shall pay a franchise fee to the City during the term of this Franchise at 7 percent per annum of its gross revenues derived from Grantee's provision of exchange access services as defined by ORS 403.105, services derived within the franchise area, less net uncollectibles on such revenues. Payment of this franchise fee shall be made on a quarterly basis on or before April 30, July 31, October 31 and January 31 for the calendar quarter immediately preceding. If a payment is not mailed by that date, the payment shall be deemed delinquent and shall accrue interest at the rate of 18 percent per annum from the closing date of the applicable reporting period.

**Section 7. Information Required.** With each franchise fee payment, Grantee shall furnish a short statement from its chief financial officer or his/her designee, setting forth the amount and calculation of payment of the franchise fee. In addition, Grantee shall provide all information for its Umatilla operations to the State of Oregon, as is required by state rule or regulation. In the event that an audit of the franchise fee payments results in a determination that an additional payment is due to the City, such additional payment shall be subject to interest at the rate of 18 percent per annum from the date the original payment was due.

**Section 8. Taxes.** Nothing contained in this Ordinance shall be construed to exempt the Grantee from any license, occupation or excise tax or assessment that is or may be lawfully imposed on all entities in the same business as the Grantee.

**Section 9. Fee Re-evaluation.** In the event state law changes to allow an increase in the amount which can be collected without passing this cost onto its citizens, the City Council may increase the franchise fee in any even numbered year. If the Umatilla Council determines that the franchise fee is to be changed, it shall provide Grantee 90 days prior written notice of any change. The effective date of any change of the franchise fee shall be specified by ordinance of the Umatilla Council.

**Section 10. Insurance Requirements.** Grantee shall submit to the City evidence of insurance coverage as is fully set out in Ordinance #772, Section 45 prior to the City granting the franchise.

**Section 11. Remedies.** If Grantee fails to comply with any material provision of this Ordinance or with the applicable sections of Ordinance #772, or if grounds exist for revocation of the franchise under the applicable sections of Ordinance #772, Grantee will forfeit all rights and privileges granted by this Ordinance. This forfeiture and revocation will not occur until Sections 38 and 39 of Ordinance #772 are complied with by the City. Revocation shall not occur if the violation or default by Grantee occurs due to an act of God, fire, flood, storm or other element of casualty, theft, war, disaster, strike, lock-out, boycott, war or other causes beyond the control of Grantee.

All remedies under this Ordinance are cumulative and not exclusive and the recovery or enforcement by one available remedy is not a bar to recovery or enforcement by any other remedy. Each party reserves the right to avail itself to any and all remedies available at law or in equity.

**Section 12. Successors.** This Ordinance shall be binding on all Grantee's successors and assigns. Any transfer of this franchise shall be subject to the successor or assign signing a new acceptance of the franchise Ordinance and filing said written acceptance with the City within 30 days of the transfer and the City authorizing said transfer.

**Section 13. Severability.** If any clause, sentence or any other portion of the Ordinance becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law. If any material portion of the Ordinance becomes illegal, null or void so that the



intent of the Ordinance is frustrated, the parties agree to negotiate replacement provisions to fulfill the intent of the Ordinance consistent with applicable law.

**Section 14. State and Federal Law/Jurisdiction.** If any provision of this Ordinance is in conflict with any current or subsequently adopted state or federal law, then this Ordinance shall be interpreted to be revised to the extent necessary to comply with the applicable state or federal law. The laws of the State of Oregon govern this Agreement and its interpretation, performance and enforcement. Venue is in Umatilla County, State of Oregon. In the event there are significant changes in state or federal law which would require revision of this Ordinance in order for the City or for Grantee to be in compliance with the law, this Ordinance may be changed at any time for such purpose and a new Ordinance will be adopted by the City and accepted by Grantee.

PASSED and ADOPTED by the City Council the 3<sup>rd</sup> day of April, 2018,

Voting yes, Council Members: \_\_\_\_\_

\_\_\_\_\_

Voting no, Council Members: \_\_\_\_\_

Absent Council Members: \_\_\_\_\_

Abstaining Council Members: \_\_\_\_\_

And SIGNED in authentication by the Mayor this 3<sup>rd</sup> day of April, 2018.

\_\_\_\_\_  
Daren Dufloth, Mayor

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder

**ACCEPTANCE**

This franchise ordinance is accepted by Eastern Oregon Telecom LLC, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Eastern Oregon Telecom LLC

\_\_\_\_\_

By: \_\_\_\_\_  
An authorized Representative

## **ORDINANCE NO. 825**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO QWEST CORPORATION, DBA CENTURLINK QC, HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO. 775.**

THE CITY OF UMATILLA, OREGON ORDAINS AS FOLLOWS:

**Section 1. Repeal.** Umatilla Ordinance No. 775 is hereby repealed in its entirety. Furthermore, all resolutions and ordinances regarding the Grantee's telephone franchise within the City of Umatilla are hereby repealed and superseded by this Ordinance.

**Section 2. Franchise Granted.** Subject to the terms and conditions provided in this Ordinance and further subject to the applicable rules, regulations and ordinances of the City of Umatilla ("City"), and to the extent not in conflict with this Ordinance including Ordinance #772 as may be amended, the City of Umatilla hereby grants to Qwest Corporation dba CenturyLink QC, its successors and assigns, hereinafter "Grantee," a nonexclusive franchise for the right and privilege to occupy City rights-of-way and appropriate utility easements to provide and maintain a telecommunication system within the City and to place, erect, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, all hereinafter referred to as "streets" within the City, poles, wires and other appliances and conductors for telephone purposes. Following the effective date of this Ordinance, all new wires and other appliances and conductors shall be laid underground, or at Grantee's option and subject to City approval, may be strung upon poles or other fixtures above ground, or to be placed above ground. Notwithstanding the above, the City acknowledges and agrees that Grantee has existing facilities that have been lawfully placed within the City rights-of-way and utility easements and nothing herein is intended to impact the right of Grantee's existing facilities to occupy such rights-of-way and utility easements. Additionally, the City acknowledges and agrees that Grantee is exempt from the registration and application requirements and fees set forth in Ordinance No. 772 as may be amended.

**Section 3. Franchise Non-Exclusive.** This franchise and the grant of authority conferred herein are not exclusive. The City reserves the right to grant rights to others to use the City rights-of-way and utility easements during the franchise term. The City may also do any work the City finds desirable on, over or under any street, alley, utility easement or other right-of-way. The Grantee shall respect the rights and property of the City and other authorized users of easements and rights-of-way. This Ordinance does not confer on the Grantee any right, title or interest in any public right-of-way beyond that expressly conferred herein or confer any right or privilege to use or occupy any other property of the City or any other entity.

**Section 4. Performance by Grantee.** During the term of this Franchise, the Grantee agrees to comply with all terms and conditions of this Franchise, together with all consistent terms and conditions of Umatilla Ordinance #772, the provisions of which are incorporated herein as though fully set forth.

**Section 5. Term.** This franchise shall expire ten (10) years from the date of Council approval of this ordinance. However, either party may ask for a review of the rates or any terms contained herein in any even numbered year. Unless, any change is agreed to by both parties the privileges and franchise herein granted shall be continuous for the entire term unless there is earlier termination in accordance with this Ordinance.

**Section 6. Franchise Fees.** As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the City, the Grantee shall pay a franchise fee to the City during the term of this Franchise at 7 percent per annum of its gross revenues derived from Grantee's provision of exchange access services as defined by ORS 403.105, services derived within the franchise area, less net uncollectibles on such revenues. Payment of this franchise fee shall be made on a quarterly basis on or before April 30, July 31, October 31 and January 31 for the calendar quarter immediately preceding. If a payment is not mailed by that date, the payment shall be deemed delinquent and shall accrue interest at the rate of 18 percent per annum from the closing date of the applicable reporting period.

**Section 7. Information Required.** With each franchise fee payment, Grantee shall furnish a short statement from its chief financial officer or his/her designee, setting forth the amount and calculation of payment of the franchise fee. In addition, Grantee shall provide all information for its Umatilla operations to the State of Oregon, as is required by state rule or regulation. In the event that an audit of the franchise fee payments results in a determination that an additional payment is due to the City, such additional payment shall be subject to interest at the rate of 18 percent per annum from the date the original payment was due.

**Section 8. Taxes.** Nothing contained in this Ordinance shall be construed to exempt the Grantee from any license, occupation or excise tax or assessment that is or may be lawfully imposed on all entities in the same business as the Grantee.

**Section 9. Fee Re-evaluation.** In the event state law changes to allow an increase in the amount which can be collected without passing this cost onto its citizens, the City Council may increase the franchise fee in any even numbered year. If the Umatilla Council determines that the franchise fee is to be changed, it shall provide Grantee 90 days prior written notice of any change. The effective date of any change of the franchise fee shall be specified by ordinance of the Umatilla Council.

**Section 10. Insurance Requirements.** Grantee shall submit to the City evidence of insurance coverage as is fully set out in Ordinance #772, Section 45 prior to the City granting the franchise.

**Section 11. Remedies.** If Grantee fails to comply with any material provision of this Ordinance or with the applicable sections of Ordinance #772, or if grounds exist for revocation of the franchise under the applicable sections of Ordinance #772, Grantee will forfeit all rights and privileges granted by this Ordinance. This forfeiture and revocation will not occur until Sections 38 and 39 of Ordinance #772 are complied with by the City. Revocation shall not occur if the violation or default by Grantee occurs due to an act of God, fire, flood, storm or other element of casualty, theft, war, disaster, strike, lock-out, boycott, war or other causes beyond the control of Grantee.

All remedies under this Ordinance are cumulative and not exclusive and the recovery or enforcement by one available remedy is not a bar to recovery or enforcement by any other remedy. Each party reserves the right to avail itself to any and all remedies available at law or in equity.

**Section 12. Successors.** This Ordinance shall be binding on all Grantee's successors and assigns. Any transfer of this franchise shall be subject to the successor or assign signing a new acceptance of the franchise Ordinance and filing said written acceptance with the City within 30 days of the transfer and the City authorizing said transfer.

**Section 13. Severability.** If any clause, sentence or any other portion of the Ordinance becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law. If any material portion of the Ordinance becomes illegal, null or void so that the

intent of the Ordinance is frustrated, the parties agree to negotiate replacement provisions to fulfill the intent of the Ordinance consistent with applicable law.

**Section 14. State and Federal Law/Jurisdiction.** If any provision of this Ordinance is in conflict with any current or subsequently adopted state or federal law, then this Ordinance shall be interpreted to be revised to the extent necessary to comply with the applicable state or federal law. The laws of the State of Oregon govern this Agreement and its interpretation, performance and enforcement. Venue is in Umatilla County, State of Oregon. In the event there are significant changes in state or federal law which would require revision of this Ordinance in order for the City or for Grantee to be in compliance with the law, this Ordinance may be changed at any time for such purpose and a new Ordinance will be adopted by the City and accepted by Grantee.

PASSED and ADOPTED by the City Council the 3rd day of April, 2018,

Voting yes, Council Members: \_\_\_\_\_  
\_\_\_\_\_

Voting no, Council Members : \_\_\_\_\_

Absent Council Members : \_\_\_\_\_

Abstaining Council Members : \_\_\_\_\_

And SIGNED in authentication by the Mayor this 3<sup>rd</sup> day of April, 2018.

\_\_\_\_\_  
Daren Dufloth, Mayor

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder

**ACCEPTANCE**

This franchise ordinance is accepted by Qwest Corporation dba CenturyLink, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**QWEST CORPORATION**

dba CenturyLink

\_\_\_\_\_

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

An authorized Representative

**ORDINANCE NO. 826**

**AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO ZAYO GROUP, LLC HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO 780.**

THE CITY OF UMATILLA, OREGON ORDAINS AS FOLLOWS:

**Section 1. Repeal.** Umatilla Ordinance No. 780 is hereby repealed in its entirety. Furthermore, all resolutions and ordinances regarding the Grantee's telephone franchise within the City of Umatilla are hereby repealed and superseded by this Ordinance.

**Section 2. Franchise Granted.** Subject to the terms and conditions provided in this Ordinance and further subject to the applicable rules, regulations and ordinances of the City of Umatilla ("City"), and to the extent not in conflict with this Ordinance including Ordinance #772 as may be amended, the City of Umatilla hereby grants to Zayo Group, LLC, its successors and assigns, hereinafter "Grantee," a nonexclusive franchise for the right and privilege to occupy City rights-of-way and appropriate utility easements to provide and maintain a telecommunication system within the City and to place, erect, maintain and operate in, upon, over and under the streets, alleys, avenues, thoroughfares and public highways, all hereinafter referred to as "streets" within the City, poles, wires and other appliances and conductors for telephone purposes. Following the effective date of this Ordinance, all new wires and other appliances and conductors shall be laid underground, or at Grantee's option and subject to City approval, may be strung upon poles or other fixtures above ground, or to be placed above ground. Notwithstanding the above, the City acknowledges and agrees that Grantee has existing facilities that have been lawfully placed within the City rights-of-way and utility easements and nothing herein is intended to impact the right of Grantee's existing facilities to occupy such rights-of-way and utility easements. Additionally, the City acknowledges and agrees that Grantee is exempt from the registration and application requirements and fees set forth in Ordinance No. 772 as may be amended.

**Section 3. Franchise Non-Exclusive.** This franchise and the grant of authority conferred herein are not exclusive. The City reserves the right to grant rights to others to use the City rights-of-way and utility easements during the franchise term. The City may also do any work the City finds desirable on, over or under any street, alley, utility easement or other right-of-way. The Grantee shall respect the rights and property of the City and other authorized users of easements and rights-of-way. This Ordinance does not confer on the Grantee any right, title or interest in any public right-of-way beyond that expressly conferred herein or confer any right or privilege to use or occupy any other property of the City or any other entity.

**Section 4. Performance by Grantee.** During the term of this Franchise, the Grantee agrees to comply with all terms and conditions of this Franchise, together with all consistent terms and conditions of Umatilla Ordinance #772, the provisions of which are incorporated herein as though fully set forth.

**Section 5. Term.** This franchise shall expire ten (10) years from the date of Council approval of this ordinance. However, either party may ask for a review of the rates or any terms contained herein in any even numbered year. Unless, any change is agreed to by both parties the privileges and franchise herein granted shall be continuous for the entire term unless there is earlier termination in accordance with this Ordinance.

**Section 6. Franchise Fees.** As compensation for the benefits and privileges under its franchise and in consideration of permission to use the right-of-way of the City, the Grantee shall pay a franchise fee to the City during the term of this Franchise at 7 percent per annum of its gross revenues derived from Grantee's provision of exchange access services as defined by ORS 403.105, services derived within the franchise area, less net uncollectibles on such revenues. Payment of this franchise fee shall be made on a quarterly basis on or before April 30, July 31, October 31 and January 31 for the calendar quarter immediately preceding. If a payment is not mailed by that date, the payment shall be deemed delinquent and shall accrue interest at the rate of 18 percent per annum from the closing date of the applicable reporting period.

**Section 7. Information Required.** With each franchise fee payment, Grantee shall furnish a short statement from its chief financial officer or his/her designee, setting forth the amount and calculation of payment of the franchise fee. In addition, Grantee shall provide all information for its Umatilla operations to the State of Oregon, as is required by state rule or regulation. In the event that an audit of the franchise fee payments results in a determination that an additional payment is due to the City, such additional payment shall be subject to interest at the rate of 18 percent per annum from the date the original payment was due.

**Section 8. Taxes.** Nothing contained in this Ordinance shall be construed to exempt the Grantee from any license, occupation or excise tax or assessment that is or may be lawfully imposed on all entities in the same business as the Grantee.

**Section 9. Fee Re-evaluation.** In the event state law changes to allow an increase in the amount which can be collected without passing this cost onto its citizens, the City Council may increase the franchise fee in any even numbered year. If the Umatilla Council determines that the franchise fee is to be changed, it shall provide Grantee 90 days prior written notice of any change. The effective date of any change of the franchise fee shall be specified by ordinance of the Umatilla Council.

**Section 10. Insurance Requirements.** Grantee shall submit to the City evidence of insurance coverage as is fully set out in Ordinance #772, Section 45 prior to the City granting the franchise.

**Section 11. Remedies.** If Grantee fails to comply with any material provision of this Ordinance or with the applicable sections of Ordinance #772, or if grounds exist for revocation of the franchise under the applicable sections of Ordinance #772, Grantee will forfeit all rights and privileges granted by this Ordinance. This forfeiture and revocation will not occur until Sections 38 and 39 of Ordinance #772 are complied with by the City. Revocation shall not occur if the violation or default by Grantee occurs due to an act of God, fire, flood, storm or other element of casualty, theft, war, disaster, strike, lock-out, boycott, war or other causes beyond the control of Grantee.

All remedies under this Ordinance are cumulative and not exclusive and the recovery or enforcement by one available remedy is not a bar to recovery or enforcement by any other remedy. Each party reserves the right to avail itself to any and all remedies available at law or in equity.

**Section 12. Successors.** This Ordinance shall be binding on all Grantee's successors and assigns. Any transfer of this franchise shall be subject to the successor or assign signing a new acceptance of the franchise Ordinance and filing said written acceptance with the City within 30 days of the transfer and the City authorizing said transfer.

**Section 13. Severability.** If any clause, sentence or any other portion of the Ordinance becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law. If any material portion of the Ordinance becomes illegal, null or void so that the



intent of the Ordinance is frustrated, the parties agree to negotiate replacement provisions to fulfill the intent of the Ordinance consistent with applicable law.

**Section 14. State and Federal Law/Jurisdiction.** If any provision of this Ordinance is in conflict with any current or subsequently adopted state or federal law, then this Ordinance shall be interpreted to be revised to the extent necessary to comply with the applicable state or federal law. The laws of the State of Oregon govern this Agreement and its interpretation, performance and enforcement. Venue is in Umatilla County, State of Oregon. In the event there are significant changes in state or federal law which would require revision of this Ordinance in order for the City or for Grantee to be in compliance with the law, this Ordinance may be changed at any time for such purpose and a new Ordinance will be adopted by the City and accepted by Grantee.

PASSED and ADOPTED by the City Council the 3<sup>rd</sup> day of April, 2018,

Voting yes, Council Members: \_\_\_\_\_

Voting no, Council Members : \_\_\_\_\_

Absent Council Members : \_\_\_\_\_

Abstaining Council Members : \_\_\_\_\_

And SIGNED in authentication by the Mayor this 3<sup>rd</sup> day of April, 2018.

\_\_\_\_\_  
Daren Dufloth, Mayor

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder

**ACCEPTANCE**

This franchise ordinance is accepted by Zayo Group, LLC, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Zayo Group, LLC

\_\_\_\_\_

By: \_\_\_\_\_  
An authorized Representative

**UMATILLA CITY COUNCIL  
REPORT AND RECOMMENDATION  
FOR  
PLAN AMENDMENT PA-1-18**

**STAFF REPORT DATE:** February 28, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Fastrack, Inc.  
4803 Catalonia Dr  
Pasco, Washington 98301

**Property Owner:** Fastrack, Inc.  
4803 Catalonia Dr  
Pasco, Washington 98301

**Land Use Review:** Comprehensive Plan Map Amendment and Zone Change (Type IV review).

**Subject Property Description:** Township 5N, Range 28E, Section 15AA, Tax Lots 2103, 2104, 3500, 3600 and 3700.

**Location:** The property is located in the McNary area along the west side of Willamette Avenue across from Big River Golf Course.

**Proposed Development:** Proposed for single-family residential subdivision.

**Existing Zoning:** McNary Center Mixed Use Commercial (MC) Zone.

**Proposed New Zoning:** Single-Family Residential (R-1) Zone.

**II. Nature of Request/Applicable Comprehensive Plan and Zoning Ordinance Provisions**

The applicant, Fastrack, Inc., originally submitted a Plan Amendment application to the City in 2015 to rezone all of what is now Virginia's Place to R-1. The City denied that request. The applicant reapplied for a Plan Amendment in 2016 and reduced the number of lots in the proposed subdivision and also left a 100-foot strip of MC zoned property along Willamette Ave. The City approved that request and subsequently approved a Subdivision application, Virginia's Place, in 2017. The applicant is now requesting an amendment to the City of Umatilla Comprehensive Plan and Zoning Map to change the existing plan map/zoning map designations of the 100-foot strip, including five separate parcels, from MC to R-1. The applicant intends to request a replat of the existing subdivision upon approval of this request.

The applicable decision criteria are listed in Chapter 13, Section 3 of the City of Umatilla Zoning Ordinance (CUZO), as outlined in this report, and the review procedures are contained under Chapter 14, Sections 6(C) and 7 of the CUZO.

### **III. Analysis**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

#### **CUZO SECTION 10-11-10: TRAFFIC IMPACT ANALYSIS (TIA):**

D. Approval Criteria: When a traffic impact analysis is required, approval of the proposal requires satisfaction of the following criteria:

1. Traffic impact analysis was prepared by an Oregon registered professional engineer qualified to perform traffic engineering analysis;

**Findings:** The Traffic Impact Analysis (TIA) submitted with the application was prepared by the engineering firm, HDJ Design Group, and is stamped by John Andrew Manix, who is both an Oregon Registered Professional Engineer and a Washington Registered Professional Engineer.

