



# Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Office of the Director

355 Capitol St. NE

Rm 135

Salem, Oregon 97301-3871

**DATE:** April 11, 2005  
**TO:** Oregon Transportation Commission

FILE CODE:

**FROM:** Bruce A. Warner  
Director

**SUBJECT:** **Agenda E** ~ Adoption of the North Ontario Interchange Area Management Plan (IAMP)

**Requested Action:**

Region 5 requests Oregon Transportation Commission (OTC) adoption of the North Ontario IAMP for the replacement of a deficient bridge and new highway alignment of OR 201 at the interchange with I-84. The proposed plan is required as a condition of approval for Oregon Transportation Investment Act (OTIA) funding. Adoption of the plan constitutes an amendment to the 1999 Oregon Highway Plan (OHP).

Region 5 requests OTC amendment of the OHP to classify the new North Ontario Interchange Bridge and Yturri Beltline as a Statewide Highway.

**Background:**

As a part of the January 16, 2002, proceedings, the OTC approved OTIA funding to design and construct a new freeway interchange and bridge structure. As a condition of funding, the OTC required that an IAMP be prepared in association with the design of the replacement interchange/bridge structure before funds for construction were to be released.

The same conditions of approval were applied to the Rickreal and Jackson School Road projects. The approved conditions required the IAMP to include restrictions on urban growth boundary expansions that could be induced by the project. The City of Ontario objected to the more stringent land use restrictions adopted by the OTC and argued that the existing interchange is surrounded by land that could be urbanized, either within the city's urban growth area or zoned for commercial development under Malheur County's jurisdiction. Region 5 agreed that the primary reason for the North Ontario Interchange project is to replace a structurally and functionally deficient bridge and complete the Yturri Beltline by connecting it directly to I-84. The project itself would provide some additional capacity, but not a significant amount.

After consultation with OTC members, Region 5 entered into an Intergovernmental Agreement with the city and county to proceed with the development of an IAMP that includes strict access control and is designed only to serve the uses in the approved comprehensive plans.



The development of the North Ontario IAMP began in July 2003 and has undergone an extensive process involving representatives from the City of Ontario, Malheur County, interested citizens, adjacent property and business owners and affected state agencies. The selected alternative would provide additional capacity to accommodate planned land use for the medium term (10-15) years, and allows for additional expansion when the need arises (long term).

The IAMP identifies that as recently as 1999, the City of Ontario adopted amendments to the Urban Growth Boundary (UGB) to maintain a 20-year supply of buildable land as required by state law. The recent expansion will provide sufficient long-term land supplies thereby limiting the need for future UGB expansions within the North Ontario IAMP study area. In addition, the vast majority of county land is owned and occupied by the Idaho Power Company for purposes of housing a major electric substation. The presence of this facility, right-of-way takings for the purposes of reconstructing the North Ontario Interchange, and the proximity to the Malheur and Snake Rivers limit future growth potential within the remaining county exception lands.

The City of Ontario and Malheur County are currently in the local adoption process to amend their comprehensive plans (transportation system plans), by ordinance, to include by reference the IAMP. Final hearings are scheduled for March 21 and March 23, respectively.

A project vicinity map is included as Exhibit A. A study area map is included as Figure 1-1 in the North Ontario IAMP. City of Ontario and Malheur County Land Use Designations are included as Figure 2-2. The preferred alignment and interchange form is included as Figure 4-5. ODOT findings of fact for OTC and Oregon Administrative Rule Compliance are attached as Exhibit B. Findings of fact for the City of Ontario and Malheur County that demonstrate compliance with Statewide Planning Goals, Transportation Planning Rule and local comprehensive plans are attached as Exhibit C. The North Ontario IAMP is provided as Exhibit D.

Additional copies of the North Ontario IAMP can be requested from Teresa Penninger, ODOT Region 5 Planning (541) 963-1344.

Notification of this OTC action has been provided to the City of Ontario, Malheur County, Representatives on the Stakeholder Advisory Committee and the Department of Land Conservation and Development (DLCD).

Exhibits:                   A) Vicinity Map  
                                  B) ODOT Findings  
                                  C) City of Ontario and Malheur County Findings  
                                  D) North Ontario Interchange Management Plan

Copies (w/exhibits) to:

Doug Tindall	Lori Sundstrom	Teresa Penninger	Judy Sherrard
Mike Marsh	John Jackley	Craig Greenleaf	Jerri Bohard
Patrick Cooney	Monte Grove	Alan Arceneaux	Bob Cortright, DLCD

# Exhibit B

## ODOT Findings

## North Ontario Interchange Area Management Plan

ODOT's State Agency Coordination Agreement requires that the Oregon Transportation Commission (OTC) adopt findings of fact when adopting facility plans (OAR 731-015-065). Pursuant to this requirement ODOT Region 5 provides the following findings in support of the OTC amending the Oregon Highway Plan (OHP) by adopting the North Ontario Interchange Area Management Plan (IAMP) as the facility plan and interchange area management plan for Oregon Highway 201 (also known as the Olds Ferry – Ontario Highway No. 455) in the vicinity of the I-84/OR 201 interchange. Replacement of the I-84/OR 201 interchange bridge is currently scheduled for construction beginning in the summer of 2006.

**FINDING:** As part of the January 16, 2002 proceedings, the OTC approved Oregon Transportation Investment Act (OTIA) funding to design and construct a new freeway interchange and bridge structure. As a condition of the funding, the OTC required that an IAMP be prepared in association with the design of the replacement interchange/bridge structure before funds for construction were to be released. Included with the requirement for preparing an IAMP, the OTC also listed several conditions that needed to be addressed as part of the IAMP itself. Table 6-1 of the document identifies these conditions and documents how the North Ontario IAMP is in compliance.

**FINDING:** The North Ontario IAMP was developed in collaboration with ODOT, the City of Ontario, and Malheur County and was developed in accordance with the guidelines set forth in the State's Oregon Administrative Rules for Interchange Access Management Planning and Interchange Area Management Planning. Table 6-2 of the document identifies the required planning elements from OAR 734-051 and documents how the North Ontario IAMP satisfies the requirement.

