

**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, FEBRUARY 10, 2020, 6:00 PM, MT

1) CALL TO ORDER

Commissioner Craig Smith _____ Commissioner Cindy McLeran _____ Commissioner Max Twombly _____
Commissioner John Hall _____ Commissioner John Briedenbach _____ Commissioner Richard Newman _____
Chairman Ralph Poole _____

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

2) PLEDGE OF ALLEGIANCE

3) MOTION TO ADOPT THE AGENDA

This Agenda was posted on January 31, 2020. Copies of the Agenda are available at the Community Development Center and on the city's website at www.ontariooregon.org.

4) 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.

5) APPROVAL OF MINUTES

A) Approval of January 13, 2020 Minutes

6) PUBLIC HEARING

- A) **ACTION 2020-01-04 V:** A request for **Variance from the requirement of 10C-20-55 which requires piping of irrigation or drainage ditches** on property located at 715 Sunset Drive.
- B) **ACTION 2020-01-05ZCA:** A request by the City of Ontario to amend the city zoning and development code, Title 10A-52-245, 10A-59-10 and 10A-59-15 Ontario Municipal Code to amend the appropriate standards and locations for the establishment of marijuana operations and activities.

7) HAND-OUTS/DISCUSSION ITEMS

8) COMMENTS FROM COMMISSIONERS

9) ADJOURN

PLANNING COMMISSION MEETING MINUTES

**Monday
January 13, 2020**

The Ontario Planning Commission was called to order at 7:00 pm in the Council Chambers of City Hall. Commission members present were Craig Smith, Cindy McLeran, John Hall, John Briedenbach, Blu Fortner (New Commissioner) and Chairman Ralph Poole. Max Twombly was excused.

City Staff present were; Dan Cummings, Community Development Director; and Marcy Siriwardene. Adam Brown, Ex-Officio, was present as well. City Council Ex-Officio Ramon Palomo was absent.

The meeting was recorded on tape and the tape is on file at the City Community Development Center. The Agenda for this meeting was emailed on or before January 6, 2020. Copies of the Agenda were available at the City Community Development Center.

Ralph Poole led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

John Hall moved, seconded by Craig Smith, to adopt the Agenda as presented. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

ADOPTION OF MINUTES

John Briedenbach moved, seconded by John Hall, to adopt the minutes of September 9, 2019. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

ADOPTION OF MINUTES

John Briedenbach moved, seconded by John Hall, to adopt the minutes of October 24, 2019. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

There were no unscheduled public appearances.

There were no objections to Planning Commission jurisdiction and no abstentions or ex-parte contact.

There were no Old Business Discussion Items.

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.

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

PROPERTY OWNER: Sherri Reif Hart
3179 SW 4th Avenue

Ontario, OR 97914

II. SUMMARY & BACKGROUND:

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.

III. PREVIOUS PLANNING COMMISSION ACTION:

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.

IV. 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.

V. 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.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

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).

VII. 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

VIII. Exhibits:

Exhibit "A"	Tax Map
Exhibit "B"	Zoning Map Before
Exhibit "C"	Zoning Map After
Exhibit "D"	Consent Forms
Exhibit "E"	Legal description of property.

Dan Cummings, Community Development Director, presented the staff report.

Chairman Poole asked if the property has to be contiguous to a property within city limits.

Mr. Cummings answered that it was contiguous to the city limits already.

Commissioner Briedenbach asked about the joint meeting with the County Planning Commission.

Mr. Cummings said that there was no push back and that it was moving forward.

APPROVAL OF PLANNING ACTION 2019-09-60AZ FINDING OF FACTS

John Briedenbach moved, seconded by Cindy McLeran, to accept the finding of facts as presented. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

APPROVAL OF PLANNING ACTION 2019-09-60AZ

John Briedenbach moved, seconded by Ben Fortner, to approve the request for annexation and rezone. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

Regular meeting times were discussed.

MOTION TO CHANGE TIME TO 6PM ON SECOND MONDAY OF EACH MONTH

Craig Smith moved, seconded by John Briedenbach, to adjourn. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

MOTION TO ADJOURN

Cindy McLeran moved, seconded by John Briedenbach, to adjourn. Roll call vote: Smith-yes; McCleran-yes; Twombly-out; Hall-yes; Briedenbach-yes; Fortner-yes; Poole-yes. Motion carried 6/1/0.

Ralph Poole
Chairman

Attest: Marcy Siriwardene
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
February 10, 2020**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: ACTION 2020-01-04 V: A REQUEST FOR VARIANCE FROM THE REQUIREMENT OF 10C-20-55 WHICH REQUIRES PIPING OF IRRIGATION OR DRAINAGE DITCHES ON PROPERTY LOCATED AT 715 SUNSET DRIVE.

DATE: January 19, 2020

PROPOSED MOTION:

THE APPLICANTS ARE PROPOSING A 10-LOT RESIDENTIAL SUBDIVISION ON THE ABOVE DESCRIBED PROPERTY WHICH IS BORDERED ON THE WEST BY AN IRRIGATION/DRAINAGE DITCH MANAGED BY THE OLD OWYHEE DITCH COMPANY.

CITY CODE TITLE 10C CHAPTER 20 STANDARDS AND PROCEDURES FOR IMPROVEMENTS ESTABLISHES THE GUIDELINES FOR DEVELOPMENT OF LAND WITHIN THE CITY OF ONTARIO, 10C-20-55 READS AS FOLLOWS:

10C-20-55 - IRRIGATION AND DRAINAGE DITCHES.