The TIA was completed in December of 2015 and considers the rezone of two properties and development of a 38-lot subdivision. However, the original application in 2015 was denied by the City. The applicant resubmitted the request in 2016 and decreased the number of lots to 29 and left a 100-foot strip of commercial zoning along Willamette Avenue. That request was approved by City Council on December 20, 2016. Now the applicant is requesting a plan/zone change to the 100-foot strip of commercial zoning and the applicant intends to submit a replat application to divide 3 of the existing lots (Tax Lots 3500, 3600 and 3700). Approval of both requests would result in a 32-lot subdivision. Therefore, the impacts evaluated in the TIA exceed the development proposed and there have been no significant changes to the area.

**Conclusion:** The Traffic Impact Analysis submitted with the land use application was prepared, reviewed and approved by an Oregon Registered Professional Engineer.

2. If the proposed action shall cause a significant effect pursuant to the transportation planning rule, or other traffic hazard or negative impact to a transportation facility, the traffic impact analysis shall include mitigation measures that meet the city's level of service and/or volume/capacity standards and are satisfactory to the city engineer, and ODOT when applicable; and

**Findings:** The applicant is proposing to amend the City's Comprehensive Plan Map and Zoning Map to change from MC to R-1. According to the TIA submitted by the applicant, development associated with the proposed single-family residential zoning is expected to have less impact on existing traffic facilities than the current commercial zoning, as determined by the Level of Service (LOS) at the main intersections in the vicinity of the subject property. The TIA did not find any potential negative impacts to

existing transportation facilities, or that anticipated development expected as a result of the proposed plan map amendment/rezone would have any significant effects pursuant to the Transportation Planning Rule.

**Conclusion:** As demonstrated by the TIA no mitigation measures are necessary to meet the City's LOS or Volume/Capacity Standards for existing streets if the applicant's proposal is approved. Any future development of the subject properties will be required to meet the zoning and land division standards.

3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
  - a. Have the least negative impact on all applicable transportation facilities;
  - b. Accommodate and encourage nonmotor vehicular modes of transportation to the extent practicable;
  - c. Make the most efficient use of land and public facilities as practicable;
  - d. Provide the most direct, safe and convenient routes practicable between on site destinations, and between on site and off site destinations; and
  - e. Otherwise comply with applicable requirements of this code.

**Findings:** This request is for an amendment to the City's Comprehensive Plan Map and Zoning Map to change the current MC zoning to R-1 zoning. The applicant is not proposing to modify the existing subdivision as part of this application. The existing subdivision was found to meet City standards for site design and traffic circulation. A subsequent replat application will be required to meet City standards for site design and traffic circulation.

**Conclusion:** This criterion includes standards that are applicable to a specific proposed site plan review, subdivision or similar type of development. A plan map amendment/zone change would determine what types of uses could be permitted for the site, but would not specifically authorize any particular use.

### **CUZO SECTION 10-13-3: AMENDMENTS TO THE ZONING TEXT OR MAP:**

D. Approval Criteria: An amendment to this title or official map shall comply with the following criteria:

1. The proposed designation is consistent with and supports the purposes of the portions of the city's comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the comprehensive plan.

**Findings:** The applicant's arguments addressing this criterion are: 1) The City Comprehensive Plan was completed twenty-six years ago and the planning time horizon used was the year 2000. Therefore, seventeen years later circumstances have changed to justify a change in the Comprehensive Plan. 2) There is already a surplus of commercial property and approval of this request is consistent with the City's Plan for the revitalization of the downtown area.

As demonstrated by the Traffic Impact Analysis submitted with the application, the proposed plan map amendment/zone change would not negatively impact existing or planned transportation facilities in the vicinity.

According to the Buildable Lands Inventory (BLI) contained in the Comprehensive Land Use Plan, the City has more than the projected amount of vacant buildable land needed for both single-family residential and commercial use for the 20-year planning period between 1998 and 2018. The projected need for vacant building land for single-family residential development is 173.4 acres and the existing supply within city limits is 252.7 acres. The projected need for vacant buildable land for commercial use is 8.5 acres and the existing supply within city limits is 62.5 acres. Staff performed GIS analysis of the MC zone and determined that there would be approximately 4.99 acres of undeveloped vacant land zoned MC if this request is approved. There is also a 1.41-acre parcel, Tax Lot 2000 Map 5N2815AA, that is currently vacant and would presumably be available for redevelopment.

**Conclusion:** Based on the TIA submitted no major road improvements would be needed and the existing public facilities, such as sewer, water and electricity, are adequate to serve the proposed use. The BLI projects a need for 8.5 acres of vacant buildable land for commercial use within City Limits. If approved there would be approximately 4.99 acres of vacant buildable land within the MC zone, over half of the projected need for all commercial uses within City Limits. As a result, sufficient land for both residential and commercial development will be maintained in the City's BLI.

2. The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.

**Findings:** The City of Umatilla Comprehensive Land Use Plan discusses the projected need for land designated for commercial use and for single-family residential use. The BLI identifies the need for 173.4 acres of vacant buildable land to accommodate single-family residential development (including manufactured homes) to meet the demand for the 20-year planning period from 1998-2018. The BLI indicates 252.7 acres of net vacant buildable land is available for single-family residential development.

The Comprehensive Land Use Plan identifies a total of 62.5 acres of gross vacant buildable commercial land within the city limits and 83.3 acres between the city limits and urban growth boundary for a total of 145.8 acres within the UGB. The Comprehensive Land Use Plan indicates that 8.5 acres of commercial land would be needed to meet the projected needs.

**Conclusion:** Based on the BLI, the proposed amendment would not significantly affect the inventory of vacant commercial and single-family residential zoned lands. Therefore, the City will have an adequate supply of vacant commercial and single-family residential lands.

3. The proposed designation will not negatively impact existing or planned public facilities and services. In particular, pursuant to the Oregon transportation planning rule, proposed text and map amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must comply with the requirements of Oregon administrative rule (OAR) 660-012-0060 as applicable. In the I-82/U.S. 730 interchange area management plan (IAMP) management area, proposed access shall be consistent with the access management plan in section 7 of the IAMP.

**Findings:** The subject property is well served with the water, sewer, electricity, cable and natural gas being located within the adjacent street rights-of-way of Willamette Street, John Day Street and Miller Loop.

The Traffic Impact Analysis finds no negative impacts to existing streets, intersections or accesses that would require needed improvements to accommodate the proposed development. Sidewalks will be required to be developed as part of any replat approval.

The City does not have any existing facilities or services or any future facilities or services planned that would be adversely affected by the proposed change and subsequent development.

**Conclusion:** Existing city facilities, services and other utilities are either adequate to serve the subject property, or are located within reasonable proximity to make them technically and economically feasible to be extended to the subject property (at the applicant's expense). No new facilities or services are planned for the area.

4. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.

**Findings:** The subject property is part of Virginia's Place a 29-lot subdivision that has been improved with utilities and a new city street Miller Loop. No physical alterations to the site would be required to develop single family dwellings on the properties. The applicant has indicated that if this request is approved they will apply to replat 3 of the existing lots to allow for additional development.

**Conclusion:** The properties are flat and have little or no physical features or issues that would prevent development or require mitigation measures. Access, and basic and secondary utility facilities and services are available to the subject property. The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and other pertinent physical features.

5. Other sites in the city or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the city as a whole.

**Findings:** The applicant concedes in the written justification submitted with the application that other sites in the City exist that could accommodate the proposed use without a plan map amendment/zone change. The applicant acknowledges the BLI indicates buildable land available for single-family residential development exceeds the projected need through the planning period.

The applicant argues that the reason other sites are unsuitable "revolves around costs associated with slightly challenging topography and costs associated with bringing utilities to land that is not suited to be developed in an economically feasible fashion."

A review of the Comprehensive Plan and Zoning Map indicates that within the city

limits, most of the areas that could accommodate single-family residential subdivision on the scale proposed by the applicant are located in the South Hill area where several large vacant buildable parcels zoned R-1 and Medium Density Residential (R-2) exist.

Other sites within the vicinity of the subject property currently include vacant buildable lots in the R-1 zone scattered throughout McNary, and one 2.49-acre parcel zoned R-2 that is located south of the golf course along Umatilla Street that could accommodate 10-12 single-family residential lots.

**Conclusion:** The Comprehensive Land Use Plan's BLI demonstrate the City has more than enough vacant buildable land to meet both its single-family residential needs and its commercial needs. In order for the applicant's reasons to be justified the applicant would need to provide information and analysis for other sites in the same manner as the applicant has analyzed the subject property for its economic potential – i. e., how much it would cost to extend utilities and services to other sites already planned and zoned for the proposed use and why those costs could not be recouped in a manner that makes those other sites economically unfeasible. A site would only be unfeasible if the costs to develop the site exceed the market potential in developing the site. Other sites might be less feasible where the initial investment capital needed is larger than for the subject property or the potential profit margin is not as great; however, sites that are less feasible are not necessarily unsuitable.

Despite the fact that other sites within the vicinity or the city appear capable of accommodating the proposed use without the need for a plan map amendment/zone change, this criterion does not necessarily preclude the amendment if the proposal can be found to support the interests of the City as a whole. In this case, the subject properties have been zoned for commercial use since the original comprehensive land use plan was adopted in 1978, but have remained undeveloped since that time with little, if any interest from the property owner or prospective purchasers or developers wanting to develop the site with commercial uses. Further the City has a surplus of residential and commercial lands and has a need for additional housing. Therefore, the proposed plan map amendment/zone change could be found to support the interests of the City as a whole.

#### **IV. SUMMARY CONCLUSIONS AND STAFF RECOMMENDATION**

An increased need for additional park space and/or recreational facilities is anticipated as a result of the applicant's plan map/zone change amendment and subsequent residential subdivision development. Such a determination however, is more appropriately addressed during review of the subdivision rather than this request.

Therefore, based on the information in Sections I and II of this report, and the above review criteria, findings of fact and conclusions contained in Section III, the Planning Commission voted 5-0 to recommend approval of this request, PA-1-18, to amend the City of Umatilla Comprehensive Plan and Zoning Map from the McNary Center Mixed Use Commercial Zone to the Single-Family Residential Zone. The properties are identified as Tax Lots 2103, 2104, 3500, 3600 and 3700 in Township 5 North, Range 28 East, Section 15AA.



**V. EXHIBITS**

Exhibit A – Notice & Zoning Maps

Exhibit B – Applicant’s Narrative

Exhibit C – Transportation Impact Analysis

**PROPERTY OWNERS WITHIN 100' NOTICE AREA**

MAP	FROM SUBJECT PARCEL TAX LOT	OWNER
5N281400	400	BIG RIVER GOLF COURSE LLC
5N2815AA	1500	PHILLIPS JEFFREY L & THERESA D
5N2815AA	1700	BECK CLINTON WAYNE
5N2815AA	1800	CRUZ CURTIS D
5N2815AA	1900	KHEHRA BROTHER LLC
5N2815AA	2101	FASTRACK INC
5N2815AA	2102	FASTRACK INC
5N2815AA	2103	FASTRACK INC
5N2815AA	2104	FASTRACK INC
5N2815AA	2105	FASTRACK INC
5N2815AA	2106	FASTRACK INC
5N2815AA	3300	FASTRACK INC
5N2815AA	3400	FASTRACK INC
5N2815AA	3500	FASTRACK INC
5N2815AA	3600	FASTRACK INC
5N2815AA	3700	FASTRACK INC
5N2815AA	3800	FASTRACK INC
5N2815AA	4000	FASTRACK INC
5N2815AA	4100	FASTRACK INC
5N2815AA	4200	FASTRACK INC
5N2815AA	3900	FASTRACK INC



**MAP DISCLAIMER:** No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 1/22/2018



**Exhibit A**

**PLAN AMENDMENT (PA-1-18)  
FASTRACK INC; APPLICANT & OWNER  
MAP #5N2815AD, TAX LOTS 2103, 2104, 3500, 3600 & 3700**

**Legend**

- Subject Property
- Streets
- Assessor's Maps
- Tax Lots



Feet  
 0 50 100 200 300 400

MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use.  
 Created by Brandon Seitz, on 1/22/2018

- Medium Density Residential
- Single-Family Residential
- Multi-Family Residential

- McNay Center Commercial
- Single-Family Residential

- Tax Lots
- Streets

- Proposed Single-Family Residential
- Assessor's Maps

# Exhibit A

## PLAN AMENDMENT (PA-1-18) FASTRACK INC; APPLICANT & OWNER

Exhibit B

**City of Umatilla Comprehensive Plan Text Amendment  
Written Narrative of Proposed Zoning Change  
Written Justification Addressing Approval Criteria**

**Tax Map Number 5N 28 15AA, Lot 2103  
Tax Map Number 5N 28 15AA, Lot 2104  
Tax Map Number 5N 28 15AA, Lot 3500  
Tax Map Number 5N 28 15AA, Lot 3600  
Tax Map Number 5N 28 15AA, Lot 3700**

**As proposed by Arney Wick on behalf of property owner  
Fastrack, Inc**

**Location. Location. Location. In the real estate world, this seems to be the single most influential factor in the sale and sometimes development of real property in most any market. While location deems to be an influential factor in the sale, purchase, and development of real property, we also feel it a significant factor in the success of any project. Because of the unique nature and location of the tax map numbers 5N 28 15AA, specifically lots 2103, 2104, 3500, 3600, 3700 and the fact that we feel this property to be an immediate success for the present land owner, potential developer, future homeowners, and the City of Umatilla, we are requesting a change in zoning from Mixed Use Commercial to Single Family Residential from the City of Umatilla.**

**Per Section 10-13-3 (C) and (D) of the City of Umatilla Zoning Ordinance as part of the approval process, we are providing this written narrative demonstrating compliance with approval criteria as well as a site and vicinity map identifying the subject property along with adjacent properties. We also will address the five (5) Approval Criteria as listed in Section 10-13-3 (D) listed below:**

- 1.) The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.*

- 2.) *The proposed change will not affect the land supply for the existing zoning designation as related to projected need for a particular land use.***
- 3.) *The proposed designation will not negatively impact existing of planned facilities and services.***
- 4.) *The land is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.***
- 5.) *Other sites in the City or in the vicinity are unsuitable for the proposed use. In other words, ownership and the desire to develop a particular use in and of themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.***

---

**We will address each of the Approval Criteria separately in this narrative, but have also unearthed other pertinent factors to consider in preparation of this document which we feel worth sharing.**

**As part of the process, former City Planner Bill Searles suggested that we become familiar with the Comprehensive Plan with special attention paid to Goals 9 and 14. After reading through the Comprehensive Plan in its entirety, several relevant points seem to stand out that support our cause:**

**“The Comprehensive Plan is a guide to the City of Umatilla’s future growth. The plan was developed through a series of workshops that were initiated on September 14<sup>th</sup>, 1976. The plan at that point was regarded as presenting decisions about the future as they were seen at that point in time.” As part of the annual updates to this document, we feel it in the best interests of the City, future homeowners and tax payers, and the sellers and buyers of said property to consider this zone change from Mixed Use Commercial to Single Family Residential.**

**Point – by definition, Mixed Use Commercial areas should be located along major travel routes and at major intersections offering large site and high visibility. We feel it hard to include the subject property in this definition as it sits a considerable distance from State Route 730**

although the intersections of Willamette Avenue and John Day Street along with Willamette Avenue and Columbia Boulevard may be considered “major intersections”, the entire property feels more like unused residential property than anything that should be considered “commercial”. One might even consider this re-zone to be a reassignment or extension of the adjacent already zoned residential property.

Approval Criteria 2.2.110 (a) – *The proposed designation is consistent with and supports the purposes of the portions of the City’s Comprehensive plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.*

Citing 9.2.630, page 112 – “The City’s plan published in 1977 is outdated. To implement the Downtown Revitalization Plan, revisions to the Umatilla Comprehensive Plan and Zoning Ordinance are included under sections 9.2.631 and 9.2.632”.

Citing 9.2.631 (1) Land Use, page 112, paragraph 5 – “Projected land use needs for Umatilla are documented in Chapter 14, Sections 14.2 and 14.3. The information is deemed reliable. The Downtown Revitalization Plan is consistent with the Buildable Lands Analysis. The Plan assumes growth that is well within the range outlined in the Buildable Lands Analysis. Based on this Comprehensive Plan policy, the City should consider whether the policy is met, particularly with respect to findings on natural resources and public services capacity. The City should also consider a complete revision of the Comprehensive Plan, given that it was completed twenty-six years ago and the planning time horizon used was the year 2000”. Seventeen years later, one might think a different circumstance exists.....

Appendix 9.2-A-1, page 4 (page 120 of Comprehensive Plan) – In response to a questionnaire as part of the City of Umatilla, Downtown Revitalization Circulation Plan, Public Questionnaire Comments: “What type of commercial developments would you like to see in downtown Umatilla?” the response was noted “McNary is well rounded out”.

Appears as though there is already a surplus of commercial property that remains vacant in the downtown area. Why develop more commercial inventory that is obviously not aligned with the vision and goals of the City? The re-zone request we are campaigning is consistent with the City's plan for the revitalization of the downtown area and the bulk of Goal (or chapter as it is sometimes referred to) Nine.

Citing 9.2.400 Downtown Revitalization Plan, Page 72, Paragraph 4 – “One of the guiding principles of the Downtown Revitalization Plan is to concentrate redevelopment efforts. A key problem with the existing pattern of development is that it is scattered over a large area. By first focusing the community's efforts on a small area, the City can later expand the area of focus to other locations. The intent of concentrating redevelopment efforts is to achieve a critical mass of business activity and investment that will trigger a cycle of economic growth”.

Once again, we feel our request is complimentary to the City's goal of revitalizing the downtown area. We also feel that economic growth is initiated through an increase in population, and/or rooftops housing new residents of the community!

Our request can be easily viewed as consistent with and supporting of the purposes of portions of the City's Comprehensive Plan not proposed for amendment and circumstances have changed justifying a change in the Comprehensive Plan.

Approval Criteria 2.2.110 (b) – *The proposed change will not affect the land supply use for the existing designation as related to projected need for the particular land use.*

Citing Table 14.3-9, Page 431 of the Comprehensive Plan

**Projection of Land Required by Employment Sector  
City of Umatilla, 1996-2016**

Zone	Net Buildable Acreage			Land Needed 1996-2016
	Inside	Between	Total Inside UGB	
Industrial	34.4	287.5	321.9	16.4
Commercial	62.5	83.3	145.8	8.5

*Source: The Benkendorf Associates and Pacific Meridian Resources*

Projected commercial land needed between 1996 and 2016 estimates 8.5 net buildable acres needed with 145.8 acres inside the Urban Growth Boundary.

“As shown in table 14.3-9, the land available for industrial and commercial use far exceeds the projected land demand for the next 20 years. In fact, the commercial and industrial land located *inside* city limits is projected to be more than sufficient to meet land demand, with more than twice the amount needed of industrial-designated land and more than seven times the amount needed of commercially-designated land available for development.”

As mentioned previously, these land use needs are an estimate for the City of Umatilla based on the City receiving a share of regional employment growth equivalent to its correct share of the regional population”.

To remove 1.93 acres of Mixed-Use Commercial from the City’s Comprehensive plan and re-zone it to R-1 obviously is a step towards developing a better proportion of land use, given the results of table 14.3-9 and the ensuing comments.

Citing Table 14.6-4, page 439 of the Comprehensive Plan

Residential Acreage Needed by Plan Designation

Residential Zone	Net Acreage Needed
SR	-
R-1	173.4
R-2	40.4
R-3	18.6
MH	-
<b>Total</b>	<b>232.4</b>

“Section 14.5 identifies the measures appropriate to both reduce the surplus of residential (and industrial and commercial) land within the UGB and to increase land available for multi-family development (R-2



and R-3 zones). These measures will be sufficient to meet the appropriate amount of land available for development needs for the next 20 years. However, these measures do not guarantee that development will occur as planned or needed. And, they will not necessarily influence the character or location of future development. If the City of Umatilla wishes to influence the nature of future development (i.e. creating a more pedestrian friendly environment, revitalize the downtown area, limit the amount of sprawl), it must go beyond merely ensuring that appropriate land is available for development by plan designation”.

**Approval Criteria 2.2.110 (c) – *The proposed designation will not negatively impact existing or planned facilities and services.***

According to former City Planner Bill Searles, “based on my knowledge of the Comprehensive Plan, the City has no planned facilities in the area that would be affected by the proposed development”. While we appreciate comments like this, part of our due diligence is to prove this to be true...

Citing 10.8.101, page 119 of the Comprehensive Plan – “Housing should be developed in areas that reinforce and facilitate orderly and compatible community development”.

Citing 10.8.102, page 119 of the Comprehensive Plan – “The City should evaluate proposals for new housing construction in terms of the additional numbers of people with respect to impact on natural environment, community services, utility support systems, projected housing needs, and the City’s capital improvement programming”.

