

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**



**PLANNING COMMISSION MEETING AGENDA
CITY OF ONTARIO OREGON
MONDAY, JANUARY 13, 2020, 7:00 PM, MT**

1) CALL TO ORDER

Commissioner Craig Smith _____ Commissioner Cindy McLeran _____ Commissioner Max Twombly _____
Commissioner John Hall _____ Commissioner John Briedenbach _____ Commissioner Position Vacant _____
Chairman Ralph Poole _____

City Council Ex-Officio _____ City Manager _____
Economic Development Director _____ Planning & Zoning Technician _____

2) PLEDGE OF ALLEGIANCE

3) WELCOME NEW MEMBERS

4) MOTION TO ADOPT THE AGENDA

This Agenda was posted on Tuesday, January 7, 2020. Copies of the Agenda are available at the Community Development Center and on the city's website at www.ontariooregon.org.

5) PUBLIC COMMENTS Citizens may address the Planning Commission; however, the Planning Commission may not be able to provide an immediate answer or response. Out of respect to the Commissioners and others in attendance, please limit your comment to three minutes. Please state your name and city of residence for the record.

6) APPROVAL OF MINUTES

- A) Minutes: Planning Commission Meeting of September 9, 2019
- B) Minutes: County Joint Planning Commission Meeting of October 24, 2019

7) PUBLIC HEARING

- A) **ACTION 2019-09-60AZ:** A request for **Annexation and Rezone** of a parcel of land being located at 3179 SW 4th Avenue. If approved, this action will result in the Annexation of 0.94 acres of land into the City of Ontario; and, the rezoning of the subject property from Urban Growth Area Residential (UGA R) to the City Single Family Residential (RS-50) Zone. The applicant is Sherri Reif Hart.

8) HAND-OUTS/DISCUSSION ITEMS

9) COMMENTS FROM COMMISSIONERS

10) ADJOURN

Malheur County Planning Commission

The Malheur County Planning Commission Meeting was scheduled for October 24th 2019 at the Malheur County Extension Office, 710 SW 5th Ave., Ontario, Oregon 97914 for 7:30 p.m. At 7.45 pm, it was established that a quorum was not present for Malheur County Planning Commission.

MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich
Ed Anthony
Linda Simmons
Chad Gerulf

PLANNING DEPARTMENT STAFF MEMBERS:

Eric Evans, Planning Director
Kimberly Ross, County Court Executive Assistant
Stephanie Williams, County Counsel

The City of Ontario Planning Commission Meeting was held at the Malheur County Extension Office, 710 SW 5th Ave., Ontario, Oregon 97914, on October 24, 2019. Max Twombly called the meeting to order at 7:45 p.m.

CITY OF ONTARIO COMMISSION MEMBERS PRESENT:

John Hall
Richard Newman
Max Twombly
John Breidenbach
Cindy McLeran

CITY OF ONTARIO STAFF MEMBERS:

Adam Brown, City Manager
Marcy Siriwardene, Planning Department

PLEDGE OF ALLEIGANCE

OLD BUSINESS:

Kathy Clarich – The first thing on our agenda is the approval of the August minutes.

Approval of August 2019 minutes:

No quorum was available for approval of minutes.

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NEW BUSINESS: Joint Public Hearing Malheur County Planning Commission and Ontario Planning Commission. No quorum present for Malheur County Planning Commission. A quorum was present for the City of Ontario.

Applicant: Sheri Reif-Hart
3179 SW 4th Avenue
Ontario, Oregon 97914

Representative: Kim Bruce
10 S 20th Street
Payette, Idaho 83661

Proposed Amendment to Ontario Urban Growth Area and zone change from County C-A1 to Ontario O-UGA-R. Malheur County Planning Department File #2019-09-001 and Ontario Planning Commission #2019-08-57CPAMD.

Kathy Clarich – Now is the time to hear the request for a recommendation to the Malheur County Court to amend the Ontario Urban Growth Area/Boundary (UGA/UGB) to include property commonly identified as Map 18S47E06D, Tax Lot 200 (0.94 acres) and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 2007 and re-zone property from C-A1/EFU to UGA-R; Planning Department file number 2019-09-001.

Please sign in at the podium and fill out a testimony and question sheet if you have not done so already and when called to speak please state your name, address and title (if any) for the record.

1. There is a general time limit for testimony of 5 minutes. The applicant's initial presentation will be 20 minutes; with a rebuttal of 10 minutes.
2. All testimony and questions shall be directed to or through the Chair. Testimony in question should not be directed to staff or directly to witnesses.
3. Do any members of the County Planning Commission need to abstain?
 - a. There are no abstentions from the members of the County Planning Commission.
4. Do any members of the County Planning Commission have any conflicts to disclose?
 - a. There are no conflicts to disclose by any members of the County Planning Commission.
5. Do any members of the County Planning Commission have any bias to disclose?
 - a. There is no bias from any members of the County Planning Commission.
6. Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?
 - a. There has been no ex parte communication from any members of the County Planning Commission.
7. Does anyone object to any members of the Malheur County Planning Commission hearing this application?
 - a. There are no objections.

