



HERMISTON CITY COUNCIL

180 NE 2nd Street – Hermiston, OR 97838

Regular Meeting

March 14th, 2016

A G E N D A

1. CALL MEETING TO ORDER– 7:00 pm
2. DECLARATION OF QUORUM
3. FLAG SALUTE
4. PROCLAMATIONS, PRESENTATIONS & RECOGNITIONS
 - A) Presentation- Branding Committee
 - B) Presentation- Audit Report
5. CITIZEN INPUT ON NON-AGENDA ITEMS (Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Limit discussion to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Mayor.)
6. CONSENT AGENDA
 - A) Announcement of standing committee vacancy for the unexpired portion of a 3-year term beginning April 11th, 2016 and ending March 31st, 2019.
Planning Commission- positions #1, #2, and #3.
(Deadline for submitting applications is March, 14th, 2016.)
 - B) Minutes of the February 22nd, work session and regular City Council meeting.
 - C) Minutes of the December 1st and February 2nd, Faith-Based Advisory Committee meetings.
 - D) Minutes of the January 27th, Library Board meeting.
 - E) Minutes of the February 10th, Planning Commission meeting.
 - F) Liquor License Application- for “Full On-Premises Sales Change of Ownership” for Golden Palace located at 175 S. Hwy 395.

Action – Motion to approve consent agenda items.

Roll Call

7. ITEMS REMOVED FROM CONSENT AGENDA

8. PUBLIC HEARINGS-Continued

- A) Consider an amendment to the City of Hermiston Transportation System Plan (TSP). The proposed amendment to the transportation system plan will amend the 2003 Hermiston TSP 395 Corridor Refinement Plan. The amendment to the corridor plan amends the street circulation plan and adds a new signal to service proposed retail and existing industrial development.
- 1) Staff Update
 - 2) Public Testimony (people wishing to speak are asked to come to the microphone and state their name and mailing address)
 - a. Proponents
 - b. Opponents
 - 3) Close Hearing
 - 4) Finding of Fact
- Action- Motion to approve findings of fact. Roll Call

9. RESOLUTIONS & ORDINANCES

- A) Ordinance No. 2239 – Consider an amendment to the City of Hermiston Transportation System Plan (TSP). The proposed amendment to the transportation system plan will amend the 2003 Hermiston TSP 395 Corridor Refinement Plan. The amendment to the corridor plan amends the street circulation plan and adds a new signal to service proposed retail and existing industrial development.
- Action - Mayor requests first reading of the ordinance be read by title only and calls for a roll call. Roll Call
- Action - Mayor requests that the ordinance be put on for final adoption at this meeting and that the second reading be by title only and calls for a roll call. Roll Call
- Action - Motion that ordinance No. 2239 be adopted and become effective 30 days after its enactment. Roll Call
- B) Resolution No. 2018- A resolution approving an intergovernmental agreement between the City of Hermiston and ODOT for the construction of the W Highland Multi-Use Trail connecting SW 11th Street to Riverfront Park.
- Action- Motion to approve and lay upon the record. Roll Call
- C) Resolution No. 2019- A resolution approving the park located at 80 W. Beech Ave to be renamed “Greenwood Park.”
- Action- Motion to approve and lay upon the record. Roll Call

10. OTHER

11. COMMITTEE REPORTS

- A) City Committees and Liaison: Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks & Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory Committee, Community Enhancement Committee, Public Safety Committee, Public Infrastructure Committee.

B) Mayor's Report –

C) Council Report –

D) Manager's Report –

12. ADJOURNMENT

UPCOMING MEETINGS AND EVENTS

At City Hall unless otherwise specified

Mar 14	7:00pm	City Council Meeting
Mar 21	7:00 pm	Hispanic Advisory Committee Meeting
Mar 23	4:00pm	Library Board Meeting (Library)
Mar 25	7:00 am	EOTEC Meeting (Stafford Hansell Government Center)
Mar 28	5:00pm	Public Infrastructure Committee Meeting
Mar 28	6:00 pm	City Council Work Session
Mar 28	7:00pm	City Council Meeting
Mar 30	5:30pm	Community Enhancement Committee Meeting



HERMISTON CITY COUNCIL

Work Session

February 22nd, 2016

Council President John Kirwan called the work session meeting to order at 6:00 pm. Present were Councilors Myers, Gutierrez, Primmer, Hardin, Davis, Beas-Fitzgerald, and Smith. Mayor Drotzmann was excused. Staff members in attendance were City Manager Byron Smith, City Attorney Gary Luisi, Assistant City Manager Mark Morgan, Chief Edmiston, Clint Spencer, and Lilly Alarcon-Strong. News media present was Jade McDowell of the East Oregonian.

Transportation System Plan (TSP) Review

City Planner Clint Spencer explained that a TSP is not a capital improvement plan and is not a fixed plan for the future; it is a long term planning document that looks at street networks and forecasts where future improvements will be needed as the City grows. It looks at vehicle needs, but also takes into consideration bike, pedestrian, and other transit needs as well. TSP's are usually 20 year documents, and therefore, can sometimes be out of place when it is time to implement them if not maintained. The City's current plan was adopted in 1999, but has been amended in recent years to include: 2000, 2003, and 2014.

Mr. Spencer stated the State of Oregon requires all cities to prepare and adopt a TSP as part of the comprehensive planning process. The TSP calculates current traffic volumes at certain points, has a street classification plan, pedestrian plan, bike plan, and helps plan for system upgrades, estimated costs, and funding sources.

Mr. Spencer presented various maps of the City and explained the Street Classifications and the difference between Urban Major and Minor Arterial, Urban Major and Minor Collector, Rural Arterial and Rural Collector, the Traffic Volume Map, and Implementation Study. Mr. Spencer also displayed a Street Improvement Plan that includes street extensions, widenings, widenings and pavings, new streets, removal of a street and possible future bridges.

Mr. Spencer stated since the late 90's, the TSP has called for a bridge over the Umatilla River either at Elm or at Punkin Center, and although it will be a while before Hermiston needs a bridge, which is very expensive, it is necessary to keep it on the TSP as a future potential project because it allows for possible grant funding from the State.

Mr. Spencer presented the Intersection Improvement Plan map which showed signal improvements, lane reconfigurations, realignments, roundabouts, and improvements. Mr. Spencer stated according to the Level of Service for Intersections Grading Plan A through F, Hermiston has no intersections that rank below a C, which is considered to be acceptable with the exception of Orchard and 11th and 11th and Elm, which will be getting signals. Rank F is failing, which means individuals must wait more than two minutes to go through an intersection and A, which is 30 seconds. Placement of other signal lights and roundabouts throughout the City were also discussed.

Councilor Davis inquired about sidewalks for 10th Street, where many children walk to go to Sandstone Middle School.

Mr. Spencer stated that this had been considered but nothing is in the works right now. However, the School District is looking at creating a new access from Diagonal.

HERMISTON CITY COUNCIL

Work Session

February 22nd, 2016

Council President Kirwan asked who decides what type of traffic control device is installed throughout the City.

Mr. Spencer stated if it is inside the City limits on a City facility, the Council decides; if it is on a State facility like HWY 395 or HWY 207, then it becomes a collaborative effort between the City and State, but the State makes the final decision.

Councilor Gutierrez and a member from the audience asked when sidewalks will be installed on older roads.

Mr. Spencer stated as of yet, there are no capital improvement plans for sidewalks.

The member of the public asked why that is, as she pays taxes.

Mr. Spencer stated sidewalks, for those neighborhoods that do not have them, would fall under the Capital Improvement Plan, if a plan is developed; but usually sidewalks are developed at the cost of the land owners on the street through an LID, taxes are allocated to current operations and do not go to items such as these.

Council President Kirwan asked how many streets in Hermiston are not paved.

City Manager Smith stated about one mile. As funding permits, the City will be scheduling meetings with these land owners to see if they would like to participate in LID's.

Mr. Spencer went over the Top 10 projects that were established in 2014, of which 5 are already being worked on:

1. Signalize Elm and 11th intersection,
2. Realign Geer Road and Harper Road intersection,
3. Signalize Orchard and 11th intersection,
4. Improve signal timing in downtown near Main and 395 and improve pedestrian facilities,
5. Improve W highland and S 1st Intersection near Hermiston High School,
6. Improve W Orchard and S 1st intersection to improve traffic and pedestrian flow,
7. Install signal or roundabout at Main and 7th Street,
8. Install right turn pockets at Theater and 395,
9. Add turn lanes and through lanes at Elm and 395,
10. Improve signal timing at Highland and 395.

Council President John Kirwan ended the work session at 6:40 pm. The Council took a short break before the regular City Council meeting began at 7:00pm.

HERMISTON CITY COUNCIL

Regular Meeting

February 22nd, 2016

Council President John Kirwan called the regular meeting to order at 7:00 pm. Present were Councilors Myers, Gutierrez, Primmer, Hardin, Davis, Beas-Fitzgerald, and Smith. Mayor Drotzmann was excused. Staff members in attendance were City Manager Byron Smith, City Attorney Gary Luisi, Assistant City Manager Mark Morgan, Chief Edmiston, Clint Spencer, Amy Palmer, Heather LaBeau, and Lilly Alarcon-Strong. News media present was Jade McDowell of the East Oregonian.

Recognition- Hermiston Junior Academy

City Manager Smith read a thank you letter from Hermiston Junior Academy's Stacey Stanek thanking Mayor Drotzmann, Councilor Hardin, and City Manager Smith for attending and presenting information at the schools Government Night on February 8th, 2016. Mrs. Stanek's letter stated the kids learned a great deal about their City, how it is run, and are grateful for the encouragement they received from the City Officials that were present.

Presentation- Sheriff Terry Rowan

Sheriff Rowan presented the Council with the Umatilla County Sheriff's Office August 2015 Progress Report and gave information on who and what makes up the Sheriff's office, as well as changes and accomplishments of the Sheriff's Department throughout his term in office.

Councilor Gutierrez stated Sheriff Rowan has not come to the Hispanic Advisory Committee Meetings when he has been invited, and wished Sheriff Rowan would have made some kind of effort to make contact with the Committee to schedule something if not with him, then at least with the Undersheriff or someone else from the Department.

Sheriff Rowan stated he will be more than happy to make arrangements to come to a meeting in the near future.

Council President Kirwan commended Sheriff Rowan on some of the changes and accomplishments that have been made in the Sheriff's Office as they have made a positive impact in the community as a whole. But, the overall satisfaction with the Dispatch Center is not what it should be and there should be more communication, engagement, and collaboration from the Sheriff's Office to the 25 customers it serves when making decisions that directly impacts these communities. Council President Kirwan stated he is also disappointed in a comment made by a County Commissioner on a radio show stating the County and the Sheriff's Office have the final say when making decisions on the Dispatch Center.

Sheriff Rowan stated he cannot comment on what the statement made by the County Commissioner, but appreciates the feedback being received and the input from the 25 partners. Sheriff Rowan stated the Umatilla County Sheriff's Office is committed to providing exceptional service and will continue to work to better improve on items such as these.

Consent Items

Councilor Hardin moved and Councilor Davis seconded to approve all Consent Agenda items, to include:

1. January Expenditures
2. Announcement of standing committee vacancy for the unexpired portion of a 3-year term beginning April 11th, 2016 and ending March 31st, 2019.
Planning Commission- positions #1, #2, and #3.

HERMISTON CITY COUNCIL

Regular Meeting

February 22nd, 2016

3. Minutes of the February 8th, regular City Council meeting.
4. Minutes of the December 9, Planning Commission meeting.
5. Minutes of the January 14th, Parks and Recreation meeting.
6. Minutes of the January 30th, Council Goal Setting meeting.
7. Minutes of the January 19th, Hispanic Advisory Committee meeting.
8. Minutes of the February 8th, Community Livability Asset Oversight Committee meeting.
9. Final Plat – Olive Court Subdivision SW 10th Street.

Motion carried unanimously.

Consider a request for annexation of approximately 0.45 acre parcel of land located at 260 E Theater Lane.

City Planner Clint Spencer stated the Ordinance that will be presented later in the meeting is a request to annex approximately 0.45 acre parcel of land located at 260 E Theater Lane. The applicant wishes to annex to the City to allow connection to municipal sewer service. Thomas Morris proposes to annex the property with an R-4 zoning designation and read the hearing guidelines.

Councilor Primmer removed himself as a potential conflict of interest as he works with the person directly involved and Councilor Gutierrez removed themselves as a potential conflict of interest as he had been a coworker of Mrs. Morris.

Council President Kirwan opened the hearing at 7:34 pm.

Proponents:

Tom Morris 260 E Theater Lane stated he needs City services and hopes they will approve his request.

There were no further Proponents and hearing no Opponents who wished to address the Council, the hearing was closed at 7:36 pm.

City Planner Clint Spencer outlined the findings of fact to the Council as prepared in the Agenda Packet.

Councilor Myers moved and Councilor Smith seconded to approve the findings of fact as written. 6 votes for; 2 abstentions. Motion carried.

Consider an amendment to the City of Hermiston Transportation System Plan (TSP).

Hearing no potential conflicts of interested, Council President Kirwan opened the hearing at 7:40 pm.

City Planner Clint Spencer stated the Ordinance that will be presented later in the meeting will amend the City of Hermiston's Transportation System Plan (TSP). The proposed amendment to the TSP will amend the 2003 Hermiston TSP 395 Corridor Refinement Plan. The amendment to the corridor plan amends the street circulation plan and adds a new signal to service proposed retail and existing industrial development.

There was some discussion regarding the different types of signals that could be used, ie., stop lights and/or roundabouts, where they would be placed, and how ODOT has the final decision on choosing what would be implemented.

HERMISTON CITY COUNCIL

Regular Meeting

February 22nd, 2016

Opponents: Dan Coffee Airport Road, stated he has been a semi-truck driver for 17 years, and placing a roundabout on HWY 395 is ridiculous. The roundabout will continuously get damaged and break the concrete from semi's taking the turns on the roundabout.

Larry Hansen 2110 S HWY 395, asked the Council to please not approve any roundabouts on HWY 395.

Mark Gomolski 2020 NW Eucalyptus Drive, stated roundabouts will be a disaster for that area not only for semi-truck drivers, but for emergency personnel as well.

Nathan Crowther 910 W Angus Ave, stated he spoke with Josh Burns, Manager at Wal-Mart DC and they both agreed that having a roundabout in that area would not be ideal for that area. In the month of November there is about 500 trucks a day that go in and out of their facility, not including the trucks going through from everyday routes, and during harvest times. The Council also needs to think about emergency situations and EOTEC traffic. A traffic signal would work, but not a roundabout.

Vijay Narain from Best Western, stated a traffic signal would be optimal as traffic coming from South HWY 395 going into Best Western and Denny's goes extremely fast and installing a traffic light will cut down on the velocity of all vehicles.

There were no further Opponents and no Proponents wished to address the Council.

Councilor Primmer moved and Councilor Davis seconded to continue the hearing until further information can be forwarded in negotiations with ODOT. Motion carried unanimously.

Ord. No. 2238 – Annexation of .045 acre parcel of land located at 260 E Theater Lane and allow connection to municipal sewer services.

City Manager Smith stated information regarding ordinance 2238 was presented earlier during the public hearing.

Council President Kirwan requested that the first reading be by title only. Hearing 1 abstention, City Attorney Luisi read the ordinance by title only. Council President Kirwan requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only, with 6 in favor and 2 abstentions. After City Attorney Luisi read the ordinance by title only for the second reading, Councilor Davis moved and Councilor Beas-Fitzgerald seconded that Ordinance 2238 be adopted tonight and be effective 30 days after its passage by City Council. 6 votes for; 2 abstentions. Motion carried.

Ord. No 2239 – Amend the City of Hermiston Transportation Plan.

Council President Kirwan stated Ordinance No. 2239 has been tabled.

Res. No. 2016- Approve a Utility Easement Grant to Umatilla Electric Cooperative along Geer Road and W. Dusk Ave.-

was read and discussed. City Manager Smith gave a brief presentation regarding the agreement between the City and UEC regarding upgrading their utility service and potential future road widening. Councilor Primmer moved and Councilor Smith seconded to approve Resolution No. 2016 and lay upon the record. Motion carried unanimously.

HERMISTON CITY COUNCIL

Regular Meeting

February 22nd, 2016

Res. No. 2017- Approve a Utility Easement Grant to Umatilla Electric Cooperative along Theater Sports Park abutting Geer Road between Harper Road and W. Theater Lane.-was read and discussed. City Manager Smith gave a brief presentation regarding the agreement between the City and UEC regarding upgrading their utility service and potential future road widening. Councilor Davis moved and Councilor Gutierrez seconded to approve Resolution No. 2017 and lay upon the record. Motion carried unanimously.

EOTEC Monthly Report

Rob Drier from Frew Development gave a construction update regarding the EOTEC site, stating the Event Center should be completed by the end of March. Bid packages will be going out for paving, site lighting, landscaping, fencing, etc. Once these components have been acquired, occupancy can be issued for the Event Center in early April. Bid packages are also underway for the Barns.

Heather Cannell EOTEC Business Development Manager gave a facilities update regarding EOTEC, stating facility rental rates have been recently approved by the Board, marketing is underway with special emphasis on facebook and twitter, and three contracted events have been booked with several others being tentative. Tours are being given on a regular basis with an Open House event expected to take place around the third week of April.

City Manager Smith stated the EOTEC Fundraising Committee has raised over 50% of their \$2 million goal, and will be continuing to work towards the remaining amount of the goal until mid-March. Donations can be submitted through Paypal on the EOTEC website, or can be given to Nate Rivera, Mayor Drotzmann, Dennis Barnett, and Greg Harris whose information can also be found on the EOTEC website.

EOTEC Board Appointment to ED Brookshier

City Manager Smith stated the Farm City Pro Rodeo Board have recommended to appoint Ed Brookshier for the remaining unexpired portion of a 4-year term beginning February 22nd, 2016 and ending December 31st, 2018 for City Position #3 Rodeo. City Manager Smith stated Mr. Brookshier's passion and history he has for this project makes him a great candidate to be a Board member and continue to help the project.

David Bothum stated the Farm City Pro Rodeo Board would be honored to have Mr. Brookshier represent them and be a member of the EOTEC Board.

Councilor Hardin moved and Councilor Myers seconded to appoint Ed Brookshier for the remaining unexpired portion of a 4-year term beginning February 22nd, 2016 and ending December 31st, 2018 for City Position #3 Rodeo. Motion carried unanimously.

January Financial Report

Councilor Primmer moved and Councilor Davis seconded to approve the January Financial Report as prepared and presented by Finance Director Amy Palmer. Motion carried unanimously.

Council President Kirwan asked if Mrs. Palmer could present, in percentages, how much of the EOTEC project is being completed during her monthly financial report.