Citing 11.1.100 Municipal Water, page 121 of the Comprehensive Plan

“The City of Umatilla has three wells as the source of its water supply: one in the McNary area and two near the central part of the City. Supply of the City water system is summarized as follows:

**Table 11.1-1 Existing Umatilla City Water Supply Sources**

<u>Well</u>	<u>GPM</u>	<u>Storage</u>
-------------	------------	----------------

<b>McNary Area</b>	<b>2500**</b>	<b>.125 MG</b>
<b>City of Umatilla</b>	<b>1350**</b>	<b>.65 MG</b>

*Note: GPM – gallons per minute, MG = million gallons*

*\*CH2M-Hill, Community Impacts of Alumax*

*\*\* Ibid, p.135*

**A more complete analysis and inventory of the municipal water system is available at the City Hall in the Umatilla Water Study, 1977”.**

**Given the fact that the McNary area has far and above the greatest capacity to produce and now store water with the addition of the new storage tank, we can’t imagine that the area proposed for development will place a burden on the City’s overall water use.**

***Approval Criteria 2.2.110 (d) – The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.***

**When one considers all of the above criteria, topography, adjacent streets, access, size of the site, availability of public services, and geographic proximity to a boat launch, public golf course, access to highway 730, etc. we feel this re-zone to be a no-brainer with the highest probability for immediate success.**

**Citing 11.4.102, page 125 of the Comprehensive Plan – “New development should occur in areas where public facilities are available before reaching out into areas that are not served”.**

**One of the biggest attractions that we see is the availability of power, water, and sewer surrounding the subject property making the project more economically feasible than other areas of the City already zoned residential. The biggest factor in producing affordable housing is the cost of the land initially along with the expense incurred in the development process. In over 20 years of developing land in order to produce affordable housing, we have never come across an area that fits the City’s criteria more perfectly. Nevertheless, in considering the City’s criteria:**

**Topography – Basically flat with little if any import of material for development.**

**Adjacent Streets – Bordered by Miller Loop, John Day Street, and Willamette.**

**Access – Easily accessed from State Route 730 by Willamette Avenue.**

**Size of the Site – The five (5) parcels are combined for a total of 1.93 acres capable of producing 8 building lots with average lot size of 10,547 square feet. The beauty of this rezone is that all that will be necessary to finish developing it is to survey, establish corner pins, apply for building permits, and begin building – there will be a minimal amount of work and monetary outlay in order to get the ball rolling almost immediately!**

**Availability of Public Facilities – Easy access to State Route 730, the boat launch at Lake Wallula, and public golf course to name a few.**

**As mentioned numerous times, rarely does a parcel, or parcels, offer the location, amenities, topography, and features as the subject property under consideration.**

***Approval Criteria 2.2.110 (e) – Other sites in the City are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing zoning designation that does not support the interests of of the City as a whole.***

**One might actually struggle a bit in trying to satisfy this criteria when considering the fact that, yes, there are parcels available in the City that may be considered for development before the subject property. When attempting to sway decision making our way in lieu of developing already zoned residential property, one first needs to consider:**

#### **Section 14.9 Urbanization Findings**

**Citing 14.9.102, page 446 of the Comprehensive Plan – “An urban environment should be promoted which contributes to functional efficiency and visual attractiveness in both public and private properties”.**

Citing 14.9.103, page 446 of the Comprehensive Plan – “An urban setting which has an identity and conveys a sense of place should be developed”.

We believe that development of the subject property in McNary, as proposed, satisfies both of these conclusions as principles adopted by the City. Other factors to consider may include but are not limited to:

**Table 14.5-1 (Page 435 of Comprehensive Plan)  
Residential Acreage Compared to Buildable Acreage**

Residential Zone	Allocated Units	Projected Density (units/acre)	Acreage Needed (includes 20% Increase for Streets)	Net Buildable Acreage in the City	Net Buildable Acreage in the UGB	Difference Between Acreage Needed and Available in UGB
R-1	717	5.0	173.4	252.7	575.2	401.8
Single Family Detached	557	4.8	138.2		-	-
Manufactured Homes	160	5.4	35.2		-	-
R-2	282	8.4	40.4	33.1	33.1	-7.3
Single Family Attached	43	7.3	7.1		-	-
Manufactured Homes	53	5.8	11.0		-	-
Apartments	93	10.0	11.2		-	-
Apartments Gvmt Assist	93	10.0	11.2		-	-
R-3	186	12.0	18.6	14.6	14.6	-4.0
Apartments	93	12.0	9.3		-	-
Apartments Gvmt Assist	93	12.0	9.3		-	-
SR	-	-	-	162.3	625.2	625.2
MH	-	-	-	141.4	141.4	141.4
Total	1,186	6.1	232.4	604.1	1,389.50	1157.1

Sources: Pacific Meridian Resources and The Benkendorf Associates Corp., 1998 from data provided by the Umatilla Tax Assessors Office

*Notes: Figures may not add due to rounding; C (Commerical) zone allows for apartment residential uses, but has not been calculated as residential land for purposes of this analysis*

**“As shown in Table 14.5-1, a total of 232.4 acres of residential land are projected to be required over the next 20 years in the City of Umatilla to meet projected housing demand of 1,186 units, assuming that needed development densities are met. There are a total of 604.1 net buildable acres of residential land available within the city limits and a total of 1389.5 net buildable residential acres within the entire UGB of the City of Umatilla (land within city limits plus land within UGB outside of city limits). This means that there is 2.6 times the amount of buildable residential land needed within the entire UGB than required by residential development within the UGB of the City of Umatilla over the next 20 years.**

**In reviewing the land requirements by comprehensive plan/zoning code designation, there is a large surplus of land beyond the projected requirements in the R-1 (Residential, Single Family) zone. In the R-1 zone, buildable land exceeds needed land by over 3.3 times in the UGB and by almost 1.5 times inside the city limits”.**

**This statement alone might be cause for City Officials to consider denying our request for a zone change. If all the available land set aside for R-1 development was so desirable, why hasn't there been development in these areas? The answer primarily revolves around costs associated with slightly challenging topography and costs associated with bringing utilities to land that is not suited to be developed in an economically feasible fashion that will yield cost effective, affordable housing. If this were not the case, why hasn't there been activity in the areas already designated R-1? In a sit down meeting with former City Planner Bill Searles on September 14<sup>th</sup>, 2016 he readily admits that other developers have looked at purchasing residentially zoned land within the City's limits and growth boundaries but have passed on the opportunity due to the higher costs of extending services to those properties.**

**A readily available solution to the dilemma may actually reside within the Comprehensive Plan itself. There are implications within the Comprehensive Plan to rezone land already designated R-1 to either R-2 or R-3. On page 440, paragraphs (or bullets) 1 and 2 state:**

**“Currently, most of the R-2 zoned land is centrally located. The additional R-2 zoned land to meet projected housing needs could be taken from R-1 land located just south of downtown and the Umatilla River, or alternatively, from the land located on the south side of Highway 730 across from the mobile home park on the east side of town. This would maintain the central location of needed higher-density housing”.**

**“Currently, all of the R-3 zoned land is located in one area on the far east of town. This could be somewhat problematic in terms of access to services and jobs for the lowest-income households in the city and in the concentration of all the lowest-income households in one isolated area. The City should examine the possibility of breaking up R-3 zoned land to make it more evenly distributed across the City and more centrally located to services and jobs. A small amount of additional R-3 zoned land will also be needed to meet projected need. At a minimum, this land should be located closer to the central area of the City”.**

**Our point here is that land already zoned R-1 that could fit the criteria for either R-2 or R-3 zones as needed by the City should come from areas as described above with challenging topography and/or high utility service. Costs associated with the development of this land is more easily spread out over zoning that allows for higher densities such as R-2 or R-3.**

**In conclusion, we have tried to address each of the five (5) approval criteria as outlined by Section 10-13-3 of the City of Umatilla Zoning Ordinance (D) in a manner as fairly and completely as possible. We also appreciate former City Planner Bill Searles’ recommendation for reading and becoming familiar with the City’s Comprehensive Plan in addressing these approval criteria and have a better appreciation of the challenges ahead for the City of Umatilla. As the information contained within the Comprehensive Plan reveals, the City may be viewed as “slightly behind the eight-ball” in satisfying housing demand per projected and current population might suggest.**

**One only has to look at what has happened to the City of Pasco, Washington in the last 17 years, with special emphasis on the areas surrounding Road 68, to see what happens when residential rooftops**

are allowed to increase at a pace that necessitates commercial development. That area alone (more commonly referred to as "West Pasco") has 5 or 6 banks along a boulevard that was only a couple of years ago, onion fields. Our vision for the subject property that we are attempting to rezone may not be quite as grandiose, by comparison, but we feel that we can certainly add a much needed "spark" in fueling a much needed demand for housing in the City of Umatilla.

*Ray White*  
1-15-18

# Transportation Impact Analysis

## John Day Street - Rezone

City of Umatilla, Oregon

***Prepared for:***

Fastrack, Inc.  
Mr. Arney Wick  
3515 Hovley Lane  
Pasco, WA 99301  
(208)929-8021



1/22/16  
EXP 12/31/16

***Prepared by:***

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(360) 695-3488

December 15, 2015

25  
Exhibit C



## ***EXECUTIVE SUMMARY***

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### **PURPOSE**

Fastrack Inc. has submitted a proposal for rezoning along John Day Street, from General Commercial (GC) to Residential, Single Family (R1). The site is located on the north side of Columbia Boulevard, south of Rio Senda Street, situated between Willamette Avenue and Lake Avenue, and is located in Umatilla, Oregon. John Day Street runs between the parcels to be rezoned. This proposal would develop two parcels, for a total of 9.04 acres. The site is located in the NE 1/4 of Section 15, Township 5 North, Range 28 East of the Willamette Meridian, Umatilla County. The project proposes to access US 730 from Willamette Avenue, an existing intersection. This project is scheduled for completion in summer 2016. This report analyzes the traffic impacts generated by the completed development as required by the City of Umatilla (City) and after consultation with City staff. The primary need for the analysis is due to the change in zoning based on Oregon Transportation Planning Rule (OAR 660-012-0060).

### **CONCLUSIONS**

The findings of the Traffic Impact Analysis are listed below:

1. Based on the change in zoning from General Commercial (GC) to Single Family Dwelling (R1), the proposed project will not significantly affect existing or planned transportation facilities.
2. The background annual growth rate of 2.0% is expected in the area.
3. Based on the change in zoning from GC to R1, the proposed development of single family dwellings level of service (LOS) in 2036 is estimated at LOS B at the intersection of US 730 and Willamette Avenue and LOS C at the intersection of Columbia Boulevard and Willamette Avenue. The estimated 2036 LOS is estimated at LOS C at the intersection of US 730 and Willamette Avenue and LOS C at the intersection of Columbia Boulevard and Willamette Avenue for the current zoning.
4. Both the Columbia Boulevard and Willamette Avenue/US 730 intersections will operate within acceptable capacity levels with the rezoning of the properties along John Day Street in the design horizon year of 2036.
5. The 2010-2015 collision history at the study intersections was reviewed. The number, frequency, and severity of collisions are low, thus no further analysis is recommended.
6. The ODOT criterion for right and left turn lanes is not met, thus no further analysis is recommended.
7. There is no scheduled public transit within typical walking distances. There is a "flag stop" at the McNary Market, near the proposed development, where passengers of the Hermiston Hopper may de-board. This location is not currently scheduled for passenger pick-up service. It is not anticipated that there will be a regularly scheduled bus route due to this proposal.

8. Willamette Avenue and Columbia Boulevard are two lane streets with a median, some sidewalks, and no shoulders. Willamette Avenue does not have bike lanes, while Columbia Boulevard does. John Day Street is an unstriped, approximately 24 foot wide street, with sidewalk on the south side and no shoulders.
9. Future connections to John Day Street and Columbia Boulevard shall be constructed to meet AASHTO requirements for stopping and intersection sight distance. No sight distance issues are anticipated at the site access points.

## **RECOMMENDATIONS**

The Traffic Analysis supports the following improvements:

Design the site access points to John Day Street and Columbia Boulevard to follow AASHTO requirements for stopping and intersection sight distance.

Do not install objects within the sight distance triangle that would block the drivers view exiting the site onto John Day Street or Columbia Boulevard.

Sidewalks along the frontage of John Day Street and inside the development are recommended. All sidewalks and driveways constructed for this development will need to be Americans with Disabilities Act (ADA) compliant.

No other improvements are recommended.

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## ***INTRODUCTION***

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The purpose of this study is to determine the impacts of the traffic generated by the Fastrack Inc.'s proposed rezoning of two parcels along John Day Street on the surrounding roadway infrastructure. The proposal site is shown on the vicinity map (Figure 1). This study will determine if mitigation is required to keep the roadways operating safely and at capacity levels acceptable under current traffic engineering standards and the Oregon Transportation Planning Rule. This report documents the findings and conclusions of a Transportation Impact Analysis (TIA) conducted for a proposed site plan (Figure 2) for property located in the City of Umatilla Oregon.

### **SCOPE OF STUDY**

This study documents the existing and proposed conditions, traffic data, safety analysis, and capacity in accordance with the requirements of the City of Umatilla.

The scope of the traffic study was refined in phone conversations and email correspondence with City of Umatilla staff. The following intersections were identified for analysis:

- *US 730 / Willamette Avenue intersection*
- *Columbia Boulevard / Willamette Avenue intersection*

This study includes analysis of the background growth and in-process trips at a rate of 2.0% annual to analyze future conditions. No in-process trips were noted by City staff.

The difference (delta) between the existing zoning trips and the proposed zoning trips have been analyzed as required by the Oregon Transportation Planning Rule.

This TIA is prepared for submission to the City of Umatilla. Traffic related issues addressed in this report are consistent with current traffic engineering practice. The issues are:

- *Transportation Planning Rule Compliance*
- *Existing traffic conditions.*
- *Site generated traffic volumes and their distribution.*
- *Future project generated traffic and conditions.*
- *Comparison of the existing General Commercial (GC) zoning to the proposed Single-Family Dwelling (RI) zoning.*
- *Level of Service (LOS) analysis of the existing and future conditions.*
- *Safety analysis of the existing and future conditions.*
- *Recommendations for mitigation of traffic impacts and conclusions.*

- *After consultation with City of Umatilla Staff, the AM peak hour was concluded as the critical period due to the close proximity to the McNary Heights Elementary School and low background traffic volumes in the PM peak hour.*



NTS

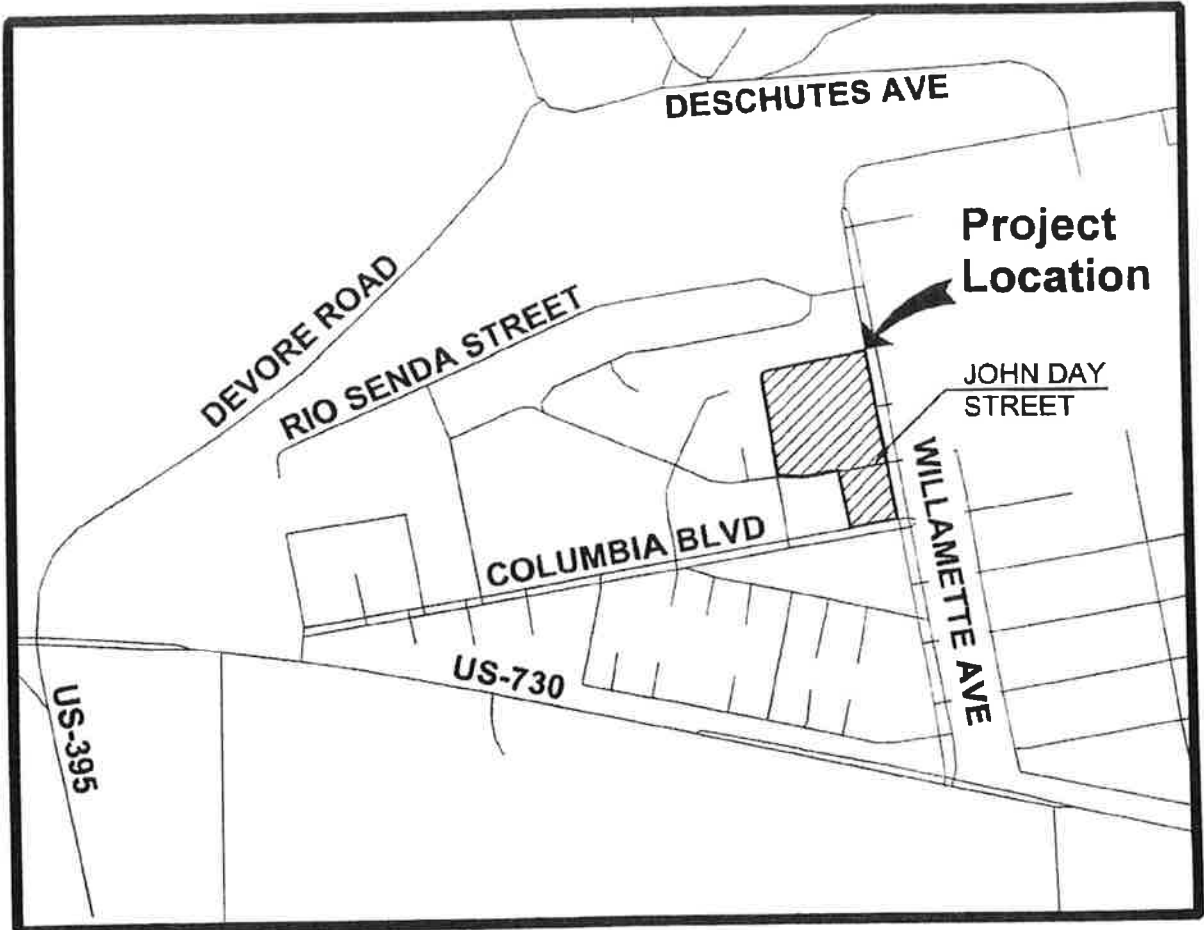


FIGURE 1



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 Peaso, WA 98041-8930  
 509/547-5119  
 360/825-3488  
 509/547-5129 fax  
 Internet: www.hdjg.com

**Vicinity Map / Study Area**  
**John Day Street Rezone - TIA**



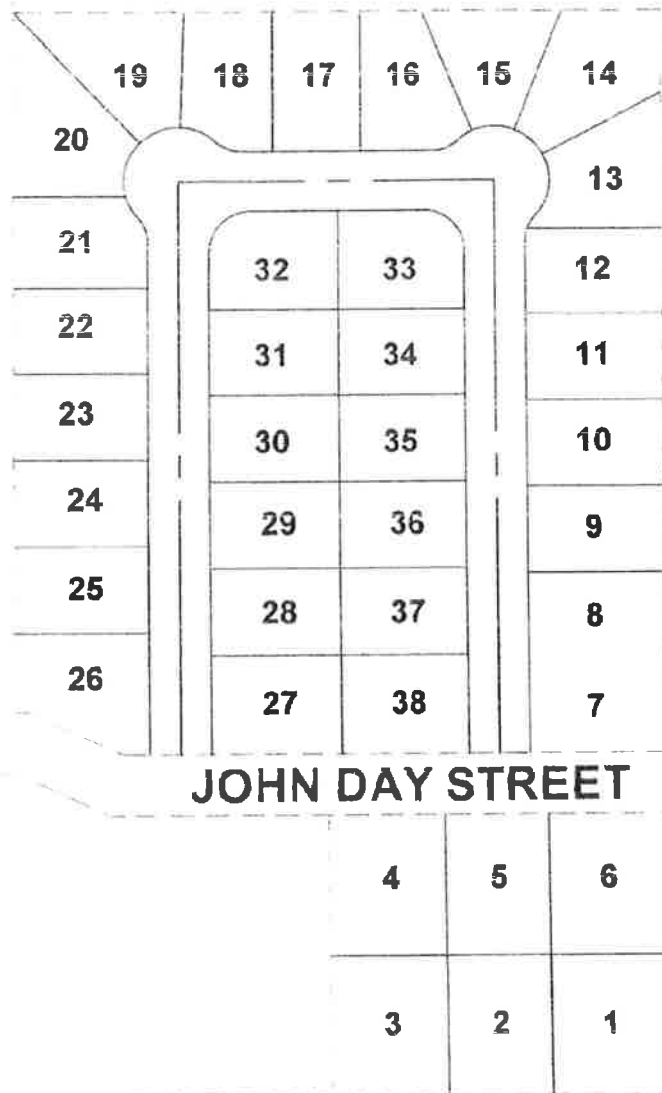


FIGURE 2

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**Site Plan**  
**John Day Street Rezone - TIA**

## **EXISTING CONDITIONS**

The existing infrastructure and operational traffic conditions in the vicinity of the site were documented. Roadway conditions were studied to confirm that the roadway is currently operating in a safe and efficient manner. The study area (Figure 1) and the study intersections were defined based on information provided by the City of Umatilla staff prior to starting the TIA.