ALL THE IRRIGATION AND DRAINAGE DITCHES ON OR ABUTTING THE PROPERTY SHALL BE PLACED UNDERGROUND. THE SIZE AND DESIGN OF THE UNDERGROUND CONVEYANCE SHALL BE APPROVED BY THE IRRIGATION OR DRAINAGE AGENCY WITH JURISDICTION OVER THE FACILITY.

THE APPLICANTS ARE REQUESTING THAT A VARIANCE IS GRANTED TO THE REQUIREMENTS OF PIPING THE DITCH AS NO OTHER ADJACENT PROPERTY OWNER IN THE AREA HAVE BEEN REQUIRED TO PIPE THE DITCH. THEY STATE THAT THEY ONLY OWN TO THE CENTER OF THE DITCH. THEY FURTHER STATE THAT IF REQUIRED BY THE CITY OF ONTARIO OR THE OLD OWYHEE DITCH COMPANY TO HAVE TO PIPE THE DITCH THAT THE OWNERS OF THE DEVELOPED TRAILER PARK BE REQUIRED TO PAY FOR THEIR HALF OF THE DITCH IMPROVEMENTS.

THE APPLICANTS ARE PROPOSING THAT THEY PROTECT THEIR SUBDIVISION FROM THE DITCH BY A BORDER FENCE ALONG THE DITCH BANK.

THE APPLICANTS WILL BE AT THE MEETING TO PROVIDE TESTIMONY FOR THIS ACTION.

SUMMARY:

Planning Commission Approval/Denial:

- 1) I move that the Planning Commission accept the Findings of Facts as established in this action.
- 2) I move that the Planning Commission acting as Hearings Officer Approve the requested variance to the requirements of 10C-20-55 based on the Findings of Facts and Conditions of approval stated in this action.
- 3). I move the Planning Commission acting as Hearings Officer Deny the requested variance to the requirements of 10C-20-55 based on the Findings of Fact stated in this action.

BACKGROUND:

PROPOSAL: A request for a variance from City Code 10C-20-55 IRRIGATION AND DRAINAGE DITCHES: This code section requires irrigation and drainage ditches on or abutting the property be placed under ground. The proponent is requesting a variance from this requirement and protecting the property from the ditch by fencing off the ditch separating the property. The applicant is proposing a Housing Subdivision on the property.

LEGAL DESCRIPTION: Assessor's Map #18S 47E 08 D1; Tax Lot 1500; 715 Sunset Dr.

APPLICANTS: Chelsey & Andrea Warrington, P.O. Box 910, Ontario, OR.

The Planning Commission under Planning Action 2019-04-34AZ on July 19, 2019 sent a recommendation to the Ontario City Council to approve the Annexation and Rezoning of the property which was approved under City Ordinance #2756-2019.

Planning and Public Works staff met and discussed the issues involved with complying with the code section. It was found that the code has not been strictly enforced for all development within City limits.

In recent years commercial development along this same ditch were not required to pipe the ditch. One commercial development (Big O Tires) fenced the ditch off, while across the ditch (a Restaurant) only landscaped the ditch. In researching this code requirement, it appears that it is only required at the time of Land division (Subdivision or Partition) or at the time of street construction. It appears from the research the first time it was a requirement was under Ordinance #1885 approved on July 10, 1978 which appears to be the first consolidated Development Standards and Procedures for Subdivision and Partitions.

It appears the majority of residential subdivision developed in the past where ditches ran though the development were piped, while others that bordered a ditch were not, examples are: Treasure Valley Mobile Home Village adjacent to this development, which was developed in 1971, Loveridge Addition which was platted in 1973 (which majority of the ditch has since been piped) and Valley Vista Estates platted in 1979 still has an open ditch along the west boundary. Again Ordinance #1885, July 10, 1978 was the first time this requirement was found by my research.

Another issue discussed is that when the ditch is piped the ditch company in charge of the ditch requires the City to take over maintenance of the section of the ditch that is piped. Staff questioned why the City carried the full responsibility of maintaining the pipe when the Irrigation or Ditch company continues to tax the properties/owners involved.

Other current Section of the Code that apply:

10C-20-15 - REQUIRED IMPROVEMENTS IN SUBDIVISIONS.

Improvements specified in this Chapter shall be installed at the expense of the developer consistent with the requirements of this Code, prior to final plat approval, unless surety or some other arrangement consistent with the requirements of this Code, are provided.

CURRENT SITUATION:

The Planning Commission acting as the Hearings officer shall establish the findings of facts for approval or denial based on the following Criteria:

10B-30-30 - CRITERIA FOR APPROVAL OF VARIANCES. No variance may be granted by the Hearing Officer unless, on the basis of the application, investigation, and evidence submitted:

A) Both findings "1" and "2" below are made:

1. That a strict or literal interpretation and enforcement of the specified requirement:

a) would result in unnecessary physical hardship and would be inconsistent with the objectives of these standards.

b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or

c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the

owners of other properties classified in the same zoning district;

2. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

Conclusion:

The Planning Commission shall state their conclusion and conditions of approval if any, based on their finding of facts above.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is not a part of the Council Strategic Plan.
- B. **FINANCIAL** Granting of this Variance could subject the City to construct this pipe at a later date or subject the adjacent (Lots) future property owners to construct the pipe.
- C. **TIMING** The applicant has submitted a Subdivision application and this action is needs to be resolved to proceed with the Subdivision application.