**FINDING:** On March 21, 2005 the City of Ontario is ~~scheduled~~<sup>ed</sup> to adopt amendments to their Comprehensive Plan and Transportation System Plan to incorporate by reference the North Ontario IAMP. On March 23, 2005 Malheur County is ~~scheduled~~<sup>ed</sup> to adopt ~~a~~<sup>d</sup> amendments to their Comprehensive Plan and Transportation System Plan to incorporate by reference the North Ontario IAMP. Their adoption ~~will~~<sup>is</sup> be supported by findings of fact that demonstrated compliance with the OHP, Transportation Planning Rule (OAR 660-012), and their own Comprehensive and Transportation System Plan. A copy of the draft City of Ontario and Malheur County findings of fact are included in Exhibit C.

The OTC hereby adopts the findings of fact used by the City of Ontario and Malheur County as their own in support of their adoption of the North Ontario IAMP as the facility plan and interchange area management plan for Oregon Highway 201 (also known as the Olds Ferry – Ontario Highway No. 455) in the vicinity of the I-84/OR201 interchange.

# Exhibit C

## City and County Findings

## ORDINANCE NO. 2554-2005

AN ORDINANCE AMENDING THE CITY OF ONTARIO TRANSPORTATION SYSTEM PLAN TO INCLUDE THE NORTH ONTARIO INTERCHANGE AREA MANAGEMENT PLAN ENABLING THE CONSTRUCTION OF A NEW INTERCHANGE AND BRIDGE STRUCTURE AND ASSOCIATED LOCAL TRANSPORTATION SYSTEM IMPROVEMENTS.

- WHEREAS, The existing two-lane bridge structure that carries OR 201 over I-84 is functionally obsolete and structurally deficient;
- WHEREAS, The Oregon Transportation Commission (OTC) approved Oregon Transportation Investment Act (OTIA) funding to design and construct a new freeway interchange and bridge structure in January 2002;
- WHEREAS, As a condition of funding construction for the project, the OTC required that an Interchange Area Management Plan (IAMP) be prepared in association with the design of the new interchange/bridge structure and adopted by the City of Ontario and Malheur County;
- WHEREAS, In the Summer of 2003 ODOT contracted with the firm CH2MHill to manage a project consultant team to develop the North Ontario IAMP;
- WHEREAS, The City Staff, elected, and appointed officials worked closely with the Oregon Department of Transportation and project consultant team in planning for future improvements to the interchange, through participation on the Project Planning Management Team (PPMT) for the North Ontario Interchange Bridge project and the development the IAMP;
- WHEREAS, A Stakeholder Advisory Committee (SAC) group, comprised of local citizens, property owners, and business owners, convened throughout the course of the project and actively participated in the development of the IAMP;
- WHEREAS, In addition to the technical review work provided by the PPMT and SAC, the project consultant team met with interested citizens and adjacent property/business owners on a regular basis to provide additional opportunities for the public to comment on the design of the future interchange structure and the supporting local circulation network;
- WHEREAS, The City of Ontario hosted two public workshops and two public meetings during the course of the IAMP planning process so that the public could participate in the design of the interchange and local circulation patterns and had opportunities to review the project's process and to provide feedback;
- WHEREAS, The North Ontario IAMP documents the land use planning, transportation planning, access management, public involvement, and preliminary design work that resulted in the Preferred Alternative and Interchange Form and the Preferred Local Access and Circulation Plan;

WHEREAS, The City has held public hearings on the North Ontario IAMP on February 14, 2005 and March 7, 2005;

WHEREAS, Malheur County is scheduled to hold public hearing on the North Ontario IAMP in order to adopt the document in parallel with the city;

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

1. The Findings of Fact contained in the North Ontario Interchange Area Management Plan (Volume 1), attached hereto as Exhibit A, and the January 12, 2005 "Review Draft," attached as Exhibit B, are hereby adopted and herein incorporated by reference.
2. Based upon the Findings of Fact, the Ontario Transportation System Plan is amended to include the North Ontario Interchange Area Management Plan (Volume 1).
3. Transportation improvements detailed and listed in Section 5 of the North Ontario Interchange Area Management Plan (Volume 1) are hereby amended by reference into the Street and Highway Project List in the City of Ontario Transportation System Plan and the Roadway Plan section of the Malheur County Transportation System Plan respectively.
4. The Technical Appendix of the North Ontario Interchange Area Management Plan (Volume 2) is adopted as a supporting document to the City's Transportation System Plan.
5. CORRECTIONS:
  - A. Page 9, paragraph 5 is to be replaced in its entirety with the following:

In 1999 the City Council adopted an ordinance that revised the Urban Growth Boundary and rezoned land in the UGA in order to accommodate a projected deficit in land available for residential, commercial and public facilities. The buildable lands analysis and subsequent changes to the City's Comprehensive Plan were prescribed by the City's Periodic Review work program with the State. As part of this action, 103 acres south of the North Ontario Interchange previously designated residential were reclassified as commercial as illustrated in Figure 2-2. While the City of Ontario's Comprehensive Plan was amended per the 1999 ordinance to reflect this change, commercial zoning was to take place "as soon as feasible (p. 8, Exhibit A Findings of Fact, Ordinance No.2417)." However, after DLCD accepted ordinance 2417, they asked the city to leave the 103 acres in UGA residential zoning, as infrastructure to support high-density commercial development was not available in the area. The 5-acre minimum lot size requirement of UGA residential would prevent dense development until either the infrastructure was in place, or policies and procedures were adopted to prevent disorderly development.
  - B. Page 10, paragraph 4 is to be replaced in its entirety with the following:

City of Ontario Ordinance No. 2417 amended the Comprehensive Plan to accommodate more commercial, residential and public facilities land in the UGB. As part of this action, 103 acres of UGA Residential were reclassified as UGA Commercial. Part of the area subject to this change falls within Sub-Area "F." The Comprehensive Plan designation has changed for this area, but at the suggestion of DLCD, it has not been rezoned to commercial. No commercial development can take place until a zone change has been approved. However, the City's intention that this area to the southwest of the interchange be available for future commercial development is clearly detailed in the 1999 ordinance's supporting findings.
  - C. Page 10, paragraph 5 is to be replaced in its entirety with the following:

Discussions with City of Ontario staff and residents indicate that the City is interested in encouraging travel oriented commercial uses in the OR 201/I-84 area.