HERMISTON CITY COUNCIL

Regular Meeting

February 22nd, 2016

Committee Reports

Parks and Recreation: Councilor Myers stated the Parks and Recreation Committee is hard at work with the Northside Park's design, play equipment, and how best to accommodate every age group that will use the park.

Councilor Primmer stated the Parks and Recreation Committee will also be presenting the Council with a proposed name change to the Park as well.

Hispanic Advisory Committee: Councilor Gutierrez stated Commissioner Bill Elfering gave a presentation regarding his position and duties as County Commissioner.

Council Report

Councilor Hardin stated the Hermiston Christian School is having their Annual Auction Saturday, February 27th, at 5:00pm and invited everyone to attend; last year, they were able to raise \$25,000. Councilor Hardin thanked Chief Edmiston for checking on him when the storm hit, as his home was one of the ones affected, and gave his condolences to the family of Alexis Therwhanger who recently passed away.

Adjournment

There was no other business, and the meeting was adjourned at 8:27 pm.

SIGNED:

/s/ David Drotzmann
MAYOR

ATTEST:

/s/Lilly Alarcon-Strong
ASSISTANT CITY RECORDER

Present were Pastors Craig Fraley, Daniel Maxwell, James Lajolette, Rod Hardin (arrived at 4:16 pm) and staff member Lilly Alarcon-Strong. Jeff Snell was excused; Hector Ramirez and Genaro Loreda were not present.

James opened the meeting with prayer at 4:06 pm.

Minutes

Daniel moved and James seconded to approve the minutes from the November meeting. Motion carried unanimously.

Old Business

School's Backpack Program- Craig stated he has yet to contact Victory Baptist Church and does not believe Rocky Heights Elementary school has been adopted. He will work on this with-in the month and get back to the committee in January.

FBAC Member Guidelines- Craig stated he has gone to New Hope on two different occasions trying to make contact with Genero Loreda with no luck, regarding being a committee member going forward.

Craig stated the committee will further discuss this issue in January.

Family Promise- James stated he will be completing the State of Oregon Non-Profit Corporation paperwork soon and listing himself as the Registered Agent and contact person for Hermiston's Family Promise and Agape House as the non-profit public organization to receive any incoming assets.

Craig stated he will talk to Jenny Galloway regarding key qualifications for the Hermiston Family Promise Director and recommendations of anyone she knows that could fill this position. Craig stated Agape House Director Dave Hughes, is still willing to write Grants for this project and Craig will be asking City Manager Byron Smith if it is possible to carry over the \$25,000.00 for the following 2016-2017 fiscal year, as most likely, these funds will not be used within the timeline originally planned or budgeted.

The committee spoke about low applicant numbers at Martha's House because many previous and current families living at Martha's House do not want to follow the rules and seem not to care if they succeed with the program. Hopefully, Hermiston's Family Promise will be able to help them fill their space with families who really want to better themselves as Martha's House is such a great program as well.

New Business

Parks and Recreation Updates- Parks and Recreation Director Larry Fetter gave the committee updates on:

- Parks and Recreation Committee met with neighbors surrounding Northside Park, the park located behind Pizza Hut. About 12 individuals came for the meeting to brainstorm ideas about what can be done to make the park more inviting.
- There will be a Second Annual Recycling Event planned for the spring. Larry would like the FBAC to help with this event as they did this year.
- Hermiston is bringing back the North Pole Festivities tradition with a speech from Mayor Dave Drotzmann, lighted tree ceremony, RGB light show, singing from the Hermiston High School Choir and Dallin Puzey, a visit from Santa Clause and vendors starting on Thursday, December 3rd, at 6:00pm. Tree lighting and light show will be every Thursday, Friday, and Saturday until December 26th. This is a great way to promote and support shopping at local downtown businesses.
- Pancakes with Santa on Saturday, December 19th at the Arc.

There was no other business and Rod adjourned the meeting with prayer at 4:53 pm.

Present were Pastors Craig Fraley, James Lafolette, Rod Hardin, Terry Cummings; staff member Larry Fetter and Lilly Alarcon-Strong. Jeff Snell was excused; Daniel Maxwell, Hector Ramirez and Genaro Loreda were not present.

Craig opened the meeting with prayer at 4:05 pm.

Minutes

Minutes for December were unable to be approved due to a lack of a quorum and there was not a meeting in January.

Old Business

School's Backpack Program- Craig stated Rocky Heights Elementary is the only school that has not been adopted. He has yet to contact Victory Baptist Church and New Beginnings Church has yet to return his calls. Craig hopes that the two congregations will be able to partner together for Rocky Heights. Craig will continue to work on this.

FBAC Member Guidelines- Craig stated he has not been able to get in contact with Genaro Loreda and Hector has stated he no longer has time to commit to FBAC. James recommended that both Genaro and Hector be let go from their committee position commitments and continue the Committee with five members. Craig stated he felt that the Committee could continue with seven members with the committee appointment of Terry Cummings who regularly attends meetings, and with others who might be interested in participating. Craig stated this topic would have to be tabled until the next meeting when a quorum is present.

Family Promise- Craig stated the State of Oregon Non-Profit Corporations paperwork has been completed and will be sent with a \$50.00 check from his church once bylaws are reviewed and approved at the next meeting where a quorum is present to finalize this process. Craig will be meeting with Jenny Galloway Tuesday, February 9th regarding key qualifications for the Hermiston Family Promise Director and recommendations of anyone she knows that could fill this position.

James stated he feels Becky would be a good temporary resource for 6 to 12 months, until the Committee can find a permanent director. Becky would also be able to help with set-up and training as well.

New Business

Resignation of Craig Fraley – Craig stated due to health issues he will be resigning from the Committee effective immediately, James will be the new Facilitator. He will continue to finish up the last few items he has been tasked with from FBAC, and will also be cutting back hours at church and retire in May. Craig stated it has been a privilege and an honor to serve on the committee.

Parks and Recreation Updates- Parks and Recreation Director Larry Fetter gave the committee updates on:

- Parks and Recreation Committee met with neighbors surrounding Northside Park, the park located behind Pizza Hut. Ideas were presented to the Committee regarding what can be done at the Park and suggestions and thoughts were welcomed from the Committee.
- The Second Annual Recycling Event will be April 9th from 9am to 3pm. Larry stated FBAC was an enormous help last year and asked if they would be willing to participate again this year. FBAC accepted.
- Code Enforcement- Larry stated there are citizens that are not able to comply with code enforcement notices because they have no way of transporting items to the dump. Larry asked if FBAC had members who would be willing to help load and dump these items for these individuals. FBAC said yes.
- Larry encouraged FBAC to look at the justserve.org website that helps place individuals with volunteer projects in their community.

There was no other business and Terry adjourned the meeting with prayer at 5:00 pm.

**HERMISTON PUBLIC LIBRARY
LIBRARY BOARD MEETING
January 27, 2016**

Board Chairperson Lori Spencer, called the meeting to order at 4:00. Members present were, John Douglass, Kay Bennett and Anne Doherty. Marie Baldo, Library Director was also present.

The minutes of the December 16, 2015 meeting were approved as corrected.

Under unfinished business: The librarian provided status reports on the LEO Artplace grant, attempts to better stabilize display case shelves, the Steam grant. Examples of library director job descriptions were provided and briefly discussed.

Under New Business: The librarian informed the board members that the Umatilla County Cultural Committee had awarded the library \$600.00 for a teen book club similar to the one the library operates for adults. The librarian also provided the board with the results of the State Library directed Edge Assessment on library technology.

Under the librarian's report: Upcoming events were reviewed.

Other matters to come before the board: None

The meeting was adjourned at 4:50. The next meeting is scheduled for February 24 at 4:00 pm. in the Lanham room.



**Marie L. Baldo
Library Director**

HERMISTON PLANNING COMMISSION

Regular Meeting

February 10, 2016

Chairman Saylor called the meeting to order at 7:00 PM. Commissioners Flaiz, Caplinger, Erz, Hamm, and Doherty were present. Commissioner Fialka, Rebman and Medelez were absent.

Minutes

Minutes of December 9, 2015 meeting were approved with change. Motion passed unanimously.

Hearing – Annexation of land at 260 E Theater Lane

Declaration of Potential Conflict of Interest

Chairman Saylor asked if any commissioner wished to do declare a potential conflict of interest. Hearing none, the hearing was opened at 7:00PM.

Hearing Guidelines

The Planning Commission is holding a hearing to consider a request for annexation to the City of Hermiston. The Planning Commission will consider the request and make a decision based on the criteria established in §150.05 of the Hermiston Code of Ordinances. The applicant wishes to annex approximately .45 acre of land so the residence can be connected to city sewer services. The applicant is Thomas Morris. Chairman Saylor read the following guidelines:

- a. The applicable substantive criteria relied upon by the City in rendering the decision to annex the property are contained in §150.05 of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
- d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6) (B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6) (C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will

then be closed, and the planning commission will consider the information and testimony received, adopt findings of fact, and make a recommendation to the city council on annexation.

Staff Report

The City of Hermiston has received an annexation application from Thomas Morris for property located at 260 E Theater Lane. The property lies within the urbanizable portion of the urban growth boundary and currently has a Medium Density/Mobile Home comprehensive plan map designation. The applicant proposes to annex the property with an R-4 zoning designation which corresponds to the Medium Density/Mobile Home comprehensive plan designation. The property is described as 4N 28 02CB Tax Lot 300.

The city published a notice of public hearing in the Hermiston Herald 20 days prior to the planning commission hearing. A public notice of proposed land use action was physically placed on the property on January 20, 2016. Additionally, notice was provided to all property owners within 100 feet of the property.

<u>Applicant/Owner:</u>	The property is owned by the applicant, Thomas Morris.
<u>Property Location:</u>	The property is located at 260 E Theater Lane. The property is described as 4N 28 02CB Tax Lot 300.
<u>Existing Use:</u>	The property contains a single-family dwelling.
<u>Surrounding Uses:</u>	The site is surrounded by single family homes and manufactured dwellings.
<u>Comp Plan Designation:</u>	The land proposed for conversion lies within the urbanizable portion of the urban growth boundary and has a Medium Density/Mobile Home residential comprehensive plan map designation.
<u>Surrounding Comp Plan Designations:</u>	The land is entirely surrounded by land which is designated Medium Density and Medium Density/Mobile Home residential.
<u>Existing Zoning:</u>	The land proposed for annexation has a zoning designation of Multi-Structure Residential (R-4).
<u>Surrounding Zoning:</u>	The property is entirely surrounded by R-4 and R-3 zoned land.
<u>Requested Zoning:</u>	The property is proposed for annexation as R-4 zoned land.

Requirements

§150.05 of the Hermiston Code of Ordinances provides the requirements for annexations. The requirements for annexations are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.
2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.

5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Draft Findings on Annexation

1. The City has received consent to annexation from the property owner for approximately 0.45 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on January 20 and 27, 2016. Notices were also posted in four public places in the city for a like period. No comments or remonstrances have been received at this date as a result of the publication or posting.
3. Affected agencies were notified.
4. A public hearing of the planning commission was held on February 10, 2016. Comments received at the hearing are incorporated into the planning commission record.
5. The proposal is consistent with all applicable state annexation requirements.
6. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
7. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
8. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
9. Sewer is available to service this property in E Theater Lane. At the time of connection the applicant is responsible for all connection fees.
10. Water is available to service this property in E Theater Lane. At the time of development, the applicant is responsible for all connection fees.

Draft Findings on Zoning Designation

1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Medium Density/Mobile Home Residential.
2. The proposed Multi-Structure Residential zoning designation corresponds with the underlying comprehensive plan map designation.

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that the planning commission approve the application to amend the comprehensive plan map as submitted and recommend that the city council approve the annexation request. Upon annexation, the applicant shall sign a street improvement agreement agreeing to participate in future improvements to E Theater Lane and NE 3rd Street. Such improvements will include infill paving, curbs, and sidewalks.

Testimony

Thomas Morris, 260 E Theater Lane. Mr. Morris stated that he needs to connect to City sewer. He does not plan to connect to water at this time. He is willing to sign a street improvement agreement.

Chairman Saylor closed the hearing at 7:06PM.

Commissioner Erz moved to approve the Findings as written. Commissioner Hamm seconded. Motion passed unanimously. Commissioner Erz moved and Commissioner Hamm seconded to approve the

annexation request with the street improvement agreement as written. Motion passed unanimously.

Hearing – Amendment to City of Hermiston Transportation System Plan

Declaration of Potential Conflict of Interest

Chairman Saylor asked if any commissioner wished to declare a potential conflict of interest. Hearing none, Commissioner Saylor opened the hearing at 7:08PM.

Hearing Guidelines

Commissioner Saylor read the following guidelines:

The planning commission is holding a hearing to consider text and map amendments to the Transportation System Plan. These amendments will implement the US 395 Corridor Refinement Plan.

State that:

- a. The applicable substantive criteria relied upon by the City in rendering the decision on the amendments are contained in §157.226(E) of the Hermiston Code of Ordinances.
- b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes to apply to the decision.
- c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.
- d. Failure to provide statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA based on that issue.
- e. Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court.
- f. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.763(6)(C).

Then state that:

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

Staff Report

The City of Hermiston and George Dress et al have worked to prepare an amendment to the South Highway 395 Corridor Refinement Plan in the Transportation System Plan (TSP) to reconfigure the traffic signal and off-highway circulation plans contained within that document. The current corridor refinement plan was

prepared by the city and ODOT and adopted in 2003. The primary purpose of the corridor refinement plan is to create a plan for a system of off-highway streets to channel traffic to a set of five highway intersections which will eventually be signalized as traffic volumes warrant. The city is working on processing a development application for a large retail operation and several future lease pads immediately south of Hermiston Foods on Highway 395. Initial traffic analysis for this development indicates that at full buildout a traffic signal will be needed. The existing TSP does not reflect a traffic light at this access point. The Oregon Department of Transportation (ODOT) requires any signal installed on a state facility to be included in a city's TSP before it will consider any funding mechanism or allow the signal to be installed.

Requirements

The TSP is considered to be an implementing document of the city's comprehensive plan. When considering a request to amend the comprehensive plan, the approval criteria are contained in Chapter 156 of the Hermiston Code of Ordinances. The criteria are as follows:

156.08 AMENDMENTS.

After the Planning Commission and City Council determine that proposed amendments should be considered, amendment of the Comprehensive Plan shall be based on the following procedure and requirements:

- (A) A public hearing date and notice thereof through a newspaper of general circulation in the city at least ten days prior to the hearing;
- (B) Copies of proposed amendments shall be made available for review at least ten days prior to the Planning Commission hearing;
- (C) After the close of the public hearing, the Planning Commission shall make findings of fact and recommend to the City Council adoption, revision or denial of the proposed amendments;
- (D) Upon receipt of the Planning Commission recommendation, the City Council shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten days prior to the hearing;
- (E) Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten days prior to the City Council hearing;
- (F) After the close of the public hearing, the City Council shall make findings of fact and adopt, adopt with changes or deny the proposed amendments. Adoption is contingent upon:
 - (1) City adoption is final in the case of amendment to the plan map for the area within the city limits;
 - (2) County adoption in the case of amendment to plan policies or the plan map for the urban growth area; or
 - (3) County adoption and LCDC approval in the case of amendment to plan goals or urban growth boundary location.
- (G) Copies of the plan amendments adopted by the city shall be sent to Umatilla County and the LCDC.

All amendments to the city's land use rules must also demonstrate compliance with the statewide planning goals.

Recommended Findings

Subject to the comments and considerations of the public hearing, the following findings are presented:

Statewide Planning Goals and Comprehensive Plan Policies.

Goal 1 and Policy 1. Citizen Involvement. The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. Notice of the planning commission hearing was published in the Hermiston Herald at least 20 days prior to the hearing on January 20, 2016 in accordance with §156.08(A) of the Hermiston Code of Ordinances.
2. The Planning Commission held a public hearing on February 10, 2016 in accordance with §157.226(F).
3. The City Council held a public hearing on February 22, 2016 in accordance with §157.226(F)

Goal 1 and Policy 2. Planning Process. The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

4. Policy 2 requires the City to annually review development activity and its impacts.
5. The planning commission reviewed the Highway 395 Corridor Refinement Plan in the TSP and determined that an additional signal is justified to service proposed retail development.

Goal 2 and Policy 3. Intergovernmental Coordination. The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

6. The notice of proposed amendment was sent to the Department of Land Conservation and Development on January 4, 2016, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

7. There are no tracts of actively farmed land in the area proposed for service by the proposed traffic signal.

Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.

8. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.

9. The City's acknowledged comprehensive plan has policies established for compliance with Goals 5, 6, 7, 8, 9, 11, 13, and 14. No new uses are being permitted through the amendment. No additional findings must be made demonstrating compliance with these Goals.

Goal 9 Housing

10. There are no tracts of housing land in the service area for the proposed signal. Goal 9 is not applicable to this amendment and no additional findings are required.

Goal 12 Transportation and OAR 660, Division 012

11. OAR 660-012-0015 requires all cities to develop and maintain a transportation system plan.
12. Preparation of local TSPs must be coordinated with ODOT. The city provided a copy of the amendment to ODOT on January 4, 2016. ODOT has reviewed the proposed amendment and submitted testimony which is incorporated into the record.
13. When there is a conflict between an existing TSP and either the functional classification of a road or other conflict with the requirements of maintaining the operation of the transportation system, the TSP must be amended to maintain functionality. The proposed retail development will require a new signal above and beyond those already planned in the TSP. Thus, the TSP must be amended to include the necessary signal planning.

Hermiston Comprehensive Planning Ordinance §156.08

14. Notice of the public hearing on the proposed amendment was published in the Hermiston Herald on January 20 and January 27, 2016 more than 10 days in advance of the public hearing in accordance with 156.08(A).
15. Copies of the proposed TSP amendment have been available in the planning department office since January 20, 2016 in accordance with 156.08(B).
16. The planning commission adopted findings of fact regarding the proposed amendment following the closure of the public hearing on February 10, 2016. The planning commission recommended adoption of the proposed amendment to the city council based upon the findings of fact in accordance with 156.08(C).
17. The city council will hold a public hearing on February 22, 2016 regarding the proposed amendment. Notice of the city council hearing was published in the Hermiston Herald on February 3 and February 10, 2016 more than 10 days prior to the hearing in accordance with 156.08(D).
18. The planning commission recommendation and proposed amendment were made available to the public on February 11, 2016, more than 10 days prior to the city council hearing in accordance with 156.08(E).
19. The proposed amendment relates to a portion of the city's transportation system which is entirely within city limits. Adoption of the amendment is final upon adoption by the city council in accordance with 156.08(F)(1).

20. Notice of adoption will be sent to the LCDC and Umatilla County no later than five days after adoption by the city council in accordance with 156.08(G).