D. **POLICY/LEGAL 10B-04-10 - DEFERRAL TO HEARINGS OFFICER OR PLANNING COMMISSION.**

The Planning Official or Hearings Officer may defer any matter to the Planning Commission. Such deferral shall be based upon a determination that one or more of the following situations exist:

- 1. The Official or Hearings Officer has an indirect or direct conflict of interest; or
- 2. The Official or Hearings Officer determines that he has prejudged the matter under consideration; or
- 3. The Official or Hearings Officer determines that the matter is, in his opinion, deserving of a public hearing; or
- 4. The workload of the Planning Department is such that it is more efficient for the applicant to be deferred to the Planning Commission. The reason(s) for the deferral shall be part of the written record of the matter deferred.

The Community Development Director who is normally the Hearings Office has determined as per 10B-04-10(3) that the public is best served by holding a Public Hearing on this matter and has deferred the matter to the Planning Commission to determine the approval or denial of the action.

ALTERNATIVES:

The Planning commission could table the action to a date certain to allow time for more information or Public input.

RECOMMENDATION:

Staff has no recommendation as they have sent this action forward to the Planning

Commission for a Public Hearing and testimony.

ATTACHMENTS:

1. 2020-01-04V Application
2. TENTATIVE PLAN
3. Partition Plat 19-12

City of Ontario Planning and Zoning Application Form

444 SW 4th Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3222 / (541) 881-3224

Fax (541) 881-3251



HEARING BODY VARIANCE

FILE # 2020-01-04V

Date Received Jan. 03, 2020

Hearing Body: (10B-30)

Fee: \$145.00 + \$80.00 = \$225.00

(Mailing & Advertising \$80.00)

Time Received N/A

PDAC Date: N/A

Accepted as Complete ~~1-3-20~~ 1-3-20

Scheduled for hearing(s)

Administrative decision _____

Hearings Officer _____

Applicant(s) – attach additional sheets as necessary

Planning Commission ✓

City Council _____

Property Owner(s) – attach additional sheets as necessary

Name Chelsey & Andrea Warrington

SAME

Address P.O. Box 910

ONTARIO OREGON

Telephone 208-484-4243

email andrea.warrington@amrc.com

signature Chelsey Warrington

Description of proposed action: NOT TO PIPE OLD OWYHEE DITCH ON WEST SIDE OF PROPERTY.

NO OTHER PROPERTY OWNERS HAS HAD TO PIPE DITCH. WE ONLY OWN TO THE CENTER OF THE DITCH. WE WOULD REQUEST THAT THE OWNERS OF THE TRAILER PARK PAY FOR THEIR HALF IF THIS IS REQUIRED, WE WILL FENCE AND MAINTAIN THE EAST SIDE OF THE DITCH. 10C-20-55

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

Property information:

Address was Port of 715 SUNSET DR.

Tax Map # 1854708 D1

Tax Lot #(s) PNT 1500

Lot size 2.52 AC.

Zoning RS-50

Existing use UNDEVELOPED

OFFICE USE ONLY

120 day time limit Accepted as complete 1-3-2020 Final decision by _____

DLCD 45-day notice required Y/N _____ Date mailed _____ Date of first hearing _____

Notice of Pending Hearings Officer Decision or Hearing Date mailed _____

Notice to media Publication date _____ Emailed _____

Notice of Decision Date mailed _____ Appeal deadline _____

Associated applications _____

CHAPTER 10B-30 VARIANCES

10B-30-05 PURPOSE AND AUTHORITY. Unnecessary physical hardships may result from the size, shape, or dimensions of a site or location of existing structures thereon, geographic or topographic or other physical conditions on the site or in the immediate vicinity. Variances may be granted to overcome these unnecessary physical hardships. The authority to grant a variance does not extend to use regulations. The purpose of a variance is not to change the zoning of property or to allow uses that are expressly prohibited.

A variance shall not be granted when special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owner (s), including but not limited to:

- A) Self-created hardships.**
- B) Willful or accidental violations.**
- C) Manufactured hardships.**

10B-30-10 INITIATION OF ACTION. Variance applications shall be filed, the appropriate fees paid, a review date scheduled, and Hearing Officer review conducted according to the provisions of this Title.

10B-30-15 REVIEW DATE, NOTICE. When advised of a request for a variance, the Planning Director shall schedule a review as specified in this Title.

10B-30-20 AGENCY COORDINATION. Any proposed variance shall be submitted to city department heads, Malheur County and state or federal agencies, deemed by the Planning Director to have an interest in the action. Such departments or agencies shall submit comments, if any to the Hearing Officer no later than the scheduled date of the review of the application. If coordination reveals serious problems in need of resolution, the Hearing Officer may postpone the review to another time specified.

Staff will evaluate your proposal based on the criteria below. Please provide a written (Preferably typed) response addressing the criteria below, as they relate to your proposal and the applicable zone.

10B-30-30 CRITERIA FOR APPROVAL OF VARIANCES. No variance may be granted by the Hearing Officer unless, on the basis of the application, investigation, and evidence submitted:

A. Both findings "1" and "2" below are made:

1. That a strict or literal interpretation and enforcement of the specified requirement
 - (a) would result in unnecessary physical hardship and would be inconsistent with the objectives of this ordinance.
 - (b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or
 - (c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties classified in the same zoning district;
2. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity.