Since the Yturri Beltline is a main truck route, commercial services that would accommodate this activity include hotel/motel establishments and gasoline service stations. These uses are also allowed in the City of Ontario's C-2, General Commercial Zone. The most flexible of the City's commercial designations, C-2-H, Heavy General Commercial Zone, allows outright all of the principle uses in the C-1 (Neighborhood Commercial) and C-2 zones, as well as "truck stop with transient motel." When annexed to the City, the areas designated UGA Commercial will likely be rezoned to General Commercial or Heavy General Commercial in order to accommodate the types of travel and automotive-related uses envisioned for this area.

- D. Page 20, paragraph 1 is to be replaced in its entirety with the following:  
As previously discussed in Section 2's land use summary, the City of Ontario adopted an ordinance in 1999 that revised the Urban Growth Boundary and designated land uses in the UGA in order to accommodate a projected deficit in land available for residential, commercial, and public facilities. The buildable lands analysis and subsequent changes to the City's Comprehensive Plan were prescribed by the City's Periodic Review work program with the State. As part of this action, 103 acres of land within the North Ontario IAMP study area previously designated residential were reclassified as commercial. While the City of Ontario's Comprehensive Plan was amended per the 1999 ordinance to reflect this change, commercial zoning was to take place "as soon as feasible." However, at the behest of DLCD the zoning map change was delayed to prevent disorderly development of the property.
- E. Page 54, last sentence of first partial paragraph is to be replaced in its entirety with the following:  
This may mean allowing shorter access spacing than would otherwise be allowed.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 21<sup>st</sup> of March, 2005, by the following vote:


AYES: Cummings, Allen, Gaskill, Cammack, Cheatham, Mosier, Jacobs


NAYS: None

ABSENT: None

APPROVED by the Mayor this 21<sup>st</sup> day of March, 2005.

ATTEST:

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

  
\_\_\_\_\_  
Tori Ankrum, City Recorder



Post-it® Fax Note	7671	Date	3-30-05	# of pages	18
To	MATT HUBBART	From	ALVIN SCOTT		
Co./Dept.		Co.	Malheur County		
Phone #		Phone #	541-473-5185		
Fax #	541-238-8169	Fax #			

NUMBER 152 03-23-05

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DEDUCTED BY .. **AN ORDINANCE AMENDING THE MALHEUR COUNTY TRANSPORTATION SYSTEM PLAN TO INCLUDE THE NORTH ONTARIO INTERCHANGE AREA MANAGEMENT PLAN ENABLING THE CONSTRUCTION OF A NEW INTERCHANGE AND BRIDGE STRUCTURE AND ASSOCIATED LOCAL TRANSPORTATION SYSTEM IMPROVEMENTS; AND DECLARING AN EMERGENCY**

**WHEREAS,** The existing two-lane bridge structure that carries OR 201 over I-84 is functionally obsolete and structurally deficient;

**WHEREAS,** The Oregon Transportation Commission (OTC) approved Oregon Transportation Investment Act (OTIA) funding to design and construct a new freeway interchange and bridge structure in January 2002;

**WHEREAS,** As a condition of funding construction for the project, the OTC required that an Interchange Area Management Plan (IAMP) be prepared in association with the design of the new interchange/bridge structure and adopted by Malheur County;

**WHEREAS,** In the Summer of 2003 ODOT contracted with the firm CH2MHill to manage a project consultant team to develop the North Ontario IAMP;

**WHEREAS,** The County and City Staff, elected, and appointed officials worked closely with the Oregon Department of Transportation and project consultant team in planning for future improvements to the interchange, through participation on the Project Planning Management Team (PPMT) for the North Ontario Interchange Bridge project and the development the IAMP;

**WHEREAS,** A Stakeholder Advisory Committee (SAC) group, comprised of local citizens, property owners, and business owners, convened throughout the course of the project and actively participated in the development of the IAMP;

**WHEREAS,** In addition to the technical review work provided by the PPMT and SAC, the project consultant team met with interested citizens and adjacent property/business owners on a regular basis to provide additional opportunities for the public to comment on the design of the future interchange structure and the supporting local circulation network;

**WHEREAS,** Malheur County and the City of Ontario hosted two public workshops and two public meetings during the course of the IAMP planning process so that the public could participate in the design of the interchange and local circulation patterns and had opportunities to review the project's process and to provide feedback;

**WHEREAS,** The North Ontario IAMP documents the land use planning, transportation planning, access management, public involvement, and preliminary design work that resulted in the Preferred Alternative and Interchange Form and the Preferred Local Access and Circulation Plan;

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**WHEREAS**, Malheur County held public hearing on the North Ontario IAMP on March 9, 2005, and March 23, 2005, in accordance with Malheur County Code, Chapter 10, Legislative Amendments.

**WHEREAS**, The Malheur County Court has reviewed all evidence and testimony submitted at the Malheur County hearings.

**WHEREAS**, it is the County Court's expectation that ODOT will work with the adjacent property owners to address any adverse effects of water run off from any ODOT facility, in particular the adjacent property owned by the Poole family. ODOT agreed during the public hearing that it would specifically work with the property owners to maintain historic water and storm drainage capabilities, subject to environmental regulations.

**WHEREAS**, it is the County's expectation that ODOT will work on local road circulation and improvements as the adjacent property to the facility develops. Immediate funding as part of the interchange project is not available to pave or otherwise improve NW 11<sup>th</sup>, 20<sup>th</sup> or Verde Drive. To the extent local road circulation needs to be addressed, ODOT will explore partnering with Rural Road District #3, Malheur County or the City of Ontario to effect needed improvements.

**WHEREAS**, ODOT will address landscaping surrounding the facility during final design. It is the County Court's expectation that the area will be maintained and have a pleasing appearance as an entrance into the community. The landscaping does not have to be park-like, mowed or planted with trees. It is expected that the area will be weed free and consist of native vegetation or rock.

**NOW, THEREFORE, MALHEUR COUNTY COURT ORDAINS AS FOLLOWS:**

The Findings of Fact, attached hereto as Exhibit A, are hereby adopted and herein incorporated by reference.

Based upon the Findings of Fact, the Malheur County Transportation System Plan is amended to include the North Ontario Interchange Area Management Plan (Volume 1), attached hereto as Exhibit B, with amendments attached hereto as Exhibit C.