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8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
 - a. There are no challenges.

Land Use Statement for the record: Oregon Land Use law requires several items be read into the record at the beginning of this hearing. I will now read these items.

The Applicable Substantive Criteria upon which the application will be decided are found in Oregon State Laws and Rules as well as local code provisions which are specifically set out in the staff report and include:

Malheur County Code 6-10-7, Joint Management Agreement between Ontario and Malheur County, Ontario Municipal Code 10B-20-30, Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and respective administrative rules.

Testimony, arguments and evidence presented must be directed toward these approval criteria or other criteria in State law, the Malheur County Comprehensive Plan, the Malheur County Code or the Ontario Municipal Code that the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties the opportunity to respond to the issue will preclude appeal on that issue.

An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements and evidence sufficient to afford the decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision makers to respond to the issue precludes an appeal or an action for damages to Circuit Court.

City of Ontario:

John Briedenbach made a motion to adopt the Joint Planning Commission Meeting agenda. John Hall seconded the motion which was unanimously approved by the Commissioners present.

Max Twombly - There is no old business. We have new business which is Malheur County Planning Action #2019-09-001 and Ontario Planning #2019-08-57CPAMD, to amend the Ontario Urban Growth Area /Boundary (UGA/UGB) to include property commonly identified as Map 18S47E06D, Tax Lot 200 (0.94 acres) and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 2007; rezone property from C-A1/EFU to UGA-R.

Are there any disclosures or ex parte contact? I, Max Twombly, am doing some work on the property next week for the new owners of the property and Kim Bruce and I have talked about

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that over the last few weeks. But I don't think there is a reason for me to not be able to vote on it tonight.

Are there any abstentions? None.

Preliminary Staff Report: Read by Planning Department Director, Eric Evans.

Eric Evans – Up there on the screen you can see there is a little square, .94 acres, it's currently zoned Exclusive Farm Use for the County. Back in 2007 the City and the County went through a pretty big process and I think that the applicant didn't want to go into the UGA at the time. The County wasn't going to strong-arm any of the land owners to do any of that. From a planning stand point it's not the best planning. I don't have this for up there but a little piece of Exclusive Farm Use. The farm land to the north and to the east is all Ontario Industrial Business Park, to the west is all part of the Urban Reserve Area, to the south is UGA/Residential, the airport is all Airport Development and then there is a little bit of Residential/Manufactured in there too. So you have this little island of EFU, 0.94 acres, from a farming stand point there is not a whole lot you can do with 0.94 acres especially if you end up with an Industrial Park around it. This particular piece of property their drain field failed and they came into Marcy's office and then into ours about connecting the City's services and we had some discussions about what the best way to do it. We could probably have gotten them a septic permit to allow them to put in an on-site waste water system. But it did not make sense to have them go to that expense when they could kind of go to the expense right now to be annexed into the City or at least into the UGB. They decided to go this route and bite the bullet now because eventually it is probably going to get there.

Do you guys have any questions for me?

Applicant Testimony:

Kathy Clarich – Alright, it's your turn. Would you please state your name and then let us know if you have any more to add.

Kim Bruce - My name is Kim Bruce and I actually represented both buyer and seller on this transaction. County records show it's 0.85 acres, sorry. So it was quite small and the biggest issue that the buyer and the seller had is they could have possibly gotten the drain field permit but that would have probably been the last one that would fill up the parcel and if it ever went out again this process would need to take place anyway. So they decided to get this process in motion instead of taking that chance again of having that issue.

Eric Evans - And I can clarify that too. According to the survey it is 0.89 acres but with the right-of-way counted in there it is 0.95 acres. So the property actually owns part of SW 4th Avenue but there is an easement so that 0.89 doesn't count the right-of-way.

Kathy Clarich - Does the County own half the road too? When we did it before the County owned half the road.

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Eric Evans - I would have to look into that because on both sides of that road are city limits all the way up to the property just south of it that is actually in the UGA.

Linda Simmons - Who maintains the road, County or City?

Eric Evans - I don't know who maintains that road.

Kathy Clarich - Well the County tells me they do some of it and the City says they do some of it so I guess...

Adam Brown - Well there are some places where it may be in the City but the Road District will do part and we'll do a part of theirs' for however it makes it easier. So which truck you see may not be the best indicator for who it actually falls under.

Kathy Clarich - Okay. Anything else you want to tell us about it?

Kim Bruce - No thanks.

Marcy Siriwardene - Can I make a comment? I was just going to say that usually now when the City annex's a property we will annex half of the road and depending on if it makes sense if we maintain it or not sometimes the County just retains that because it makes sense until it's maybe further annexed down the road or something. Now that's pretty customary what we do at this point...