10B-30-40 SIDEWALK VARIANCE. The City recognizes that occasionally there will be those situations and/or circumstances beyond the control of the property owner that will prevent or hinder their ability to construct sidewalks as prescribed in Chapter 10A-60, Section 05 of the City Ordinances. Therefore, in order to allow for this condition, the Hearing Officer is empowered to review the circumstances of each petition and issue a variance in compliance with this Title.

10B-30-41 SIDEWALK CONSTRUCTION TIME EXTENSION. The Hearing Officer shall have the authority to grant an extension of time, in monthly increments, up to but not exceeding six (6) months, upon the written request of a partitioner.

10B-30-45 EXPIRATION OF VARIANCE, EXTENSION. No variance granted by the Hearing Officer shall be valid for a period longer than six (6) months unless the permitted variance is established within such period, or in the event such permitted variance is dependent upon the erection or alteration of a building, unless a building permit for said erection or alteration is obtained within such six month period; provided, however, that the hearing officer, upon a written request of the applicant and without a formal review, may extend the period six months but not in excess of twelve (12) months from the date the first order granting the variance was given.

VARIANCES TO ACCESS MANAGEMENT:

The criteria for variances to Access Management are included in Chapter 10C of the Ontario Municipal Code. The Criteria for a “standard” variance contained in Chapter 10B-30 are not applicable.

10C-25.03.004(h) ACCESS SPACING STANDARDS The streets within Ontario are classified as arterials, minor arterials, collectors, and local streets. The access spacing standards are shown in Table 10C-25.03.004.h) for both full intersection spacing and driveway spacing.

Table 10C-25.03.004.h). Access Spacing Standard

<i>Functional Roadway Classification</i>	<i>Minimum Public Intersection Spacing Standard</i>	<i>Minimum Spacing between Driveways and/or Streets</i>
<i>Arterial</i>	<i>1/4 mile</i>	<i>600 feet</i>
<i>Minor Arterial</i>	<i>1/4 mile</i>	<i>300 feet</i>
<i>Collector</i>	<i>300 feet</i>	<i>50 feet</i>
<i>Neighborhood Collector</i>	<i>300 feet</i>	<i>50 feet</i>
<i>Local Residential Street</i>	<i>300 feet</i>	<i>access to each lot</i>
<i>Local Commercial/Industrial Street</i>	<i>300 feet</i>	<i>access to each lot</i>

10C-25.03.004(k) The City of Ontario may reduce required separation distance of access points defined in Table 10C-25.03.004.h) where they prove impractical as defined by the Public Works Director or his/her designee, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided in accordance with this section.
- (2) The site plan incorporates a unified access and circulation system in accordance with this section.
- (3) The property owner enters into a written agreement with the City of Ontario, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

10C-25.03.004(i) LOCATION OF ACCESSES FOR NON-RESIDENTIAL USES. Vehicle access locations shall be provided based on the following criteria:

The City of Ontario may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical based on physical site characteristics that make meeting the access standards infeasible. The modification or waiver shall be through a variance application wherein the following findings must be made:

- (1) The application of the location of access standards will result in the degradation of operational and safety integrity of the transportation system.
- (2) The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- (3) Applicants for variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - a) Indirect or restricted access cannot be obtained;
 - b) No engineering or construction solutions can be applied to mitigate the condition; and
 - c) No alternative access is available from a road with a lower functional classification than the primary roadway.
- (4) No variance shall be granted where such hardship is self-created.

PROCEDURE – HEARINGS OFFICER DECISIONS

10B-04-10 DEFERRAL TO HEARINGS OFFICER OR PLANNING COMMISSION. The Planning Official or Hearings Officer may defer any matter to the Planning Commission. Such deferral shall be based upon a determination that one or more of the following situations exist:

1. The Official or Hearings Officer has an indirect or direct conflict of interest; or
2. The Official or Hearings Officer determines that he has prejudged the matter under consideration; or
3. The Official or Hearings Officer determines that the matter is, in his opinion, deserving of a public hearing; or
4. The workload of the Planning Department is such that it is more efficient for the applicant to be deferred to the Planning Commission.

The reason(s) for the deferral shall be part of the written record of the matter deferred.

10B-04-15 APPLICATION.

1. Prior to submitting any application for any building permit or land use action, the applicant shall complete at least one Preliminary Design Advisory Committee meeting with the City's Technical Review Committee; otherwise, no application shall be accepted by the City Public Works, Planning, or Building Officials unless this requirement is specifically waived in writing by the applicable named official.
2. An application for a Land Use Decision shall be on forms provided by the City and shall include all information specified by the Planning Official. If, upon receipt of application material the Official determines that the application is incomplete, the Official shall, within 10 days of receipt of the application, transmit to the applicant a written request for the needed information to the applicant. The written request shall include the Statement: "The specified information must be submitted to the Planning Official within 30 days from the date of this letter; if the information is not received within the 30-day period, the matter may be processed "as is". Consistent with State Law and the Ontario Municipal Code, the burden of proof is on the applicant; the applicant bears the sole responsibility to provide the needed information. Failure to provide the specified information will most likely result in denial of the request."

10B-04-20 REVIEW BY HEARINGS OFFICER. A complete application for a Land Use Decision under the Hearings Officer's jurisdiction shall be reviewed and all appeals at the local level be complete within 120 days of the date the application is determined to be complete. Such determination of completeness shall be the date a receipt is issued by the City for the application fee. The Hearings Officer shall make every effort to issue a decision on the application within 30 days of receiving a complete application.