Staff Recommendation

Staff recommends that the planning commission make a recommendation to the city council that the amendment to the city's transportation system plan be adopted and incorporated into the TSP based on the findings of fact as adopted.

Testimony

Dennis Doherty, 1045 SW 9th Place. Mr. Doherty spoke to the need of having to look far out. He thinks it would be a mistake to not change the TSP to amend for the lights.

City Planner Spencer added that the Planning Commission include a recommendation that the City Council request a speed study from ODOT if the commission adopts the 'or roundabout' option.

Chairman Saylor closed the hearing at 7:39PM.

Commissioner Hamm moved and Commissioner Caplinger seconded to adopt the findings as revised to include adding 'and submitted testimony which is incorporated into the record' to number 12. Motion passed unanimously. Commissioner Caplinger moved and Commissioner Hamm seconded a motion to recommend that the traffic engineer revise his amendment consistent with ODOT's February 8, 2016 letter recommending roundabouts as an alternative to signalization at the five project locations on S Highway 395 and that that amendment as revised we recommend that it be adopted by the City Council. Motion passed unanimously.

New Business

Frank Gehring has submitted a final plat for the SW Olive Court Subdivision. The proposed subdivision is located on approximately 2 acres of land on the west side of SW 10th St at the intersection of SW 10th and W Olive Ave. The property is described as 4N 28 15CB Tax Lots 301 and 600. The applicant proposes to create 8 residential lots each sized between 8,417.46 and 8,905.27 square feet. The property is zoned Duplex Residential (R-2).

The criteria that are applicable to the decision to accept the final plat are contained in §154.46 of the Hermiston Code of Ordinances.

Chapter 154: Subdivisions

§154.46 Final Plat

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown as required**
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**

- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities. **Shown as required**
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot. **Shown as required**
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and bench marks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat. **Shown as required**
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required. **Shown as required**
- (O) Certificates of approval for endorsement by the city council and certificate indicating its submission to the planning commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes. **Shown as required**

Conditions from Preliminary Plat Approval

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat. **The applicant shall meet this condition of approval.**
2. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements shall comply with city standards and specifications and shall receive final approval from the city engineer. **The applicant has met this condition of approval.**
3. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges. **The applicant has met this condition of approval.**

4. Applicant shall comply with all provisions of §92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction. **The applicant shall meet this condition of approval.**
5. The new cul-de-sac shall be labeled as SW Olive Ct on the final plat. **The applicant has met this condition of approval.**
6. Easements of 10 feet in width shall be provided along all street frontages. **The applicant has met this condition of approval.**
7. Public water and sewer lines shall be extended in SW 10th Street to the southern boundary of the development. **The applicant has met this condition of approval.**
8. Street improvements shall be installed along all street frontages. **The applicant has met this condition of approval.**
9. The annexation of the property must be approved by the City Council prior to development beginning. **The applicant has met this condition of approval.**

Staff Recommendation

Staff has reviewed the final plat and determined it is prepared in accordance with all final plat requirements. Staff recommends the planning commission approve the final plat subject to the following conditions:

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.

Commissioner Caplinger moved and Commissioner Flaiz seconded to accept the final plat with the one condition. Motion passed unanimously.

Planner Comments and Unscheduled Communications

Commissioners will receive new information for their binders to include TSP, zoning map, and comprehensive plan, and ordinance updates. They would also like to receive digital copies of the maps.

City Planner Spencer updated the commissioners on the conditional use permit violation at the dry silage site on the south end of town.

Meeting adjourned at 8:03PM.



HERMISTON POLICE DEPARTMENT

330 S. First Street ★ Hermiston, OR 97838

PHONE(541) 567-5519 FAX(541) 567-8469

EMAIL records@hermiston.or.us

TO: City Manager Byron Smith
FROM: Chief Jason Edmiston 
DATE: February 22nd, 2016
SUBJECT: Liquor License Application – Golden Palace

After review of the liquor license application for the “Full On-Premises Sales Change of Ownership” for Golden Palace located at 175 S. Hwy 395, Hermiston, I find nothing of substance after performing a criminal history check consistent with established parameters utilized by the city, to deny the application submitted by Hai Zhu Chen and Chaojie Wu representatives of H & C Restaurant, Inc.

It is therefore my recommendation this license be granted.



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

<p>LICENSE TYPES</p> <input checked="" type="checkbox"/> Full On-Premises Sales (\$402.60/yr) <input type="checkbox"/> Commercial Establishment <input type="checkbox"/> Caterer <input type="checkbox"/> Passenger Carrier <input type="checkbox"/> Other Public Location <input type="checkbox"/> Private Club <input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr) <input type="checkbox"/> Off-Premises Sales (\$100/yr) <input type="checkbox"/> with Fuel Pumps <input type="checkbox"/> Brewery Public House (\$252.60) <input type="checkbox"/> Winery (\$250/yr) <input type="checkbox"/> Other: _____	<p>ACTIONS</p> <input checked="" type="checkbox"/> Change Ownership <input type="checkbox"/> New Outlet <input type="checkbox"/> Greater Privilege <input type="checkbox"/> Additional Privilege <input type="checkbox"/> Other _____
---	--

90-DAY AUTHORITY
 Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:
 Limited Partnership
 Corporation
 Limited Liability Company
 Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission: HERMISTON
(name of city or county)

recommends that this license be:
 Granted Denied

By: _____ (signature) _____ (date)
 Name: _____
 Title: _____

OLCC USE ONLY

Application Rec'd by: S. PETERHOFF

Date: 2-5-16

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
 ① H&C RESTAURANT, INC. ③ _____
 ② _____ ④ _____
2. Trade Name (dba): GOLDEN PALACE
3. Business Location: 175 S. HWY 395 HERMISTON CLATSOP OR 97838
(number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: 175 S HWY 395 HERMISTON OR 97838
(PO box, number, street/rural route) (city) (state) (ZIP code)
5. Business Numbers: (541) 567-5151 (phone) _____ (fax)
6. Is the business at this location currently licensed by OLCC? Yes No
7. If yes to whom: LONG RIVER PROPERTY LIMITED LIABILITY CO. Type of License: FULL ON-PREMISES
8. Former Business Name: GOLDEN PALACE
9. Will you have a manager? Yes No Name: CHAOJIE WU
(manager must fill out an Individual History form)
10. What is the local governing body where your business is located? CITY OF HERMISTON
(name of city or county)
11. Contact person for this application: JACK L LIU (503) 777-9027
(name) (phone number(s))
3202 SE 82ND AVE. STE. A (503) 777-3396 JP-ACCOUNTING@YAHOO.COM
(address) (fax number) (e-mail address)
PORTLAND, OR 97266

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Haimu Wu Date 12/2/15 ③ _____ Date _____
 ② _____ Date _____ ④ _____ Date _____

FINDINGS OF FACT

2016 HDJ Transportation System Plan Amendment – March 14, 2016

Ordinance 2239

Statewide Planning Goals and Comprehensive Plan Policies.

Goal 1 and Policy 1. Citizen Involvement. The City will insure that citizens have an adequate opportunity to be involved in all phases of the planning process.

1. Notice of the planning commission hearing was published in the Hermiston Herald at least 10 days prior to the hearing on January 20, 2016 in accordance with §156.08(A) of the Hermiston Code of Ordinances.
2. Notice of the city council hearing was published in the Hermiston Herald at least 10 days prior to the hearing on February 3, 2016 in accordance with §156.08(A) of the Hermiston Code of Ordinances.
3. The Planning Commission held a public hearing on February 10, 2016 in accordance with §157.226(F).
4. The City Council held a public hearing on February 22 and continued the hearing to March 14, 2016 in accordance with §157.226(F)

Goal 1 and Policy 2. Planning Process. The City of Hermiston will monitor and update periodically its comprehensive plan and implementing ordinances to respond to changing conditions.

5. Policy 2 requires the City to annually review development activity and its impacts.
6. The planning commission reviewed the Highway 395 Corridor Refinement Plan in the TSP and determined that an additional signal or roundabout is justified to service proposed retail development.

Goal 2 and Policy 3. Intergovernmental Coordination. The City of Hermiston will facilitate intergovernmental coordination so that decisions affecting local, state, and federal planning and development actions in the Hermiston area are rendered in an efficient and consistent manner.

7. The notice of proposed amendment was sent to the Department of Land Conservation and Development on January 4, 2016, more than 35 days prior to the first evidentiary hearing in accord with Oregon Administrative Rules, Chapter 660, Division 18.

Goal 3 Agricultural Lands.

8. There are no tracts of actively farmed land in the area proposed for service by the proposed traffic signal.

Goal 4 Forest Lands, Goal 15 Willamette River Greenway, Goal 16 Estuarine Resources, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources.

9. There are no tracts of lands subject to Goals 4, 15, 16, 17, 18, or 19 anywhere within the city limits or UGB. These goals are not applicable.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Space, Goal 6 Air, Water and Land Resource Quality, Goal 7 Areas Subject to Natural Hazards, Goal 8 Recreation Needs, Goal 9 Economic Development, Goal 11 Public Facilities and Services, Goal 13 Energy Conservation, Goal 14 Urbanization.

10. The City's acknowledged comprehensive plan has policies established for compliance with Goals 5, 6, 7, 8, 9, 11, 13, and 14. No new uses are being permitted through the amendment. No additional findings must be made demonstrating compliance with these Goals.

Goal 9 Housing

11. There are no tracts of housing land in the service area for the proposed signal. Goal 9 is not applicable to this amendment and no additional findings are required.

Goal 12 Transportation and OAR 660, Division 012

12. OAR 660-012-0015 requires all cities to develop and maintain a transportation system plan.
13. Preparation of local TSPs must be coordinated with ODOT. The city provided a copy of the amendment to ODOT on January 4, 2016. ODOT has reviewed the proposed amendment. ODOT's testimony is incorporated into the planning commission record.
14. When there is a conflict between an existing TSP and either the functional classification of a road or other conflict with the requirements of maintaining the operation of the transportation system, the TSP must be amended to maintain functionality. The proposed retail development will require a new signal above and beyond those already

planned in the TSP. Thus, the TSP must be amended to include the necessary signal planning.

Hermiston Comprehensive Planning Ordinance §156.08

14. Notice of the public hearing on the proposed amendment was published in the Hermiston Herald on January 20 and January 27, 2016 more than 10 days in advance of the public hearing in accordance with 156.08(A).
15. Copies of the proposed TSP amendment have been available in the planning department office since January 20, 2016 in accordance with 156.08(B).
16. The planning commission adopted findings of fact regarding the proposed amendment following the closure of the public hearing on February 10, 2016. The planning commission recommended adoption of the proposed amendment to the city council based upon the findings of fact in accordance with 156.08(C).
17. The city council held a public hearing on February 22 and March 14, 2016 regarding the proposed amendment. Notice of the city council hearing was published in the Hermiston Herald on February 3 and February 10, 2016 more than 10 days prior to the hearing in accordance with 156.08(D).
18. The planning commission recommendation and proposed amendment were made available to the public on February 11, 2016, more than 10 days prior to the city council hearing in accordance with 156.08(E).
19. The proposed amendment relates to a portion of the city's transportation system which is entirely within city limits. Adoption of the amendment is final upon adoption by the city council in accordance with 156.08(F)(1).
20. Notice of adoption will be sent to the LCDC and Umatilla County no later than five days after adoption by the city council in accordance with 156.08(G).

Staff Report

For the Meeting of March 14, 2016

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2016 –

**SUBJECT: Proposed
Amendment to Hermiston TSP**

Subject

An amendment to the city's transportation system plan adding an additional signal to the south Highway 395 corridor is proposed in advance of new commercial development.

Summary and Background

This item is continued from the February 22 meeting. On February 22, the council opened the hearing on the proposed amendment to the TSP, received public testimony, and then continued the hearing to allow staff additional time to work with ODOT.

The City of Hermiston and George Dress et al have worked to prepare an amendment to the South Highway 395 Corridor Refinement Plan in the Transportation System Plan (TSP) to reconfigure the traffic signal and off-highway circulation plans contained within that document. The current corridor refinement plan was prepared by the city and ODOT and adopted in 2003. The primary purpose of the corridor refinement plan is to create a plan for a system of off-highway streets to channel traffic to a set of five highway intersections which will eventually be signalized as traffic volumes warrant. The city is working on processing a development application for a large retail operation and several future lease pads immediately south of Hermiston Foods on Highway 395. Initial traffic analysis for this development indicates that at full buildout a traffic signal will be needed. The existing TSP does not reflect a traffic light at this access point. The Oregon Department of Transportation (ODOT) requires any signal installed on a state facility to be included in a city's TSP before it will consider any funding mechanism or allow the signal to be installed.

The existing circulation plan for the south Highway 395 corridor is attached to this report as figure 1.

The proposed amendment will add a new traffic signal between the proposed signals at Airport Road and at the truck entrance for the Wal-Mart distribution center. The amendment to the plan will add a new signal at the existing truck entrance for Hermiston Foods. This new signal location will require a change from the existing access as a public access easement to a public road.

A copy of the revised layout is included in the attached Figure 2. The new signal is highlighted by the number 2 in a squared circle. Additionally, the removal of a planned parallel backage road for Highway 395 is marked by dual strikethrough lines in the graphic.

A copy of the full TSP amendment report is attached to this memo.

CITY OF HERMISTON

Highway 395 through this area is a 55 mph speed zone. Installing a traffic signal in a high speed corridor such as this will require additional traffic calming measures as part of any signal construction and operation. Calming measures will include advance warning signage with flashing beacons, lane reconfiguration to slow traffic, and possibly rumble strips. These calming measures are included in the plan.

The signal itself will help the overall circulation of the south Hermiston industrial area in several ways. It will improve spacing for traffic, creating better gaps in traffic for vehicles entering the highway. It will create a new full access intersection for the off-highway circulation network. Specifically, new east/west public streets are already planned to intersect at this point. A new signal will provide cross highway access. The local street network as depicted in Figures 1 and 2 will funnel trips from Kelli Blvd and Airport Road to the new proposed signal and the proposed signals at Airport Road and the Wal-Mart distribution center.

At the February 22 meeting, the city council heard testimony from ODOT and the public regarding the inclusion of a potential roundabout rather than a signal at this location. The public testimony was unanimously opposed to the roundabout. Council discussion on the matter determined that the council was opposed to the roundabout option as well. The city council continued the hearing and directed staff to work with ODOT to remove the roundabout option from the plan. Staff held a conference call with ODOT on March 2 at which time ODOT agreed to withdraw their request for roundabouts to be included in the plan. As a result of the conference call, the proposal for consideration by the council no longer includes a roundabout option in the TSP.

Fiscal Information

Inclusion of this amendment in the TSP will add a new project estimated to cost between \$300,000 and \$1,000,000 depending on the right-of-way necessary and what elements will be required in the final design. The cost of these improvements will be shared between property developers, ODOT, and the city. In general, development is responsible for bearing the majority of costs required to insure the functionality of public infrastructure.

Alternatives and Recommendation

The city council may choose to:

1. Approve the amendment to the TSP adding a new signal at the Hermiston Foods truck entrance and adopt Ordinance 2239 incorporating the amendment into the city's TSP.
2. Reject the amendment, not adopt Ordinance 2239 and leave the TSP as-is.

Staff recommends the city council adopt the TSP amendment adding a signal at the HFI truck entrance.

Requested Action/Motion

CITY OF HERMISTON

Motion to accept the findings of fact attached to Ordinance 2239.

Motion to adopt Ordinance 2239.

Reviewed by:

A handwritten signature in black ink, appearing to be 'C. Spencer', written in a cursive style.

Department Head – Clinton Spencer, City Planner

A handwritten signature in black ink, appearing to be 'Brent A. Mat', written in a cursive style.

City Manager Approval

ORDINANCE NO. 2239

AN ORDINANCE AMENDING THE HERMISTON TRANSPORTATION SYSTEM PLAN THROUGH THE ADOPTION OF THE 2016 AMENDMENT TO THE SOUTH HIGHWAY 395 CORRIDOR REFINEMENT PLAN.

WHEREAS, the Hermiston Planning Commission held a public hearing on February 10, 2016 to receive public testimony and consider an amendment to the Hermiston Transportation System Plan, and

WHEREAS, the Hermiston City Council held a public hearing on February 22 and March 14, 2016 to receive public testimony and consider an amendment to the Hermiston Transportation System Plan, and

WHEREAS, notice of the Planning Commission and City Council hearings was provided to the Department of Land Conservation and Development and published in a newspaper of general circulation in accordance with statutory requirements and local ordinance requirements for notice of legislative amendments, now therefore

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The Hermiston Transportation System Plan is hereby amended to include the 2016 HDJ Transportation System Plan Update.

SECTION 2. The HDJ Transportation System Plan Update is attached as Exhibit A and is incorporated herein by reference.

SECTION 3. The findings of fact adopted by the city council on March 14, 2016 are incorporated herein by reference.

SECTION 4. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the Common Council this 14th day of March, 2016.

SIGNED by the Mayor this 14th day of March, 2016.