Kathy Clarich - So you're saying you're not just going to put in the UGB you're also going to annex it into the City. Didn't you say it could be in the UGB and be on the City's services?

Eric Evans - You can connect that way but I think the intention here is to annex into the City.

Kathy Clarich - So then the County will lose the money on this?

Kim Bruce - Correct, we've already filled that out and paid the application.

Kathy Clarich - So is it already hooked up? Because we already saw that they've dug down the side so they're already hooked up to the City's services? So this is an after-the-fact thing for us then?

Eric Evans - We did an emergency... there is a letter from the Environmental Health Department so there is a public health emergency here because they have a failed drain field. The City went through, there is kind of a clause in the rule about having DEQ go through this emergency process to allow them to connect while we're going through this process.

Kathy Clarich - And so if we did not grant it what would happen? They'd have to disconnect?

Eric Evans - I don't know for sure.

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Kathy Clarich - These are just questions I have.

No Proponent Testimony.

No Opponent Testimony.

Max Twombly - So we've had our presentation and there is no proponent or opponent testimony so we'll move establishing the Findings of Facts.

John Briedenbach - I just mentioned that we were briefed on this at our last Planning and Zoning Meeting. For all of us it is our first joint meeting and so we were kind of told about the DEQ and the emergency hook-up. We got the packet two weeks ago to read through and have questions and we understood that Dan wouldn't be here tonight and that Marcy and Eric would answer all of our questions. So Eric, who is going to win the World Series?

Max Twombly - So we're kind of familiar with the whole project and so I think that is what Marcy was saying, that's probably why it was listed at 0.94 acres because the annexation will include the right-of-way as well. Is that correct?

Marcy Siriwardene - I'm just saying that it is customary for us to go out there.

John Briedenbach made a motion to accept the Findings of Facts set forth in Planning Action 2019-09-001 and the City Planning Action 2019-08-57CPAMD and to be recommended for approval to the City Council based on the information of Findings of Facts and Summary Conclusions set forth in sections 1 - 5. Richard Newman seconded the motion which was unanimously approved by the Ontario Planning Commissioners present.

Max Twombly - Any further discussion? We will need a motion then for approval.

John Briedenbach I move that the request amending the Ontario Urban Growth Area/Boundary (UGA/UGB) to include the property commonly indicated on the Map 18S47E06D, Tax Lot 200 and correct the exclusion of said property from the URA when Ontario adopted the most current UGA/URA in 2007; rezone the property from C-A1/EFU to UGA-R as set forth in the County Planning Action 2019-09-001 and City Planning Action 2019-08-57CPAMD to be recommended for approval to the City Council based on the information, findings and conclusion set forth in sections 1-5. Cindy McLeran seconded the motion which was unanimously approved by the Ontario Planning Commissioners present.

John Hall made a motion to adjourn the City of Ontario Planning Commission meeting. John Briedenbach seconded the motion which was unanimously approved by the Ontario Planning Commissioners present.

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BY CONSENSUS: The County Planning Commission recommended approval of the amendment. A formal recommendation was not made for lack of quorum.

NEW BUSINESS:

Planner Eric Evans reviewed proposed Amendment to the Text of Malheur County Code, Title 5, Chapter 2, Entitled "Flood Control to Conform with Federal Floodplain Regulations and Oregon Specialty Codes" and answered questions from the Planning Commission members. No public was present. A formal recommendation was not made for lack of a quorum.

NOVEMBER MEETING DISCUSSION:

Mr. Evans explained that the Johnson matter would be heard at the November meeting due to lack of a quorum tonight. Discussion was held regarding a date for the November meeting. The other Planning Commission members will be contacted regarding their availability.

There being no further business to come before the Malheur County Planning Commission, the meeting was adjourned.

Respectfully submitted, Kelsey Sullivan.

Minutes approved by:

Name: _____ Date: _____



**AGENDA REPORT
PUBLIC HEARING
January 13, 2020**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2019-09-60AZ: A REQUEST FOR ANNEXATION AND REZONE OF A PARCEL OF LAND BEING LOCATED AT 3179 SW 4TH AVENUE. IF APPROVED, THIS ACTION WILL RESULT IN THE ANNEXATION OF 0.94 ACRES OF LAND INTO THE CITY OF ONTARIO; AND, THE REZONING OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA R) TO THE CITY SINGLE FAMILY RESIDENTIAL (RS-50) ZONE. THE APPLICANT IS SHERRI REIF HART.**

DATE: January 7, 2020

PROPOSED MOTION:

A. APPROVAL NEEDS TWO MOTIONS:

- 1. I MOVE THAT THE PLANNING COMMISSION ACCEPT AND APPROVE THE FINDINGS OF FACTS AS SET FORTH IN ACTION 2019-09-60AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV ABOVE.**
- 2. I MOVE THAT THE REQUEST FOR ANNEXATION OF THE SUBJECT PROPERTIES INTO THE CITY OF ONTARIO, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM UGA RESIDENTIAL (UGA R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2019-09-60AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV ABOVE, SUBJECT TO THE CONDITIONS OF APPROVAL AS SET FORTH IN SECTION VII OF THIS REPORT**