10B-04-25 DECISION. The Hearings Officer Decision shall be a written decision which includes a statement of applicable decision criteria and/or standards relevant to the decision, and the findings of fact and conclusions relied upon as the justification for the decision.

10B-04-30 NOTICE OF DECISION. Notice of the Hearing Officer's decision shall be in writing and communicated via first class mail by the Planning Official to those specified in Section 10B-03-10 of this Code.

10B-04-40 FINAL DECISION. In the absence of an appeal the Hearing Officer's decision shall become the final decision of the City. No argument or further testimony will be taken by the City, and no appeal to any City decision making body shall be approved.

10B-04-45 APPEAL OF A HEARING OFFICER'S DECISION. A person may appeal a Hearings Officer decision provided that such appeal is filed within the guidelines of the appeal procedures as set forth in Section 10B-10-20 through 10B-10-45 of this Title.

10B-10-10 FINAL ACTION, HEARINGS OFFICER, PLANNING COMMISSION, COUNCIL, APPEALABLE. Unless otherwise provided for in this Chapter, where final decision authority is granted by this Title to the Hearings Officer, Planning Commission or City Council, that decision shall be the final action of the City unless an appeal is received pursuant to this Chapter.

VARIANCE

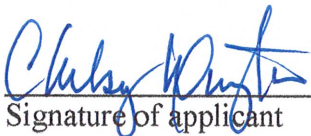
FILE # 2020-01-04V

Applicant is:

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

AUTHORIZATION:

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



Signature of applicant

Jan 2 2020

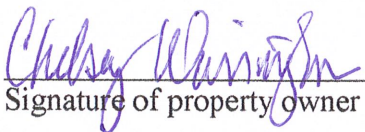
Date



Signature of applicant

01-02-2020

Date



Signature of property owner

Jan 2 2020

Date



Signature of property owner

01-02-2020

Date

Signature of property owner

Date

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

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

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

SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:

The following information may be required by the Planning or Public works Official:

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and, the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9. The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:
 - a. Total area of the property in square feet.
 - b. Building coverage in square feet and percent total.
 - c. Parking lot in square feet and percent total.
 - d. Landscaped area in parking lot in square feet.
 - e. All other landscaped areas in square feet.
 - f. Number of parking spaces provided.
 - g. Number of residential units if appropriate.
 - h. Existing and proposed gross floor area in square feet.

If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:

- A. A description of the property and the specific action for which approval is sought
- B. Signature of owner
- C. Date of consent
- D. Party to whom consent is given
- E. Notarization of consent

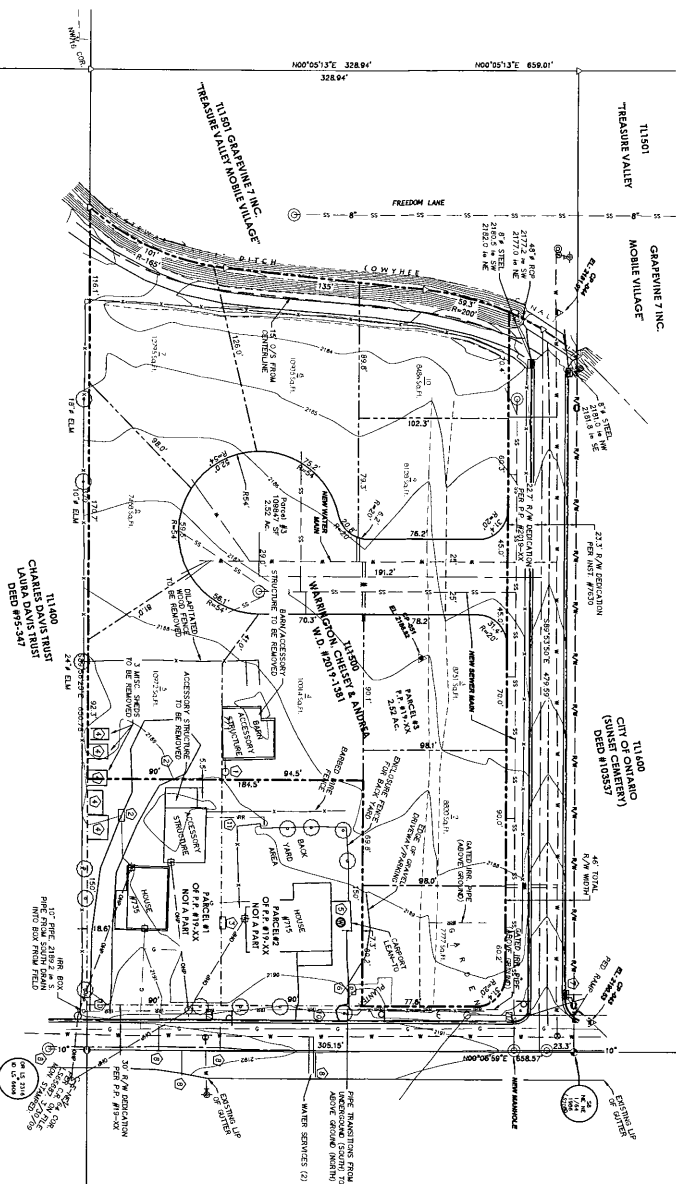
If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.

Electronic copies of all written materials are appreciated if available.