MAYOR

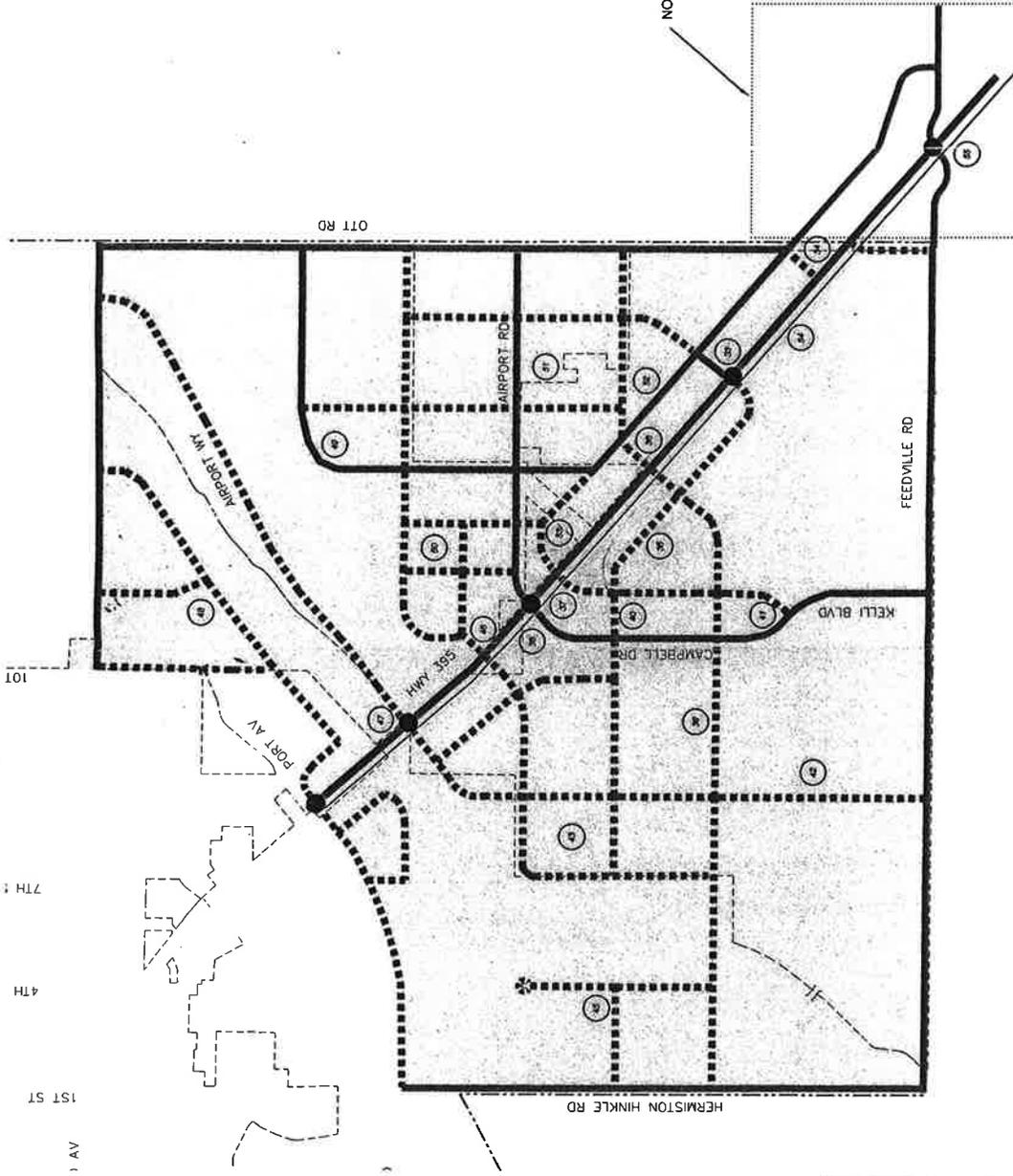
ATTEST:

CITY RECORDER



**FIGURE 1
CURRENT CONFIGURATION**

NOTE: UPDATE SPECIFIC TO THE
US 395 NORTH CORRIDOR PLAN
AND UMATILLA COUNTY TSP



LEGEND	
	URBAN MAJOR ARTERIAL
	URBAN MINOR ARTERIAL
	URBAN MAJOR COLLECTOR
	URBAN MINOR COLLECTOR
	TRAFFIC SIGNAL
	OFF-STREET (MULTI-USE) PATH
	UGB
	CITY LIMITS
	US 395 CORRIDOR REFINEMENT STUDY AREA

CORRESPONDS TO IMPROVEMENTS LISTED IN TABLE 1

**US 395 CORRIDOR
STREET SYSTEM IMPROVEMENTS
JANUARY 2003 UPDATE**

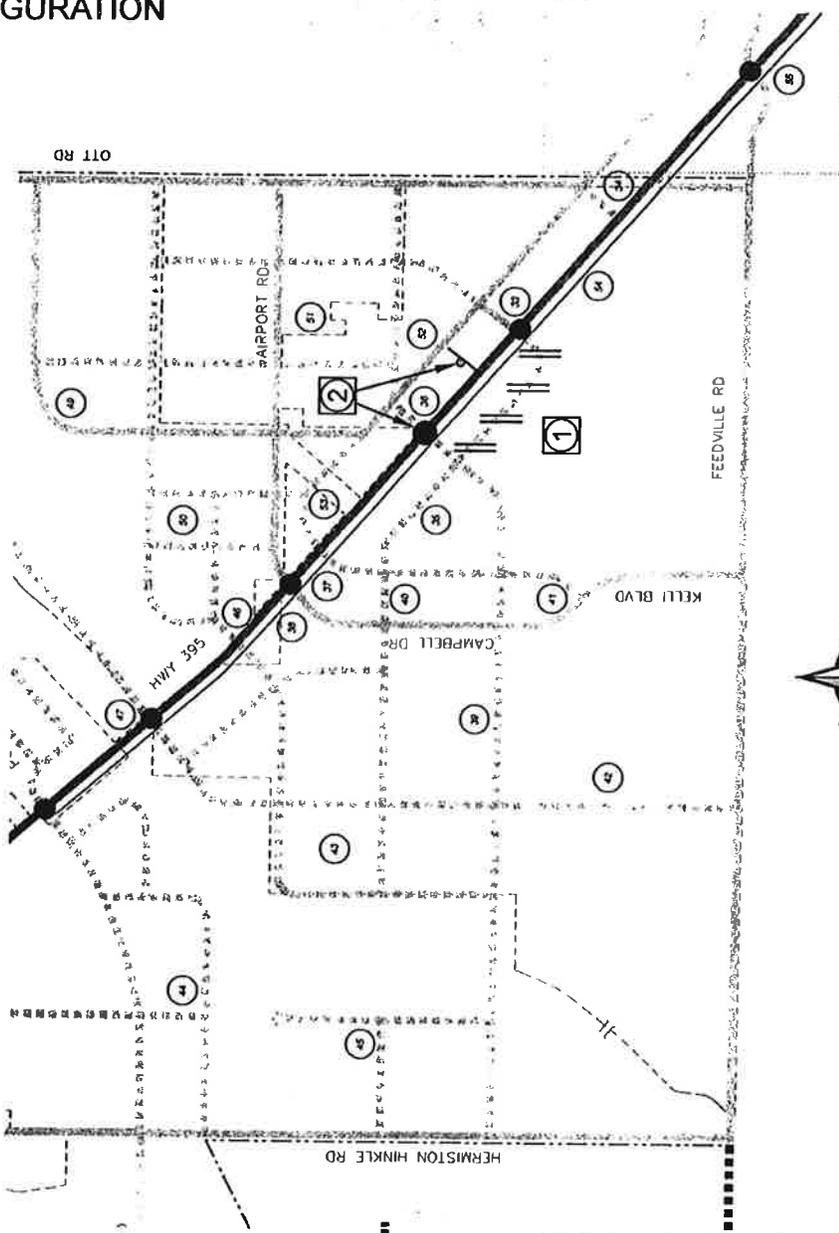
HERMISTON TSP AMENDMENT
HERMISTON, OREGON
JANUARY 2003

FIGURE
6



TSP_UPDATEAPRIL_2003_UPDATEFIG06.DWG

**FIGURE 2
AMENDED CONFIGURATION**



- ① **REVISE PROJECT TO SHORTEN 35.**
- ② **REVISE PROJECT 36 TO INCLUDE FULL ACCESS SIGNAL WITH "PREPARE TO STOP WHEN FLASHING" SIGN.**

LEGEND	
	URBAN MAJOR ARTERIAL
	URBAN MINOR ARTERIAL
	URBAN MAJOR COLLECTOR
	URBAN MINOR COLLECTOR
	RURAL ARTERIAL
	RURAL COLLECTOR
	TRAFFIC SIGNAL
	OFF-STREET (MULTI-USE) PATH
	UGB
	CITY LIMITS
	SOUTH HERMISTON STUDY AREA
	US 395 CORRIDOR REFINEMENT STUDY AREA

FIGURE 2

**TSP Project Recommendations
Hermiston TSP Update - Ranch & Home**

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Date: December 4, 2015

To: Clinton Spencer

From: John Manix, PE

Re: City of Hermiston Transportation System Plan Update – Ranch and Home Development

Introduction:

This memo is intended as an update to the *City of Hermiston Transportation System Plan (TSP)* based on the proposed modifications associated with the Ranch and Home commercial development.

See *Figure 1* for a vicinity map and *Appendix A* for excerpt from the 2003 updated TSP project map.

The current TSP proposes a “backage road” (Project Number 35) through and conflicting with the Ranch and Home site, and the *Ranch and Home’s Traffic Impact Analysis (TIA)* Report recommends a traffic signal at the shared Ranch and Home/Hermiston Foods driveway intersection with US 395. The current TSP was updated in 2005 based on the *US 395 Corridor Refinement Plan*.¹ This memo also addresses the October 6, 2015 letter from Oregon Department of Transportation (ODOT) commenting on Ranch and Home Development and the TIA.

Recommendations:

Revise City of Hermiston’s Transportation System Plan project listed as follows and illustrated in Figure 2:

1. Modify Project 35 to shorten proposed minor collector backage road, parallel to US 395, between Kelli Boulevard to the proposed minor arterial listed as Project 39 (Hermiston Foods driveway).
2. Modify project 36 to include a full access traffic signal at the proposed minor arterial intersection with US 395, near the Hermiston Foods driveway. With the proposed traffic signal for the Ranch and Home Development and the Hermiston Foods driveway, include an advance warning sign assembly “PREPARE TO STOP WHEN FLASHING” and advance vehicle detection system.

Background:

The *US 395 Corridor Refinement Plan* was jointly funded by the City of Hermiston and ODOT to address the overall management direction established by the July 2000, *US 395 North Corridor Plan*. This plan was developed by ODOT and called for an access management plan with raised medians on US 395 from Kelli Boulevard to Rosalynn Drive. The *US 395 Corridor Refinement Plan* called for a series of projects, including a network of minor arterials and collectors near US 395, between Port Avenue and Feedville Road that included a series of proposed signalized intersections with access restrictions, such as right-in and right-out. To provide access to the abutting properties, the *US 395 Corridor Refinement Plan* called for a “backage road” that would collect and distribute traffic from the adjacent property to the proposed signals. A backage road is similar to a frontage road as it parallels a highway

¹ Kittelson and Associates, *US 395 Corridor Refinement Plan (Port Drive to Feedville Road)*, January 2003.

but it runs along the back of the abutting properties. This separation positions intersections approximately a city block from the signalized intersection which minimizes conflicts and provides room for queueing at the signal for the cross street to US 395. The plan intended the backage roads to follow property lines so to minimize conflicts with abutting properties. The preferred alternative project list from the *US 395 Corridor Refinement Plan* was adopted by the City in January 2003 as a TSP update.

In 2012, the City of Hermiston processed land use rezoning to relocate the Eastern Oregon Trade and Event Center (EOTEC) to a new location north of Airport Road, contiguous to the southern boundary of the Hermiston Municipal Airport, and west of Ott Road. The 2012 *Fairgrounds Overlay Zone District Transportation Impact Analysis Report* prepared by Group Mackenzie estimated that the EOTEC would generate upwards of 1,000 PM peak hour trips for events. These trips are currently anticipated to enter and exit the site from US 395 via Airport Road or a possibly an extension of Able Drive.

In 2015, the Ranch and Home Company proposed a larger commercial development between Hermiston Foods and the Walmart Distribution Center. *See Figure 1 for a vicinity map from the projects TIA.* This large scale retail development on 17.59 acres site estimates to generate 4,426 trips per day and is the type of development the City of Hermiston envisioned for the *US 395 Corridor Refinement Plan*. The TSP Project 35 directs the backage road through the Ranch and Home site and significantly limits the commercial development plans. The Ranch and Home development was conditioned by the City to prepare a TIA plan which would identify traffic impacts and mitigation of the proposed project. The TIA concluded a traffic signal was needed on US 395 at the entrance between the existing Hermiston Foods driveway and the proposed Ranch and Home, often referred to as the "Hermiston Foods driveway."

ODOT submitted a letter to the City of Hermiston on October 6, 2015. This letter noted inconsistencies with the City's TSP and recommended that other safety concerns be addressed. These concerns and comments brought up by ODOT are summarized as follows:

- The proposed signal at the Hermiston Foods driveway may compromise the other proposed signals in the TSP. The applicant should verify that the proposed signal does not impact the traffic signals identified in the TSP.
- The TSP calls for the backage road to extend to the Walmart Distribution Center driveway at US 395 and a traffic signal at this location. The City should consider if this is still necessary in light of the proposed event center (EOTEC) on Airport Road.
- A roundabout should be considered as an alternative to a traffic signal due to safety concerns of traffic stopping from 55 MPH rural highway approach. If a roundabout is not used traffic calming should be considered.

Based on these comments, the City has directed the applicant to process a TSP update in the form of a technical memo. After discussing the TSP update with both ODOT and City staff, it was agreed that the scope of work would address the following questions:

1. What is the impact on signal spacing standards and the possible impact of the proposed signal at the Hermiston driveway?

2. What are the impacts of the proposed Ranch and Home signal on the proposed signal at Airport Way?
3. What are the impacts on the projects listed in the 2003 Hermiston TSP Amendment?
4. What is the interaction between passenger vehicles from the Ranch and Home Development, and the Hermiston Food and Walmart Distribution Center trucks?
5. Is a roundabout a viable alternative to a signal and if not what other traffic calming measures can be used as a safety enhancement to a traffic signal?
6. What are the impact of a signal on the off-set intersection at the US 395/Hermiston Foods entrance/E-Z Storage entrance?
7. Does the proposed or current TSP projects impact industrial development?

Evaluation:

The following section addresses the questions above:

What are the impacts on signal spacing standards and the possible impact of the proposed signal at the Hermiston driveway?

In this case, the primary issue with signal spacing is related to possible impacts to signal system coordination. No specific standard was found for signal spacing. The MUTCD cites that signals should be coordinated with spacing under a half mile.² The MUTCD also cites that signals may meet warrants based on signal coordination, based on engineering study, but not if the spacing is under 1,000 feet. With spacing greater than a half mile the platoon will disperse and coordination will be less effective. With spacing less than 1,000 feet, the queue at upstream signals may interfere with progression of the platoon through the signal system. Figure 3 shows the spacing of the signal and it is likely that with the proposed signal at Ranch and Homes development driveway (existing Hermiston Foods driveway) it will improve coordinated signal operation by making the spacing more uniform from Port Avenue to Walmart Distribution Center Driveway. Thus, the proposed signal at Ranch and Home/Hermiston Foods/US 395 will have a positive impact on signal system operation associated with signal spacing.

What are the impacts of the proposed Ranch and Home signal on the proposed signal at Airport Way?

Beyond the impacts on signal system coordination addressed above, the possible impacts of the proposed signal at Ranch and Home development is related to traffic diversion. This is challenging to quantify due to the uncertainty of the land development and the supporting land uses. Based on careful review of the *US 395 Corridor Refinement Plan* and the *Fairgrounds Overlay Zone District Transportation Impact Analysis Report*; a traffic signal at Ranch and Home entrance will better distribute the trips to the adjacent property to US 395 between Airport Road and the Walmart Distribution Center.

The *US 395 Corridor Refinement Plan* estimates a 4,000 PM peak hour trips entering and exiting US 395 between Airport Road and the Walmart Distribution Center. With the current TSP, most of those trips that need to make a left turn across US 395 will need to use the signals proposed at either the Airport Road or the Walmart Distribution Center signals. With most of the egress trips destined for Hermiston, the Airport Road intersection is likely to take the largest share of these trips on the west side of US 395. Thus, the proposed signal at Ranch and Home should reduce the traffic impacts on the future Airport

² FHWA, *Manual on Uniform Traffic Control Devices, 2009 Edition*.

Road/Campbell Drive/US 395 signal by providing an additional egress opportunity for left turning vehicles.

The backage road was proposed as supporting development by improving the access. In this case, it severely restricts development by sub-dividing a large retail site into smaller lots, restricting land-use options. Assuming the backage road through the Ranch and Home site is not built, future trips need a signal to access US 395. The proposed signal at the Walmart Distribution Center driveway will not be accessible from the west side of US 395. Thus, the proposed traffic signal will provide another access point to US 395 other than the future Airport Road/Campbell Drive/US 395 traffic signal.

What are the impacts on the projects listed in the 2003 Hermiston TSP Amendment?

The most significant impacts are on Project 35, the backage road on the west side of US 395. The Ranch and Home development proposes to eliminate a portion from the Hermiston Foods driveway to the Walmart Distribution Center driveway. With the proposed signal at Ranch and Home/Hermiston Foods/US 395 intersection, the surrounding area still will be served.

Project 33, the signal at the Walmart Distribution Center Driveway/US 395 intersection, may be impacted without the connection to west side backing road (Project 35). Without the traffic from the west side of US 395 connected to the Walmart Distribution Center driveway at US 395, it may not meet warrants in the future. For this update, it is not recommended that this project be removed from the project list because future development on the east side of US 395 may produce enough trips to meet signal warrants.

The project list from 2003 Hermiston TSP Amendment is based on the *US 395 Corridor Refinement Plan*. After careful review of the series of technical memos that make up the *US 395 Corridor Refinement Plan*, it is clear that this planning process involves extensive analysis and public involvement, including a project team of technical stakeholders. Thus the Ranch and Home modifications to the TSP project list should be kept to a minimum. The *US 395 Corridor Refinement Plan* acknowledged that the plan would need refinement as land adjacent to US 395 is developed but at this early stage the update should only recommend minor refinements.

What is the interaction between passenger vehicles from the Ranch and Home Development, and the Hermiston Food and Walmart Distribution Center trucks?

At the Hermiston Food driveway (the location of the proposed Ranch and Home traffic signal), the interaction is minor due to time of day that truck ingress and egress the site verses passenger vehicles. The traffic counts from both the *US 395 Corridor Refinement Plan* and the Ranch and Home TIA counted few if any trucks turning into or out of the site in the AM, Mid-day or PM peak hours. At the Walmart Distribution Center driveway, the truck volume is moderately high for truck volume, with 7 exiting and 18 entering in the AM, 29 exiting and 18 entering in the mid-day, and 13 exiting and 20 entering in the PM peak hours. The Walmart Distribution Center staff are reported to have expressed reservations about mixing passenger vehicles with truck traffic associated with the proposed backage road in the current TSP. The length of left turn lane on the Walmart Distribution Center driveway will be constrained due to the backage road driveway intersection with the Walmart Distribution Center driveway. If the Ranch and Home development traffic destined for northbound US 395 was directed through this intersection, per the existing TSP (Project 35), the queue with trucks added is a concern. With a double left turn, it will require upwards of 225 feet of left turn storage for Ranch and Home development traffic. This long queue would be very disruptive to the Walmart Distribution Center

operation. Thus, due to the moderately high truck traffic and the constrained roadway geometry at the Walmart Distribution Center, the backage road should not be terminated at Walmart Distribution Center driveway intersection with US 395.

Is a roundabout a viable alternative to a signal and if not what other traffic calming measures can be used as a safety enhancement to a traffic signal?

Signals on the State Highway system are a significant safety concern to the Department of Transportation staff in both Oregon and Washington. With a high speed approach to a traffic signal, red light running and rear-end collisions can result in fatal or serious injury collisions. Based on their safety record, ODOT and WSDOT encourage roundabouts as an alternative,. In this case, ODOT has traffic safety concerns with rural locations where traffic has traveled long distances prior to encountering a traffic signal.