B. DENIAL:

- 1. I MOVE THAT THE REQUEST FOR ANNEXATION OF THE SUBJECT PROPERTIES INTO THE CITY OF ONTARIO, AND THE REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM UGA RESIDENTIAL TO CITY SINGLE FAMILY, AS SET FORTH IN ACTION 2019-09-60AZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATED BELOW: (LIST REASONS FOR DENIAL).**

SUMMARY:

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #18S4706D; Tax Lot #200, Assessor Reference #7685.

APPLICANT/AGENT: Sherri Reif Hart
3179 SW 4th Avenue
Ontario, OR 97914
208-452-4000

PROPERTY OWNER: Sherri Reif Hart
3179 SW 4th Avenue
Ontario, OR 97914

REPORT DATE: December 7, 2019

The applicant owns a parcel of land, known as 18S4706D, tax lot 200. The applicants wish to annex and rezone the property into the City to connect to city services due to failing septic system. This application, if approved, will result in the annexation of 0.85 acres of land into the City and a rezone of the property from Urban Growth Area Residential (UGA R) to City Single Family Residential (RS-50).

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

BACKGROUND:**PREVIOUS ACTIONS:**

The Malheur County Planning Commission under County Planning Action 2019-09-001 and the City of Ontario Planning Commission under City Planning Action 2019-08-57CPAMD, held a joint Public Hearing on the Comprehensive Plan Amendment and Map Change on Thursday October 24, 2019 on this property to bring the property into the Ontario Urban Growth Boundary (UGA) and rezone the land from exclusive farm use to UGA Residential. The Ontario

Planning Commission sent a favorable recommendation to the Malheur County Court and The Ontario City Council to move the Property into the City of Ontario UGA and rezone the property UGA Residential.

On Tuesday November 7, 2019 the Malheur County Court and the Ontario City Council held a joint Public hearing on above mention Comprehensive Plan Amendment and Map Change and approved the recommendation of the Planning Commission and finding of facts and approved Malheur County Ordinance #221 and the City Ordinance #2766-2019 amending the Comprehensive Plans and Maps of Malheur County and the City of Ontario.

CURRENT SITUATION:

Applicable Ordinance & Comprehensive Plan Criteria and Standards:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

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

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

b. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*

c. *The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.*

d. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*

e. *The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning*

classification.

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

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

Findings of fact based on the answers and information given in the application (see applicant's narrative) made a part hereof:

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals.
- b. The subject properties are currently zoned UGA Residential (UGA R) and the request is to rezone to the companion City RS-50 (Single Family Residential) Zone that is the same zone as per the City Comprehensive Plan under Ordinance #2766-2019. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.
- c. The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.
- d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. That being said, the applicant existing septic system failed creating a public health issue and under current State, County and City regulations need to connect to City services which requires annexation and rezoning.
- e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Residential (0.85 Acres) to City RS-50 Single Family Residential (minimum of 5,000 square feet).
- f. The property owner of tax lot 200 is requesting annexation and rezoning to resolve the public health issue. City Water and Sewer is available adjacent to the

property on the south side of the property in SE 4th Avenue and has already been allowed under an emergency health approval to connect to city sewer and water contingent on the annexation and rezone of the property. Of which the property owner executed and recorded all the required irrevocable consent forms needed prior to connection to the city services (Instrument #2019-3308).

g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the Residential zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

B. Annexation:

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

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

Findings based on the answers and information given in the application made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures

as well as recorded (Inst. #2019-3308) all consent forms required for this action.

2. The property is annexable because it lies inside the Urban Growth Boundary (Malheur County Ordinance #221 and City Ordinance #2766-2019) and is contiguous with current city limits on the East, South and Southwest sides of the property.

3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential (RS-50), is consistent with contiguous property.

4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.

5. Annexation would benefit the city by increasing tax revenue, and, provides for more affordable housing within the City of Ontario.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “**Findings:**” and “**Conclusion:**” for each criterion. All of the criteria and standards must be met in order for the request to be recommended for approval.

CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.
2. The owner will sign a lien causing any unpaid Utility bill to be a lien against the property

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the City Council Strategic plan by allowing for Growth and Desirability of the Lifestyle of the City of Ontario for the applicant's property.
- B. **FINANCIAL** Annexation of this property add to the tax base of the City of Ontario
- C. **TIMING** This action is the First of two Public hearing, one in front of the Planning Commission and the other in front of the City Council planned for January 21, 2020.
- D. **POLICY/LEGAL** This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

ALTERNATIVES:

The Planning Commission could table the action for more information to a date certain.