PRELIMINARY

TENTATIVE PLAN _____ SUBDIVISION
BEING A REPLAT OF PARCEL #3 OF PARTITION PLAT #19----

SECTION 34, TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M. MALHEUR COUNTY, OREGON



NOTES ~ SITE TOPOGRAPHY

- [illegible]

NOTES ~ SITE IMPROVEMENTS

- 1) 4.5' WIDE SIDEWALK SHALL BE CONSTRUCTED ALONG EXISTING CURB FOR SW 7TH AVENUE.
- 2) WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED TO EACH LOT AS SHOWN

SITE DATA

ZONING: RS-50 (SINGLE FAMILY RESIDENTIAL)
TOTAL AREA: 109,847 SF (2.52 AC.)
PROPOSED RESIDENTIAL UNITS: 10
SMALLEST LOT: 7,777 SQ. FT.
LARGEST LOT: 12,795 SQ. FT.

OREGON COORDINATE REFERENCE SYSTEM
ONTARIO ZONE (GEE NARRATED)

LEGEND, ABBREVIATION:

[illegible]

1 W.D. INST. #2019-1831

- 2 DEED INST. #95-547
- 3 INST. #7628, #7629, #76-
- 4 WD. INST. #1075347
- 5 NOT USED
- 6 M.C. R.O.S. #18-47-0451
- 7 M.C. R.O.S. #18-47-0463
- 8 M.C. R.O.S. #18-47-0469
- 9 M.C. R.O.S. #18-47-0748
- 10 M.C. R.O.S. #18-47-0857



PREPARED FOR:
CHELSEY & ANDREA WARRINGTON
ATLAS LAND SURVEYING
PROFESSIONAL LAND SURVEYING SERVICES

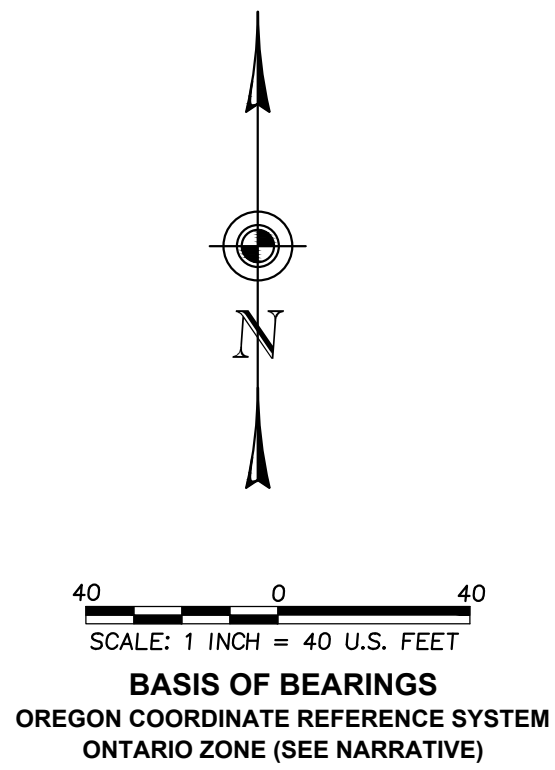
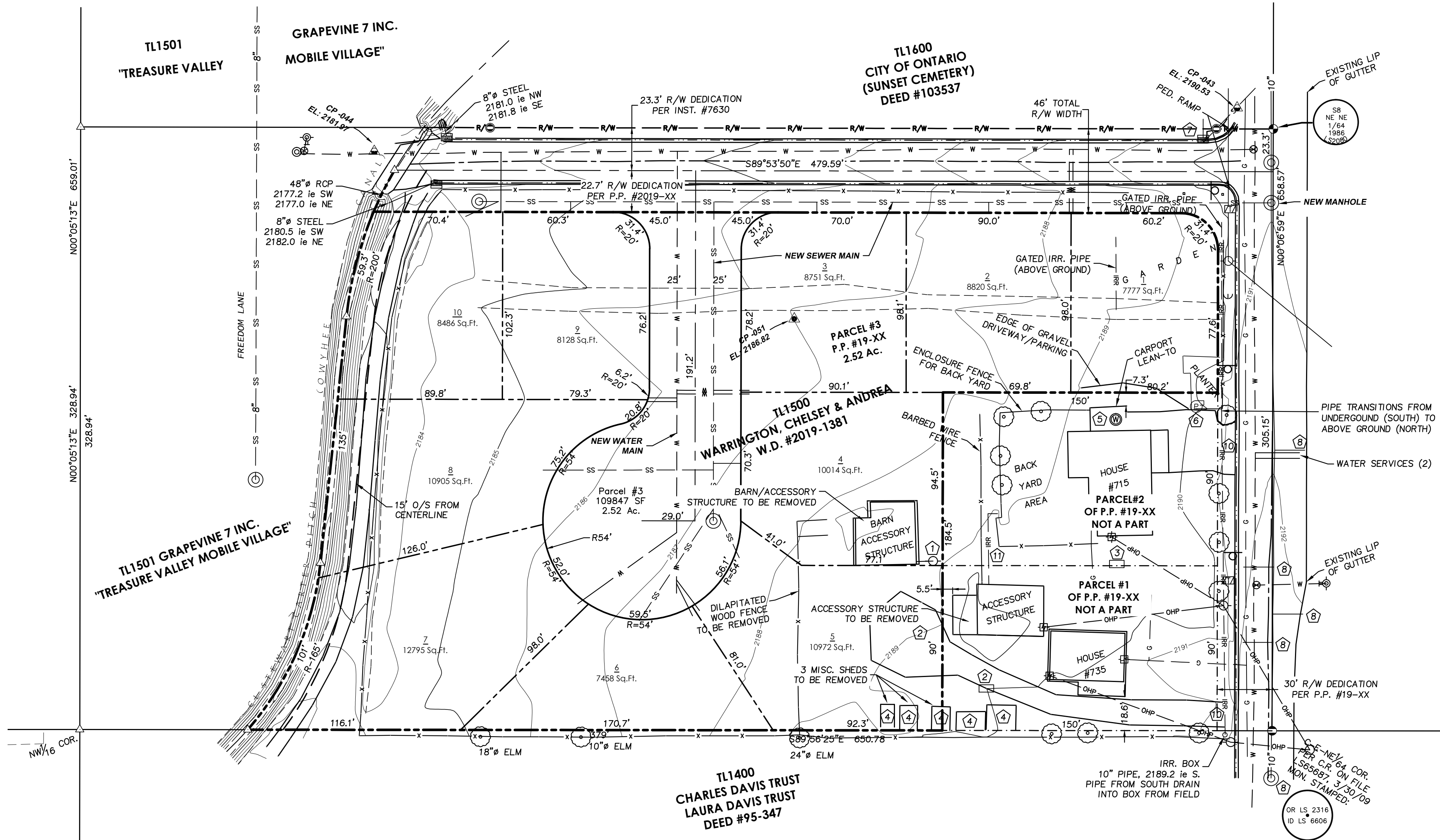
PRELIMINARY