### **EXISTING INFRASTRUCTURE**

#### ***Land Uses***

The land uses surrounding the site are documented to help identify the site location and to provide reference for any discussion of conditions that might impact the adjacent properties. The land uses surrounding the site are shown in Table 1.

**Table 1 –  
Land Use Around The Site**

<b>North of Site</b>			<b>East of Site</b>	
<b>Zoning</b>	R1/R2		<b>Zoning</b>	R2/CS, R2 and R3
<b>Description</b>	Residential Single Family/Residential Multi- Family		<b>Description</b>	Residential Multi- Family/Community Service/Residential Multi- Family/Residential Multi- Family Apartments
<b>Existing Use</b>	Residential and Vacant		<b>Existing Use</b>	Community Service and Residential
<b>West of Site</b>		<b>S I T E</b>		
<b>Zoning</b>	R1/R2			
<b>Description</b>	Residential Single Family/Residential Multi- Family			
<b>Existing Use</b>	Residential and Vacant			
<b>South of Site</b>				
<b>Zoning</b>	GC			
<b>Description</b>	General Commercial			
<b>Existing Use</b>	General Commercial Vacant			

The site is zoned general commercial and currently is vacant.

**Existing Roadways**

The existing street system providing access to the site is John Day Street, Columbia Boulevard, and Willamette Avenue. The existing arterial roadway providing access to the site is US 730. Data was gathered on the study area transportation system for the purpose of Level of Service (LOS) analysis of the existing roadway system. The pertinent information regarding this system is tabulated in Table 2.

**Table 2 –  
Existing Roadway Information**

Roadway Name	Classification	Speed Limit	Lane Configuration	
			Current	Sidewalks/Bike Lanes
US 730	Major Arterial/Statewide National Highway System (NHS) Highway	55	4-5 Lanes	Shoulder, no bike lanes and no sidewalk
Willamette Avenue	Local	25	2 Lanes	Sidewalk and no bike lanes
Columbia Boulevard	Local	25*	2 Lanes	Some sidewalk and some bike lanes
John Day Street	Local	25	2 Lanes (unmarked)	No shoulder, no sidewalk and no bike lanes

\*assumed no record found.

**Major Intersections and Traffic Control**

The intersections being reviewed in the site study area have been identified through communication with City staff. The intersections are:

- *US 730 / Willamette Avenue intersection*
- *Columbia Boulevard / Willamette Avenue intersection*

The information shown in Table 3 was gathered and is relevant to the analysis of the capacity of the intersections noted above. The information shown below is the existing geometrics and traffic control at these intersections.

**Table 3 –  
Intersections and Traffic Control**

Intersection:	US 730 / Willamette Avenue			
Weekday AM Peak	7:00 AM – 9:00 AM			
Leg:	NB	SB	WB	EB
Control:	NA	Stop	Unc.	Unc.
Number of Lanes:	NA	2	2	2

<b>Intersection:</b>	<i>Columbia Boulevard / Willamette Avenue</i>			
<b>Weekday AM Peak</b>	7:00 AM – 9:00 AM			
<b>Leg:</b>	<b>NB</b>	<b>SB</b>	<b>WB</b>	<b>EB</b>
<b>Control:</b>	Unc.	Unc.	Stop	Stop
<b>Number of Lanes:</b>	1	1	1	1

Stop = Stop controlled leg of intersection

Unc. = Uncontrolled leg approaching intersection - does not stop or yield

### TRAFFIC VOLUMES

Existing traffic volume data is the basis for the analysis of the capacity and safety of the roadway.

The planning horizon year is 2036 and is based on the State of Oregon planning rules. The year of opening is 2016. The background traffic growth was estimated for the 20 year design horizon.

#### ***Existing Traffic***

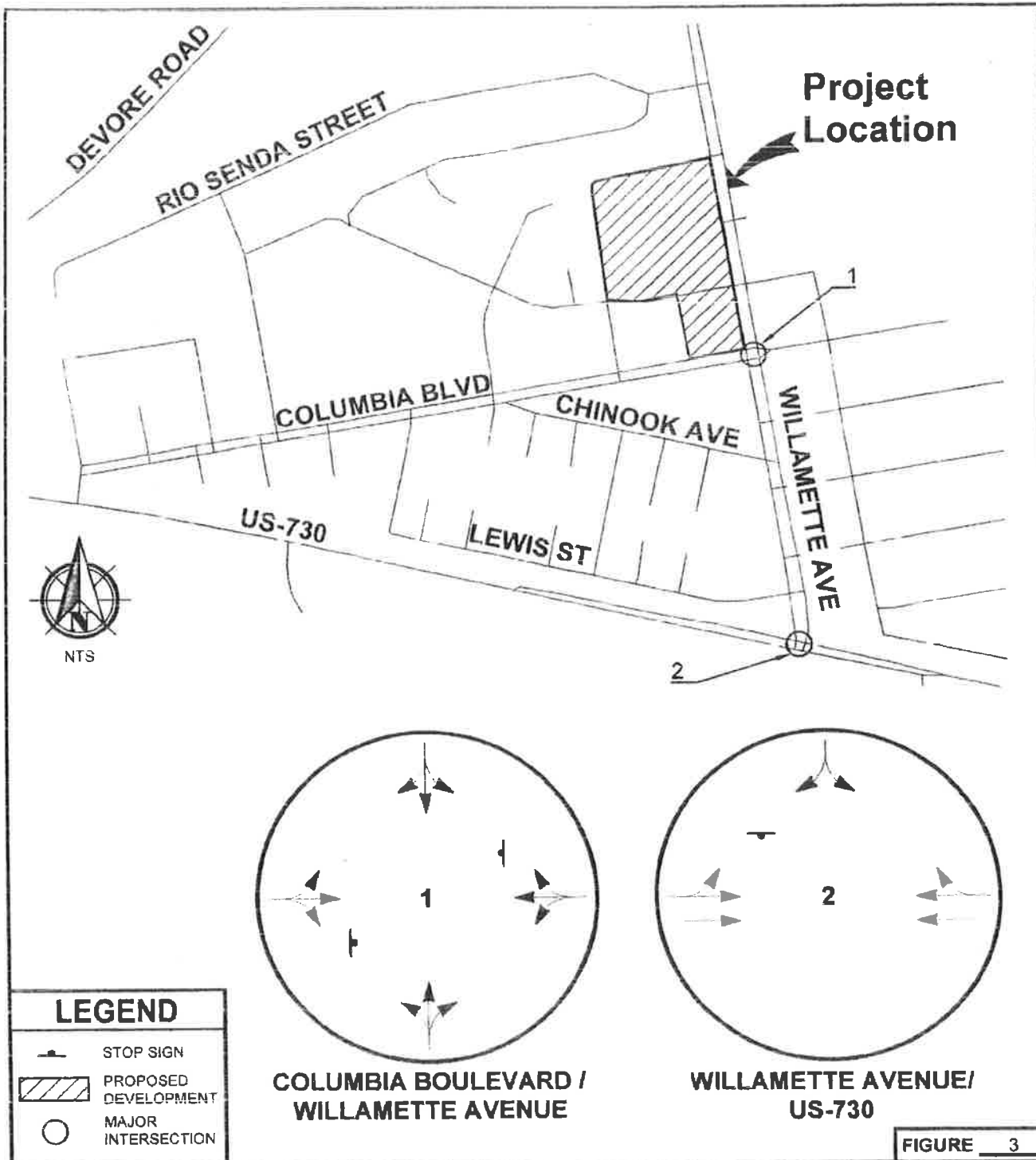
Traffic volume data was gathered for the major intersections in the site vicinity. During the month of November 2015, HDJ Design Group retained: *All Traffic Data Services, Inc.*, to collect the traffic data at the studied intersections. All traffic counts were conducted during the weekday AM (7:00 AM – 9:00 AM) peak hours (See Appendix B). The peak hour volumes for the studies intersections are shown in Figure 4.

#### ***In-Process Traffic***

In-process traffic is the traffic generated by approved projects that have yet to be completed. No in-process traffic was noted by City staff for inclusion in this report. For this analysis, no in-process developments have been noted.

#### ***Background Traffic***

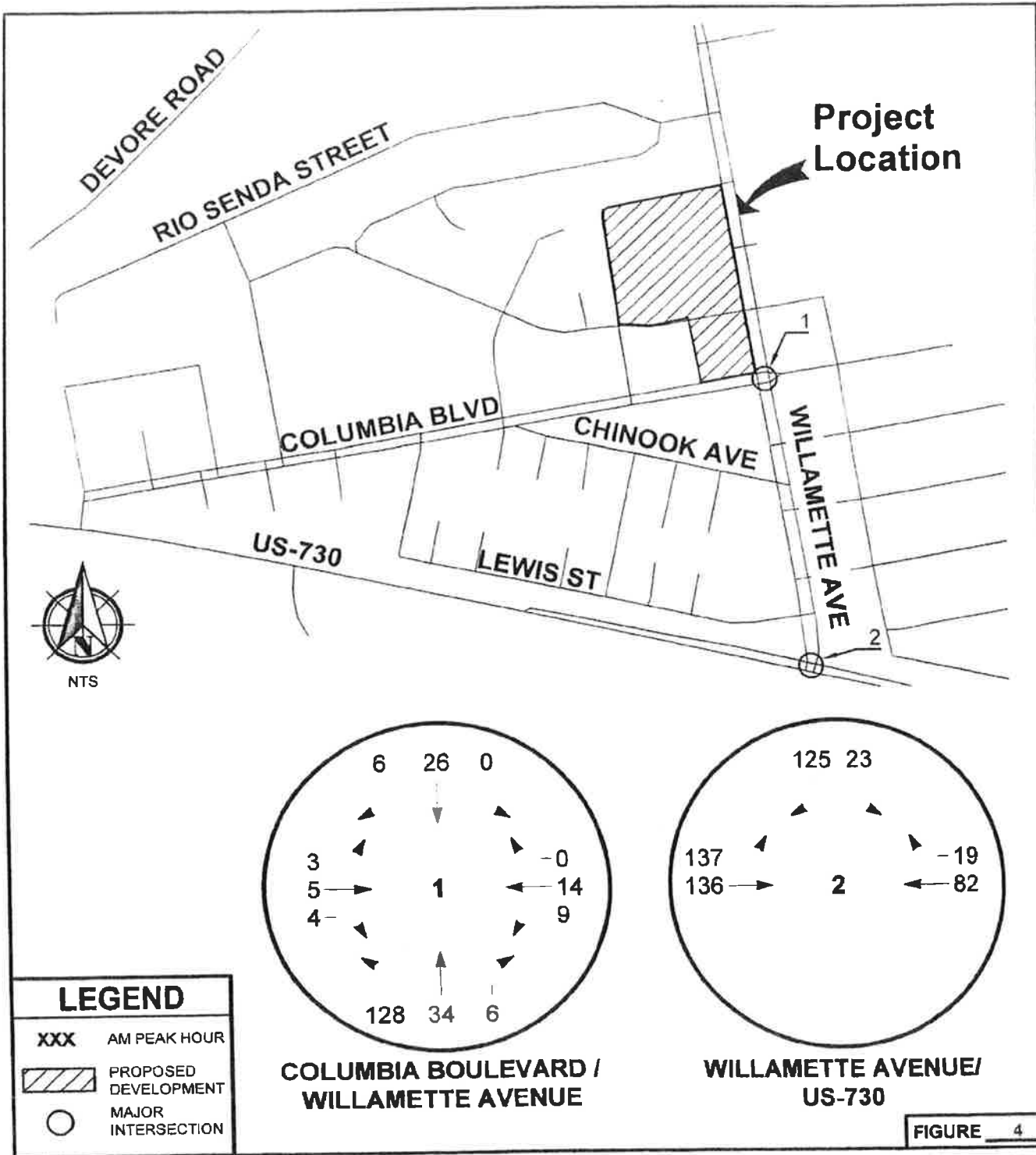
A 2.0% annual growth rate was used to account for background increase of traffic in the area of the site based on discussions with City staff.



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**Existing Lane Configuration**  
**John Day Street Rezone - TIA**



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**Existing 2015 AM Peak Hour Volumes  
 John Day Street Rezone - TIA**

## ***PROPOSED CONDITIONS***

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The proposed rezoning and development will add traffic to the roadway system. Where the project is located, the size of the project, and when it will be completed are all important elements that need to be considered to determine the impacts of this proposal on safety and capacity. It is also important to examine how the project will operate with the existing transportation system, estimate how much new traffic it will generate, and predict where traffic generated by the site will be distributed. Furthermore, this section will address any funded infrastructure changes planned by other agencies or developers. All of the above elements are important in assessing the traffic impact of this project.

### **PROJECT DESCRIPTION**

This proposal would develop two parcels, for a total of 9.04 acres. The site is located in the NE 1/4 of Section 15, Township 5 North, Range 28 East of the Willamette Meridian, Umatilla County. This project is scheduled for completion in summer 2016. This report analyzes the traffic impacts generated by the completed development.

#### ***Access***

Properly located access points are essential to allow for the safe and orderly movement of traffic in and out of a site. There will be new access points onto both John Day Street and Columbia Boulevard. The project proposes to access US 730 from Willamette Avenue, an existing intersection. Additional access may be available as the surrounding parcels are developed in the future but, for this analysis, it is assumed all project traffic will use the above noted access points.

### **TRIP GENERATION AND DISTRIBUTION**

#### ***Trip Generation***

For the purposes of this study, the ITE Trip Generation Manual, 9<sup>th</sup> Edition was used to determine trips from the site. Average rates for the land uses were used to determine the project generated trips for a development of this size, using land use codes, along with the anticipated size of the proposed building. The new trips generated by the project are shown in Table 4.

**Table 4 –  
New Trip Generation**

<b>Land Use</b>	Single-Family Dwelling	
<b>Independent Variable</b>	Dwellings	
<b>Size</b>	38	
<b>Weekday ADT</b>	362	
<b>Total Peak Hour Trips</b>	<b>AM</b>	<b>PM</b>
<b>In</b>	7	24
<b>Out</b>	21	14

To fulfill the State of Oregon's Transportation Planning Rule, *OAR 660-012-0060*, the difference (delta) between the trip generation of the proposed zone change compared to the existing zoning must be analyzed, Table 5. The existing zoning is General Commercial (GC) and the proposed zoning is Residential Single Family (R1).

The GC uses permitted outright by City Ordinance are: Drive-through window for any use, Specialty Trade Contractors, Automobile Dealers, Automotive Parts, Accessories, and Tire Stores, Furniture and Home Furnishings, Electronic and Appliance Stores, Building Materials and Supplies Dealers, Lawn and Garden Equipment and Supplies Stores, Grocery Stores, Specialty Food Stores, Beer, Wine and Liquor Stores, Health and Personal Care Stores, Clothing Stores, Shoe Stores, Jewelry, Luggage and Leather Goods Stores, Sporting Goods, Hobby and Musical Instruments Stores, Book Stores and News Dealers, Miscellaneous Store Retailers, Taxi and Limousine Service, Motor Vehicle Towing, Information Industries – except Internet, Finance and Insurance, Offices of Real Estate Agents and Leasing Services, Machinery and Equipment Rental and Leasing, Professional, Scientific, and Technical Services, Management of Companies and Enterprises, Administrative and Support Services, Health Care Services, Social Assistance Services, Performing Arts Companies, Fitness and Recreational Sports Centers, Public Recreational Park, Facility or Trail, Food Services and Drinking Places, Repair and Maintenance, Personal Care Services, Dry-cleaning and Laundry Services, Other Personal Services, Grant making, Civic, and Professional, and Similar Organizations.

HDJ's land use planner provided land use assumptions from the above noted outright permitted uses. For this proposal, the best and highest use for the land is the basis for this analysis. Based upon HDJ experience, building sizes have been noted, taking into consideration: zoning, similar settings, single story buildings, and percent of land coverage with setback rules.

Trip generation estimates were prepared for the proposed development (Appendix A).



**Table 5 –  
Trip Generation Comparison**

Existing Zoning and ITE Code	Units	Daily	Weekday AM Peak Hour		
			Total	In	Out
General Commercial (Permitted Outright Use) Fast Food Drive-through with Window (934)	8.0	1,736	114	60	54
General Commercial (Permitted Outright Use) Specialty Retail (826)	3.5	355	22	10	12
Proposed Zoning and ITE Code	Units	Daily	Weekday AM Peak Hour		
			Total	Total	Total
Single-Family Dwelling (210)	38	362	29	7	21
<b>Net Change in Trips</b>		<b>-1,729</b>	<b>-107</b>	<b>-63</b>	<b>-45</b>

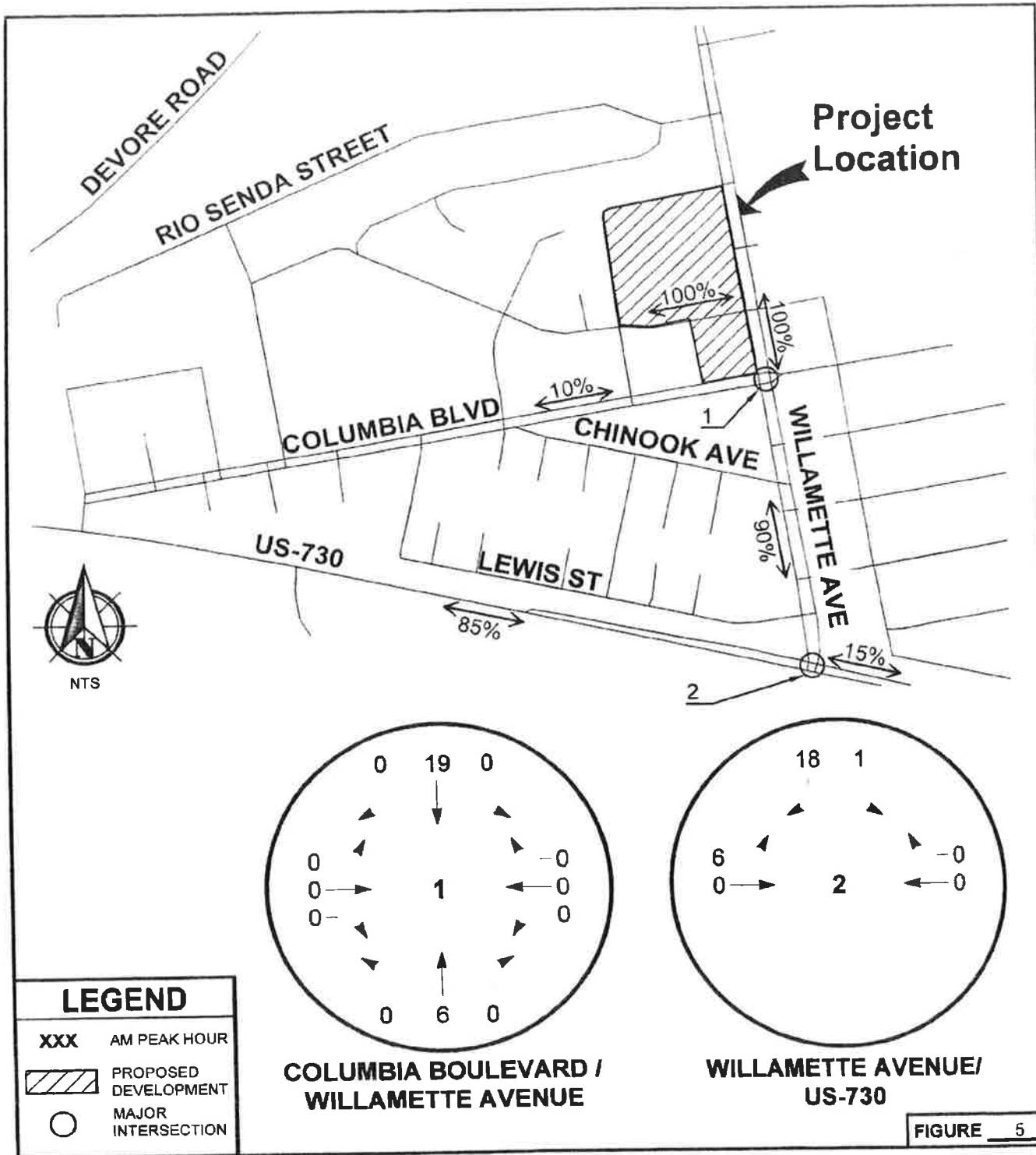
***Trip Distribution***

The trip distribution is based on the existing travel patterns in the area, discussions with City staff, and engineering judgment. The development will utilize US 730 for outgoing and incoming trips. Site generated trips and distribution are shown in Figure 6.

**PROPOSED INFRASTRUCTURE**

***Roadways and Intersections***

Recently the City completed a safe routes to schools project in the vicinity of the proposal. There are no other current or planned projects for this area.