RECOMMENDATION:

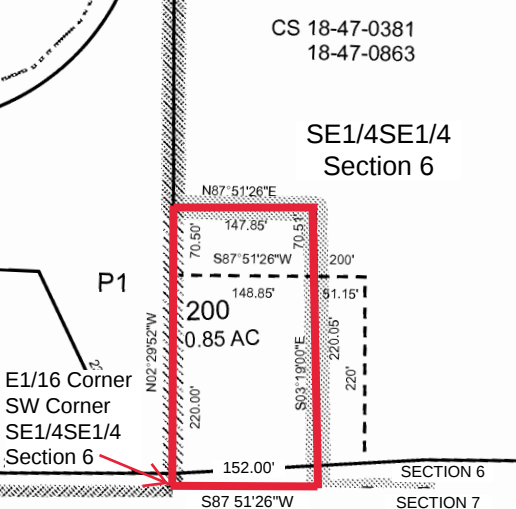
Staff recommends that the Planning commission approve the findings of facts and send a favorable recommendation to the City Council.

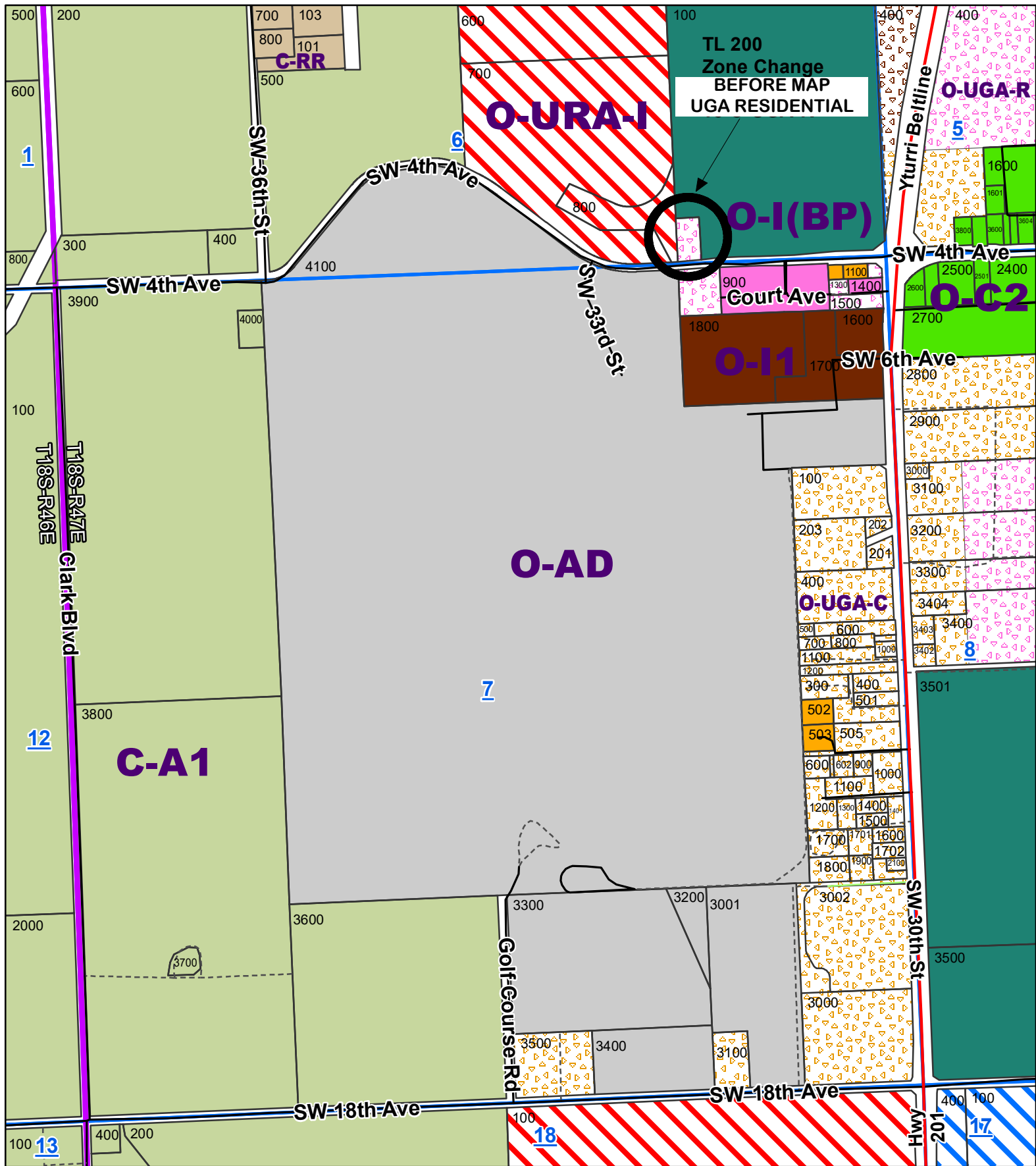
ATTACHMENTS:

- 1. Exhibit A -Tax Map
- 2. Exhibit B -BEFORE Map
- 3. EXHIBIT C_AFTER MAP
- 4. EXHIBIT D_Filed Consent to Annexation
- 5. EXHIBIT E_Hart Property Annexation Description

CS 18-47-0381
18-47-0863

SE1/4SE1/4
Section 6



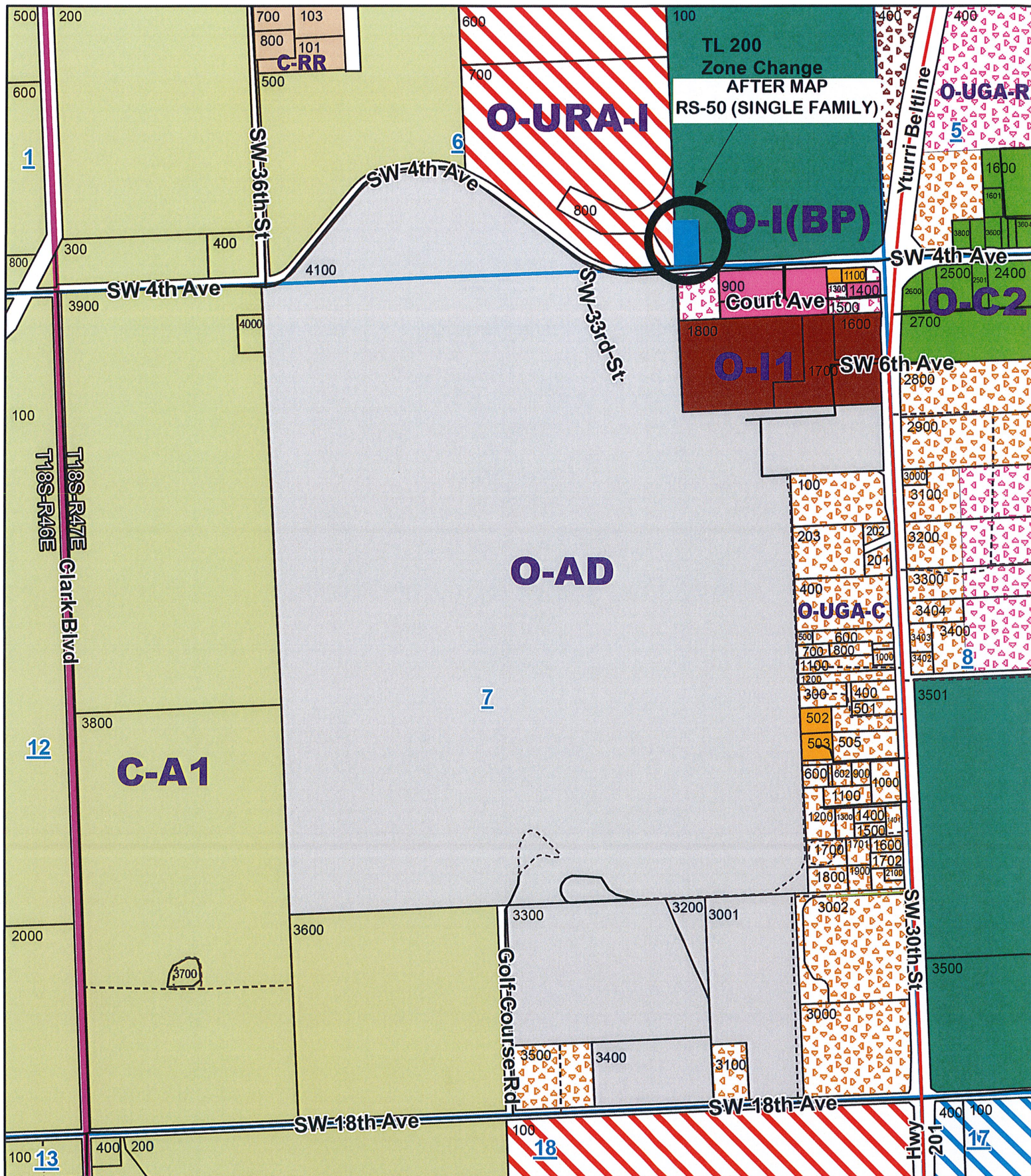


Zone Change_Hart_Ref#7685

Legend

C-A1 EXCLUSIVE FARM USE	O-I1 ONTARIO LIGHT INDUSTRIAL	O-UGA-R ONTARIO UGA RESIDENTIAL
C-RR COUNTY RURAL RESIDENTIAL	O-I2 ONTARIO HEAVY INDUSTRIAL	O-URA-C(BP) ONTARIO URA COMMERCIAL BUSINESS PARK
O-AD ONTARIO AIRPORT DEVELOPMENT	O-RM ONTARIO RESIDENTIAL MOBILE HOME	O-URA-I ONTARIO URA INDUSTRIAL
O-C2 ONTARIO GENERAL COMMERCIAL	O-RS ONTARIO SINGLE FAMILY RESIDENTIAL	O-URA-R ONTARIO URA RESIDENTIAL
O-C2H ONTARIO GENERAL HEAVY COMMERCIAL	O-UGA-C ONTARIO UGA COMMERCIAL	
O-I(BP) ONTARIO INDUSTRIAL BUSINESS PARK	O-UGA-C(BP) ONTARIO UGA COMMERCIAL BUSINESS PARK	