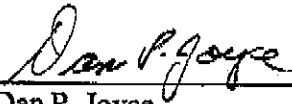
Transportation improvements detailed and listed in Section 5 of the North Ontario Interchange Area Management Plan (Volume 1) are hereby amended by reference into the Malheur County Transportation System Plan.

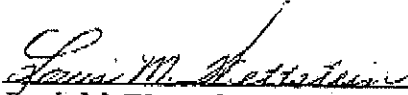
The Technical Appendix of the North Ontario Interchange Area Management Plan (Volume 2), attached hereto as Exhibit D, with amendments attached hereto as Exhibit E, is adopted as a supporting document to the County's Transportation System Plan.

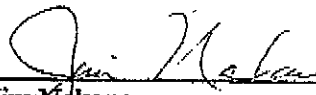
**EMERGENCY AND EFFECTIVE DATE:** This ordinance is effective upon the date it is passed and adopted by the Malheur County Court. An emergency exists for an immediate effective date for the general health, safety and welfare of the public.

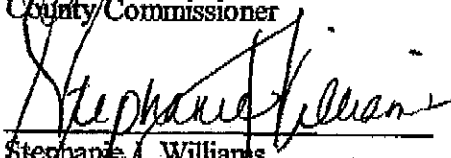
Passed and adopted this 23<sup>rd</sup> day of March 2005.

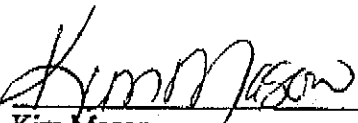
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\_\_\_\_\_  
Dan P. Joyce  
County Judge

  
\_\_\_\_\_  
Louis M. Wettstein  
County Commissioner

  
\_\_\_\_\_  
Jim Nakano  
County Commissioner

  
\_\_\_\_\_  
Stephanie J. Williams  
County Counsel

  
\_\_\_\_\_  
Kim Mason  
Recording Secretary

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**NORTH ONTARIO INTERCHANGE ACCESS MANAGEMENT PLAN**

**FINDINGS OF FACT**

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**ATTACHMENTS**

Volume 1 North Ontario Interchange Area Management Plan  
Volume 2 North Ontario IAMP Technical Appendix

## BACKGROUND

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Located just outside the northwest portion of the current Ontario city limits, OR 201 crosses I-84 at the North Ontario interchange. Inspections of the existing two-lane bridge that spans I-84 have revealed that this structure is functionally obsolete and structurally deficient. As part of its January 16, 2002 proceedings, the Oregon Department of Transportation (ODOT) approved Oregon Transportation Investment Act (OTIA) funding to design and construct a new freeway interchange and bridge structure. As a condition of funding, the OTC required that an Interchange Area Management Plan (IAMP) be prepared in association with the design of the new interchange/bridge structure. Based on the OTC directive, ODOT contracted with private sector firms to prepare the IAMP as well as develop the initial planning and engineering for a new interstate overpass structure and associated improvements at the North Ontario Interchange.

The subject area is described in the Introduction section of the North Ontario IAMP and is generally an area bounded to the north by the Malheur River, to the west by N. Verde Drive, to the south by Malheur Drive, and to the east by the Snake River/Ontario State Park. Figure I-1 in the North Ontario IAMP illustrates the study area.

This proposal is to amend the City of Ontario and Malheur County Transportation System Plans to include the respective planning elements of the North Ontario IAMP. Approval of this proposal is considered a legislative action, as transportation system plans are considered elements of comprehensive plans. The North Ontario IAMP adoption is subject to the procedures in the Ontario City Code Chapter 10B-15, Legislative Amendment Procedures, and Malheur County Code Chapter 10 Legislative Amendments.

### III. PROPOSAL INTRODUCTION

The Oregon Transportation Commission approved Oregon Transportation Investment Act (OTIA) funding for modifications to the North Ontario Interchange Bridge at its January 16, 2002 meeting. The Commission required that an Interchange Area Management Plan (IAMP) be developed and submitted for their review and approval before funds for construction are released. Findings that support the local adoption of the North Ontario IAMP are included in this document.

### CONFORMANCE WITH STATEWIDE PLANNING GOALS

The following provides findings that demonstrate that the adoption of the North Ontario IAMP is consistent with LCDC's Goals.

#### Goal 1: Citizen Involvement

**Response:** Public notice for the hearing on this application will be provided through the City of Ontario's and Malheur County notification procedures. The public will have an opportunity to review the application and staff report in advance of the public hearings scheduled at the City and County and to provide testimony at the hearing.

In addition to the upcoming public comment opportunities, the development of the North Ontario IAMP was guided by a Stakeholder Advisory Committee (SAC), a special advisory group comprised of local citizens, property owners, and business owners. Supplementing input from the SAC, members of the general public have had opportunities to consider all aspects of the IAMP through a series of four public open house meetings. These public meetings gave interested citizens an opportunity to review the background and technical work

as it was being compiled and developed over the course of the IAMP production process. These meetings were also instrumental as forums that gave the public an opportunity to provide information to the project consultant team.

The North Ontario IAMP process also has been advised by a Project Planning Management Team ("PPMT"), consisting of technical advisors from the jurisdictions and agencies involved with the project. Earlier explorations of transportation and land use issues, including assumptions about future growth in the City of Ontario's Urban Growth Area (UGA), have been considered in the PPMT and SAC meetings, and was part of background material for two public open house meetings held in Ontario. Each of the SAC, PPMT, and public meeting proceedings are summarized in Appendix A of the *North Ontario IAMP Technical Appendix*.

**Goal 2: Land Use Planning**

**Response:** The IAMP adoption application has prepared a thorough factual base that demonstrates that this proposed action is consistent with the applicable adopted local plans and has been coordinated with the affected governmental units.

**Goal 3: Agricultural Lands**

**Response:** This Goal is not applicable. The majority of the IAMP study area is within the City of Ontario's Urban Growth Boundary and is designated Urban Growth Area with the intent that the area will serve the City's future commercial and industrial needs. The remaining portion of the IAMP study area located outside of the City's Urban Growth Boundary (north of the interchange) is zoned commercial by Malheur County and is committed with both commercial and residential uses.