As this relates to the Hermiston TSP, the first proposed signalized intersection on the US 395 corridor, at US 395 and Feedville Road (Project 55) is a much better location of a proposed roundabout to address the ODOT safety concerns. This will be the location where traffic will first encounter a traffic signal, as northbound rural traffic enters an urban area. While this intersection may take some time to receive upgraded traffic controls. , it is still not recommended that the City of Hermiston or ODOT use roundabouts in place of traffic signals at any other intersection of US 395, from Port Avenue to the Walmart Distribution Center driveway, for the following reasons:

- The US 395 corridor is an ideal candidate for signal coordination based on signal spacing. The signals are between 0.3 to 0.47 mile spacing from Port Avenue to the Walmart distribution center driveway. A roundabout at the Ranch and Home development would compromise the future signal coordination by dispersing the platoon as it moves through the roundabout.
- The US 395 corridor with the signals, 4 lanes, and a center median has the capacity to meet the forecast volumes. The *2012 Fairgrounds Overlay Zone District Transportation Impact Analysis Report* recommended a revised annual growth rate of less than 1%.
- Traffic signals are much more cost effective under these conditions. Roundabouts tend to cost approximately \$1,000,000, depending on the enhancements and right-of-way. At about one third the cost or \$300,000 a traffic signal is a much better value.
- Assuming a double lane roundabout, substantial right-of-way will be needed from adjacent property owners, can be very challenging to purchase by a developer.

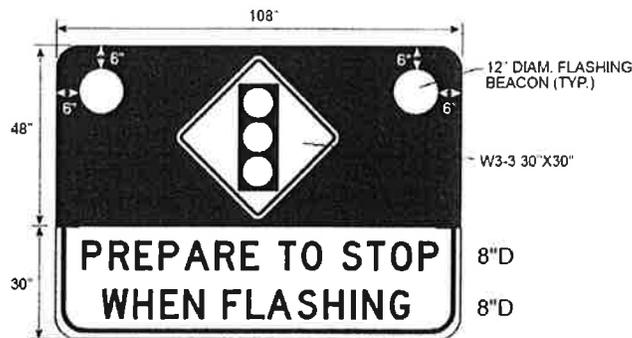
A roundabout has one significant benefit for the Ranch and Home main entrance, the queue length on the west leg is significantly shorter compared to a traffic signal. The 2015 Ranch and Home Transportation Impact Analysis report recommends a 225 long, double left turn lane for the traffic signal between Ranch and Home and Hermiston Foods. With the same 2025 design hourly volumes, a roundabout is estimated to generate a 50 foot queue length for a single lane approach on the Hermiston Foods and Ranch and Home approach.

It is worth noting that both the trucking industry and ODOT maintenance staff have expressed reservation with roundabouts. Truck drivers frequently comment that use of truck apron or using both circulating lanes to make a turn is a safety concern. Roundabouts will become more acceptable to both these users and stakeholders with added familiarity but this location should not be a test case based on the close proximity to Hermiston Foods and the Walmart Distribution Center truck traffic.

ODOT recommended that “traffic calming” be considered as a traffic safety enhancement to a traffic signal. The intent is to slow traffic approaching the proposed traffic signal to minimize the risk of collisions with high speed, rural, highway traffic. The median can be modified to reduce the design speed of approaching traffic by creating horizontal deflection but takes substantial median modification. Similar to the high speed approach to a roundabout, widening to added horizontal curves for a serpentine alignment to the roadway for 500 feet prior to the intersection would likely be necessary to bring traffic down to urban speeds prior to the signal. Unless US 395 is reduced to one lane, some drivers may resort to risky behavior of using unsafe lane changes to maintain speed on the approach. There are a lot of other traffic calming techniques, some that are not appropriate at this location, such as speed humps, and others with very limited success in changing behavior such as speed bars or rumble strips.

As a safety enhancement for the proposed traffic signal, the following alternative is recommended:

- Install traffic activated warning signs on the northbound approach to the signal 400-500 feet in advance. WSDOT used advance warning signs in very similar circumstances on southbound on SR 503 as traffic approaches the first signal in the City Battle Ground, WA at NE 244th Ave-NE 25 St. *See Appendix B for WSDOT white paper on the use of PREPARE TO STOP WHEN FLASHING sign assembly.*



The key to success is to provide a message that commands attention, provides adequate reaction time, provides a clear and simple message, and fulfills a need. The use of traffic or signal activated flashing lights are effective at command attention of approaching traffic. Another benefit of this method is that it can be further enhanced with additional advanced traffic control if necessary. For example, use of radar signs (speed limit signs with radar feedback messages) can provide additional traffic calming. The proposed signal should also use a robust vehicle detection system that addresses dilemma zone consideration of approaching high speed traffic.

What is the impact on the off-set intersection at the US 395/Hermiston Foods entrance/E-Z Storage entrance?

The traffic to and from the E-Z Storage has been counted as low as 1 or 2 vehicles in the peak hours. The Hermiston Foods Driveway is offset 85 feet from the access of E-Z Storage. With the signal, the median should be extended on US 395 south to restrict left turn movements from US 395 to the E-Z Storage driveway. Access from Hermiston can be maintained via the proposed signal by making a U-turn in the short term. In the long term, TSP project 51 will eliminate the need for a U-turn.

Does proposed or current TSP projects impact industrial development?

The zoning in the vicinity of the project is a combination of commercial, light and heavy industrial (C-2, M-1 and M-2). With the opportunity to receive grant funding for transportation projects related to

industrial land use, the scope of the study included review of the impact on truck access by the proposed updated and current TSP.

Hermiston Foods is the current industrial land use, just north of the Ranch and Home development. Presently Hermiston Foods trucks either ingress or egress late at night or rely on the Kelli Blvd. intersection for access. The proposed signal by the Ranch and Home development will improve truck access during hours with higher traffic volumes and reduce out of direction travel of only using the Kelli Blvd intersection. The traffic signal will provide better gaps in traffic than the current two-way STOP sign control intersections at both the driveway and the Kelli Blvd. The current TSP would further limit access to Hermiston Food by directing all truck traffic to the Airport Rd/Campbell Dr/US 395 and Wall Mart Distribution Center/US 395 future signals. Hermiston Foods future access in the current TSP is highly dependent on the backing road that will take some time to implement and appears to be conflicting with the existing Hermiston Food facilities. Thus, the new signal between Ranch and Home and Hermiston Foods may eliminate the need for the backing road on the west side of US 395 (Project 35).

The proposed traffic signal opens access to large tracks of property zoned Commercial/Industrial (C-2/M-1) on the east and west side of US 395. Thus, the current TSP will delay and prevent industrial/commercial development with the restriction of access as proposed in Project 36. Projects 40 and 52, the backing roadways east and west of US 395, will delay development waiting for their completion. There is approximately 42 acres of property zoned Industrial (M-1) in close proximity to the proposed signal that can gain access to US 395 with the signal. *See Figure 4 for the industrial zoning in the vicinity of the proposed signal.*

Thus, the proposed signal at the Ranch and Home/Hermiston Foods access roadway will not compromise access to the adjacent commercial and industrial property but will significantly improve access compared to the existing TSP projects. This signal should be a good candidate for grant funding targeting industrial land use development.

Conclusions:

The following conclusions are based on the review of background material and evaluation of the possible impacts of the proposed changes to the TSP.

- This update is a refinement to the current TSP based on the *US 395 Corridor Refinement Plan* but kept changes to a minimum to honor past process. Thus, the proposed signal at the Ranch and Home/Hermiston Foods /US 395 intersection should be added to the plan and not replace the proposed signal at the Walmart Distribution Center as recommended in the Ranch and Home TIA report. The backage road proposed through the Ranch and Home site should be curtailed but the remainder should remain in the TSP.
- The proposed signal at the Ranch and Home/Hermiston Foods/US 395 intersection will have a positive impact on the TSP signal system from the Walmart Distribution Center to Port Ave US 395 by creating more consistent spacing.
- The proposed signal at the Ranch and Home/Hermiston Foods/US 395 intersection will have a positive impact on TSP Project 37, the signal at Airport Road/Campbell Rd/US 395, by diverting traffic to away and reducing impacts.
- The proposed Ranch and Home development and recommended transportation projects have the most impact on TSP Project 33, the traffic signal at the Walmart Distribution

Center/US 395. It may not meet warrants in the future without the connection to the backage road. The TSP backage road, Project 35, will be shorter but not significantly impacted.

- The proposed signal at the Ranch and Home/Hermiston Foods/US 395 intersection and the reduction in the backage road will have a positive impact on truck access on US 395. The trucks destined to Hermiston Foods will have a signal for their late-night and early-morning access to US 395. If the Ranch and Home development distributed its trips to Walmart Distribution Center Driveway as proposed in TSP Project 35, the queue would interfere with truck traffic at their driveway.
- Traffic signals on rural highways after a long distance of uninterrupted traffic flow are a safety concern. A roundabout was considered and has significant benefits, such as reduced queuing at the Ranch and Home approach. It also has negative impacts, such as platoon dispersion on US 395 in the middle of signal system. A better location is at the Feedville/US 395 intersection, TSP Project 55, to address safety concerns associated with the first signal encountered by rural highway traffic. As an alternative to a roundabout that will address the safety concern, a PREPARE TO STOP WHEN FLASHING sign assembly is proposed to alert drivers that they are approaching a signal. This can be further enhanced with additional advanced vehicle detection to address dilemma zones for high speed traffic, a speed limit reduction and the use of radar signs.
- The proposed signal at the Ranch and Home/Hermiston Foods/US 395 intersection will require extending the median to eliminate the left turn from US 395 to EZ Storage. But access will be maintained by a U-turn that will meet the very low traffic volume in and out of the facility during the peak traffic hours.
- The proposed signal at the Ranch and Home/Hermiston Foods/US 395 intersection will have a positive impact on industrial development in the vicinity. With approximately 42 acres of land zoned Commercial/Industrial (C-2/M-1), tributary to the proposed signal, improving access to US 395 will enhance development by lowering infrastructure improvement costs.

Recommendations

Revise City of Hermiston's Transportation System Plan listed as follows and illustrated in Figure 1:

1. Modify Project 35--Shorten the proposed minor collector backage road, parallel to US 395, between Kelli Boulevard to the proposed minor arterial listed as Project 39 (Hermiston Foods driveway).
2. Modify Project 36-- Include a full access traffic signal at the proposed minor arterial intersection with US 395, near the Hermiston Foods driveway. With the proposed traffic signal for the Ranch and Home Development and the Hermiston Foods driveway, include an advance warning sign assembly "PREPARE TO STOP WHEN FLASHING" and advance vehicle detection system.

Appendix A – 2003 City of Hermiston TSP Amendments

Appendix B – 2006 WSDOT White Paper – Prepare to Stop When Flashing (PTSWF) System Pilot Project Interim Guidelines.

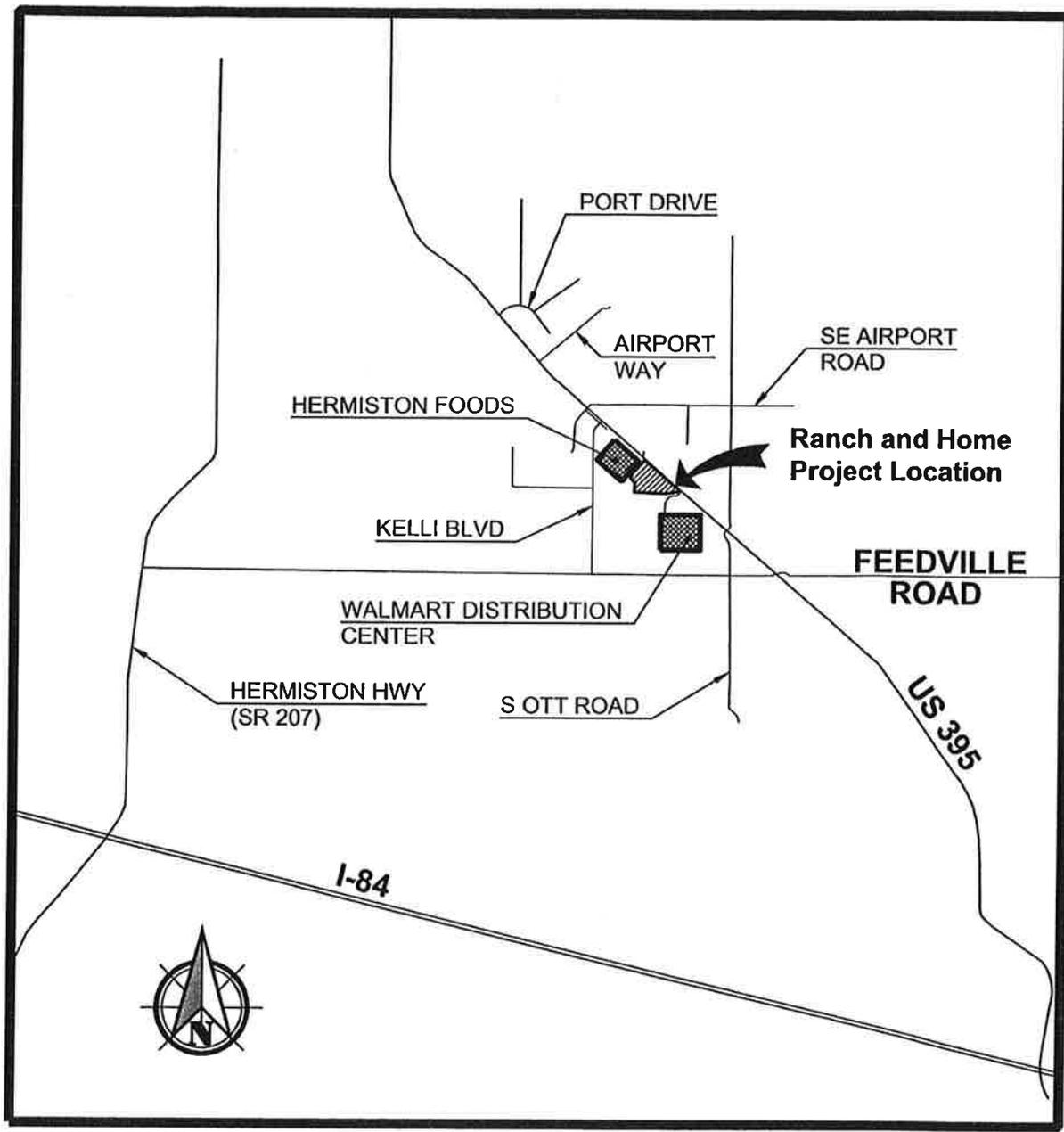


FIGURE 1



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Vicinity Map

Hermiston TSP Update - Ranch & Home

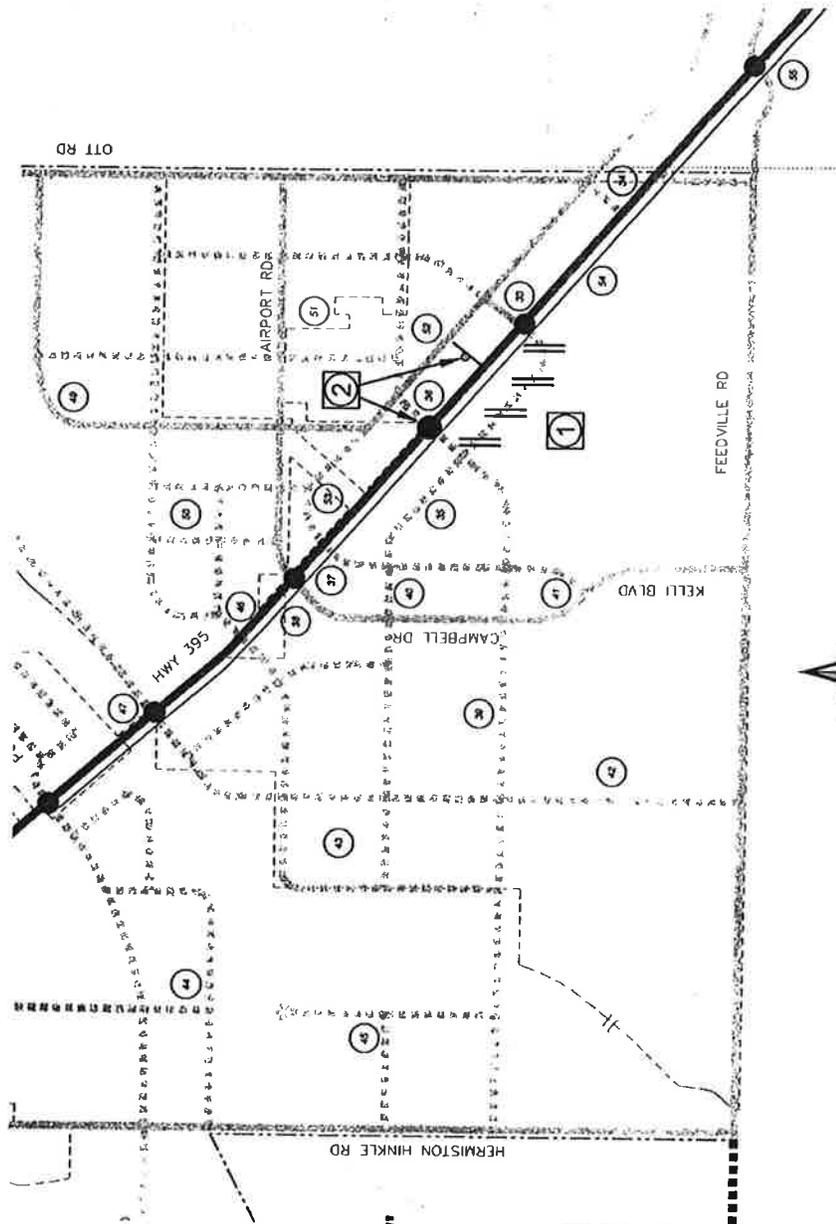


FIGURE 2

- ① REVISE PROJECT TO SHORTEN 35.
- ② REVISE PROJECT 36 TO INCLUDE FULL ACCESS SIGNAL WITH "PREPARE TO STOP WHEN FLASHING" SIGN.