Map is prepared for
assessment purposes only



Zone Change_Hart_Ref#7685

Legend

C-A1 EXCLUSIVE FARM USE	O-I1 ONTARIO LIGHT INDUSTRIAL	O-UGA-R ONTARIO UGA RESIDENTIAL
C-RR COUNTY RURAL RESIDENTIAL	O-I2 ONTARIO HEAVY INDUSTRIAL	O-URA-C(BP) ONTARIO URA COMMERCIAL BUSINESS PARK
O-AD ONTARIO AIRPORT DEVELOPMENT	O-RMH ONTARIO RESIDENTIAL MOBILE HOME	O-URA-I ONTARIO URA INDUSTRIAL
O-C2 ONTARIO GENERAL COMMERCIAL	O-RS ONTARIO SINGLE FAMILY RESIDENTIAL	O-URA-R ONTARIO URA RESIDENTIAL
O-C2H ONTARIO GENERAL HEAVY COMMERCIAL	O-UGA-C ONTARIO UGA COMMERCIAL	
O-I(BP) ONTARIO INDUSTRIAL BUSINESS PARK	O-UGA-C(BP) ONTARIO UGA COMMERCIAL BUSINESS PARK	

Map is prepared for
assessment purposes only

Recorded in the Office of the County Clerk
Gayle

**AFFIDAVIT OF
CONSENT TO ANNEXATION BY PROPERTY OWNER(S)**

1. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned is/are the owner(s) of either the legal and/or equitable title to the real property herein described.
2. The undersigned irrevocably consents to the the Comprehensive Plan Map Amendment, the reclassification of the property from EFU to UGA Residential and to be annexed to the City of Ontario without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described herein.
3. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
4. The below signatures on the original consent were filed in the office of the County & City Clerk in accordance with the State Statute. The undersigned parties are all the property owners within the lands referenced below.

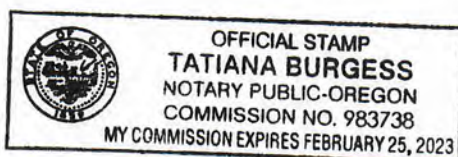
Description: Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., As described on Attachment "A" and shown on Attachment "B" attached hereto and made a part hereof.

By: Sherri Reif Hart

Sherri Reif-Hart
Sherri Reif Hart

[illegible]

The foregoing instrument was acknowledged before me this 3rd day of September, 2019, by Sherri Reif Hart.



Notary Public for the State of Oregon
My Commission expires: 02-25-2023

SEPARATE AGREEMENT MAKING CONSENT IRREVOCABLE

Owner: Sherri Reif Hart

On this day I (We) executed a consent to the County & City application of a Comprehensive Plan Map Amendment and rezoning of the property from EFU to UGA Residential and the annexation of the lands into the City of Ontario, for the below described property. The one-year period for the validity of my consent under ORS 222.173 is hereby waived.

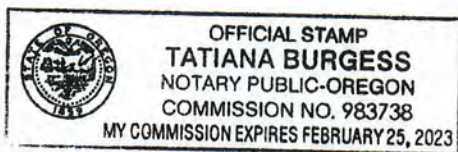
Description: Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., As described on Attachment "A" and shown on Attachment "B" attached hereto and made a part hereof.

By:

Sherri Reif Hart
Sherri Reif Hart

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me this 3rd day of September, 2019, by Sherri Reif Hart.



[Signature]
Notary Public for the State of Oregon
My Commission expires: 02-25-2023

Exhibit "A"
Property Description

Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., more particularly described as follows:

Beginning at the East One Sixteenth (1/16) corner (SW corner of the SE1/4SE1/4, Section 6) between Section 6 and Section 7;
thence N. 02° 29' 52" W., coincident with the West Boundary of said SE1/4SE1/4, a distance of 290.50 feet;
thence N. 87° 51' 26" E., parallel with the South Boundary of said SE1/4SE1/4, a distance of 147.85 feet;
thence S. 03° 19' 00" E., a distance of 290.56 feet, to a point on the South Boundary of said SE1/4SE1/4;
thence S. 87° 51' 26" W., coincident with said South Boundary, a distance of 152.00 feet to the Point of Beginning.