**Goal 4: Forest Lands**

**Response:** This Goal is not applicable as there is no designated forest lands within the Ontario's Urban Growth Area or the subject area within Malheur County.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**Response:** There are twelve Goal 5 resources: riparian corridors (including water and riparian areas and fish habitat), wetlands, wildlife habitat, Federal wild and scenic rivers, State scenic waterways, groundwater resources, approved Oregon recreation trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas.

Of these resources, riparian corridors associated with the Malheur River and Dork Canal and wetlands associated with the Malheur River are known to occur in the IAMP area. No wetlands are associated with Dork Canal within the project limits. The canal's source water is from the Malheur River and groundwater, and it discharges directly into the Snake River. The canal, which passes through a concrete culvert under I-84, is considered "Waters of the U.S." based on the U.S. Army Corps of Engineers (ACOE) interpretation of the recent court case *Headwaters Inc. v. Talent Irrigation District* 243 F3d 526 (9th Circuit Court 2001). The Oregon Division of State Lands (ODSL) would also have jurisdiction under ORS Section 141-085-0015, Section 2eB, since it is a free-flowing, open canal that discharges into the Snake River.

The City of Ontario's 1992 Comprehensive Plan (City of Ontario, 1992) identified Goal 5 historic resources, none of which are located in the IAMP area. The Historic Baseline Report prepared for the project indicated that historic sites that are listed on or eligible for listing on the National Register of Historic Places do not exist in the project area (CH2M HILL, 2004). The Dork Canal was determined not eligible for listing on the NRHP (ODOT, 2005).

**Goal 8: Recreational Needs**INSTRUMENT NO. 2005 - 2116  
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**Response:** This Goal is not applicable, as the proposal does not directly pertain to recreational needs. The proposed interchange improvements will modify access to the one recreational facility in the area, Ontario State Park. A representative from the Ontario State Park was part of the Stakeholder Advisory Committee and worked with the project consultant team in the development of the final interchange and access design recommendation.

**Goal 9: Economic Development**

**Response:** The adoption of the North Ontario IAMP will amend the local transportation system plans to include transportation improvements necessary for the replacement of the bridge structure over I-84 and a new, safer interchange that provides more direct access to the Yturri Beltline. The new interchange and the associated improvements will facilitate freight movement in this area, a chief concern for the economic viability of the City, County and State. In addition, the planned transportation system, as outlined in the IAMP, will facilitate business growth in the area southwest of the interchange and industrial growth in the area directly to the west. Approximately 103 acres in an area bisected by the Yturri Beltline was the subject to a 1999 UGB plan amendment re-designating it from Urban Growth Area Residential to Urban Growth Area Commercial. In a separate action, the City and County are currently considering a rezoning of this 103 acres to EMP, Employment Zone, a combination of light industrial and heavy Commercial. No land in the IAMP area is designated as a Enterprise Zone.

**Goal 10: Housing**

**Response:** Among other criteria, the alternatives analysis that was conducted to determine the preferred alternative for the interchange design weighed the impacts each possible design had on the built environment. Within the City's Urban Growth Boundary, many of the direct impacts to existing residences from proposed transportation improvements were avoided through modification of the interchange design. Due to the natural constraint of the Snake River and the large power substation, this was not the case north of the interchange and any of the interchange design options considered would affect several homes and businesses in the County. These residents and property owners have participated in the IAMP planning process and, where necessary, are in the process of being compensated by the State for the loss of the use of their property.

**Goal 11: Public Facilities and Services**

**Response:** A principle concern identified early in the interchange planning process was limiting the impact of the future interchange on the adjacent Idaho Power substation. The quantitative analysis of the four screened concepts (Appendix G in the *North Ontario IAMP Technical Appendix*) included utility impacts as one of the land-use scoring criteria. While the existing electric substation was the primary consideration, interchange design alternatives were also evaluated for their ability to accommodate future utility infrastructure including water, sewer, power lines, etc.

Sanitary sewer, storm drainage, and water service were determined to be adequate to serve the City's UGA; the City's Stormwater Master Plan (2004) and Sanitary Sewer Master Plan (2002) have recently been updated to address service in this area. Regarding water supply, the City of Ontario installed two new water mains for future business and residential development in anticipation of the work associated with the Yturri Beltline and the connection with the proposed North Ontario Interchange. These water mains were placed south of the existing interchange. The City does not anticipate installing any new water supply, sewer lines, or other infrastructure improvements in the UGA until new development

requires such improvements.

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**Goal 12: Transportation**

**Response:** The adoption of the North Ontario IAMP will ensure that the interchange operates safely and efficiently. As demonstrated by the transportation analysis conducted as part of the North Ontario IAMP, the planned transportation system plan will be adequate to serve trips generated by the future land uses. The proposed plan amendment will "significantly affect" the transportation system as defined in the Transportation Planning Rule because it includes modifying the roadway functional classification for several roadways located within the North Ontario IAMP study area. (see Section V. Conformance with the Transportation Planning Rule).

**Goal 13: Energy Conservation**

**Response:** This goal is met through the adoption of the North Ontario IAMP, which contains a preferred roadway network and necessary transportation improvements to implement a multimodal, safe, and efficient transportation system in the vicinity of the North Ontario interchange. The evaluation criteria that were used to determine the preferred interchange design alternative included transportation operations elements. These elements include those that address energy efficiency by providing a transportation system that is designed for different types of trips, not just those made by automobile, and that efficiently interconnects land uses. Specific evaluation criteria included providing a transportation system that is efficient and can safely accommodate all modes of transportation, that a local circulation network is maintained, and that the roadway network is interconnected in order to provide alternate travel routes, reduce trip lengths and encourage walking and bicycling.

**Goal 14: Urbanization**

The North Ontario IAMP has identified a preferred alternative for the reconstruction of the North Ontario interchange. This facility will be planned to accommodate future expected growth in the vicinity and to effectively and efficiently move traffic on and off I-84 from the newly constructed OR-201 (Yturri Beltline). The areas affected to the south of the interchange are within the City of Ontario's Urban Growth Boundary. Some land in the subject area is within the current city limits, but most lies within the City's Urban Growth Area and has been identified by the City as an area suitable for future urbanization to accommodate projected residential, commercial and public facilities growth needs.