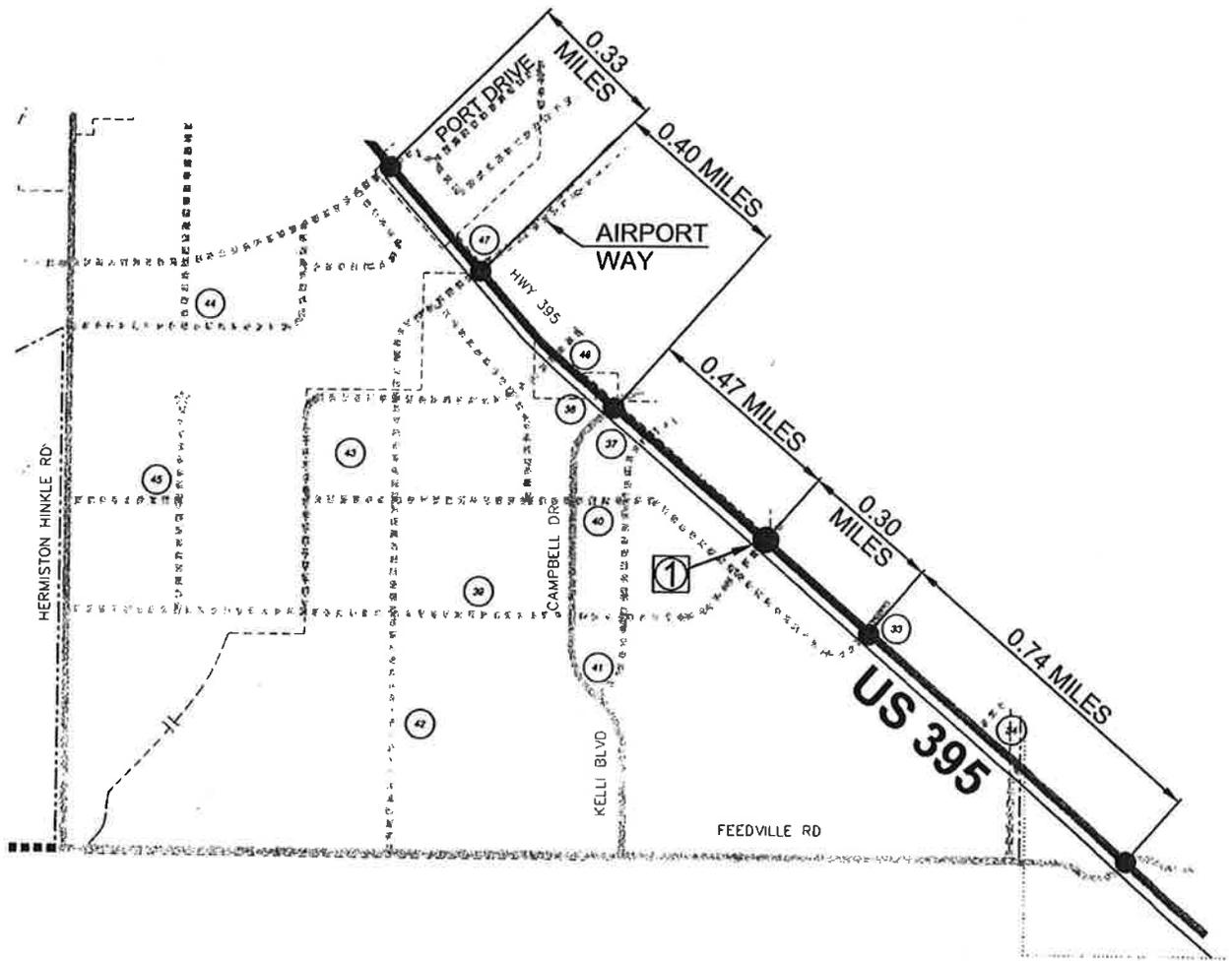
LEGEND

- URBAN MAJOR ARTERIAL
- URBAN MINOR ARTERIAL
- URBAN MAJOR COLLECTOR
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TSP Project Recommendations

Hermiston TSP Update - Ranch & Home

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HERMISTON 2003 AMENDED TRANSPORTATION SYSTEM PLAN

① New traffic signal at Hermiston Foods entrance.



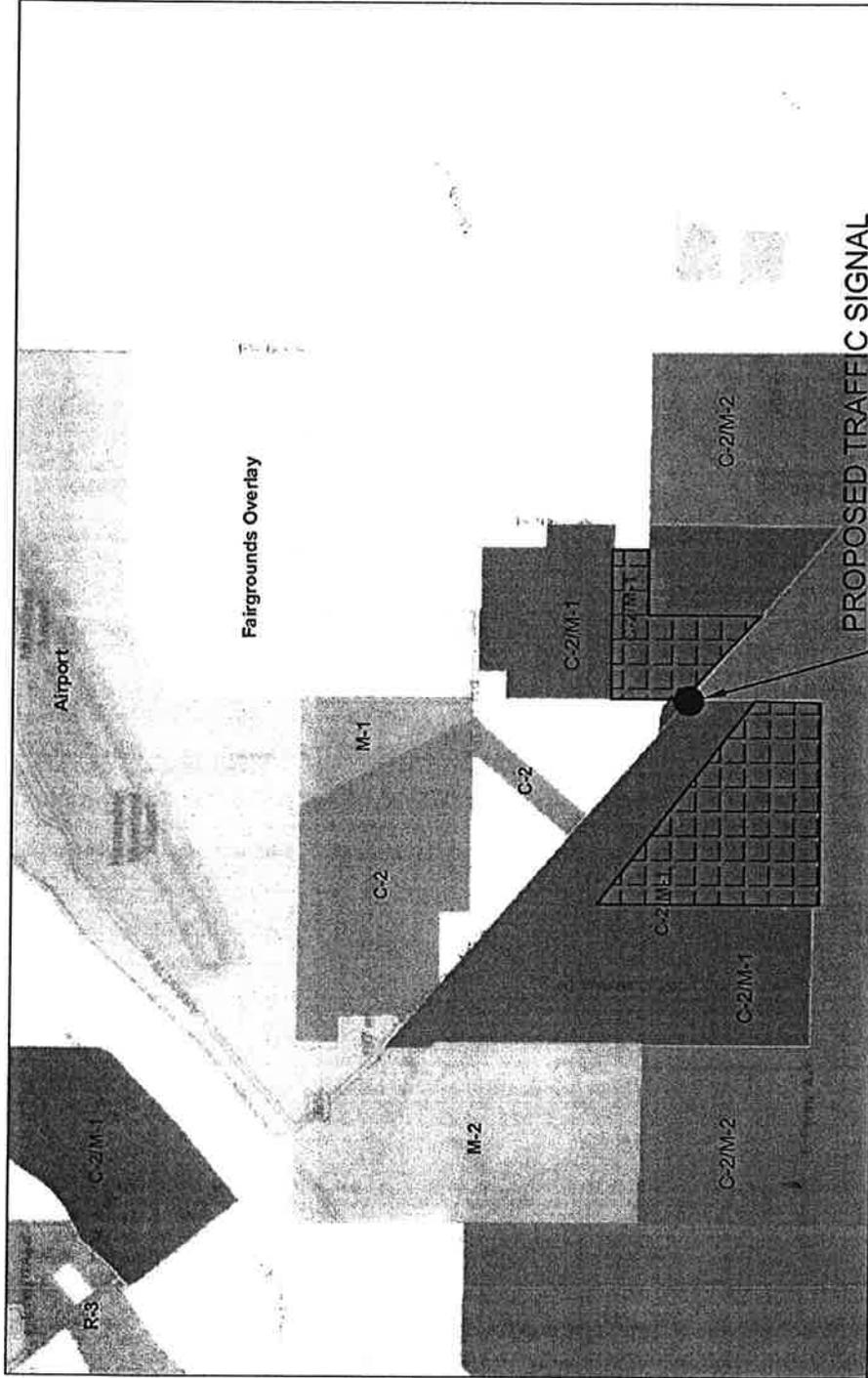
FIGURE 3



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Signal Spacing
 Hermiston TSP Update - Ranch & Home

Hermiston Zoning



INDUSTRIAL LAND CLOSE TO
PROPOSED SIGNAL



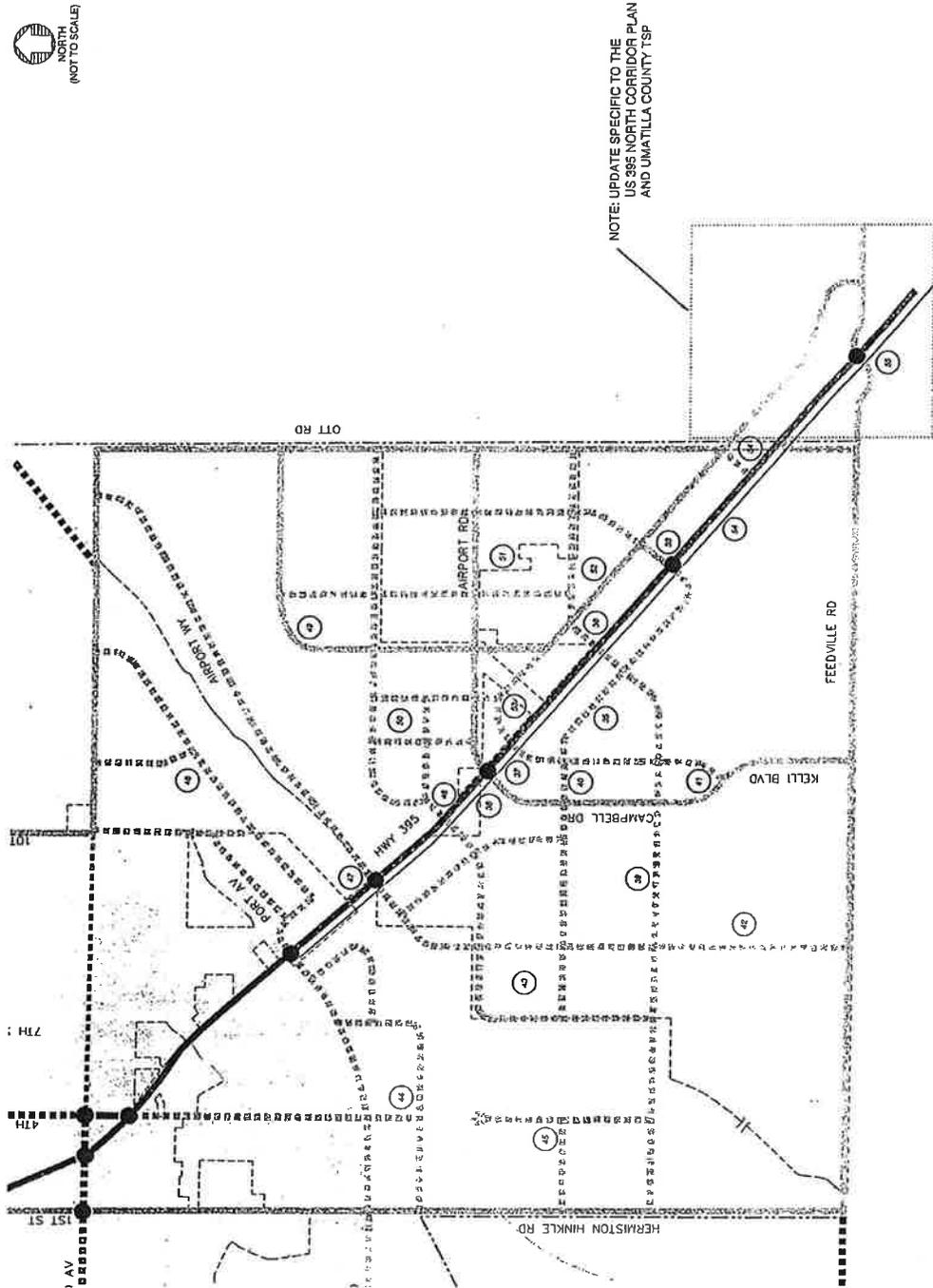
FIGURE 4

Industrial Land
Hermiston TSP Update - Ranch & Home

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Appendix A



NOTE: UPDATE SPECIFIC TO THE
US 395 NORTH CORRIDOR PLAN
AND UMATILLA COUNTY TSP

- LEGEND**
- URBAN MAJOR ARTERIAL
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CORRESPONDS TO IMPROVEMENTS LISTED IN TABLE 1

**US 395 CORRIDOR
STREET SYSTEM IMPROVEMENTS
JANUARY 2003 UPDATE**

**Table 1
Recommended 20-Year Street Improvement Projects
US 395 Corridor Refinement Study Area**

Fig 6 Id #	Project Description	Priority	Estimated Cost (Yr. 2002 \$)	Potential Funding Source(s)
33	Provide a signalized access portal to US 395 (when warranted by a traffic engineering study) at the current Wal-Mart Distribution Center access to be served by a major collector roadway east of US 395 and a minor collector west of US 395.	Near-term	\$225,000	AMG, PDF, TEP, SDC, GF
34	Realign the north and south approaches to Oit Road such that they intersect US 395 at a complete 90-degree angle. The future intersections should be limited to right-in/right-out driveways to help preserve access management along the highway.	Mid-term, but not before Improvements #33 and #52	\$550,000	AMG, PDF, TEP, SDC, GF
35	Develop a minor collector backage road that runs parallel to US 395 between Keill Boulevard and the Wal-Mart Distribution Center truck access road.	Near-term, but not before Improvements #33.	\$1,750,000	PDF, LID, GF
36	Re-construct a limited access right-in/right-out driveway to US 395 near the current Hermiston Foods driveway to be served by minor collector roadways on both sides of the highway.	Mid-term, following Improvements #33, #35, & #52	\$25,000	AMG, TEP, SDC, PDF, STIP
37	Re-construct a limited access intersection (left-in/right-in/right-out) at the US 395/Keill Boulevard intersection.	Mid-term, following the completion of Improvements #33, #35, #38 & #40	\$25,000	AMG, TEP, SDC, PDF, STIP
38	Signalize the US 395/Campbell Drive/Airport Road intersection when warranted by a traffic engineering study.	Mid-term	\$225,000	STIP, PDF, LID, GF
39	Develop a minor collector roadway to facilitate east/west travel between Hermiston-Hinkle Road and US 395.	Long-term	\$5,375,000	PDF, LID, GF
40	Upon redevelopment of adjacent land parcels, develop a minor collector connection between Campbell Drive and Keill Boulevard.	Mid-term	\$275,000	PDF, GF, LID
41	Extend Campbell Drive at major collector standards south and east to Keill Boulevard (1 st Phase). Realign a portion of Keill Boulevard so that it intersects the extension of Campbell Drive (2 nd Phase).	Long-term	\$1,075,000	GF, LID, TEP
42	Develop a minor collector roadway to facilitate north/south travel between US 395 and Feedville Road.	Long-term	\$3,700,000	PDF, LID, GF
43	Develop a series of minor collector roadways to ensure circulation and connectivity upon redevelopment of the large agriculture plots within the western study area.	Long-term	\$5,625,000	PDF, LID, GF

Fig # Id #	Project Description	Priority	Estimated Cost (Yr. 2002 \$)	Potential Funding Source(s)
44	Extend SE 4 th Street along the western boundary of the Hemmiston Cemetery to a new east/west minor collector facility that would run parallel to the Gettman Road extension.	Mid-term	\$2,075,000	PDF, LID, GF
45	Upon the redevelopment of the Hemmiston Agriculture Experiment Station, provide a new minor collector roadway along the SE 4 th Street alignment. Upgrade and extend Experiment Station Road to this 4 th Street alignment.	Long-term	\$1,575,000	PDF, LID
46	Develop a full access intersection at US 395 to be served by a future extension of Able Drive. This intersection should be limited to a right-in/right-out/left-in access when warranted by a traffic engineering study.	Long-term, following the completion of improvements #43 & #47	\$225,000	STIP, AMG, PDF
47	Develop a signalized access intersection at the US 395/Airport Way intersection when warranted by a traffic engineering study.	Long-term, following completion of elements of improvement #43	\$225,000	GF, SDC, TEP, PDF, STIP
48	Complete a minor collector roadway system upon redevelopment of the vacant land north of the airport, irrigation canal, and rail line.	Mid-term	\$3,150,000	PDF, SDC, LID, TEP
49	Develop a major collector roadway to facilitate north/south travel within the northeast quadrant of the US 395 Refinement Plan study area.	Mid-term	\$3,300,000	PDF, SDC, LID, TEP
50	Develop a series of minor collector roadways to facilitate circulation south of the Hemmiston Airport.	Mid-term	\$3,375,000	PDF, SDC, LID, TEP
51	Develop a series of minor collector roadways to facilitate circulation within the northeast quadrant of the US 395 Refinement Plan study area.	Long-term	\$7,125,000	PDF, SDC, LID, TEP
52	Develop a major collector backage road between Keili Boulevard and Ott Road.	Near-term	\$2,875,000	PDF, SDC, LID, TEP
53	Extend Keili Boulevard east of US 395 to connect into a minor collector roadway network.	Near-term	\$1,100,000	PDF, SDC, LID
54	Develop a multi-use path along the west side of US 395. This path will require a bridge crossing over the feed canal and rail line.	Mid-term	\$450,000	GF, STIP, TEP
55	Signalize the US 395/Feedville Road intersection when warranted by a traffic engineering study. (Improvement specific to the US 395 North Corridor Plan)	Long-term	\$225,000	STIP

Note: Potential Funding Sources include the Following:

- STIP - State Transportation Improvement Program (ODOT)
- GF - City of Hemmiston General Fund
- SDC - City of Hemmiston Transportation System Development Charge
- TEP - Transportation Enhancement Program
- PDF - Private Development Funds

- AMG - Access Management Grant
- LID - Local Improvement District
- County - Umatilla County
- LSN - Local Street Network

Implementation Requirements

The order of implementing the US 395 (Port Drive to Feedville Road) Corridor Refinement Plan projects were developed jointly by the City of Hermiston and ODOT to ensure the integrity of the US 395 corridor as well as local access and circulation. This implementation strategy is outlined in the following bullet points.

- Access improvements to US 395 will need to occur on an incremental basis depending upon the rate and location of new development.
 - The signalization of the US 395/Campbell Drive/Airport Road intersection (*Improvement #38*) in the near to mid-term will begin to shape future circulation patterns within the US 395 study area.
 - The signalization of the US 395/Wal-Mart Distribution Center driveway (*Improvement #33*) should occur when traffic signal warrants merit installation. The need for signalization will likely be facilitated by roadway *Improvements #35 and #52*.
 - *Improvement #36* will occur upon redevelopment of adjacent land parcels and the completion of *Improvements #35 and #52*.
 - The signalization of the US 395/Airport Way intersection (*Improvement #47*) will occur when upon the completion of future roadways associated with *Improvement #43* and when traffic signal warrants merit installation.
 - The future extension of Able Drive (*Improvement #46*) and its future intersection with US 395 should be limited to a right-in/right-out/left-in access upon the completion of *Improvements #43 and #47*.
 - The limited access modifications to the US 395/Kelli Boulevard (*Improvement #37*) should occur after completion of *Improvements #33, #35, #38, and #40*.
 - The limited access modifications to the US 395/Ott Road (*Improvement #34*) should occur after the completion of *Improvement #33 and #52*.
 - The signalization of US 395/Feedville Road (*Improvement #55*) should occur when traffic signal warrants merit installation. This is likely to be a long-term improvement that will be required upon the redevelopment of the large agricultural plots of the western US 395 study area. This improvement project is specific to the US 395 North Corridor Plan.
- The majority of the circulation roadways and necessary right-of-way can begin to be acquired and constructed upon the redevelopment of individual land parcels. Specific projects that should occur on a phased basis include the following:
 - To facilitate future circulation and access patterns, right-of-way and roadways associated with *Improvement #53* should begin to be acquired and constructed in the near term.
 - Future circulation roadways such as *Improvements #35 and #52* should occur upon the redevelopment of adjacent land parcels. These roadways will serve as

Appendix B

Prepare to Stop When Flashing (PTSWF) Systems Pilot Project Interim Guidelines

I. Introduction

A. Purpose

To provide guidance to WSDOT personnel in the design, operation, and study of Prepare To Stop When Flashing (PTSWF) systems.