LEGEND	
XXX	AM PEAK HOUR
	PROPOSED DEVELOPMENT
	MAJOR INTERSECTION

**COLUMBIA BOULEVARD / WILLAMETTE AVENUE**

**WILLAMETTE AVENUE / US-730**

**FIGURE 5**

**HDI**  
**DESIGN GROUP**  
engineers landscape architects planners surveyors

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**2036 Site Generated Trips and Distribution**  
**John Day Street Rezone - TIA**

# CAPACITY ANALYSIS

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## DESCRIPTION

Traffic operations were assessed in terms of level of service (LOS). LOS is a concept that was developed by transportation engineers to qualify the level of operation of intersections and roadways (Highway Capacity Manual, Reference 1). LOS measures are classified in grades "A" through "F" indicating a range of operation. LOS "A" signifies the best level of operation, while "F" represents the worst.

LOS at un-signalized intersections is quantified in terms of average delay per vehicle. A LOS "A" reflects full freedom of operation for a driver while a LOS "F" represents operational failure. The criteria is based on the theory of gap acceptance for side street stop sign controlled approaches. A detailed description of LOS criteria is provided in Appendix C.

Generally, LOS "D" is considered the threshold of acceptable operation for existing signalized and roundabout intersections. The City of Kennewick's policy on LOS was used in this Traffic Impact Analysis. Per this policy, LOS "D" in the peak hour is considered the minimum acceptable operation at existing signalized and roundabout intersections and for the five (5) year design horizon for new signalized and roundabout intersections. LOS "E" and at times LOS "F", is acceptable for un-signalized minor street approaches.

## ANALYSIS METHODOLOGY

Traffic impacts were estimated to determine the extent of change in traffic conditions caused by the development of this project. In order to make this determination, the following assumptions were employed:

- *The development will be complete in 2016.*
- *Existing background traffic on the study area's major roadways will grow by 2.0% per year.*
- *Traffic generation estimates for the project have been prepared for a 20 year (2036) build-out period. These estimates were prepared for the weekday AM peak hour of the surrounding street system. The AM peak hour was chosen for analysis due to the near-by school's trip generation making AM volumes greater than PM volumes in the vicinity of the proposal.*
- *Geometric design changes at the major intersections, and background traffic volumes on the surrounding street system have been determined prior to adding the traffic impacts of the proposed project. This was done to establish a baseline for measurement of the incremental impact of the project at the time of its development. Background traffic volume estimates were prepared for the 20 year build out period.*

- The analysis used the AM peak hour due to the substantial school vehicle and pedestrian traffic in the vicinity.
- Cumulative traffic impacts of the proposed project were then determined by superimposing the project-generated traffic onto the background PM peak traffic and then analyzed.
- Roadway improvements have been addressed at appropriate intersections to maintain acceptable levels of operation. This procedure was conducted for non-project and project-related impacts.

The current LOS at the study area's intersections that have been evaluated for the previously defined PM peak hours. The calculations can be found in Appendix D. The findings are listed in Table 6.

**LEVEL OF SERVICE ANALYSIS**

***Existing Conditions***

**Table 6 – Existing 2015 LOS  
For Study Area Intersections**

INTERSECTION	Existing		
	Delay (sec)	CM*	LOS
Columbia Boulevard / Willamette Avenue	12.9	WB	B
Willamette Avenue / US 730	10.4	SB	B

\*CM = Critical Movement

As shown in Table 6, all studied intersections currently do operate at an acceptable level of service according to the City of Umatilla Level of Service Standards.

***2016 Design Year Conditions***

**Table 7 – Estimated 2016 LOS  
For Study Area Intersections**

INTERSECTION	2016 Weekday AM Peak Hour Level of Service					
	W/O Project			With Project		
	Delay (sec)	CM*	LOS	Delay (sec)	CM*	LOS
Columbia Boulevard / Willamette Avenue	13.0	WB	B	13.4	WB	B
Willamette Avenue / US 730	10.5	SB	B	10.6	SB	B

\*CM = Critical Movement

As shown in Table 7, all studied intersections will operate at an acceptable level of service according to the City of Umatilla Level of Service Standards in 2016 without and with the project.

**2036 Design Year Conditions**

**Table 8 – Estimated 2036 LOS  
For Study Area Intersections**

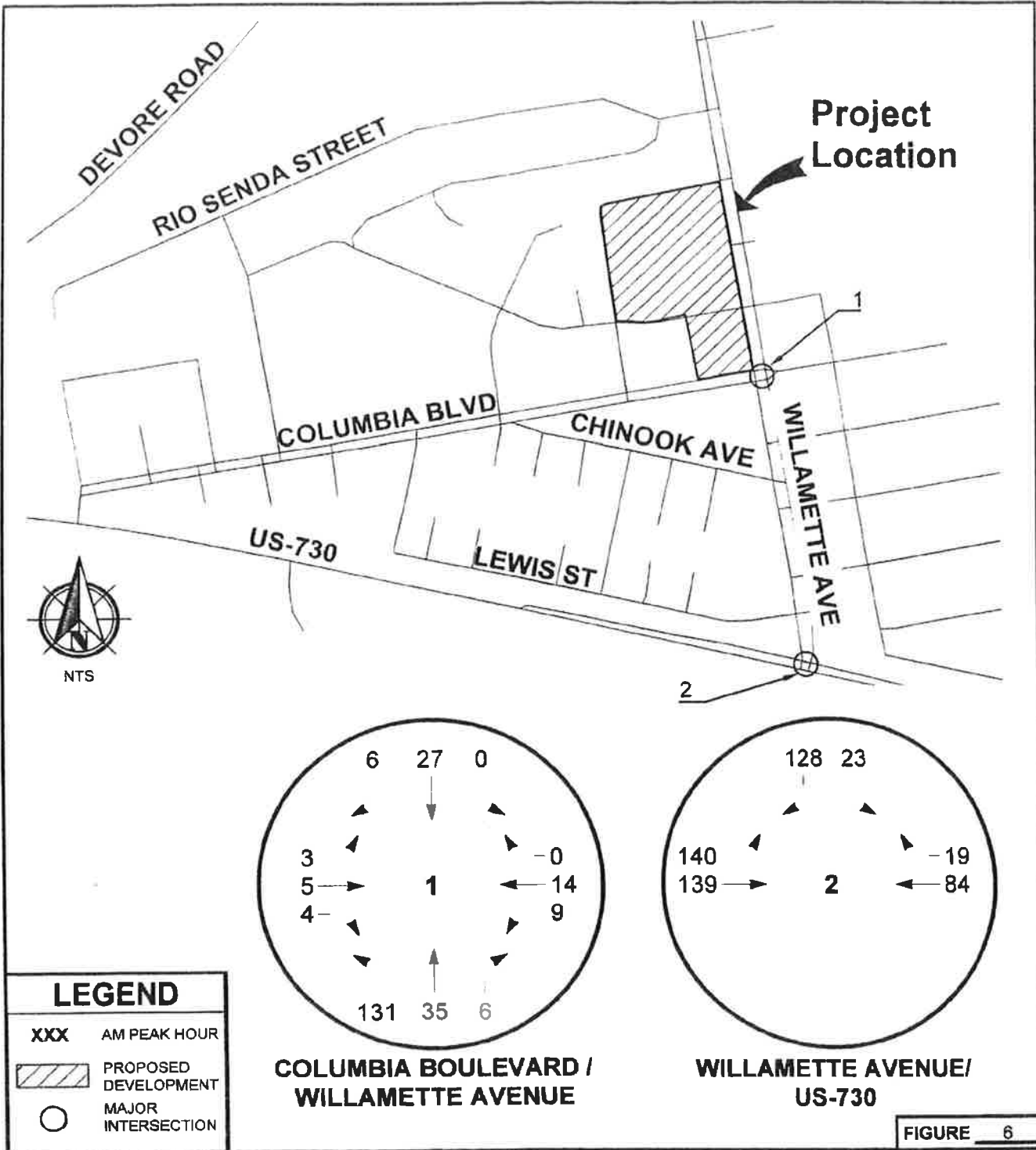
INTERSECTION	2036 Weekday AM Peak Hour Level of Service								
	W/O Project			With Project			With Current Zoning		
	Delay (sec)	CM*	LOS	Delay (sec)	CM*	LOS	Delay (sec)	CM*	LOS
Columbia Boulevard / Willamette Avenue	16.2	WB	C	16.9	WB	C	24.2	WB	C
Willamette Avenue / US 730	12.5	SB	B	12.8	SB	B	19.1	SB	C

\*CM = Critical Movement

The results of the analysis are based on the current roadway conditions with no mitigation proposed.

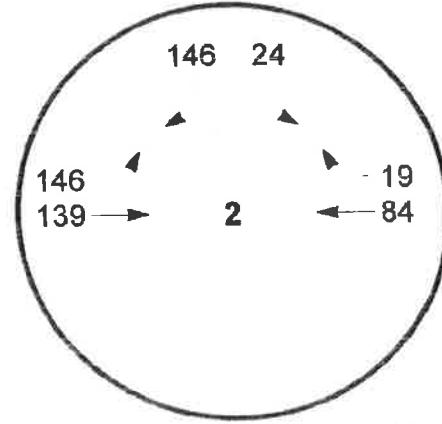
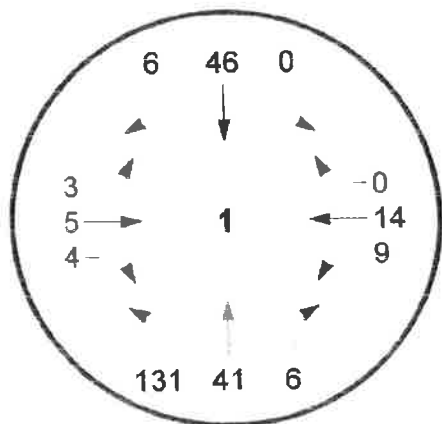
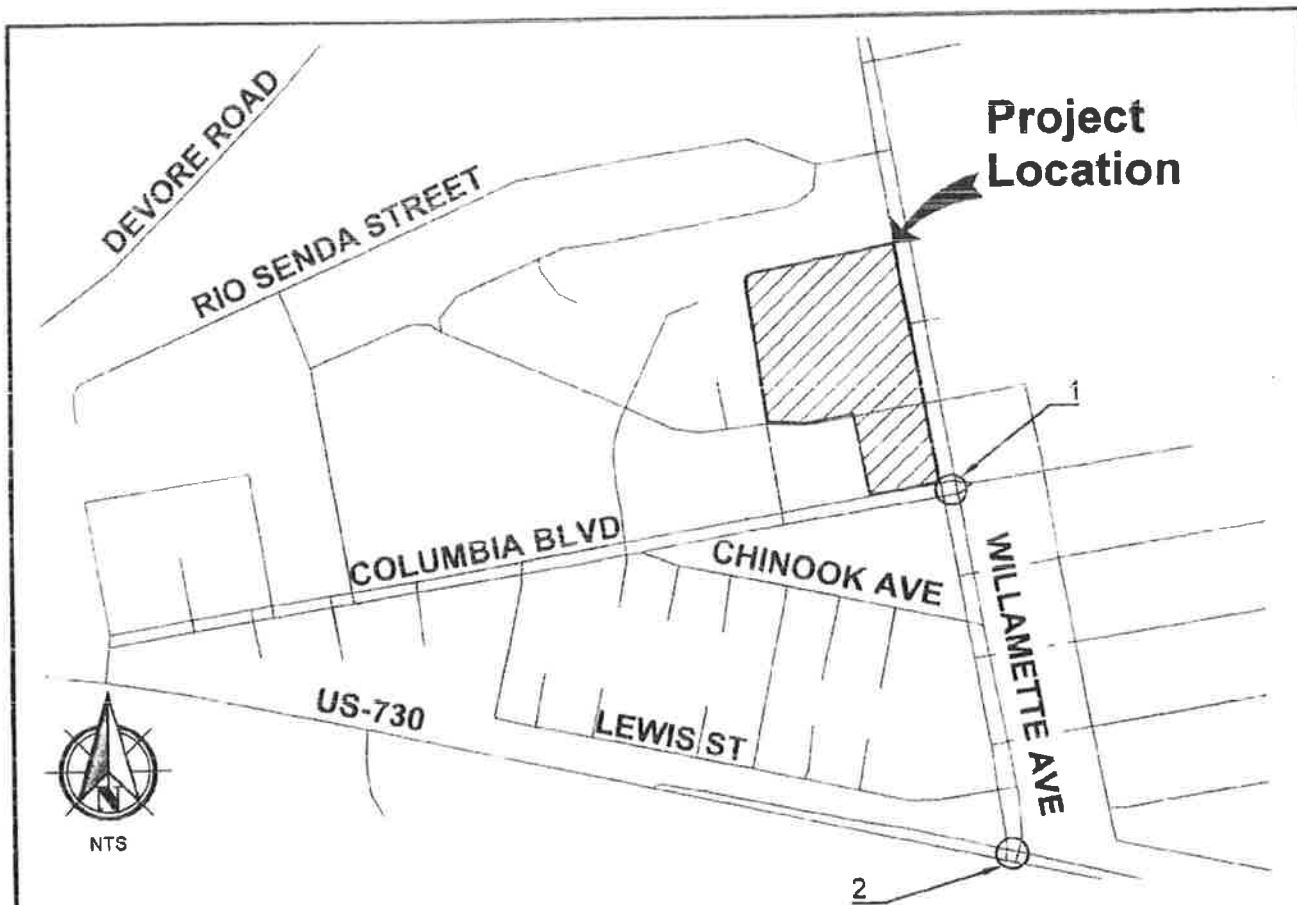
With the proposed zoning change, the intersection LOS operation is estimated to have greater capacity than with the current zoning, the associated volumes are shown on Figure 10.

As shown in Table 8, all studied intersections will operate at an acceptable level of service according to the City of Umatilla Level of Service Standards in 2036 without and with the project.



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**2016 Peak Hour Volumes Without Project**  
**John Day Street Rezone - TIA**



**LEGEND**

XXX AM PEAK HOUR

PROPOSED DEVELOPMENT

MAJOR INTERSECTION

**COLUMBIA BOULEVARD / WILLAMETTE AVENUE**

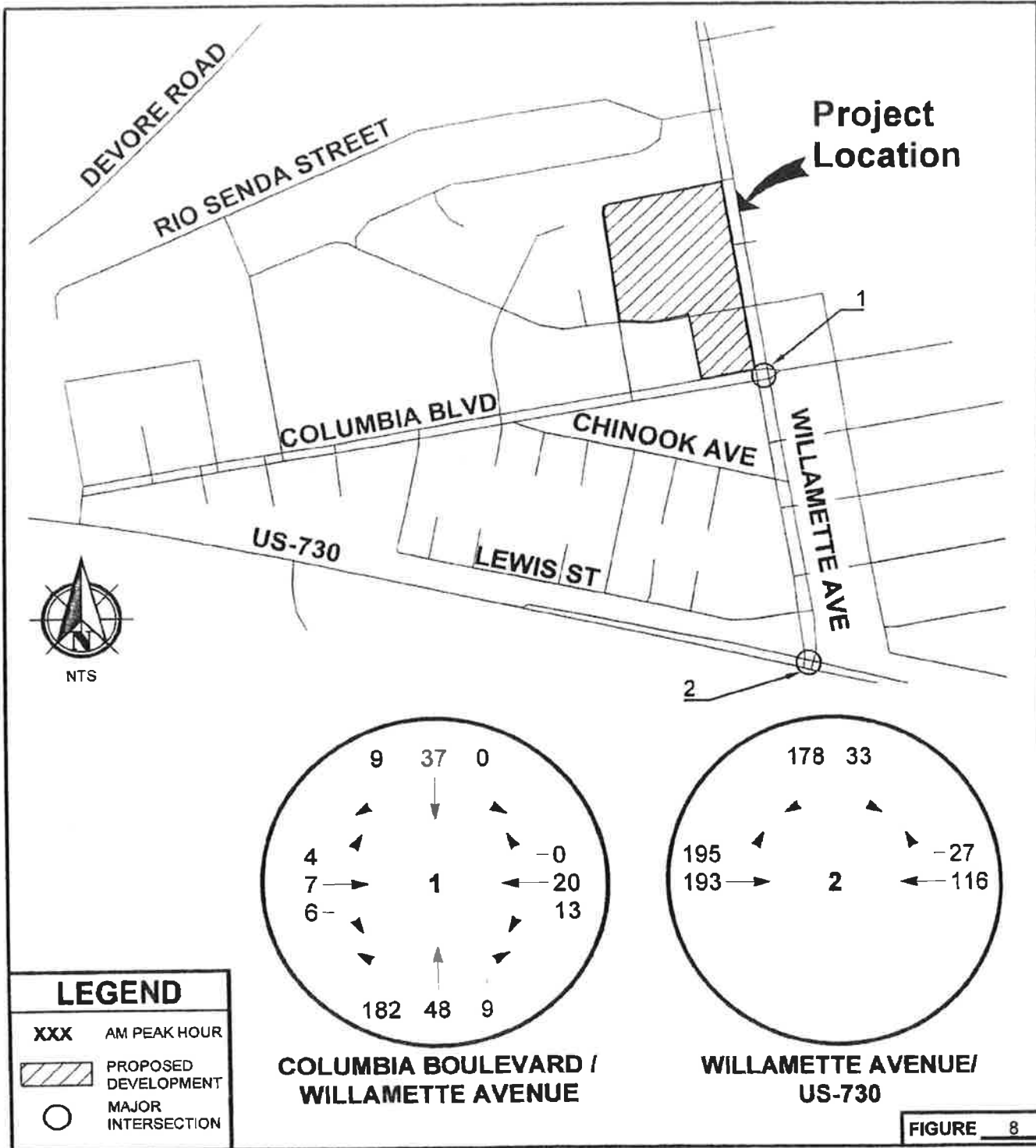
**WILLAMETTE AVENUE / US-730**

**FIGURE 7**

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**2016 AM Peak Hour Volumes With Project  
 John Day Street Rezone - TIA**