Land to the north of the interchange is in Malheur County and is outside of the Urban Growth Boundary. This area is zoned for commercial uses, but future development in the area is limited by the existing Idaho Power substation, the Snake River, and the Ontario State Park.

An improved interchange will improve access to this area of Ontario and Malheur County, a fact that could make the area more attractive to growth. However, the North Ontario Interchange is subject to the provisions of the 1999 Oregon Highway Plan, which stipulates that the distance between an interchange ramp terminal and the first major highway approach (public or private) should be 1,320 feet (1/4 mile). This distance corresponds to the spacing standard outlined in the OAR 734-051 Division 51 rules for interchange ramps. In addition, the North Ontario IAMP includes an access management plan to minimize the impacts to primary facilities (Yturri Beltline/OR 201).

North of the interchange, in Malheur County, the proposed realignment of OR 201 will displace several existing homes and businesses along the west side of the highway. With the development of the new OR 201 freeway interchange, a number of the existing properties in Malheur County on the east side, along the Snake River, will become subject to the 1999



Oregon Highway Plan and will not have direct access onto the highway. Due to limited access, the realignment of OR 201, and existing development, future development between the interchange and the Malheur River is limited.

## V. CONFORMANCE WITH THE TRANSPORTATION PLANNING RULE

### 660-012-0025 *Complying with the Goals in Preparing Transportation System Plans; Refinement Plans*

(2) *Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.*

An LAMP is considered a Refinement Plan in that it amends the transportation system plan in a way that determines, at a systems level, the function, mode or general location of transportation elements, the planning for which was deferred during transportation system planning because more detailed information was needed. Findings included in Section IV, Conformance with Statewide Planning Goals, satisfies this Transportation Planning Rule requirement.

### OAR 660-12-060 *Plan and Land Use Regulations Amendments*

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:*
- (a) *Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
  - (b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
  - (c) *Altering land use designation, densities, or design requirement to reduce demand for automobile travel needs through other modes; or*
  - (d) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
- (a) *Changes the functional classification of an existing or planned transportation facility;*
  - (b) *Changes standards implementing a functional classification system;*
  - (c) *Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
  - (d) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

**Response:** The development of a preferred North Ontario interchange form and alignment

entailed an examination of the existing surrounding roadway network, land use patterns, and existing and future travel patterns. The resulting North Ontario IAMP includes a list of projects associated with the construction of a new I-84 freeway interchange and OR 201 bridge/ramp structure, as well as improvements to the existing local roadway network consistent with this major improvement and the future land uses in the vicinity.<sup>3</sup> The North Ontario IAMP includes proposed amendments to the City of Ontario and Malheur County's respective Transportation System Plans to ensure that the acknowledged plans are consistent with the identified function, capacity, and performance standards of the proposed interchange and associated transportation system improvements. The proposed amendments include adopting a Roadway Functional Classification Plan (Figure 5.6 in the North Ontario IAMP). The proposed amendment significantly affects a transportation facility because it includes modifying the roadway functional classification for several roadways located within the North Ontario IAMP study area. To satisfy the Transportation Planning Rule, the City and County Transportation System Plans must be amended to include projects that support the reconfiguration and reconstruction of the North Ontario interchange.

## CONFORMANCE WITH TRANSPORTATION SYSTEM PLANS

### City of Ontario

In January 2000, the City of Ontario adopted the November 1999 Final Draft Report of the City of Ontario Transportation System Plan (TSP). The City implemented the new TSP by amending the Ontario Municipal Code in December 2000 (Ordinance No. 2447). Ordinance 2447 also amended the City's Comprehensive Plan. Relevant goals, policies and requirements from this document, as they pertain to this application, are addressed below.

#### *Overall Transportation Goal*

*Develop a transportation system that enhances the livability of Ontario and accommodates growth and development through careful planning and management of existing and future facilities.*

*Goal 1: Improve and enhance safety and traffic circulation on the local street system.*

#### *Objectives:*

*Improve and maintain existing roadways.*

*Develop an efficient grid system for the community by improving the local street system.*

*Identify and develop truck routes to reduce truck traffic downtown.*

*Examine the need for speed zone investigations and potential speed reductions.*

*Evaluate the need for improved signalization in specific areas.*

*Identify local problem spots and recommend solutions.*

*Identify ways to minimize safety concerns and disturbances caused by*

<sup>3</sup> In December 2004, the City of Ontario initiated a rezoning process for approximately 103 acres in the City's Urban Growth Area. As noted in the transportation analysis prepared for inclusion in the North Ontario IAMP (Appendix D, North Ontario IAMP Technical Appendix), the proposed zone change to a commercial/ industrial zone (EMP Employment) will result in greater daily trip generation than would occur with development under the original plan designation (residential and industrial). However, the new I-84/OR-201 bridge structure will need to be a five-lane structure under either a UGA residential or EMP Zone scenario in order to meet ODOT's highway performance standards. Implementing a commercial zone in the subject area will not reduce the performance standards of the bridge crossing. Commercial zoning in this area is consistent with the planned function, capacity, and performance standards of the transportation facility, with the inclusion of the transportation projects listed in the IAMP.

*train/street network conflicts.  
Access management strategies should be utilized to protect the functioning  
of roadways.*

**Response:** The adoption of the North Ontario IAMP satisfies this goal through the inclusion of an Access Management & Circulation Plan (Figure 5-4) that identifies the proposed location of future roadways in the vicinity of the North Ontario interchange. To the extent possible, given the major improvements planned for the North Ontario Interchange, the proposed circulation plan maintains a grid system, consistent with the objectives of this goal. The proposed access management plan included in the IAMP is designed to protect the function of the planned improvements. Tables 5-1 and 5-2 identify the projects necessary to construct a safe and efficient interchange and OR 201 bridge/ramp structure, as well as the associated local roadway improvements, including signalization, to ensure the long-term functionality of the local transportation system.