B. References

Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, June 2001 Millennium Edition, including the Washington State Modifications to the MUTCD, M 24-01, 2003

Design Manual, M 22-01

A Policy On Geometric Design of Highways and Streets 2004, 5th Edition AASHTO

ITE Traffic Engineering Handbook, 4th Edition

C. Background

WSDOT is continuously looking for ways to operate our highway facilities in the most efficient and safe way possible. With this goal in mind, WSDOT collected collision data and performed statistical analysis on this information at existing PTSWF operated systems on state highways. Also, research was conducted by reviewing many public records on the subject. Furthermore, State Traffic Departments throughout the country were contacted to poll their experiences with these systems. After completing this analysis, WSDOT concluded that there are potential safety benefits in operating this type of installation at select locations.

D. Discussion

It is the goal of WSDOT to allow PTSWF systems to be installed throughout the state by following the attached PTSWF Pilot Project Interim Guidelines. When a region decides to install a PTSWF system they shall contact the State Traffic Engineer as a means of documenting when the study period begins. The Region Traffic office shall submit a copy of all final drawings and calculations for the PTSWF system to the State Traffic Engineer prior to project implementation. The drawing includes flashing beacon locations, sign locations and mounting details consistent with the pilot study guidelines.

II. Instructions

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION PREPARE TO STOP WHEN FLASHING (PTSWF) SYSTEM PILOT PROJECT INTERIM GUIDELINES

PURPOSE

The purpose of this document is to provide WSDOT Traffic personnel with uniform guidelines to design, operate and study prepare to stop when flashing (PTSWF) systems. These technical guidelines shall be effective on the date of this White Paper.

IMPLEMENTATION

These guidelines are to be implemented for new PTSWF System installations. For existing systems, flasher timing adjustments should be implemented within six months of the effective date in order to provide consistency of operations with new systems.

INTRODUCTION

The PTSWF System is a sign/flasher combination that at certain high-speed locations may provide additional information to the motorist describing the operation of the traffic signal. It has been found that the installation of a PTSWF System may assist the driver in making safer and more efficient driving decisions. This additional information is to get the driver's attention, and inform the driver that he or she must prepare to stop for a red light signal indication. The PTSWF System described above is what WSDOT currently uses in select situations to convey this information.

The PTSWF sign may be placed on main line approaches to applicable high-speed signalized intersections. The PTSWF sign is connected to the traffic signal in such a way that prior to the main line green phase changing to yellow, the flasher is turned on to warn the approaching drivers of the impending change. Specific timing intervals will be determined on a case-by-case basis for each signalized intersection.

Some objectives of an optimally designed combination of traffic signal and PTSWF system are:

- to inform the driver that a signal indication will change to yellow or red in advance of a required decision to stop
- to minimize the number of drivers that are required to make that decision in the dilemma zone; and
- to reduce red-light running, particularly by heavy commercial vehicles.

GENERAL GUIDELINES

PTSWF system implementation is appropriate only at high-speed locations where the posted speed is 45 mph or greater. In addition, it should be considered that the operation of a PTSWF system has the potential to cause increased delay to side street traffic.

Guidelines for a PTSWF system are as follows:

Any one of these categories or other considerations may justify the installation of PTSWF system.

**Table 1
PTSWF Guidelines**

CATEGORY	CRITERIA	COMMENT
1. Isolated or unexpected signalized intersection.	Where there is a long distance from the last intersection at which the main line is controlled, or the intersection is unexpected.	This guideline may be applicable where the distance from the last intersection is greater than 10 miles, or a freeway terminus, or at other locations where the intersection is unexpected
2. Limited sight distance	<p>Where the distance to the stop bar, D, with two signal heads visible is insufficient:</p> $D \leq 1.47Vt + \frac{V^2}{0.93(a + 32.2(G/100))}$ <p>Where: D = distance to stop bar in (ft) V = posted speed (mph) t = reaction time, 2.5 seconds a = deceleration rate 10 ft/s² (all traffic)* 8 ft/s² (Trucks)** G = Grade %</p>	<p>* <i>Traffic Engineering Handbook</i>, 5th Edition, page 481</p> <p>** A deceleration rate of 8 ft/s² may be used when the Criteria from the Category <i>Grade and Truck Volume</i> is met. See Category 3</p>
3. Grade/Truck Volume	Where the roadway has a grade of 3% or greater and truck volume exceeds 15%.	
4. Accidents	If an approach has a collision history that is not correctible with other countermeasures.	If no sight distance or dilemma zone problems exist, PTSWF may not be an appropriate countermeasure to accident problems.
5. Engineering Judgment	Approval of Region Traffic Engineer	Approval shall be based on an Engineering Study.

APPLICATION / PROCEDURE

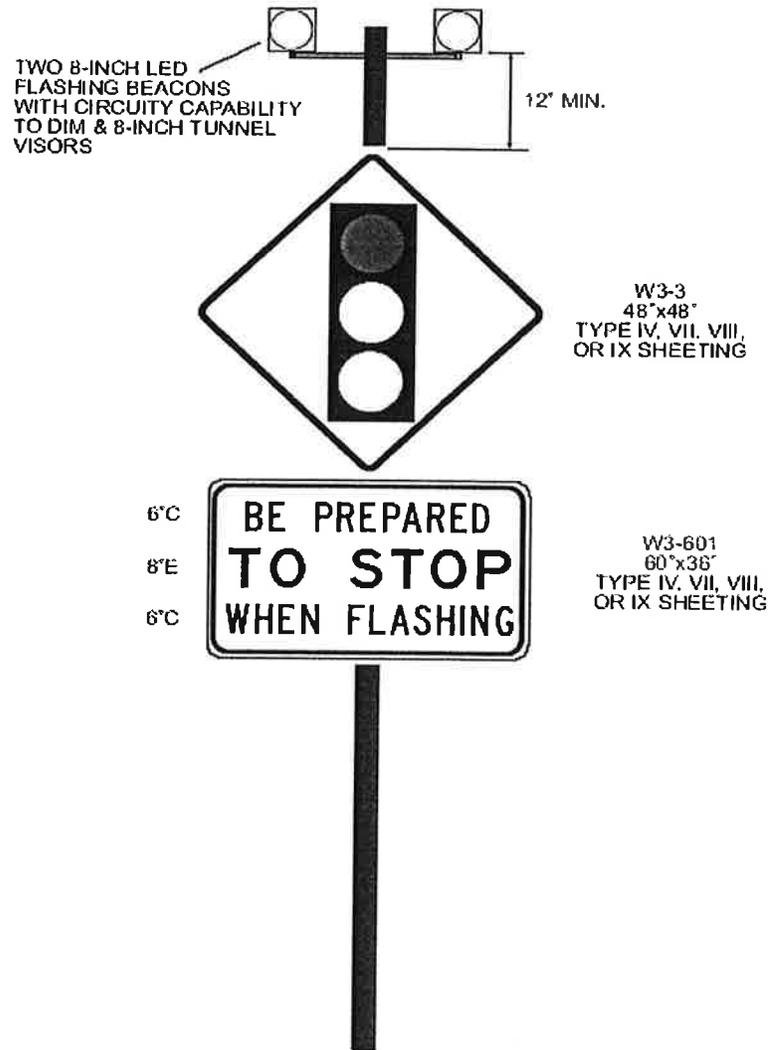
Due to the complex nature of traffic flow characteristics and the various intersection geometric layouts, the following guidelines shall be applied using an engineering study coupled with engineering judgment. Engineering judgment should be based in part on data such as complaints, violations, conformity of practice, and traffic conflicts. Documentation shall be prepared that discusses why decisions were made and how the following countermeasures have been considered prior to installation of a PTSWF system. Although not all inclusive, examples of countermeasures include:

- improving dilemma zone detection
- adjusting existing signal timing parameters such as; yellow clearance time, red interval, passage time, max green time(s) etc.
- installing and enhancing advanced warning signing
- sight distance improvements
- modification of the signal system such as adding additional signal heads
- adjusting speed limits.

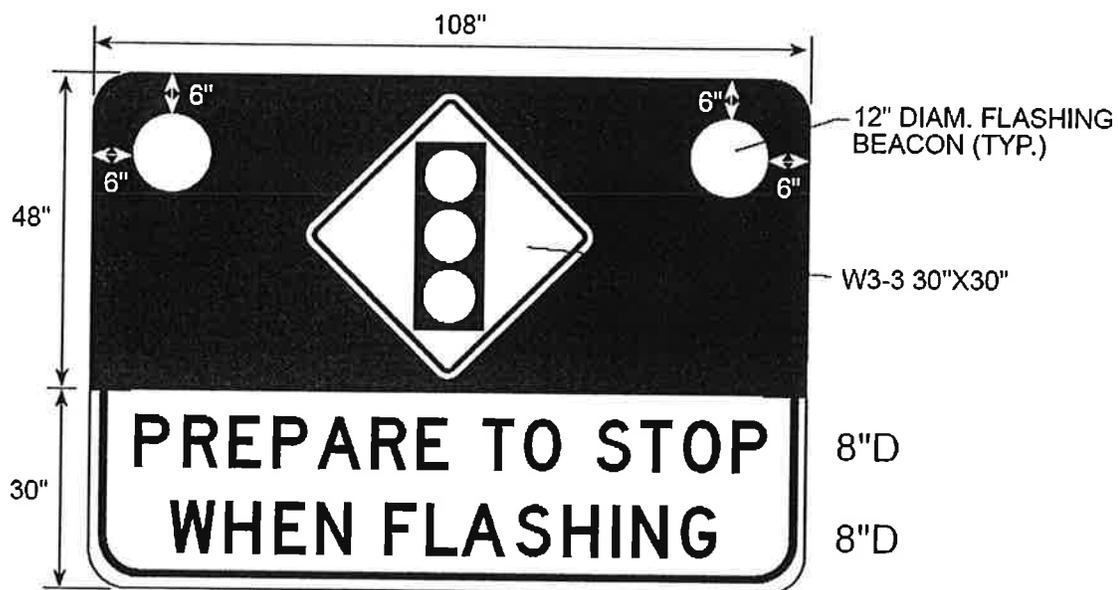
The State Traffic Engineer shall review the proposed installation documentation, with final written approval granted by the Region Traffic Engineer. For study purposes, notice of the installation date shall be forwarded to the State Traffic Engineer.

DESIGN / INSTALLATION

1. **Details** - Figures 1 and 2 show conceptual drawings of the PTSWF sign/flashing beacon combination for median, shoulder and overhead mounting installation locations. Contact the Headquarters Traffic Design office for special design details. Prior to the termination of the green phase (Advanced Green) and during the yellow and red clearance intervals, the flasher shall flash yellow either alternately or simultaneously (see MUTCD section 4K.03). In addition, consideration should be given to extending the flash while the queue of vehicles begins to move on the following initial green indication. A general rule of thumb for this movement is approximately 4 seconds. The flasher will also flash if the signal goes into flashing operation. In addition, power shall be supplied to the PTSWF System from the signal control cabinet. A backup uninterrupted power supply (UPS) should be considered at each location. For any questions concerning the design of the PTSWF System contact the Headquarters Traffic Design office.
2. **Placement** - Considering the roadway environment, the PTSWF sign should generally be set back from the intersection in accordance with Table 1. At locations on multilane divided roadways, the PTSWF sign shall be placed on both sides of the approach or mounted overhead.
3. **Advanced Green** The Advanced Green is the amount of time; prior to the signal turning yellow that, the flashing beacons on the PTSWF sign flash. The Advanced Green time(s) is shown in Table 1.
4. **Detector Placement** - Consider WSDOT *Design Manual* guidelines when installing signal detection.



**Installation at Median or Shoulder Barrier Locations
Figure 1**



COLORS

TOP
STANDARD COLORS FOR W3-3
BACKGROUND - BLACK (NON REFL)

BOTTOM
LEGEND - BLACK (NON REFL)
BACKGROUND - YELLOW (REFL)

**Overhead or Shoulder Mount Installation
Figure 2**

**Table 2
Advanced Warning Flasher Sign Placement**

Sign Placement Distance											
	GRADE	45 mph		50 mph		55 mph		60 mph		65 mph	
		D (ft)	Advance Green (sec)								
Downhill	-8%	392	7.0	472	7.4	559	7.8	653	8.2	754	8.6
	-7%	380	6.8	457	7.2	540	7.6	631	7.9	729	8.4
	-6%	369	6.6	443	7.0	524	7.3	611	7.7	705	8.1
	-5%	358	6.5	430	6.8	508	7.2	593	7.5	684	7.9
	-4%	349	6.3	418	6.6	494	7.0	576	7.3	664	7.7
	-3%	340	6.2	407	6.5	481	6.8	560	7.1	645	7.5
	-2%	332	6.1	397	6.4	468	6.7	545	7.0	628	7.3
	-1%	324	6.0	388	6.2	457	6.5	532	6.8	612	7.1
Uphill	0%	317	5.9	379	6.1	446	6.4	519	6.7	597	7.0
	1%	310	5.8	370	6.0	436	6.3	507	6.5	583	6.8
	2%	303	5.7	362	5.9	426	6.1	495	6.4	569	6.7
	3%	297	5.6	355	5.8	417	6.0	485	6.3	557	6.6
	4%	292	5.5	348	5.7	409	5.9	475	6.2	545	6.4
	5%	286	5.4	341	5.6	401	5.8	465	6.1	534	6.3
	6%	281	5.3	335	5.5	393	5.7	456	6.0	523	6.2
	7%	277	5.2	329	5.4	386	5.6	448	5.9	513	6.1
	8%	272	5.2	324	5.4	379	5.6	440	5.8	504	6.0

For situations other than those listed in Table 2, Sign Distance and the Advanced Green Time can be computed by the following equations:

Distance From Stop-bar to PTSWF Sign

$$D = 1.47Vt + \frac{V^2}{30 \left[\left(\frac{a}{32.2} \right) \pm \frac{G}{100} \right]}$$

Where :

D = Sign placement distance

V = Posted speed (mph)

t = Perception / reaction time (1.5 s)

a = Deceleration rate (10 ft / sec²)

G = Grade (%)

Advanced Green Time

$$AG = \frac{D + D_p}{V * 1.47}$$

Where:

AG = Advance Green Time (s)

D = Distance from stop bar to PTSWF sign (ft)

D_p = Minimum distance that flashers can be perceived (70 ft)

V = Posted speed (mph)

Staff Report

For the Meeting of March 14, 2016

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2016 –

**SUBJECT: Proposed ODOT
IGA for Highland Trail**

Subject

ODOT has prepared an intergovernmental agreement for the construction of the W Highland Trail connecting SW 11th Street to Riverfront Park.

Summary and Background

The city council must review and approve the agreement between the State and City. The agreement details the responsibilities of each party in the design and construction of the W Highland multi-use trail. This is the trail project requested by the city through the Enhance grant program. The project was approved by ODOT and incorporated into the Statewide Transportation Improvement Program (STIP). The City is responsible for a match of 22% for the grant program. The final project will construct a separated multi-use path on the south side of W Highland Avenue.

ODOT estimates the cost of the project at \$663,225. The state will pay 77% or \$513,000. The city's share is 22.62% or \$150,000. The city's share will be invoiced on a pay-as-you-go basis. The state will be responsible for the acquisition of any needed right-of-way and hiring the contractor for construction of the trail. The city will coordinate with ODOT and hire the project engineer. The engineer will work with city staff to design a trail which meets ODOT's design standards. ODOT will have the ultimate authority to approve the design.

In the event the project comes in under budget, the same spending ratios will apply. ODOT will pay 77.38% and the city will pay 22.62%. Any project overruns above the \$663,000 will be the responsibility of the city. In the event that construction bids come in above the state's estimates, the state will retain the authority to award the contract as long as the bids are within 10% of the original estimate.

Once the IGA is approved, ODOT will begin soliciting requests for bids for engineering services to design the path. The city and ODOT will work together to hire the engineer. Once a design is in place and any needed right-of-way acquired, ODOT will bid the project. It is estimated that construction will begin in early 2017. ODOT estimates that if any additional right-of-way, such as a slope easement, is needed, a year should be budgeted for the acquisition. If no additional right-of-way is needed, the project can begin much earlier.

Fiscal Information

In order to fund the city's matching portion for the trail, staff has identified several potential areas within the city's finances which will provide the funds.

- \$25,000 will be taken from the bicycle trails reserve fund
- \$90,000 will be taken from the community enhancement reserve fund
- \$35,000 will be taken from cash reserves

Alternatives and Recommendation

The W Highland multi-use path is a valuable capital improvement and a vital component of the planned Hermiston Loop Trail. The construction costs have increased since the city originally applied for funding. Staff has developed a potential path to funding the project.

The city council may choose to:

- Adopt the staff funding plan and sign the IGA
- Reject the funding plan and reject the IGA, this will terminate the project
- Direct staff to find other sources of funding within the budget but still sign the IGA

Staff recommends that the city council approve the IGA with the proposed funding path outlined in the fiscal information.

Requested Action/Motion

Reviewed by:



Department Head – Clinton Spencer, City Planner



City Manager Approval

RESOLUTION NO. 2018

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN, ON BEHALF OF THE CITY OF HERMISTON, A LOCAL AGENCY AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION TO INSTALL A MULTI-USE TRAIL ON THE SOUTH SIDE OF W HIGHLAND AVE BETWEEN SW 11TH STREET AND RIVERFRONT PARK AND FOR THE CITY TO CARRY OUT THE TERMS AND CONDITIONS OF THE INTERGOVERNMENTAL AGREEMENT.

WHEREAS, BY THE AUTHORITY GRANTED IN Oregon Revised Statutes (ORS) 190.110, state agencies and local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform and;

WHEREAS, OR 207 is a state highway over a city street that is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. W Highland Ave, SW 23rd Street, and SW 11th street are part of the city street system under the jurisdiction and control of the city.