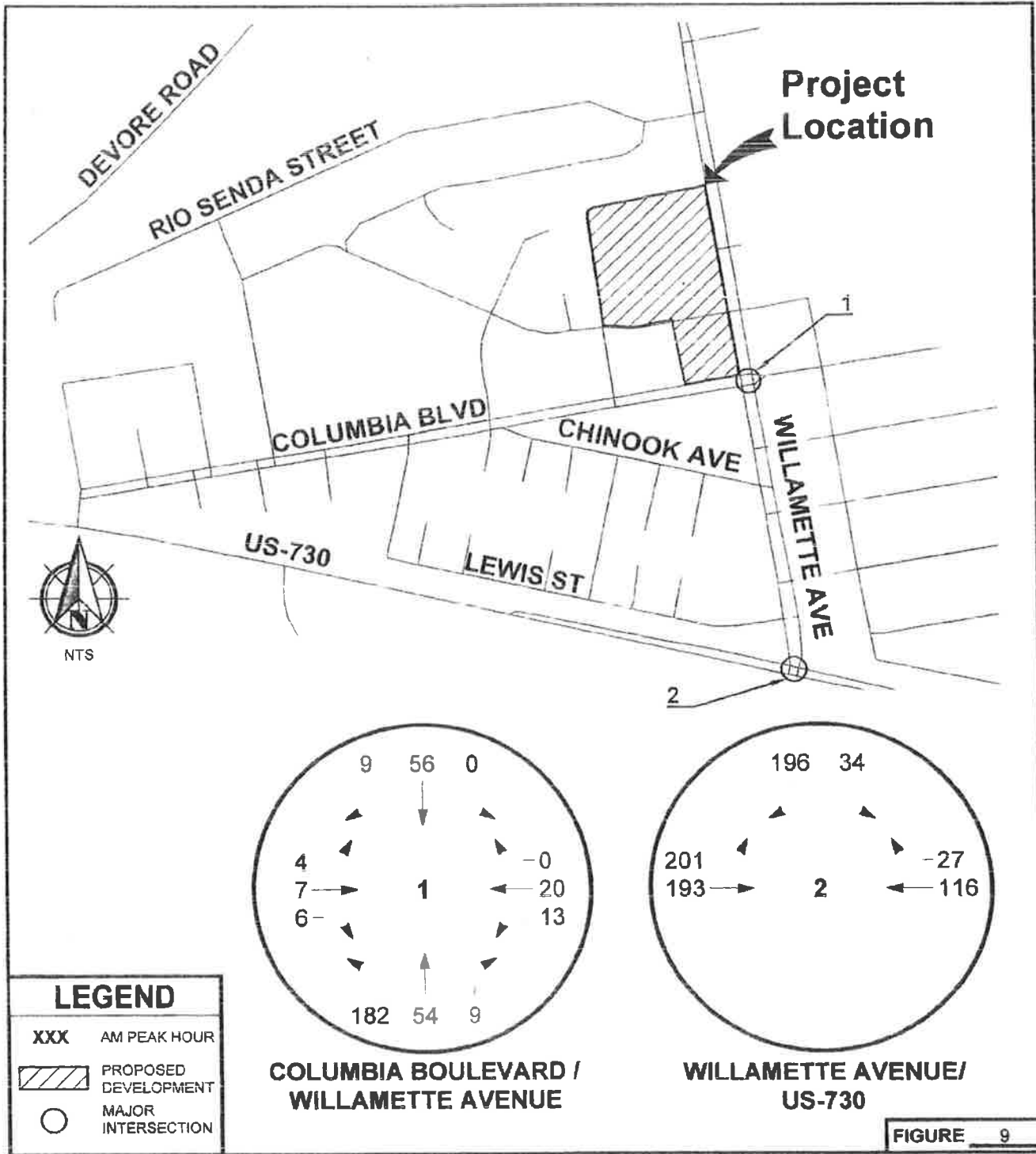


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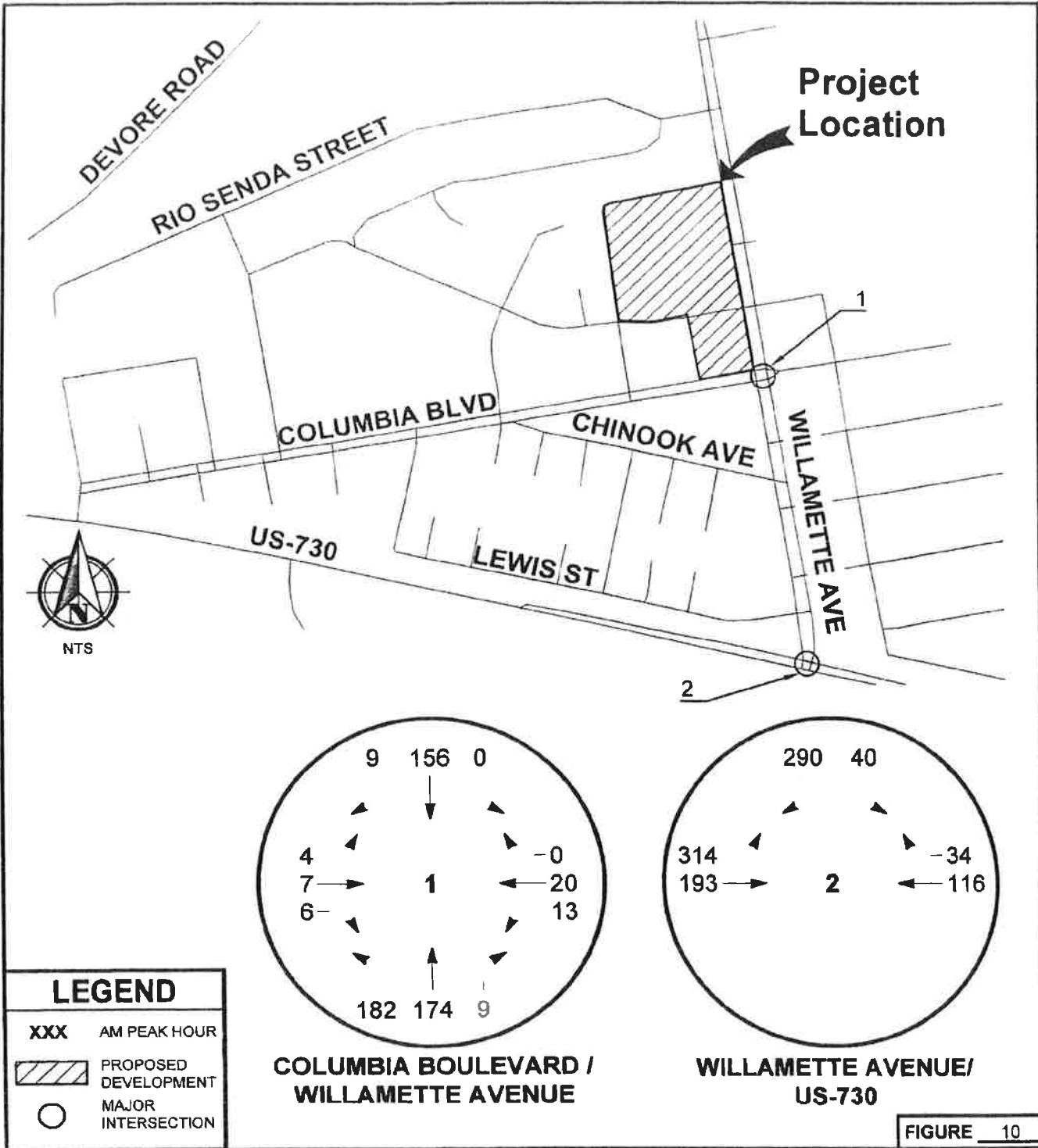
**2036 AM Peak Hour Volumes Without Project**  
**John Day Street Rezone - TIA**





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**2036 AM Peak Hour Volumes With Project  
 John Day Street Rezone - TIA**



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**2036 AM Future Volumes With Current Zoning  
John Day Street Rezone - TIA**

## ***SAFETY ANALYSIS***

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### **LEFT TURN STORAGE AND QUEUING ANALYSIS**

The need for left turns was evaluated at the studied intersections. Left turn lanes are typically justified based on either safety or capacity. The capacity analysis identifies the need for left turns at STOP or signal controlled intersections. Safety is usually the major justification for left turn lanes on uncontrolled legs of an intersection.

The criteria for the analysis of turn lanes at intersection legs are based on the ODOT Analysis Procedure Manual Version 1. There is an existing left turn lane from EB US 730 onto Willamette Avenue. The left turn volumes are low and the limited queuing, less than one car (25 feet), does not exceed the existing approximately 175 feet of storage.

The remaining study intersections also have low volumes of left turns and limited queuing, less than one car (25 feet), there are no collisions along the local streets within the study area, thus no further left turn lane or storage analysis is recommended.

### **RIGHT TURN LANE ANALYSIS**

For high speed roadways such as US 730 with a posted speed limit of 55 MPH, a right turn lane allows for right turning traffic to decelerate outside the through lane. This can prevent rear-end collisions and minimize disruption to through traffic.

The right turn volumes are low and the limited queuing, less than one car (25 feet), does not meet the criteria for the installation of a right turn lane. The remaining study intersections also have low volumes of right turns and limited queuing, less than one car (25 feet).

The need for right turns was evaluated at the studied intersections. The level of service and traffic safety at the US 730/Willamette Avenue intersection was reviewed for the need of a right turn lane.

According to the ODOT Analysis Procedure Manual Version 1, the right turn lane criterion is not met for the year of opening and design horizon year for the proposal based on low volume of right turning traffic in the study area. There are no collisions along the local streets within the study area, thus no further left turn lane or storage analysis is recommended.

## COLLISION ANALYSIS

Collision data (9/2009 to 8/2014) was obtained from ODOT. The detailed collision data can be found in Appendix E. A summary of the data is shown in Table 8.

**Table 9 – Collision Analysis  
John Day Street Rezone  
Study Intersections (8/2009 to 8/2014)**

<b>COLLISION TYPE</b>	<b>US 730 / Willamette Avenue</b>	<b>Columbia Boulevard / Willamette Avenue</b>	<b>John Day Street / Willamette Avenue</b>
Rear-end	0	0	0
Entering at angle	1	0	0
Opposite direction – both going straight	1	0	0
Opposite direction – one turn - one straight	1	0	0
Opposite direction – one stopped	1	0	0
Sideswipe	0	0	0
Approach turn	0	0	0
Vehicle bicycle	0	0	0
Fixed Object	2	0	0
<b>TOTAL COLLISIONS</b>	<b>6</b>	<b>0</b>	<b>0</b>

Five full years of collision data from ODOT was analyzed for this report. Both the total number of collisions and the frequency of collisions are low and no further analysis is recommended. This can be contributed to a very low volumes crossing US 395 at both studied intersections.

## TRANSIT, PEDESTRIAN, AND BICYCLE FACILITIES

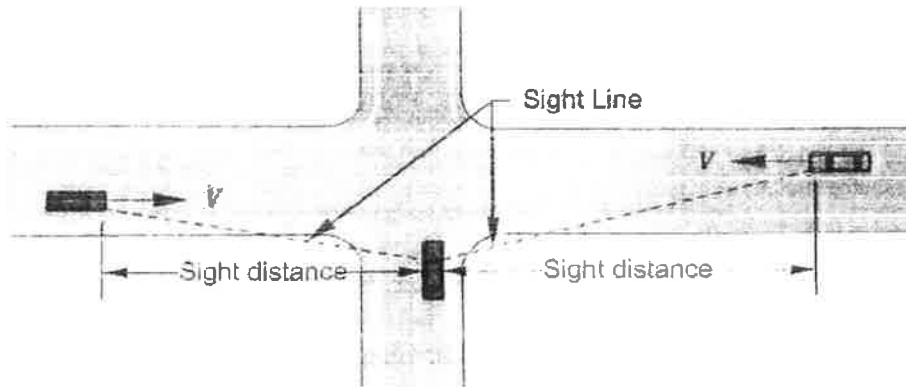
The City of Umatilla does not provide transit services. The Confederated Tribes of the Umatilla Indian Reservation provides limited transit services. The “Hermiston Hopper” bus stops are not in the vicinity of the proposal.

Although traditional residential destinations are not in close proximity to the John Day Street Rezone site, the pedestrian and bicycle activity to and from the site is anticipated to be moderate, as there is a nearby school, convenience store, access to Lake Wallula, and a golf course.

The traffic count noted 10 (ten) pedestrians crossing Willamette Avenue at Columbia Boulevard. They are likely destined to McNary Elementary School. The intersection has a marked crosswalk with a pedestrian refuge island, good sight distance and advance warning signs.

### SIGHT DISTANCE AT SITE ACCESS LOCATIONS

The proposed site access points onto US 730 and Columbia Boulevard has over 600 feet of sight distance to the west and east.



The minimum sight distance for 55 MPH is 495 feet. This exceeds stopping and intersection sight distances for AASHTO based on the approaching speed of vehicles (55 MPH). With over 600 feet of sight distance both north and south, no sight distance issues are anticipated with the site access intersection.

All of the local streets are 25 MPH. The minimum sight distance for 25 MPH is 152 feet per AASHTO. The local streets and future access connection have well over 300 feet of sight distance in all directions.

In order to maintain the required AASHTO sight distances, it is recommended that no obstacles that would impair the drivers vision be placed within the sight distance triangle (made by the sight distance and sight line) noted above.

## ***STUDY CONCLUSIONS***

---

The findings of the Traffic Impact Analysis are listed below:

1. Based on the change in zoning from General Commercial (GC) to Single Family Dwelling (R1), the proposed project will not significantly affect existing or planned transportation facilities.
2. The background annual growth rate of 2.0% is expected in the area.
3. Based on the change in zoning from GC to R1, the proposed development of single family dwellings level of service (LOS) in 2036 is estimated at LOS B at the intersection of US 730 and Willamette Avenue and LOS C at the intersection of Columbia Boulevard and Willamette Avenue. The estimated 2036 LOS is estimated at LOS C at the intersection of US 730 and Willamette Avenue and LOS C at the intersection of Columbia Boulevard and Willamette Avenue for the current zoning.
4. Both the Columbia Boulevard and Willamette Avenue/US 730 intersections will operate within acceptable capacity levels with the rezoning of the properties along John Day Street in the design horizon year of 2036.
5. The 2010-2015 collision history at the study intersections was reviewed. The number, frequency, and severity of collisions are low, thus no further analysis is recommended.
6. The ODOT criterion for right and left turn lanes is not met, thus no further analysis is recommended.
7. There is no scheduled public transit within typical walking distances. There is a “flag stop” at the McNary Market, near the proposed development, where passengers of the Hermiston Hopper may de-board. This location is not currently scheduled for passenger pick-up service. It is not anticipated that there will be a regularly scheduled bus route due to this proposal.
8. Willamette Avenue and Columbia Boulevard are two lane streets with a median, some sidewalks, and no shoulders. Willamette Avenue does not have bike lanes, while Columbia Boulevard does. John Day Street is an unstriped, approximately 24 foot wide street, with sidewalk on the south side and no shoulders.
9. Future connections to John Day Street and Columbia Boulevard shall be constructed to meet AASHTO requirements for stopping and intersection sight distance. No sight distance issues are anticipated at the site access points.

## ***PROJECT-RELATED IMPROVEMENTS***

---

The Traffic Analysis supports the following improvements:

Design the site access points to John Day Street and Columbia Boulevard to follow AASHTO requirements for stopping and intersection sight distance.

Do not install objects within the sight distance triangle that would block the drivers view exiting the site onto John Day Street or Columbia Boulevard.

Sidewalks along the frontage of John Day Street and inside the development are recommended. All sidewalks and driveways constructed for this development will need to be Americans with Disabilities Act (ADA) compliant.

No other improvements are recommended.

**ORDINANCE NO. 827**

**AN ORDINANCE AMENDING THE CITY OF UMATILLA COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE PLAN DESIGNATION OF 1.93 ACRES FROM McNARY CENTER MIXED-USE COMMERCIAL (MC) TO SINGLE-FAMILY RESIDENTIAL (R-1)**

**WHEREAS**, Fastrack, Inc. made application for a plan amendment/zone change to change the plan designations on 1.93-acres of property in the McNary Center Mixed Use Commercial (MC) to Single-Family Residential (R-1); and

**WHEREAS**, the City of Umatilla Planning Commission duly considered the goals and policies of the Comprehensive Plan and requirements of the Zoning Ordinance as those applied to the application during a public hearing held on February 27, 2018 and subsequently recommended approval of the request to the City Council; and

**WHEREAS**, the Umatilla City Council conducted a public hearing on April 3, 2018 to consider the Planning Commission’s recommendation for application PA-1-18 and adopted the Planning Commission’s findings and conclusions as its own in approving the application, as contained in the *Umatilla City Council Report and Decision for Plan Amendment PA-1-18*.

**NOW THEREFORE, THE CITY OF UMATILLA DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The Umatilla City Council does hereby adopt the findings and conclusions recommended by the City Planning Commission as its own in support of this ordinance amendment to the Umatilla Comprehensive Plan and Zoning Map, as contained in the *Umatilla City Council Report and Decision for Plan Amendment, PA-1-18*.

**Section 2. Comprehensive Plan and Zoning Map Amendment.** The Comprehensive Plan and Zoning Map designation for the 1.93-acre property, as shown in Exhibit A attached to this Ordinance, is amended to reflect the City of Umatilla’s Single-Family Residential (R-1) Zone.

**Section 3. Setting the final boundary.** The final boundary of the property for which plan amendment/zone change are approved for change herein are commonly referred to as Tax Lots 2103, 2104, 3500, 3600 and 3700 on Assessor’s Map 5N2815AA and are legally described as follows:

- Tax Lot 2103:** City of Umatilla, Virginia’s Place, Tract B, Umatilla County, Oregon.
- Tax Lot 2104:** City of Umatilla, Virginia’s Place, Tract A, Umatilla County, Oregon.
- Tax Lot 3500:** City of Umatilla, Virginia’s Place, Tract E, Umatilla County, Oregon.
- Tax Lot 3600:** City of Umatilla, Virginia’s Place, Tract D, Umatilla County, Oregon.
- Tax Lot 3700:** City of Umatilla, Virginia’s Place, Tract C, Umatilla County, Oregon.

**ADOPTED** by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Council members voting yes: \_\_\_\_\_

Council members voting no: \_\_\_\_\_



Absent Council members: \_\_\_\_\_

Abstaining Council members: \_\_\_\_\_

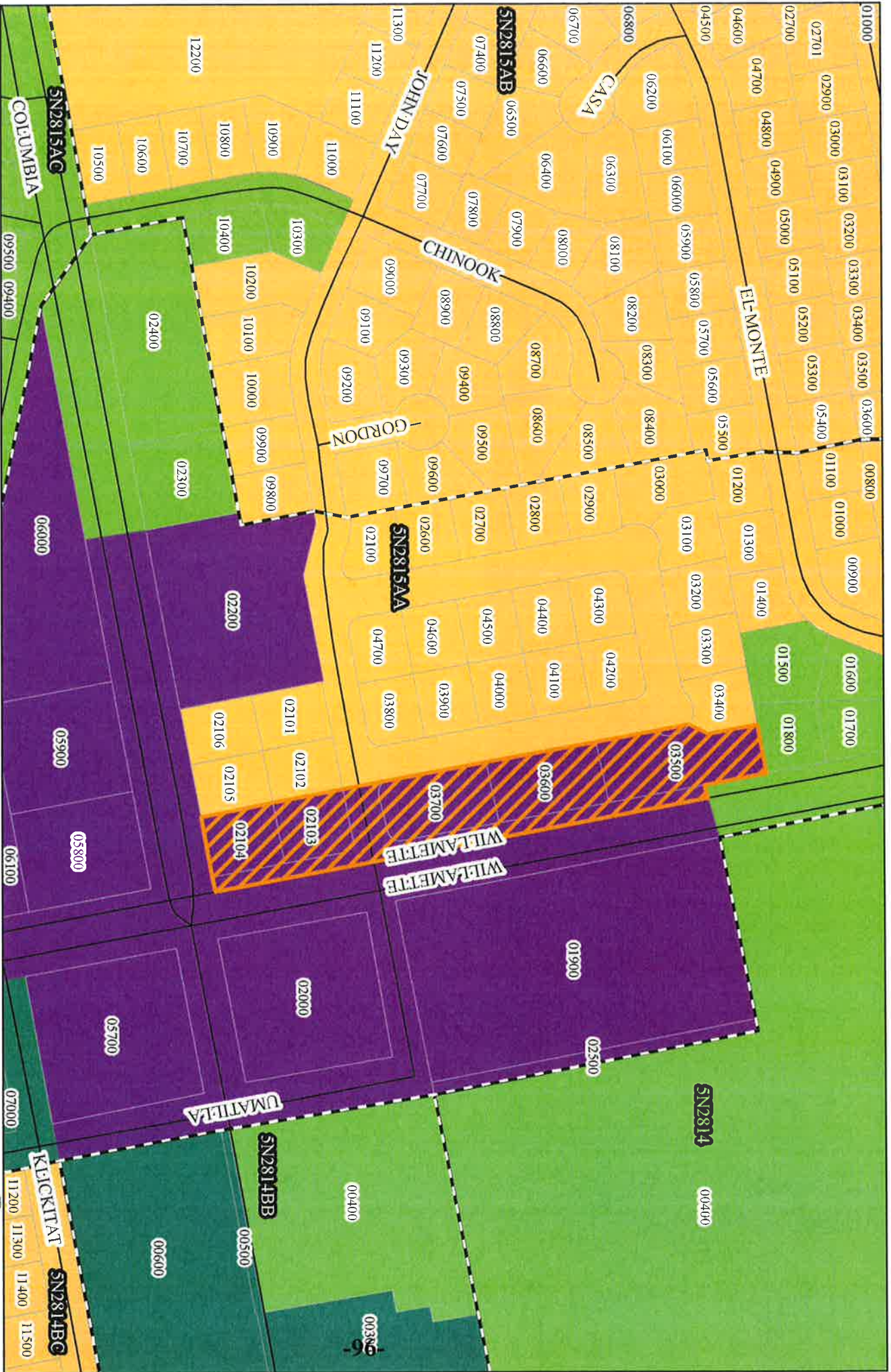
\_\_\_\_\_

And **SIGNED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Daren Dufloth, Mayor

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder



**Legend**

-  Proposed Single-Family Residential
-  McNary Center Commercial
-  Single-Family Residential
-  Medium Density Residential
-  Multi-Family Residential
-  Assessor's Maps
-  Tax Lots
-  Streets

**ORD NO. 827  
EXHIBIT A**



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use.  
Created by Brandon Seitz, on 3/26/2018

**UMATILLA CITY COUNCIL  
REPORT AND RECOMMENDATION  
FOR  
STREET VACATION SV-1-2017**

**STAFF REPORT DATE:** February 16, 2018

**REPORT PREPARED BY:** Brandon Seitz, City Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicants:** Clyde Nobles  
650 Monroe Street  
Umatilla, OR 97882

**Type of Review:** Petition for Vacation of Public Street

**Area Requested for Vacation:** That portion of G Street lying south of 8<sup>th</sup> street and alley lying west of H Street.

**II. NATURE OF REQUEST/APPLICABLE STATE REGULATIONS;  
COMPREHENSIVE PLAN AND ZONING ORDINANCE PROVISIONS**

The applicant, Clyde Nobles, request approval to vacate a portion of G Street and the attached alley. The City of Umatilla does not have review standards or procedures adopted as part of its municipal code and must follow the requirements under ORS Chapter 271 for considering a request to vacate a street or public way. To the extent that any Comprehensive Plan policies or provisions apply to the request, such as the street being identified as a necessary component of the transportation system plan, such factors must be considered when deciding whether to approve or deny the request. Under ORS chapter 271, approval or denial of a request for a street vacation is not a land use decision and cannot be appealed as such. However, pursuant to ORS 271.130(4) any property owner affected by a decision approving a vacation may appeal the City's decision to circuit court.

**III. Analysis**

**ORS Chapter 217**

ORS Chapter 271 addresses the requirements and procedures for any person seeking to vacate a street and the review standards on which a decision to approve or deny a request must be based. The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

**ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.**

- (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of

the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

- (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

**Findings:** The applicant submitted a street vacation request petitioning the City to vacate a portion of G Street and the attached alley (see Exhibit A). The applicant owns the property on both sides of G street and intends to establish attached single-family dwellings on the west side of G street and a multi-family unit on the east side.