*Goal 2: Identify transportation system needs to accommodate developing or undeveloped areas.*

*Objectives:*

*Provide policies and standards that address street connectivity, spacing, and access management.*

*Integrate new streets into the city grid systems with an emphasis on taking the pressure off of traditionally heavy traffic collectors.*

*Improve access into and out of Ontario for goods and services.*

**Response:** A large section of the North Ontario IAMP study area is within the City of Ontario's UGA. The North Ontario IAMP includes a series of short- and medium/long-term transportation improvement projects, an Access Management & Circulation Plan (Figure 5-4), and a supplemental Roadway Functional Classification Plan (Figure 5-6) that are designed to accommodate regional and local growth within the study area. Adoption of these plan elements satisfies this goal by providing a plan for future infrastructure projects to serve developing areas, providing access to properties via a safe and efficient roadway network, and ensuring that the surrounding transportation network is in conformance with the recently constructed Yturri Beltline and future North Ontario interchange.

*Goal 3: Increase the use of alternative modes of transportation (walking, bicycling, and transit) through improved access, safety, and service.*

**Response:** Tables 5-1 and 5-2, the Transportation Improvement Project Summary table, identify pedestrian and bicycle elements of the transportation projects associated with the new interchange. In the short term, there will be a separated bicycle/pedestrian travel way. When the interchange is widened to a five-lane roadway section, a separate bicycle/pedestrian bridge over I-84 will need to be constructed to connect the Ontario State Park to the south side of the North Ontario IAMP study area (Project #21).

*Goal 4: Improve intraregional and interregional transportation connections.*

*Objectives:*

*Improve facilities for freight movement by truck, rail, and other applicable modes.*

*Work with the state and other agencies to maintain and enhance Ontario's role as a participant in regional transportation solutions.*

**Response:** Planning for the replacement of the structurally deficient North Ontario Interchange and the future extension of the Yturri Beltline to the new interchange structure was driven by the state's interest in maintaining freight movement. I-84 is classified an

Interstate Highway and is part of the National Highway System. The primary function of the Interstate is to provide connections to major cities, regions of the State, and other states. I-84 is a major freight route and the primary objective of this facility is to provide mobility. A secondary function in urban areas is to provide connections for regional trips within the metropolitan area. Upon completion of the Yturri Beltline project, the portion of OR 201 located south of I-84 is likely to be re-classified as a Statewide Highway and Freight Route by the Oregon Transportation Commission along with the formal statewide adoption of the North Ontario IAMP. It provides vital connections and links between small urbanized areas, rural centers, and urban hubs in eastern Oregon and western Idaho, and also serves local access and traffic in and around Ontario.

The City of Ontario has been an active partner in the North Ontario IAMP planning process, participating both on the technical end, with city staff members on the Project Planning Management Team ("PPMT") and in policy decisions, made with the assistance of local official and representatives on the Stakeholder Advisory Committee ("SAC").

#### 10-12-4 POLICIES: GENERAL TRANSPORTATION

6. *The city shall maintain a Transportation System Plan (TSP) for the purpose of classifying streets and other rights of way and assisting in prioritizing projects for the capital improvement program. The Ontario TSP is an element of the City of Ontario Comprehensive Plan. As such, it identifies the general location of transportation improvements.*

**Response:** This proposal includes amending the City's TSP to include transportation projects necessary to support the replacement of the North Ontario freeway interchange. Section 5 of the North Ontario IAMP includes a list of short-term improvements that are necessary to implement the preferred interchange design alternative and medium- to long-term projects that will be necessary to accommodate future development within the surrounding study area. By adopting the North Ontario IAMP, the City will also be amending the Transportation System Plan to include a supplemental Roadway Functional Classification Plan (Figure 5-6). The Roadway Functional Classification Plan shows the location of the future roadway system in the vicinity of the interchange, a large portion of which is outside the city limits in the Urban Growth Area, and indicates the roadway design appropriate for the expected future traffic.

#### RECOMMENDED ADMINISTRATIVE PROCEDURES FOR ZONING REGULATIONS (TITLE 10B) AMENDMENTS

##### 10B-20-17 AMENDMENTS AFFECTING TRANSPORTATION FACILITIES

- (1) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
- (A) *Changes the functional classification of an existing or planned transportation facility;*
  - (B) *Changes standards implementing a functional classification system;*
  - (C) *Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
  - (D) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.*
- (2) *Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the*

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facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- (A) Limiting allowed land uses to be consistent with the planned function of the transportation facility;
- (B) Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

**Response:** The proposed amendments to the City of Ontario's TSP include adopting a supplemental Roadway Functional Classification Plan for the area in the vicinity of the North Ontario interchange. This includes the provision of new minor collector roadway classification provisions for existing local streets. Because of this change in functional classification, the adoption of the North Ontario IAMP will "significantly affect" the transportation system as defined in the Transportation Planning Rule under OAR 600-12-060 (2) (a) through (d). In order to support the implementation of the preferred interchange design alternative, the City will need to amend the TSP to include both transportation system improvement projects associated with the reconfigured interchange as well as the local roadway system that is consistent with these improvements.

### Malheur County

Malheur County's Transportation System Plan was adopted in 1998. Relevant goals, policies and requirements from this document, as they pertain to this application, are addressed below.

#### 4. Recommended Policies for Protection of Transportation Facilities

*The County shall protect the function of existing or planned roadways or roadway corridors through the application of appropriate land use regulations.*

**Response:** The North Ontario IAMP planning process evaluated existing and future land use patterns when developing the interchange design alternatives and the local roadway network in the vicinity of the interchange. The resulting IAMP that is being proposed for adoption includes a list of projects associated with the construction of a new North Ontario interchange and supporting bridge/ramp structures, as well as improvements to the existing local roadway network that supports the surrounding land uses. In addition, the North Ontario IAMP includes an access management plan to protect the function of the proposed interchange and the Yturri Beltline/OR 201.

#### *Other Policies protecting Transportation Facilities*

*The County shall coordinate with the Department of Transportation to implement highway improvements listed in the Statewide Transportation Improvement Program (STIP) that are consistent with the Transportation System Plan and comprehensive plan.*

**Response:** The North Ontario Interchange Project includes the design and construction of a new interstate overpass structure to replace the existing North Ontario Interchange Bridge and is referenced by a key number (#08635) in the 2004-2007 STIP.