19-03JB-PP-WC	19-03JB-PP, TENT.dwg	SHEET 1 OF 2	09/07/10-86047 TO CIV
FILED BOOK/PLATE	DRAWING NO.:	DRAWING BY:	CHECKED BY:
18472-01, PG. 128-	C-0025	DJC	DJC

PRELIMINARY

TENTATIVE PLAN SUBDIVISION
BEING A REPLAT OF PARCEL #3 OF PARTITION PLAT #19---
WITHIN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 8,
TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.
MALHEUR COUNTY, OREGON

PRELIMINARY



LEGEND, ABBREVIATIONS	
PARTITION LINE	---
NEW PARCEL LINE	---
SECTION LINE	---
1/16 SECTIONAL LINE	---
EXISTING PARCEL LINE	---
EXISTING EASEMENT	---
PROPOSED EASEMENT	---
CENTER LINE	---
CALCULATED/TIE LINE	---
FENCE	---
RECORD MEASUREMENT	[]
CALCULATED VALUE	[]
FD. M.C. BRASS MON.	○
FD. #5 REBAR/PLASTIC CAP	○
FD. AL. CAP	○
FD. #5 REBAR	○
FD. #4 REBAR/NO CAP	○
SET #5 REBAR/AL. CAP	○
(SEE DETAIL)	
CALCULATED POINT	△
AL. CAP	△
B.S.D.	△
C.R.	△
COR.	△
DESC.	△
EX.	△
FD.	△
FOUND	△
LOT NUMBER	△
MALHEUR COUNTY	△
MONUMENT	△
PARTITION PLAT	△
RECORD OF SURVEY	△
RIGHT-OF-WAY	△
SECTION	△

NOTES ~ SITE TOPOGRAPHY

- POLE SERVED FROM UNDERGROUND POWER FROM THE SOUTHEAST. OVERHEAD POWER LINE RUNS WEST TO SOUTHEAST CORNER OF BARN
- APPROXIMATE LOCATION OF SEPTIC TANK, PER CURRENT RESIDENT. DRAIN FIELD RUNS NORTHWESTERLY INTO GRAVEL TURNAROUND. UNABLE TO VISIBLY VERIFY THIS INFORMATION. 9/19/2019 - SEPTIC TANK HAS BEEN PUMPED AND ABANDONED
- SMALL IRRIGATION PUMP
- CURB DRAIN INLET; FULL OF WATER. UNABLE TO VERIFY IN/OUT PIPE. UTILITY MARKS SHOW PIPES IN FROM NORTH AND NORTHEAST.
- SANITARY SEWER SERVICE CALLOUTS ARE BASED ON SHORT PAINT MARKS ON THE GROUND PERPENDICULAR TO MARKS FOR MAIN LINE. THESE SERVICES ARE NOT DIRECTLY OBSERVABLE AND ARE PRESUMED TO BE IN PLACE.
- MANHOLE IDENTIFIED BY UTILITY MARKS ONLY. THE ACTUAL LID WAS NOT OBSERVABLE DUE TO OHP SEALING OR ASPHALT LAYER.
- CURB CUT FOR DRIVEWAY
- PARTIALLY BURIED PVC PIPE, UNKNOWN SIZE OR FUNCTION.