City staff mapped and identified the abutting property and the affected properties as defined by ORS 271.080(2). The applicant submitted written consents to vacation forms for 27 of the 40 the property owners within the affected area.

**Conclusion:** The applicant petitioned the City for the proposed street vacation and submitted the written consent of all of the abutting property owners and not less than two-thirds of the affected property owners.

### **ORS 271.110 Notice of hearing.**

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been

ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

**Findings:** The City's official newspaper for providing public notice is the East Oregonian. The City published a notice of the application for the proposed street vacation in the East Oregonian on February 13, 2018 and February 20, 2018. On February 13, 2018, the City posted a public notice of street vacation signs at each end of the area proposed to be vacated. The initial hearing before the City Planning Commission will be held on February 27, 2018.

The applicant paid a \$300.00 application fee for a proposed street vacation. The City will include a condition of approval to invoice the applicant for the remained of the cost incurred by the City as a result of publishing the required notices.

**Conclusion:** The City published in the East Oregonian notice of the proposed street vacation once each week for two consecutive weeks prior to the hearing and posted public notice of street vacation signs at each end of the area proposed to be vacated. The City will impose a condition of approval that the applicant must reimburse the City for the difference between the amount paid and the total cost incurred by the City.

#### **ORS 271.120 Hearing; determination**

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

**Findings:** The required consent of two-thirds of the owners within the affected area and public notice requirement were addressed and found to be met. In order to complete review of this provision, the City must decide whether the "public interest will be prejudiced by the vacation" if approved, and whether any reservations are necessary to protect the public interest.

**Conclusion:** Based on the evidence submitted with the application, and staff analysis of the potential effects to adjacent and nearby properties that could result from vacating the section of G Street and adjoin alley proposed by the applicants, it does not appear the public interest will be prejudiced by the vacation. However, the City needs to reserve an easement for the existing sewer lines that cross the vacated area and limit the placement of permanent structures to no less than five feet from the easement on either side. To ensure the public's interest is best served and to avoid potential conflicts as future development of the area occurs, the applicants will be required to submit a survey map, prepared by an Oregon Registered Professional Land Surveyor, showing the vacated area and the location of the existing sewer line with easement language acceptable to the City.

## **B. City of Umatilla Comprehensive Plan**

To the extent that any Comprehensive Plan policies, transportation system plans or other plan provisions apply to the area proposed for vacation, the City must give consideration to those in determining whether the public interest will be prejudiced or whether any reservations are necessary.

**Findings:** City staff reviewed the pertinent portions of the Comprehensive Plan, most notably Goal 11 (Public Services and Facilities) and Goal 12 (Transportation). The City has an existing sewer lines that crosses the portion of G Street and the alley proposed to be vacated. The existing sewer line is included as part of the Comprehensive Plan inventory of the City's sewer system. If the City approves the proposed street vacation, an easement must be reserved for the sewer lines to provide for its continued existence and maintenance.

**Conclusion:** Provided the City reserves an easement for the existing sewer lines that run through the area proposed to be vacated, sufficient to allow for access to, and for maintenance and upgrades to the sewer line, no Comprehensive Plan or implementing provisions of the Plan will be adversely affected by approving the vacation of the portion of G Street and attached alley proposed to be vacated.

## **IV. SUMMARY AND RECOMMENDATION**

The applicant, Clyde Nobles, has met the procedural requirements for their request to vacate a portion of G Street and the adjoining alley. In addition, the City finds the area proposed to be vacated is not needed by the public, except for an easement for existing sewer lines that serves the surrounding area.

Therefore, based on the information in Sections I and II of this report, and the applicable State and City regulations, findings of fact and conclusions contained in Section III, the Umatilla City Planning Commission recommends approval of this request, SV-1-2017, to vacate a portion of G Street and attached alley subject to the conditions under Section V of this report.

## **V. CONDITIONS OF APPROVAL**

1. The applicant must reimburse the City of Umatilla for all costs in excess of the \$300.00 application fee related to publishing and providing public notice of the proposed street vacation, and for recording the subsequent ordinance with the Umatilla County Records Office.
2. The applicant shall be required to establish an easement to run with the land for access to the City's existing sewer lines for maintenance, repair or replacement by the City of Umatilla Public Works employees or contractor.
2. The applicants shall have one year from the date of this approval to complete all subsequent requirements for recording the ordinance adopted by the City Council that is necessary to give legal effect to the street vacation.
3. Failure to comply with all conditions of approval contained in Section V of this report will result in nullification of the approval granted herein.

**VI. EXHIBITS**

Exhibit A – Map showing area of street proposed to be vacated

Exhibit B – Signed consent to vacation forms

Exhibit C – Letter to City Council from Alice Bryan

Exhibit D – Email from Steven Potts, Fire Chief, Umatilla Rural Fire Protection District





Exhibit B

CONSENT TO VACATION

I (We) Clyde Nobles Clyde Nobles, am (are) the owner(s) of real property known as (Legal Description) Tax Lots 9000, 8900, 10300 and 10400 (Address) \_\_\_\_\_, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9<sup>th</sup> day of November, 2017.

Clyde Nobles  
CLYDE NOBLES

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Betty Nobles Betty Nobles, am (are) the owner(s) of real property known as (Legal Description) Tax Lots 9000, 8900, 10300 and 10400 (Address) \_\_\_\_\_, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 9<sup>th</sup> day of November, 2017.

Betty Nobles  
BETTY NOBLES

Street Vacation Consent

CONSENT TO VACATION

I (We), Jaime Campos & Elodia Banez C., am (are) the owner(s) of real property known as (Legal Description) 10500 + 10700 (Address) 720 8th St,

affected by the proposed vacation of property described as follows:

G Street south of 8th Street and the connecting alley in Umatilla Oregon

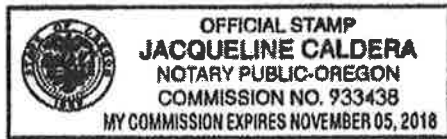
I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 7 day of November, 2017.

Jaime Campos  
Elodia Banez C.

State of Oregon )  
County of Umatilla )

Personally appeared before me the above named Jaime Campos & Elodia Banez C. and acknowledged the foregoing instrument to be Consent Vacation voluntary act and deed.



(SEAL)

J. Caldera  
Notary Public of Oregon

My Commission Expires: 11-05-18

\*Note: Affected property is the land lying on either side of the street, or portion thereof, proposed to be vacated and extending laterally to the next parallel street (up to 200 feet), and extending for a lateral distance of 400 feet on both sides of the street along its course beyond the part proposed to be vacated.

**CONSENT TO VACATION**

I (We), Alice Bryan \_\_\_\_\_, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 1093 (Address) 314 "H" St Umatilla, OR, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 15<sup>th</sup> day of November, 2017.

[Signature]  
\_\_\_\_\_

**Street Vacation Consent**

State of New Mexico  
County of Sierra

Alice Bryan  
17<sup>th</sup> November, 2017  
15<sup>th</sup>

Signed before me on

[Signature]  
(Signature of notary)

My commission expires: 7/20/2020



OFFICIAL SEAL  
KATY FRANKHOUSE  
NOTARY PUBLIC STATE OF NEW MEXICO  
My commission expires 7/20/2020


**CONSENT TO VACATION**

The City of Umatilla is the owner of real property known as Tax Lots 800, 900 and 1000 on Assessor's map 5N2817 and Tax Lot 3500 on Assessor's map 5N2817BC, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> st. between tax lots 8900 and 10300 including the attached alley running east to H St. this are is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 6<sup>th</sup> day of February, 2018.

  
Dareh Dufloth, Mayor

**CONSENT TO VACATION**

I (We) Fransico Aguiar 631, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 8500 (Address) 631 8TH ST, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 11 day of 20, 20 17.

Fransico Aguiar

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Juanita Trujillo \*New Owner  
~~Rebecca Lynn Wadekamper~~, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 11300 (Address) \_\_\_\_\_, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 4 day of JAN, 2018.  
Juanita Trujillo

**Street Vacation Consent**

Please sign and mail to  
Kelly Nobles  
PO Box 368  
Umatilla, OR 97882

Thank You VERY MUCH!  
Kelly Nobles 541 571 2588  
-109-

**CONSENT TO VACATION**

SKID05 LLC

I (We) Skid05 LLC, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 10100 (Address) 1711 8<sup>th</sup> St Umatilla, OR affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 16<sup>th</sup> day of November, 2017.

Randy Roubell  
Member Skid05 LLC

Street Vacation Consent



**CONSENT TO VACATION**

I (We) Connie Masterson \_\_\_\_\_, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 8300 (Address) 670 7<sup>th</sup> St. Umatilla, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 16<sup>th</sup> day of NOVEMBER, 2017.

Connie K. Masterson  
\_\_\_\_\_

Street Vacation Consent

**CONSENT TO VACATION**

I (We), Segisfredo Garcia, Mirna G, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 9201 (Address) 801 8th St Umatilla, OR, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 15<sup>th</sup> day of November, 2017.

Mirna Garcia  
Segisfredo Garcia

Street Vacation Consent

Cell: (620)-806-2801

Email SG1116@AOL.COM

**CONSENT TO VACATION**

I (We) Martin Montoya Martin Montoya am (are) the owner(s) of real property known as (Legal Description) Tax Lot 8700 (Address) 611 8th St Umatilla OR 97882 affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 15<sup>th</sup> day of November, 2017.

Martin Montoya  
\_\_\_\_\_

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Filipe Resendiz Eleodora, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 9700 (Address) 7007th St., affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 18 day of NOVEMBER, 20 17.

Filipe Resendiz  
Eleodora Carcuera

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Donn Walls Donn Walls, am (are) the owner(s) of real property known as (Legal Description) Tax Lots 8100 (Address) 600 7<sup>th</sup> Street, Umatilla, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 5 day of December, 2017.

Donn B. Walls

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Banner Bank Ralph Benner VP. Real Estate am (are) the owner(s) of real property known as (Legal Description) Tax Lot 4900 (Address) 634 Sixth St. Umatilla OR affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 12<sup>th</sup> day of December, 2017.

Ralph Benner  
VP. Cap Real Estate

Street Vacation Consent

**CONSENT TO VACATION**

Jeff, Merri, Chris Cashman \*New owner

I (We) Cyndi Prewitt, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 11100 (Address) 830 8<sup>th</sup> Street Umatilla, OR 97882, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 5<sup>th</sup> day of January, 20 18.

Jeff Cash  
Merri C. Cashman  
Chris Cashman

Street Vacation Consent

**CONSENT TO VACATION**

I (We) Sylvia Viesca, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 10200 (Address) Sylvia Viesca, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this fourth day of January, 20 18.

Sylvia Viesca  
\_\_\_\_\_

Street Vacation Consent



**CONSENT TO VACATION**

I (We) Guadalupe Barreto, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 10000 (Address) Guadalupe Barreto, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 4 day of Jan, 2013.

Guadalupe Barreto

Street Vacation Consent


**CONSENT TO VACATION**

I (We) Anna Timpy, am (are) the owner(s) of real property known as (Legal Description) Tax Lots 9701 and 5000 (Address) \_\_\_\_\_, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 26 day of January, 2020.

  
\_\_\_\_\_  
ANNA TIMPY

Street Vacation Consent


**CONSENT TO VACATION**

I Mike Filarski (We) Tuscan Lodge #134, am (are) the owner(s) of real property known as (Legal Description) Tax Lot 9800 (Address) 720 7<sup>th</sup> st Umatilla OR. 97882, affected by the proposed vacation of property described as follows:

In the city of Umatilla, the portion of G street running south of 8<sup>th</sup> St. between tax lots 8900 and 10300 including the attached alley running east to H st. This area is indicated in RED on the attached map.

I (We) hereby consent to the vacation of the above described property. If the property is not vacated within six (6) months of the date this consent is signed, my consent shall become null and void.

Dated this 12 day of February, 2018.

  
Michael Filarski *scg*

Street Vacation Consent

## Exhibit C

TO: Umatilla City Council

From: Alice Bryan, property owner @ 814 "H" Street, Umatilla

RE: Nobles street vacation request SV-1-2017

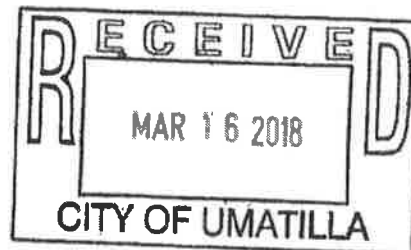
Very pleased that this is going through. The open alley separating both pieces of my property gives too much access for people wandering through during the day or night. I wanted it closed for my safety and security as well as protecting the garage and shed, enclosing them into the yard.

I am in complete agreement with the Nobles' request, although I am unable to attend the April 3<sup>rd</sup> meeting.



Alice Bryan  
P.O. Box 1093  
Elephant Butte, NM 87935  
(575)740-1750

3-12-18



**From:** Steven Potts <steve.potts@umatillafire.org>  
**Sent:** Thursday, March 22, 2018 3:54 PM  
**To:** Brandon Seitz  
**Subject:** Re: Proposed Street Vacation

Brandon,

After speaking with Kelly Nobles and taking a look at the area and considering that the 'vacated' G Street is to become a parking lot area, I believe that along with the access from H Street and South from the City's property, we will have adequate access to appropriately protect those properties.

Therefore, I do not object to vacating the alley between H and G Streets South of 8th or, G street South of 8th.

If you have further questions, please let me know.

Thank you.



Virus-free. [www.avg.com](http://www.avg.com)

Steven Potts  
Fire Chief  
Umatilla Rural Fire Protection District  
Office: [541-922-3718](tel:541-922-3718)  
Cell: [541-701-8400](tel:541-701-8400)  
Fax: [541-922-3914](tel:541-922-3914)

**Confidentiality Notice:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

On Mon, Mar 5, 2018 at 2:47 PM, Brandon Seitz <[Brandon@umatilla-city.org](mailto:Brandon@umatilla-city.org)> wrote:

Steve,

The City received an application for a street and alley vacation and the application was considered at the February 27, 2018 meeting. The Planning Commission recommended approval of the request to City Council and the request will be considered at the April 3, 2018 City Council meeting. You should have received a copy of the notice.

At the Planning Commission hearing one of the issues that came up was access for fire trucks. I have attached a copy of the map and notice for your review. I'm hoping you can submit a letter into the record that I can provide to City Council or attend the Council meeting. Please let me know if you have any questions.

Thanks,

Brandon

**Brandon Seitz**

Umatilla City Planner

PO Box 130

Umatilla, OR 97882

(541) 922-3226 ext. 103

**RESOLUTION NO. 17-2018**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN  
A COMMUNICATIONS TOWER LEASE AGREEMENT WITH  
EASTERN OREGON TELECOM, LLC FOR A PORTION OF SPACE ON THE  
McNARY WATER TOWER**

**WHEREAS**, Eastern Oregon Telecom, LLC has a need for a wireless facility on the east side of Umatilla; and

**WHEREAS**, the City of Umatilla owns a water tower on the east side of the McNary area; and

**WHEREAS**, the McNary Water Tower is a suitable location for a wireless facility; and

**WHEREAS**, the current lease agreement between Eastern Oregon Telecom, LLC and the City of Umatilla has expired;

**NOW, THEREFORE BE IT RESOLVED**, that the Umatilla City Council authorizes the Mayor to sign a lease agreement with Eastern Oregon Telecom LLC for wireless broadband equipment to be attached to the McNary Water Tower.

**PASSED** by the Council and **SIGNED** by the Mayor this 3<sup>rd</sup> day of April, 2018.

---

Daren Dufloth, Mayor

ATTEST:

---

Nanci Sandoval, City Recorder

## COMMUNICATIONS SITE LEASE AGREEMENT

This Communications Tower Lease Agreement ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between City of Umatilla, Oregon, an Oregon municipal corporation ("Lessor"), and Eastern Oregon Telecom, LLC, an Oregon limited liability company ("Lessee").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

**1. Premises.** Lessor is the owner of a tower (the "Tower") in a location described as follows:

The water tower site is located on property described as Tax Lot #300 in the northeast quarter of Section 11, Range 5N 28 A, in the City of Umatilla, of Umatilla County, State of Oregon (the "Premises"). Lessor hereby leases to Lessee and Lessee leases from Lessor only that space on the Tower as described in Exhibit A annexed hereto and 100 square feet of space on the ground adjacent to the Tower (the "Space"). (The Tower and Space are collectively known as the "Property.")

This lease is not a franchise. Any such franchise permit must be obtained separately from Lessor.

Lessee accepts the Premises existing as of the commencement date. Lessor makes no representation or warranty with respect to the condition of the property, and Lessor shall not be liable for any latent or patent defect in the property.

**2. Use.** The Property may be used by Lessee for the provision of wireless communications services and for no other uses. Lessor agrees to reasonably cooperate with Lessee, at Lessee's expense, in making application for and obtaining all licenses, permits and any and all other necessary government approvals that may be required for Lessee's intended use of the Property. The use of the Tower is not exclusive to Lessee.

**3. Tests and Construction.** Lessee shall have the right following the full execution of this Agreement to enter upon the Premises for the purpose of making appropriate engineering and boundary surveys, inspections, and other reasonably necessary tests. Upon Lessee's request, and at Lessee's expense, Lessor agrees to provide promptly to Lessee copies of all plans, specifications, surveys and tower maps for the Premises.

**4. Term.** The term of this Agreement shall be ten (10) years commencing on April 3, 2018 unless otherwise terminated as provided in Section 8. However, either party may ask for a review of the rental rates or any terms contained herein in any even numbered year.



The term of this agreement may be extended in five year increments if requested in writing by either party within 90 days of expiration.

**5. Rent.** Within fifteen (15) days of the Commencement Date and on the first day of each quarter (January 1, April 1, July 1 and October 1) thereafter, Lessee promises, warrants and covenants to pay to the Lessor as rent one hundred five and no/100 dollars (\$105.00) per quarter plus the sum of one and 50/100 dollars (\$1.50) per subscriber receiving service from the Lessee's equipment on the Tower ("Rent"). Services provided to Lessor shall not be included in the subscription base for this purpose. The number of subscribers will be based on a count of subscribers made on or near the last day of each quarter. Rent for any fractional quarter at the beginning or at the end of the Term or Renewal Term shall be prorated. Rent shall be payable to Lessor at PO Box 130, Umatilla OR 97882. As additional Rent, Lessee shall provide Lessor with free wireless Internet service not to exceed a retail value of one hundred dollars (\$100.00) per month at one station within a municipal department. Any additional wireless internet service will be provided at a rate of five and no/100 dollars (\$5.00) per each one megabyte (1 MB) of download speed for Lessor's city departments subject to the available capacity of Lessee's facilities, as defined below. An annual COLA adjustment of 3% will be applied to the rent.

**6. Facilities; Utilities; Access.**

(a) Lessee has the right to maintain and operate on the Property radio or wireless communications facilities ("Lessee Facilities") as listed on Exhibit B. In connection therewith, Lessee has the right to do all work necessary to prepare and maintain the Property for Lessee's business operations, including, but not limited to, excavation for conduit or cabling; provided, that, any such preparation and maintenance work must not interfere with the Lessor's use of the Premises or Tower. All of Lessee's installation work shall be performed at Lessee's sole cost and expense and in a good workmanlike manner. Lessee shall not allow a lien of any kind to attach to the Property, Tower or the Premises.

Lessee shall pay the entire costs, associated only with Lessee intended use, of any engineering, inspections, or other work by or on behalf of Lessor to determine if any installation or alteration on the Property can be accommodated or was done in compliance with the Agreement and/or local construction standards. Lessee shall provide its own equipment, shelving and racks as needed by Lessee.

(1) Lessee shall, at its own expense, maintain the Leased portion of the Tower, and any equipment on or attached to the Leased portion in a safe condition, in good repair and in a manner suitable to Landlord, so as not to conflict with the use of or other leasing of the Tower by Lessor; provided, that, Lessee shall not be required to move or modify any of Lessee's Facilities for the benefit of a new lessee or expanded operations of an existing lessee. Lessee shall not interfere with the use of the remaining portion of the Tower or any other facilities located on the Property or other equipment of other Lessees that predate Lessee's

occupation of the Tower to the extent of the existing uses by other existing lessees.

- (2) Lessee shall have sole responsibility for the maintenance, repair, and security of all its equipment, personal property, Lessee Facilities, and Leasehold improvements, and shall keep the same in good repair and condition during the Lease term.
- (3) Lessee shall keep the Tower free of debris and anything of a dangerous, noxious or offensive nature or which would create a hazard or undue vibration, heat, noise or interference.

(b) Lessor shall provide Lessee the electricity for its operations. Lessee may add additional electrical outlets and breakers for its operations. Any electrical installation work needed by Lessee shall be performed by a licensed electrician at Lessee's sole cost.