Adoption of the North Ontario IAMP is consistent with this coordination policy as both ODOT and Malheur County have been extensively involved in collaborative land use and

transportation planning throughout the North Ontario Interchange Bridge project. ODOT has funded the planning and public participation process to prepare documentation for, and the design of, an interchange replacement on I-84 that is summarized in the North Ontario IAMP. The project was advised by a Project Planning Management Team ("PPMT"), consisting of technical advisors from the Malheur County, the City of Ontario, and ODOT. In addition, the North Ontario IAMP was guided by a Stakeholder Advisory Committee (SAC) that consisted of a special advisory group comprised of local citizens, property owners, and business owners

*Recommended Regulations to Assure that Amendments are Consistent with the Transportation System Plan*

*All development Proposals, plan amendments, or zone changes shall conform with the adopted Transportation System Plan.*

**Response:** The Malheur County Transportation Plan (Chapter 7) includes a "Roadway Plan" section that recommends a detailed program of collector and arterial road and bridge improvements. Projects are listed in Table 7-4, Malheur County Prioritized Capital Improvement Program. Included in the CIP is "Replace Structurally Deficient Bridges." The North Ontario IAMP revises this list to include specific transportation improvements associated with the North Ontario Interchange, the anticipated timeline for these projects, and the identified or potential funding sources.

*A plan or land use regulation amendment significantly affects a transportation facility if it:*

- a) *Changes the functional classification of an existing or planned transportation facility;*
- b) *Changes standards implementing a functional classification system;*
- c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- d) *Could reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.*

*Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*

- a) *Limiting allowed land uses to be consistent with the planned function of the transportation facility;*
- b) *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,*
- c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

**Response:** The policy language in Malheur County's TSP mirrors the Transportation Planning Rule, which is addressed in Section V. of this narrative.

**NORTH INTERCHANGE AREA MANAGEMENT PLAN**

**Volume 1**

*Page 9 - Paragraph 5*

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In 1999 the City Council adopted an ordinance that revised the Urban Growth Boundary and rezoned land in the UGA in order to accommodate a projected deficit in land available for residential, commercial and public facilities. The buildable lands analysis and subsequent changes to the City's Comprehensive Plan were prescribed by the City's Periodic Review work program with the State. As part of this action, 103 acres south of the North Ontario Interchange previously designated residential were reclassified as commercial as illustrated in Figure 2-2. While the City of Ontario's Comprehensive Plan was amended per the 1999 ordinance to reflect this change, commercial zoning was to take place "as soon as feasible (p. 8, Exhibit A Findings of Fact, Ordinance No. 119-01-26-992417)." At the start of the North Ontario IAMP development process, the zoning of the 103 acres had not yet been changed to commercial, leaving the underlying zoning as UGA Residential. However, after DLCD accepted ordinance 2417, they asked the city to leave the 103 acres in UGA residential zoning, as infrastructure to support high-density commercial development was not available in the area. The 5-acre minimum lot size requirement of UGA residential would prevent dense development until either the infrastructure was in place, or policies and procedures were adopted to prevent disorderly development.

*Page 10, Paragraphs 4 & 5*

City of Ontario Ordinance No. 119-01-26-99 2417 amended the Comprehensive Plan to accommodate more commercial, residential and public facilities land in the UGB. As part of this action, 103 acres of UGA Residential were reclassified as UGA Commercial. Part of the area subject to this change falls within Sub-Area "F." The Comprehensive Plan designation has changed for this area, but at the suggestion of DLCD, it has not been rezoned to commercial. No commercial development can take place until a zone change has been approved. However, the City's intention that this area to the southwest of the interchange be available for future commercial development is clearly detailed in the 1999 ordinance's supporting findings. Page 10, Paragraph 5

*Page 20, Paragraph 1*

As previously discussed in Section 2's land use summary, the City of Ontario adopted an ordinance in 1999 that revised the Urban Growth Boundary and designated land uses in the UGA in order to accommodate a projected deficit in land available for residential, commercial, and public facilities. The buildable lands analysis and subsequent changes to the City's Comprehensive Plan were prescribed by the City's Periodic Review work program with the State. As part of this action, 103 acres of land within the North Ontario IAMP study area previously designated residential were reclassified as commercial. While the City of Ontario's Comprehensive Plan was amended per the 1999 ordinance to reflect this change, commercial zoning was to take place "as soon as feasible." When the development of the North Ontario IAMP began, the zoning of the 103 acres had not yet been changed to commercial, leaving the underlying zoning as UGA Residential. However, at the behest of DLCD the zoning map change was delayed to prevent disorderly development of the property.

*Page 54, Line 1*

This may mean allowing shorter access spacing than would otherwise be allowed.

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**Volume 2***Page 7 - Paragraph 5*

In 1999 the City Council adopted an ordinance that revised the Urban Growth Boundary and rezoned land in the UGA in order to accommodate a projected deficit in land available for residential, commercial and public facilities. The buildable lands analysis and subsequent changes to the City's Comprehensive Plan were prescribed by the City's Periodic Review work program with the State. As part of this action, 103 acres south of the North Ontario Interchange previously designated residential were reclassified as commercial as illustrated in Figure 2-2. While the City of Ontario's Comprehensive Plan was amended per the 1999 ordinance to reflect this change, commercial zoning was to take place "as soon as feasible (p. 8, Exhibit A Findings of Fact, Ordinance No. ~~119-01-26-992417~~)." At the start of the North Ontario IAMP development process, the zoning of the 103 acres had not yet been changed to commercial, leaving the underlying zoning as UGA Residential. However, after DLCD accepted ordinance 2417, they asked the city to leave the 103 acres in UGA residential zoning, as infrastructure to support high-density commercial development was not available in the area. The 5-acre minimum lot size requirement of UGA residential would prevent dense development until either the infrastructure was in place, or policies and procedures were adopted to prevent disorderly development.

*Page 9, Paragraphs 6*

City of Ontario Ordinance No. ~~119-01-26-99 2417~~ amended the Comprehensive Plan to accommodate more commercial, residential and public facilities land in the UGB. As part of this action, 103 acres of UGA Residential were reclassified as UGA Commercial. Part of the area subject to this change falls within Sub-Area "F." The Comprehensive Plan designation has changed for this area, but at the suggestion of DLCD, it has not been rezoned to commercial. No commercial development can take place until a zone change has been approved. However, the City's intention that this area to the southwest of the interchange be available for future commercial development is clearly detailed in the 1999 ordinance's supporting findings. Page 10, Paragraph 5

EXHIBIT #     E