(Basis of Bearings for this description are from the Record of Survey filed under Survey No. 18-47-0863)

Map 18S4706D

Tax Lot 200

Reference No. 7685

Exhibit "B" Map of Property

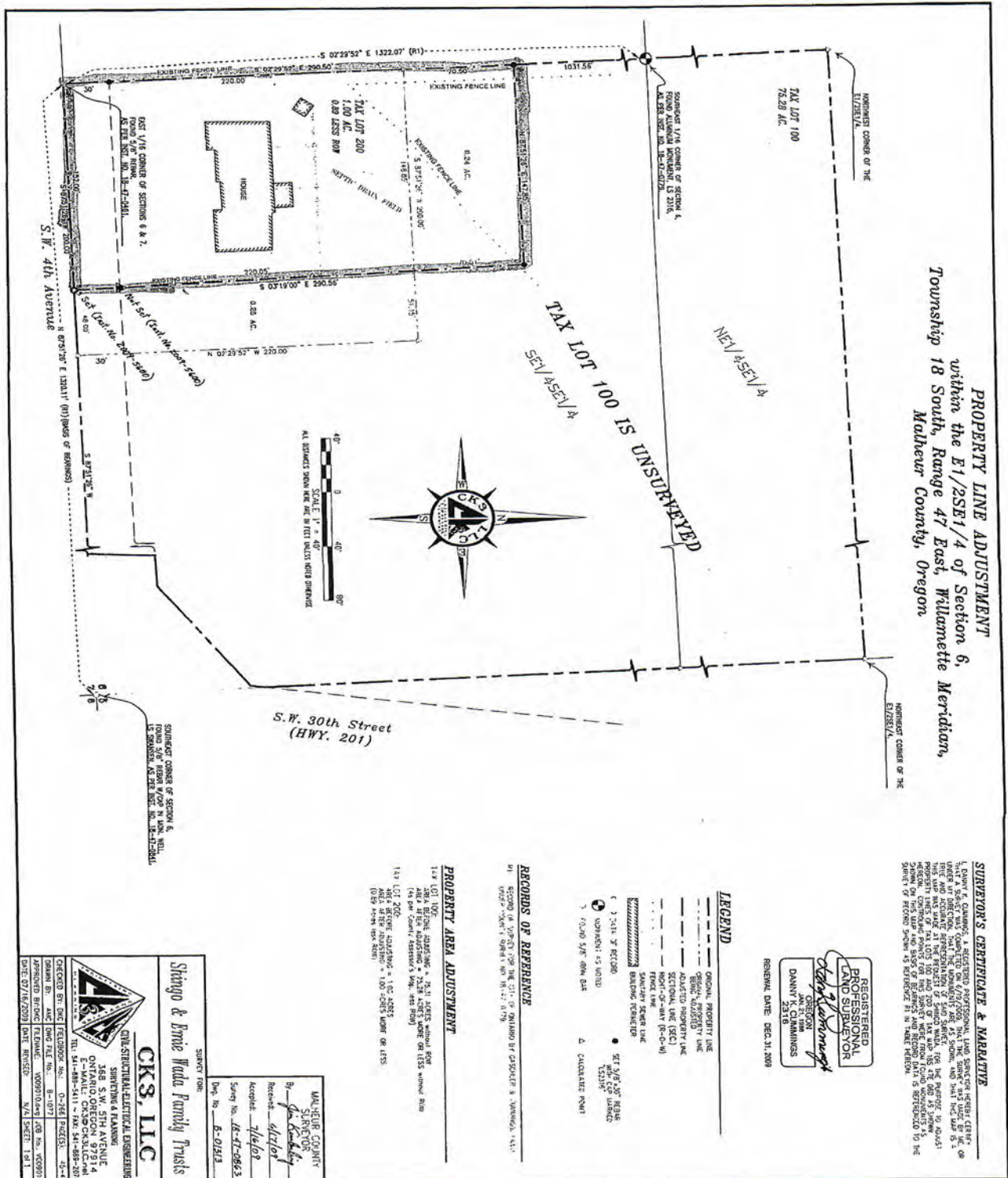


EXHIBIT "E"

Annexation
Property Description
Sherri Reif Hart

Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., more particularly described as follows:

Beginning at the East One Sixteenth (1/16) corner (SW corner of the SE1/4SE1/4, Section 6) between Section 6 and Section 7;
thence N. 02° 29' 52" W., coincident with the West Boundary of said SE1/4SE1/4, a distance of 290.50 feet;
thence N. 87° 51' 26" E., parallel with the South Boundary of said SE1/4SE1/4, a distance of 147.85 feet;
thence S. 03° 19' 00" E., a distance of 290.56 feet, to a point on the South Boundary of said SE1/4SE1/4;
thence S. 87° 51' 26" W., coincident with said South Boundary, a distance of 152.00 feet to the Point of Beginning.

(Basis of Bearings for this description are from the Record of Survey filed under Survey No. 18-47-0863)

Map 18S4706D

Tax Lot 200

Reference No. 7685