(c) Lessee shall have full right of access to the Tower, Property and Building across all portions of the Premises, not including any of Lessor's structures located on the Premises, for the purposes of maintenance, inspection and repair on a 24x7x365 days a year basis. If possible, Lessee shall provide Lessor twenty four hours' notice of such access, except that notice shall not be required during emergencies or service interruptions. Lessee shall use due care to avoid interference in Lessor's operations during periods of access to the Premises and shall respect Lessor's rights and needs for security for Lessor's operations on the Premises.

(d) Any damage to the Tower during installation and/or during operations shall be repaired immediately by Lessee in a manner subject to Lessor's approval, which approval shall not be unreasonably withheld. Conditions or delayed, and shall be at Lessee's expense.

**7. Interference.** Lessee's equipment located on the Tower shall have the right to operate, so long as it operates within applicable rules of the Federal Communications Commission, without interference from any other equipment that may be established on the Tower. If any third party is provided access to the Tower and installs equipment which interferes with Lessee's equipment, the third party shall be instructed by Lessor and Lessor shall take such steps to ensure that the third party complies, to modify the third party's equipment in such a way that it does not interfere with Lessee's equipment or operations.

## **8. Default and Landlord's Remedies.**

(a) It shall be a default if Lessee defaults in the payment or provision of rent or any other sums to Lessor when due, and does not cure such default within ten business days after receipt of written notification; or if Lessee defaults in the performance of any other covenant or condition of this Lease and does not cure such default within 30 days after written notice from Lessor specifying the default complained of, except in the case of

a non-monetary default that can reasonably be cured within 30 days, the deadline shall be extended so long as cure is commenced with such 30-day period and diligently pursued to completion; or if Lessee abandons or vacates the Tower; or if Lessee is adjudicated bankrupt or makes any assignment for the benefit of creditors, or if Lessee becomes insolvent.

(b) In the event of a default, Lessor shall have the right, at its option, in addition to and not exclusive of any other remedy Lessor may have by operation of law, without any further demand or notice, to re-enter the Tower and eject all persons therefrom and either declare this Lease at an end or without terminating this Lease, relet the Tower, any portion thereof, for the account of Lessee upon such terms and conditions a Lessor may deem advisable.

(c) If suit shall be brought by Lessor for recovery of possession of the Tower, for the recovery of any amount due under the provisions of this Lease, or because of the breach of any other covenant, the Lessee shall pay to the Lessor all expenses incurred therefore, including reasonable attorney fees.

### **Optional Termination**

(a) This Lease may be terminated by Lessee if:

- (1) Lessee is unable to obtain or maintain any license, permit or other approval necessary for the construction and operation of Lessee facilities;
- (2) Lessee for any reason or for not reason, provided Lessee delivers written notice of early termination to Lessor no later than thirty (30) days prior to the Commencement Date; or
- (3) Lessee is unable to occupy and utilize the property due to an action of the FCC, including without limitation a take back of channels or changes in frequencies.

(b) This Lease may be terminated by Lessor if:

- (1) Lessor decides in its sole discretion and for any reason, to discontinue use of the Tower;
- (2) Lessor determines, based upon a certified opinion of a structural engineer or other qualified expert, that the Tower is structurally unsound or otherwise not suitable for Lessee's use, including but not limited to consideration of age of the structure, damage or destruction of all or part of the Tower from any source, or factors relating to the condition of the Tower, and Lessee fails to agree to promptly conduct all necessary repairs within a specific period of time determined by Lessor in Lessor's sole discretion; or
- (3) Lessor determines in its sole discretion that continued use of the Tower by Lessee is in fact a threat to health, safety or welfare or violates applicable law or ordinances.

**9. Destruction or Condemnation.** If the Property or Lessee Facilities are damaged, destroyed, condemned or transferred in lieu of condemnation, Lessee may elect to terminate this Agreement as of the date of the damage, destruction, condemnation or

transfer in lieu of condemnation by giving notice to Lessor no more than forty-five (45) days following the date of such damage, destruction, condemnation or transfer in lieu of condemnation.

**10. Insurance.** Lessee, at Lessee's sole cost and expense, shall procure and maintain on the Premises and on the Lessee Facilities, bodily injury and property damage insurance with a combined single limit of at least One Million Dollars (\$1,000,000) per occurrence. Such insurance shall insure, on an occurrence basis, against liability of Lessee, its employees and agents arising out of or in connection with Lessee's use, construction, operation, repair, or maintenance of Lessee Facilities, or use of the Premises, all as provided for herein. Lessor shall be named as an additional insured on the policy. Lessee shall provide to Lessor a certificate of insurance evidencing the coverage required by this paragraph within thirty (30) days of the Commencement Date.

**12. Assignment.** Lessee may not assign, or otherwise transfer all or any part of its interest in this Agreement or in the Property without the prior written consent of Lessor, which consent may be withheld for any reason or no reason; provided, however, that Lessee may assign its interest to its parent company, any subsidiary or affiliate of it or its parent company if such assignee agrees in writing to be bound to all provisions of this Agreement. Lessor may assign this Agreement upon written notice to Lessee, subject to the assignee assuming all of Lessor's obligations herein, provided that any assignee must first agree in writing to be bound by and fully perform all of Lessor's obligations under this Agreement. Lessee may not sublet the Property to a third party, and any attempt to do so shall be void.

**13. Warranty of Title and Quiet Enjoyment.** Lessor warrants that: (i) Lessor owns the Premises in fee simple and has rights of access thereto; (ii) Lessor has full right to make and perform this Agreement; and (iii) Lessor covenants and agrees with Lessee that upon Lessee paying the Rent and observing and performing all the terms, covenants and conditions on Lessee's part to be observed and performed, Lessee may peacefully and quietly enjoy the Property. These representations shall survive expiration or termination of this Agreement.

**14. Lessee's Warranties.** Lessee warrants and represents that: (i) Lessee has full right to make and perform this Agreement and that by the signature set forth below all necessary corporate approvals or consents have been obtained and that this is a binding Agreement upon Lessee; (ii) Lessee will obtain all necessary governmental permits and licenses for its operations on the Property; (iii) Lessee will conform its use of and operations on the Property to the requirements of federal, state and local law and regulations; and (iv) execution of this Agreement will not place Lessee in violation of any other agreement, covenant or restriction. These representations shall survive expiration or termination of this Agreement.

**15. Repairs.** At its sole cost and expense, Lessee shall make any repairs to the Premises or Property necessitated by reason of the default or neglect of Lessee, or due to Lessee's use of the Property. Lessee's use of the Property or Premises includes use by Lessee's agents, employees, contractors and invitees. Upon expiration or termination hereof, Lessee shall restore the Property to the conditions in which it existed upon execution hereof, reasonable wear and tear excepted.

**16. Hazardous Substances.** Lessee agrees that it will not, and, to the best of its ability, will not permit any third party to use, generate, store or dispose of any Hazardous Material on, under, about or within the Premises in violation of any law or regulation. Lessor represents, warrants and agrees (1) that neither Lessor nor, to Lessor's knowledge, any third party has used, generated, stored or disposed of, or permitted the use, generation, storage or disposal of, any Hazardous Material on, under, about or within the Premises in violation of any law or regulation, and (2) that Lessor will not, and will not permit any third party to use, generate, store or dispose of any Hazardous Material on, under, about or within the Premises in violation of any law or regulation. Lessor and Lessee each agree to defend, indemnify and hold harmless the other and the other's partners, affiliates, agents and employees against any breach of any representation, warranty or agreement contained in this paragraph. As used in this paragraph, "Hazardous Material" shall mean petroleum or any petroleum product, asbestos, or any substance, chemical or waste that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. This paragraph shall survive the termination of this Agreement.

**17. Liability and Indemnity.** Lessee shall indemnify and hold Lessor harmless from all claims (including attorney's fees, costs and expenses of defending against such claims) arising or alleged to arise from the acts, omission, negligence or willful misconduct of Lessee or Lessee's agents, employees, licensees, invitees, or contractors occurring in or about the Premises. Lessor shall indemnify and hold Lessee harmless from all claims (including attorney's fees, costs and expenses of defending against such claims) arising or alleged to arise from the acts or omissions of Lessor or Lessor's agents, employees, licensees, invitees, contractors or other tenants occurring in or about the Premises. The duties described in this Paragraph 19 survive termination of this Agreement.

**18. Miscellaneous.**

(a) This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. Any amendments to this Agreement must be in writing and executed by both parties.

(b) If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and

each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(c) This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

(d) Any notice or demand required to be given herein shall be made by certified or registered mail, return receipt requested, or reliable overnight courier to the address of the respective parties set forth below:

Lessee:

Eastern Oregon Telecom, LLC  
750 W. Elm Street, PO Box 848  
Hermiston, OR 97838

Lessor:

City of Umatilla  
700 Sixth St, PO Box 130  
Umatilla, OR 97882

Lessor or Lessee may from time to time designate any other address for this purpose by written notice to the other party. All notices hereunder shall be deemed received upon actual receipt.

(e) This Agreement shall be governed by the laws of the State of Oregon, without reference to its conflict of laws principles.

(f) In the event the Premises is encumbered by a mortgage or deed of trust, Lessee agrees to execute any subordination instrument as may be requested by a lender or creditor of Lessor.

(g) Lessor agrees to obtain, for the benefit of Lessee upon reasonable request, a non-disturbance agreement for the present mortgage holder and subsequent mortgage holders. In the event Lessor finances or refinances the Premises, Lessor agrees to obtain from any lender a non-disturbance agreement for the benefit of Lessee confirming that Lessee's right to quiet possession of the Property during the Agreement shall not be disturbed so long as Lessee has not defaulted under the Agreement. Lessee agrees that it will execute any subordination and attornment agreement required by any mortgagor or lender of Lessor.

(h) Lessee may obtain title insurance on its interest in the Property. Lessor shall cooperate by executing documentation required by the title insurance company.

(i) In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold its approval or consent.

(j) All Exhibits annexed hereto form material parts of this Agreement.

(k) This Agreement may be executed in duplicate counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

LESSEE

LESSOR

Eastern Oregon Telecom, LLC

City of Umatilla

By: \_\_\_\_\_  
Its: President

By: \_\_\_\_\_  
Its: Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Its: Secretary

By: \_\_\_\_\_  
Its: City Recorder

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ACKNOWLEDGMENTS**  
**ALL SIGNATURES MUST BE ACKNOWLEDGED**

State of Oregon            )  
  ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_ as \_\_\_\_\_ of Eastern Oregon Telecom, LLC.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Oregon,  
residing at \_\_\_\_\_.  
My commission expires: \_\_\_\_\_.

State of Oregon            )  
  ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

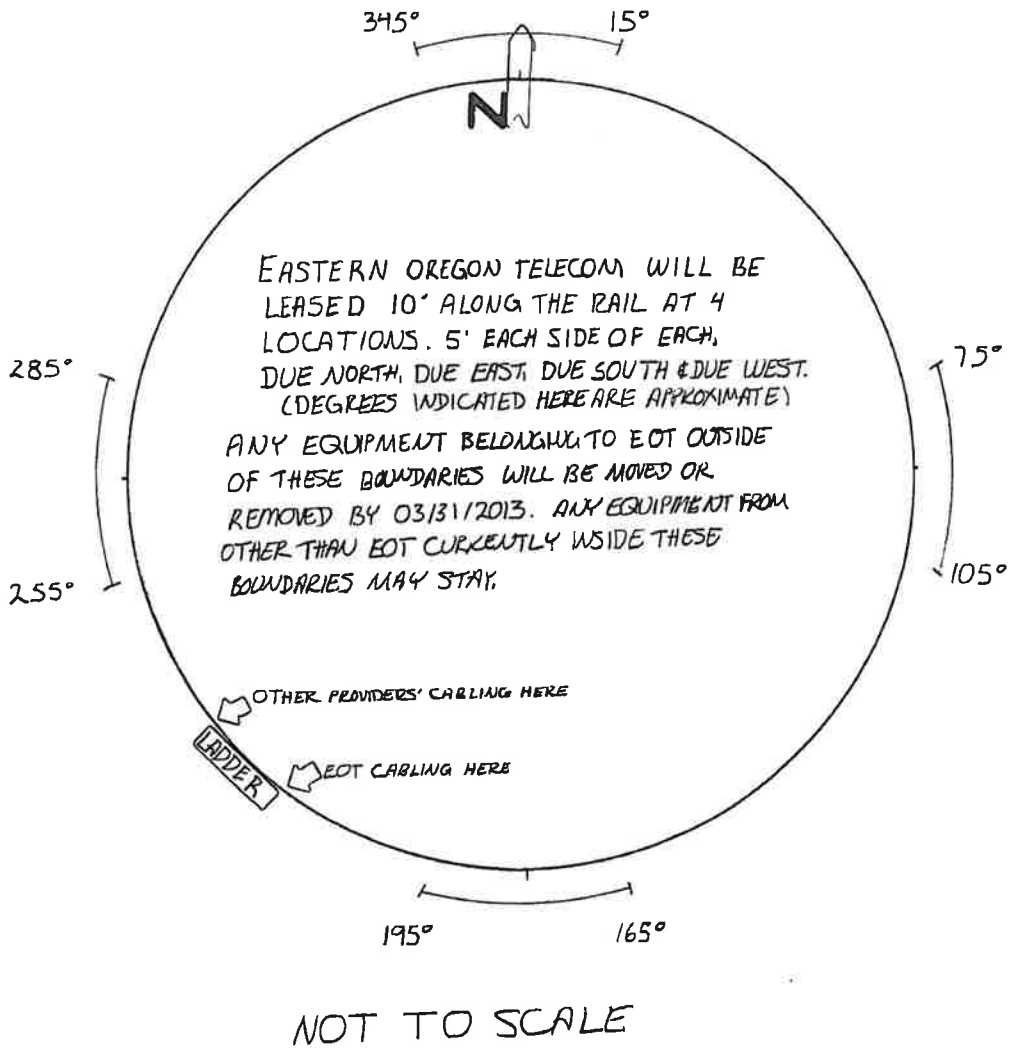
WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Oregon,  
residing at \_\_\_\_\_.  
My commission expires: \_\_\_\_\_.



# EXHIBIT A

## Description of Premises



## **EXHIBIT B**

### **Lessee Facilities**

Lessee Facilities will include various radio transmission equipment operating within the following unlicensed frequency spectrums:

902-928 MHz

2.4000-2.4835 GHz

5.725-5.850 GHz

24.05-24.25 GHz

And within the following "semi-licensed" frequencies spectrums:

3.650-3.700 GHz

And within other licensed frequencies as permitted under FCC regulations.

## PROCLAMATION FOR ARBOR WEEK AND DAY

**WHEREAS**, National Arbor Day has been an occasion for recognizing the value of trees and their positive benefits to human welfare since 1872; and,

**WHEREAS**, the Arbor Day holiday, was first observed with the planting of more than a million trees in Nebraska; and,

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and,

**WHEREAS**, trees are significant resources providing benefits in terms of storm water reduction, moderating temperatures, improved air quality, increased real estate values, energy savings, enhanced economic vitality of business areas, wildlife habitat, and the attractiveness of our community; and,

**WHEREAS**, trees wherever they are planted, are a source of joy and spiritual renewal; and,

**WHEREAS**, the City of Umatilla, Oregon, desires to be known as a “*Tree City USA*”; and,

**WHEREAS**, programs like Tree City USA and the Arbor Day holiday are opportunities for us to plant and maintain trees for the future, and we urge all of our citizens to plant and protect our community’s trees.

NOW, THEREFORE, I, Daren Dufloth, by virtue of the authority vested in me as the Mayor of the City of Umatilla, Oregon, do hereby proclaim the week of April 16, 2018 through April 22, 2018 as *ARBOR WEEK* in the City of Umatilla, Oregon and Friday, April 27, 2018, as *ARBOR DAY* in the City of Umatilla, Oregon, and urge all citizens to support efforts to care for and maintain trees in our community.

Adopted by the City Council this 3<sup>rd</sup> day of April, 2018.

---

Daren Dufloth, Mayor

**CALLING ALL  
CITY OF UMATILLA  
RESIDENTS!**

**Celebrate Arbor Week!**

**Schedule of Events:**

**Monday 04/16/18:** Photo contest. Submit your best Umatilla tree photo to [esmeralda@umatilla-city.org](mailto:esmeralda@umatilla-city.org)

**Tuesday 04/17/18:** Get out and walk the City, attempt to identify at least 5 different trees.

**Wednesday 04/18/18:** Umatilla City Library read about Arbor Day @ 10:45 am

**Thursday 04/19/18:** City of Umatilla partners with Umatilla School District to celebrate Earth Day and Arbor Day

**Friday 04/20/18:** Submit entry for tree give-away at City Hall by 5pm.

**Winners for photo contest, coloring contest grades K-5, and tree giveaway winners will be announced on Arbor Day, April 27, 2018 @ Village Square Park at 2pm**

For more information call 541-922-3226 x 108.

**City Council Meeting  
April 3, 2018  
CITY MANAGER'S REPORT**

**CALL TO ORDER**

**Presentation**

None

**Committee Reports**

None

**New Business**

**11.1 Ordinance No. 823 – An Ordinance Granting A Nonexclusive Franchise to Lightspeed Networks, Inc. dba LSN Hereinafter Referred to as “Grantee,” It’s Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunication Services Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 782.** – This Ordinance updates the Franchise agreement between Lightspeed Networks, Inc. and the City of Umatilla. I recommend approval of this Ordinance.

**11.2 Ordinance No. 824 – An Ordinance Granting A Nonexclusive Franchise to Eastern Oregon Telecom, LLC Hereinafter Referred to as “Grantee,” its Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunications Service Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 776.** – This Ordinance updates the Franchise agreement between Eastern Oregon Telecom, LLC and the City of Umatilla. I recommend approval of this Ordinance.

**11.3 Ordinance No. 825 – An Ordinance Granting A Nonexclusive Franchise to Qwest Corporation, dba CenturyLink QC, Hereinafter Referred to as “Grantee, Its Successors and Assigns the Right of Privilege to Provide Noncable Telecommunications Services Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 775.** – Ordinance updates the Franchise agreement between Qwest Corporation and the City of Umatilla. I recommend approval of this Ordinance.

**11.4 Ordinance No. 826 – An Ordinance Granting A Nonexclusive Franchise to Zayo Group, LLC Hereinafter Referred to as “Grantee,” Its Successors and Assigns, the Right of Privilege to Provide Noncable Telecommunications Service Within the City and to Utilize the Public Right of Ways and Repealing Ordinance No. 780.** – This Ordinance updates the Franchise agreement between Zayo Group, LLC and the City of Umatilla. This renewal includes a fee increase from 4% to 7% to be consistent with our other noncable telecommunications franchise agreements. I recommend approval of this Ordinance.

**11.5 PA-1-18 – Planning Commission Recommendation – Public Hearing** - Fastrack made application for a plan amendment/zone change on 1.93 acres of property in McNary from McNary Center Mixed Use Commercial (MC) to Single-Family Residential (R-1). The Planning Commission has approved this zone change and it is now being presented to the City Council for approval.

**11.6 Ordinance No. 827 - An Ordinance Amending the City of Umatilla Comprehensive Plan Map and Zoning Map by Changing the Plan Designation of 1.93 Acres from McNary Center Mixed-Use**

**Commercial (MC) to Single Family Residential (R-1)** – This Ordinance approves the Planning Commission’s recommendation as discussed above. I recommend approval of this Ordinance.

**11.7 Resolution No. 17-2018 – A Resolution Authorizing the Mayor to Sign a Communications Tower Lease Agreement with Eastern Oregon Telecom, LLC for a Portion of Space on the McNary Water Tower.** – This Resolution renews the current lease with Eastern Oregon Telecom, LLC which allows them to place communications equipment on the elevated water tank located in McNary. I recommend approval of this Resolution.

**11.8 Arbor Week and Day Proclamation** – The City will be partnering with the Umatilla School District for an Arbor Day celebration on April 19<sup>th</sup>. The official Arbor Day is April 27<sup>th</sup>. There will be tree giveaways and a presentation for the coloring and tree photo contest at 2:00pm at Village Square Park. This proclamation is one of the steps the City is taking to become a Tree City USA participant.

**Correspondence**

None

**STAFF REPORT**

**15.1 City Manager’s Report –**

- A. Chief Huxel and I are continuing contract negotiations with the representatives from the Police union.
- B. Staff and I have met with corporate representatives from a national fueling franchise company. The company has purchased the Crossroads truck stop property and is planning a complete revamp of the entire property. The company is working closely with City staff and plans to start construction later this year. Construction, once it begins, is estimated to take approximately 110 days.
- C. Staff and I met with representatives from a major developer that is constructing a new data center campus within the City. The discussion revolved mainly around City utilities to serve the property. I have been working with JUB Engineers for the last year and a half on the planning stages of these utility upgrades. Construction of these new utilities will begin later this year.
- D. Melissa is continuing to “fine tune” the budget document.
- E. City staff has begun the preliminary work for this springs City wide cleanup, *Slam Dunk the Junk!*. The event will be held in conjunction with Sanitary Disposal’s free dump week the first week of April 2018 with the main cleanup day happening on Saturday April 7<sup>th</sup>.