WHEREAS, the city has agreed that ODOT will oversee this project on the city's behalf.

IT IS RESOLVED that the form, terms and provisions of the "Local Agency Agreement Multimodal Transportation Enhance Program (MTEP)(Match Only)" attached hereto and the transactions contemplated thereby, providing for, among other things, the installation and construction of a multi-use pathway on the south side of W Highland Ave, connecting SW 11th Street to SW 23rd Street, copies of which have been presented to and reviewed by the Council, be, and they are, in all respects, hereby approved and adopted;

IT IS FURTHER RESOLVED that Mayor Dr. David Drotzman be, and is, hereby authorized to execute and deliver the "Local Agency Agreement Multimodal Transportation Enhance Program (MTEP)(Match Only)" to the Oregon Department of Transportation substantially in the form heretofore approved and adopted by the City Council; and

IT IS FINALLY RESOLVED that pursuant to ORS 221.310(3), this resolution is effective immediately upon its passage.

Dated this 14th day of March, 2016.

CITY OF HERMISTON

ATTEST:

Mayor

City Recorder

**LOCAL AGENCY AGREEMENT
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)
(Match Only)**

Project Name: W HIGHLAND:SW 23RD-SW 11TH BIKE LANES(HERMISTON)
City of Hermiston

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the **City of Hermiston**, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
2. OR 207 Hermiston Highway (11th Street) is a State Highway over a City Street that is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). W. Highland Avenue, 23rd Street, and 11th Street are part of the city street system under the jurisdiction and control of Agency.
3. Agency has agreed that ODOT will oversee this project on behalf of the Agency.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

DEFINITIONS

1. "Contract Award" (construction projects) means the issuance of a Notice to Proceed (NTP) to the construction contractor.
2. "Funding Ratio" means the relationship between MTEP funds and Total Project Cost and Other Funds and the Total Project Cost. This ratio is established at the time the agreement is executed and does not change during the course of the project. The ratio governs the obligation of MTEP funds at the time of construction/consultant award or Project Closeout.
3. "Match" means the minimum amount State or Agency must contribute to match the federal aid funding portion of the project.
4. "MTEP" means Multimodal Transportation Enhance Program and may be funded by a combination of federal and state funds.
5. "Other Funds" means other funding required to complete the project including but not limited to state, federal, and agency funds.

6. "Project Closeout" means project is ready to close as there are no more expenditures associated with project.
7. "Project Overruns" means the final cost estimate at Contract Award exceeds the estimated Total Project Cost estimate in this Agreement, or the final actual project costs exceed the final cost estimate at Contract Award.
8. "Project Underrun" means the final cost estimate at Contract Award is below the estimated Total Project Cost in this Agreement, or the final actual project costs are below the final cost estimate at Contract Award.
9. Total Project Cost means the estimated amount as show in this Agreement. This amount will include MTEP funds, local matching funds, and other funds as required to complete project as stated in this Agreement.

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to State widening and extending existing bicycle ways on W Highland on behalf of Agency, hereinafter referred to as "Project" and is further defined below. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.
2. The Project Description and Deliverables are as follows:
 - a. Description: Widening and extension of existing bicycle ways on W. Highland on behalf of the Agency, from SW 23rd Street along W. Highland Street to 11th Street (OR207).
 - b. Deliverables:
 - Agency shall retain jurisdictional control of SW 23rd, W. Highland, and 11th Streets. The Agency upon completion of the Project and at their own expense will operate these streets at a minimum level that is consistent with normal depreciation and service demand.
 - State is responsible for all preliminary construction engineering which includes design, administration, and construction of right of way.
 - The State will acquire all needed right of way for the Project; upon completion of the Project State shall transfer to City any property no longer needed for transportation purposes. City agrees to accept maintenance and jurisdiction of these transferred properties.
3. Both Parties agree that an amendment to this Agreement is required if any changes are made to the Project as described in Project Description and Deliverables above.
4. The Project shall be conducted as a part of the Multimodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$663,255.00, which is subject to change. MTEP funding for this Project shall be limited to \$513,227.00. Agency shall be responsible for all remaining costs, including the 10.27

percent match for all eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.

5. The Funding Ratio for this Project is 77.38% of MTEP funds to 22.62% Agency funds and applies to Project Underruns. The Funding Ratio for this Project does not apply in the case of Project Overruns.
6. If, at the time of Contract Award or Project Closeout, the Project Underruns the estimated Total Project Cost in this Agreement, MTEP funding and Agency Other Funds will be obligated proportionally based on the Funding Ratio. Any unused MTEP funds, will be retained by State, and will not be available for use by Agency for this Agreement or any other projects.
7. Project Overruns which occur at the time of Contract Award, and at the time of Project Closeout are the responsibility of the Agency.
8. Project decisions regarding design standards, design exceptions, utility relocation expenses, right of way needs, preliminary engineering charges, construction engineering charges, and Contract Change Orders, as applicable shall be mutually agreed upon between the Agency and the State, as these decisions may impact the Total Project Cost. However, State may award a construction contract at ten (10) percent (%) over engineer's estimate without prior approval of Agency.
9. State will submit the requests for federal funding to Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed prior to acceptance by FHWA or outside the scope of work will be considered nonparticipating and paid for at Agency expense.
10. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.
11. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.
12. This Agreement may be terminated by mutual written consent of both Parties.
13. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

- c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
14. a. Information required by 2 CFR 200.331(a), except for (xiii) Indirect cost rate, shall be contained in the USDOT FHWA Federal Aid Project Agreement for this Project, a copy of which shall be provided by ODOT to Agency with the Notice to Proceed.
- b. The indirect cost rate for this project at the time the agreement is written is
 - i). Zero percent
15. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
16. Agency shall, upon completion of the Project and as a condition to this Agreement, complete and file with the appropriate County Clerk, "Memorandum of Agreement and Acknowledgment of Federal and State Assistance, substantially in the form of Exhibit C attached hereto and by this reference made a part hereof. Agency shall provide confirmation of this filing by forwarding to State's Contact a notarized copy of the recorded Memorandum of Agreement and Acknowledgment of Federal and State Assistance. By means of said acknowledgment of Agency's financial obligations, the continued use of said property for public purposes, and the maintenance of the facility or service at a level consistent with normal depreciation or demand or both is recognized and attached to the property as conditions. Any interest in said property by State is proportional to the federal and state funding participation in Project. While in default of conditions of this Agreement, Agency will be ineligible to receive federal or state funds from any federal or state-administered program for any project on a street, road or property. The Memorandum of Agreement and Acknowledgment of Federal and State Assistance shall remain in place for the useful life of Project identified in the Special Provisions. State acknowledges that such interest shall not be deemed a lien, mortgage, deed of trust or other security instrument or interest granted by Agency for security purposes.
17. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
18. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2,

respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

19. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
20. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
21. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
22. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.
23. State Contact for this Agreement is Kari Sprenger, Project Leader, 3012 Island Ave, La Grande, OR 97850, Phone:(541)963-1364, Email: Kari.l.sprenger@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.
24. Agency's Contact for this Project is Byron Smith, City Manager, 180 NE Second St., Hermiston, OR 97838, Phone: (541) 567-5521, Email: bsmith@hermiston.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Agency/State
Agreement No. 30443

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #18868) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

SIGNATURE PAGE TO FOLLOW

CITY OF HERMISTON, by and through its
elected officials

By _____
Mayor (or other assigned designee)

Date _____

By _____
City Recorder (or other assigned designee)

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Counsel

Date _____

Agency Contact:

Byron Smith, City Manager
180 NE Second St.
Hermiston, OR 97838
Phone: (541) 567-5521
Email: bsmith@hermiston.or.us

State Contact:

Kari Sprenger, Project Leader
Oregon Dept of Transportation
3012 Island Ave
La Grande, OR 97850
Phone: (541) 963-1364
Email: Kari.l.sprenger@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 5 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By  _____
Assistant Attorney General

Date 1/15/2016

Agency/State
Agreement No. 30443

After recording, return to:

**EXHIBIT B
MEMORANDUM OF AGREEMENT AND ACKNOWLEDGEMENT OF FEDERAL AND STATE
ASSISTANCE**

[State Recording Authority: ORS 93.710 and ORS 205.130(2)]

Agreement Number: 30443

Project Name: W HIGHLAND: SW 23RD-SW 11TH BIKE LANES(HERMISTON)

Key Number: 18868

Local Agency Agreement No. 30443 between the *City of Hermiston* and the State of Oregon, Department of Transportation was executed on _____. Pursuant to paragraph 4, Agency Obligations, page 2 of the Local Agency Agreement, upon the recording of this document, the *City of Hermiston* received federal and state funds for the Project described in the Local Agency Agreement. The property and assets under the jurisdiction of the *City of Hermiston* were improved with the assistance from the United States Government and the State of Oregon. Such assistance was provided to *City of Hermiston*, in reimbursement of costs associated with the *W Highland: SW 23rd - SW 11th Bike Lanes Hermiston Project*. The use and disposition of said property is subject to the terms of the above noted Local Agency Agreement, copies of which may be obtained from the Director of ODOT and is also subject to 2 CFR 1201. A description of the improved property is attached.

City of Hermiston

By: _____
(Name of person)

(Notary Stamp)

Title: _____

State of Oregon: County of _____

Signed or attested before me on _____ by _____
(Date) (name(s) of person(s))

_____ My commission expires on _____

STATE OF OREGON, DEPARTMENT OF TRANSPORTATION

By: _____
Title: Active Transportation Section Manager

(Notary Stamp)

State of Oregon: County of Marion

Signed or attested before me on _____ by _____
(Date) (name(s) of person(s))

_____ My commission expires on _____

Oregon Department of Transportation; 555 13th Street NE; Salem, OR 97301-4178

**ATTACHMENT NO. 1 to Agreement No. 30443
SPECIAL PROVISIONS**

1. State, or the consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, foundation explorations, hydraulic studies, assist with acquisition of necessary right of way and easements; obtain all required permits and arrange for all utility relocations/adjustments. State or the consultant shall conduct all work components necessary to complete the Project.
2. Upon State's award of the construction contract, State, or the consultant, shall be responsible for all required materials testing and quality documentation; and prepare necessary documentation with ODOT-qualified personnel, and State will make all contractor payments. Contract administration, construction engineering and inspection will follow the most current version of the ODOT Construction Manual and the ODOT Inspector's Manual.
3. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.
4. State will perform work throughout the duration of the Project and shall provide a preliminary estimate of State costs for this work. Prior to the start of each Project phase State shall provide an updated estimate of State costs for that phase. Such phases generally consist of Preliminary Engineering, Right of Way, Utility, and Construction. Agency understands that State's costs are estimates only and agrees to reimburse State for actual cost incurred per this Agreement.
5. State and Agency agree that the useful life of this Project is defined as **20** years.
6. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
7. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.

ATTACHMENT NO. 2 FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State or its consultant, with Agency involvement shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.
3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.

PROJECT FUNDING REQUEST

4. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, the consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

5. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind

Agency/State
Agreement No. 30443

contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or vendor, using criteria 2 CFR 200.330.

6. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines Manual that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State.
7. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.
8. Agency's estimated share and advance deposit.
 - a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 - b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.
 - c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.

10. Agency shall follow the requirements stated in the Single Audit Act. Agencies expending \$500,000 or more in Federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, shall have a single organization-wide audit conducted in accordance with the Single Audit Act of 1984, PL 98-502 as amended by PL 104-156 and subject to the requirements of 49 CFR Parts 18 and 19. Agencies expending \$750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014 shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Agencies expending less than \$500,000 in Federal funds in a fiscal year beginning prior to December 26, 2014, or less than \$750,000 in a fiscal year beginning on or after that date, is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials based on the records retention period identified in the Project Agreement. The cost of this audit can be partially prorated to the federal program.
11. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
12. Agency shall present invoices for one hundred (100) percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison for review, approval and reimbursement to Agency. Costs will be reimbursed consistent with federal funding provisions and the Project Agreement. Such invoices shall identify the Project by the name of the Project Agreement, reference the Project Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Invoices shall be presented for periods of not less than one-month duration, based on actual expenses to date. All invoices received from Agency must be approved by State's Liaison prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of the Federal-Aid Policy Guide (FAPG), Title 23 CFR parts 1.11, 140 and 710. Final invoices shall be submitted to State for processing within forty-five (45) days from the end of each funding phase as follows: a) preliminary engineering, which ends at the award date of construction b) last payment for right of way acquisition and c) contract completion for construction. Partial billing (progress payment) shall be submitted to State within forty-five (45) days from date that costs are incurred. Invoices submitted after 45 days may not be eligible for reimbursement by FHWA. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the Project Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period ending on the later of six (6) years following the date of final voucher to FHWA or after resolution of any disputes under the Project Agreement. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (2- CFR 200.333(c)).
13. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:
 - a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State

Agency/State
Agreement No. 30443

will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

- b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. Agency may submit a written request to State's Liaison for a time extension beyond the ten (10) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

- 14. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.
- 15. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

STANDARDS

- 16. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or the consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or the consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.
- 17. Agency agrees that if the Project is on the Oregon State Highway System or State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.
- 18. State and Agency agree that for all projects on the Oregon State Highway System or State-owned facility any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agrees that for all projects on the NHS, regardless of funding source; any

design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retains authority for their approval. FHWA shall review any design exceptions for projects subject to Focused Federal Oversight and retains authority for their approval.

19. Agency agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or the consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.
20. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

PRELIMINARY & CONSTRUCTION ENGINEERING

21. Preliminary engineering and construction engineering may be performed by either a) State, b) State-approved consultant, or c) certified agency. Engineering work will be monitored by State or certified agency to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, b) State-approved consultant or c) certified agency. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
22. Agency may request State's two-tiered consultant selection process as allowed by OAR 137-048-0260 to perform architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of the State's processes is required to ensure federal reimbursement. State will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 137-048-0130, OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the consultant prior to receiving authorization from State to proceed.
23. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
24. State or certified agency shall prepare construction contract and bidding documents, advertise for bid proposals, and award all construction contracts.

25. Upon State's or certified agency's award of a construction contract, State or certified agency shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
26. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

**REQUIRED STATEMENT FOR United States Department of Transportation (USDOT)
FINANCIAL ASSISTANCE AGREEMENT**

27. By signing the Federal-Aid Agreement to which these Federal Standard Provisions are attached, Agency agrees to adopt State's DBE Program Plan, available at http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/pages/sbe/dbe/dbe_program.aspx#plan. Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. Agency agrees to take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. State's DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Project Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Project Agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 United States Code (USC) 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

Disadvantaged Business Enterprises (DBE) Obligations

28. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b))."

29. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
30. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work

including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide*. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

31. State and the consultant, if any, agree that right of way activities shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24. State, at Project expense, shall review all right of way activities engaged in by Agency to ensure compliance with all laws and regulations.
32. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or the consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.
33. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each Party. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be responsible for coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through State's Liaison, who will forward the request to State's Region Right of Way office on all projects. State or the consultant must receive written authorization to proceed from State's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through State's Region Right of Way office to declare compliance and project readiness for construction (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on a project). State's Liaison shall contact State's Region Right of Way office for additional information or clarification on behalf of Agency.
34. Agency agrees that if any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
35. State or the consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.

36. State and Agency grants each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

RAILROADS

37. State or Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing and, at Project expense, to provide railroad coordination and negotiations through the State's Utility & Railroad Liaison on behalf of Agency. However, State is under no obligation to agree to perform said duties.

UTILITIES

38. State, the consultant, or Agency shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State, the consultant or Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

39. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
40. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
41. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

42. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of

the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

43. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
44. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
45. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

46. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

47. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand (\$500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS – pursuant to Form FHWA-1273, Required Contract Provisions

48. Agency certifies by signing the Project Agreement that:

- a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars (\$100,000), and that all such subrecipients shall certify and disclose accordingly.
- d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.

Staff Report

For the Meeting of March 14, 2016

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item :

Motion

Adopt Resolution #2019

SUBJECT:

Naming Greenwood Park

Subject

Resolution naming "Greenwood Park."

Background:

"Great things are done by a series of small things brought together." *Vincent Van Gogh*

Greenwood Woodrow Luster was born on August 29th 1923 in Parma, Texas. Greenwood was a longtime resident of Hermiston who lived in the neighborhood just west of Highway 395 and south of Elm Avenue. While raising his family, Greenwood dreamed a playground near his home where the neighborhood children could gather and play safely.

This dream was realized in the early 1970's when Greenwood received permission from the City to create a park on a small, derelict lot owned by the City at 80 West Beech Avenue. Greenwood recruited neighbors, members of his church and the Hermiston JC's to develop the playground that was known as "Candy Cane Park" because of the telephone pole painted red and white stripes. However there is no record of the park having been given a formal name.

When the Dunn Rollin' Trailer Park upgraded its playground equipment, the Hermiston JC's salvaged the equipment and relocated swings and a merry-go-round to the Beech location. Over the years other volunteers installed a brick restroom and basketball court.

Greenwood was involved in most of these park efforts and was well known throughout Hermiston having worked at Rohrman Ford, Union Pacific Railroad, & Sanitary Disposal. He was a Pastor for the Church of God for many years, and died in 2010 at the age of 87 years.

Summary:

The Parks and Recreation Committee has conducted several neighborhood meetings to consider ways to update the park and learn more about the park's uses and history. The accounts of Greenwood Luster's involvement in the creation of the park have inspired the Park Committee to recommend a name for the park. The Parks and Recreation unanimously passed a motion to name the park located at 80 West Beech Avenue as "Greenwood Park" in recognition of the man that turned this neighborhood dream into a reality.

Recommendation:

Motion to adopt Resolution #2019 naming the park located at on West Beech Avenue as "Greenwood Park" after its creator Greenwood Luster.

Submitted by:



City Manager Approval



RESOLUTION NO 2019

A RESOLUTION OF THE CITY OF HERMISTON TO NAME THE PARK LOCATED ON 80 WEST BEECH AVENUE AS "GREENWOOD PARK."

WHEREAS, City Council has a tradition naming parks after significant local residents that have made contributions for the development of certain parks, and

WHEREAS, Greenwood Luster was the primary motivator behind the creation of the park located at 80 West Beech Avenue, and was a significant longtime local resident who was committed to improving Hermiston, and

WHEREAS, the City's Parks Committee unanimously passed a motion to recommend that the park on 80 West Beech Avenue to name the park as "Greenwood Park", and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Hermiston, Oregon, as follows:

That the park located at 80 West Beech Avenue be forevermore named "Greenwood Park" in recognition of Green Luster's contribution in the creation of the park.

PASSED by the Common Council this 14th day of March, 2016.

Signed by the Mayor this 14th day of March, 2016.

MAYOR

ATTEST:

ASSISTANT CITY RECORDER