NOTES ~ SITE IMPROVEMENTS

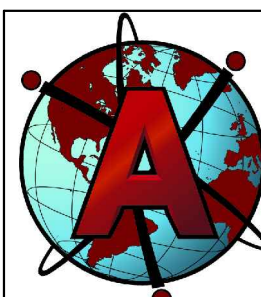
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SITE DATA

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REFERENCES (SUPERSCRIPED DATA)

- W.D. INST. #2019-1831
- DEED INST. #95-347
- INST. #7628, #7629, #7630
- W.D. INST. #1075347
- NOT USED
- M.C. R.O.S. #18-47-0451
- M.C. R.O.S. #18-47-0483
- M.C. R.O.S. #18-47-0489
- M.C. R.O.S. #18-47-0748
- M.C. R.O.S. #18-47-0857



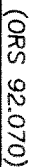
PREPARED FOR:
CHELSEY & ANDREA WARRINGTON
ATLAS LAND SURVEYING
PROFESSIONAL LAND SURVEYING SERVICES
206 NW 9th Street • Fruitland, Idaho 83619
208-452-6462 (phone/fax) • 208-739-3802
atlas@atlas-survey.com

JOB NO: 19-033B-PP-WC	CADD FILE: 19-033B-PP; TENT.dwg	SHEET 1 OF 2	DATE/REVISIONS: 09/19/19-SUBMIT TO CITY
FIELD BOOK/PAGE: 18472-01, PG. 128-	DRAWING NO.: C-0025	DRAWN BY: DJC	CHECKED BY: DJC

PRELIMINARY

PRELIMINARY

SECTION BREAKDOWN DETAIL



I, DEAN J. COON, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF OREGON, AND THAT THIS PARTITION PLAT, AS SHOWN HEREON, CORRECTLY REPRESENTS AN ACTUAL SURVEY, MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, AND HAVE PROPERLY LOCATED AND MONUMENTED THE INITIAL POINT IN ACCORDANCE WITH ONS 92.00(1). THE SURVEY WAS COMPLETED ON 11/11/19 (LAST MONUMENT SET). LANDS ENCOMPASSED IN THIS PARTITION, AND THE PARCELS CREATED BY IT, ARE DESCRIBED AS FOLLOWS:

Land in City of Ontario, Malheur County, Oregon, as follows:
In Township 18 South, Range 47 East, Willamette Meridian:
Section 8: All that portion of the S1/2 SW1/4 NE1/4 LYING EAST OF THE LATERAL CANAL OF THE OWYHEE DITCH CO.
EXCEPTING THEREFROM, the north 23.3 feet thereof.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JANUARY 8, 2002
DEAN J. COON
65687LS
RENEWS: 12/31/19

(SUPERSCRIPTED DATA)

- 1 DEED INST. #2029-1-1381
2 DEED INST. #955-347
3 INST. #7628 #7659 #7630
4 WD INST. #1075347
5 MAP OF STEWART-CARTER LATERAL;
6 ON THE RR. DISTRICT
7 M.C. R.O.S. #18-47-00387
8 M.C. R.O.S. #18-47-04051
9 M.C. R.O.S. #18-47-04853
10 M.C. R.O.S. #18-47-0489
11 M.C. R.O.S. #18-47-0739
12 M.C. R.O.S. #18-47-0748
13 M.C. R.O.S. #18-47-0857

7-12

STATE OF OREGON
COUNTY OF MALHEUR

DEARITION PL 11/27/2019 02:41 PM
 Chrt=1 Pgs=2
 Total: \$112.00
 0005933620190004306002024
 1. Gayle V. Trotter, County Clerk for Multnomah County, Oregon certifies that the instrument identified herein was recorded in the Clerk's records.
 Gayle V. Trotter - County Clerk

Number of affidavits of vendor,
mortgage or trust deed holder
attached: _____

PLAT CAB. B SLIDE: 111

(ORS 92.075)

DECLARATION & ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF MALHEUR } S.S.

KNOW ALL MEN BY THESE PRESENTS: THAT CHELSEY AND ANDREW WARRINGTON ARE THE OWNERS OF THE LANDS AS SHOWN AND DESCRIBED ON THIS PLAT AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED IN ACCORDANCE WITH O.R.S. CHAPTER 92. WE ALSO HEREBY DEDICATE, IN PERPETUITY, TO THE PUBLIC, ALL THAT PORTION OF STATE DRIVE AND SW 7TH AVENUE, AS SHOWN HEREON, FOR ROADWAY PURPOSES.

WE ACKNOWLEDGE THE FOLLOWING EASEMENTS

11:27:2019

CHELSEY WARRINGTON

ANDREA WARRINGTON
DATE

NARRATIVE

PURSUANT TO ORS 209.250, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATION OF LINES AND CORNERS ESTABLISHED OR REESTABLISHED FOR THIS SURVEY, MADE AT THE REQUEST OF CHELSEY AND ANDREA WARRINGTON (WARRINGTON CONSTRUCTION), WHICH WAS COMPLETED TO PARITION TL1500 (MAP #183A-7E08) IN THE SW¼NE¼E¼A OF SECTION 8, T. 18 S., R. 47 E., MALHEUR COUNTY, CITY OF ONTARIO, OREGON. THERE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES:

**A) AVAILABILITY/CONDITION OF REFERENCE MONUMENTS
THE MONUMENTS FOUND AT THE SECTIONAL CORNER
OF THE SUBJECT TRACT.**

THE 1953 ALUMINUM CAP ORIGINALLY SHOWN ON M.C. R.O.S. #18-47-0387 AT THE C1/4 CORNER WAS NOT FOUND AND IS CONSIDERED OBLITERATED. I HAD PREVIOUSLY LOCATED THE 1953 ALUMINUM CAP IN 2009 (SEE SURVEY NO. 18-47-0867) WITH GPS. THE CORNER WAS RE-SET IN 2019 USING THE SAME GPS VECTORS/RAW DATA FROM MY 2009 SURVEY. I CHECKED TWO MONUMENTS AT THE FOLLOWING CORNERS:

-N1/4 (BRASS CAP)

-E1/16 (SECTIONS 2, #5 REBAR IN CASE)

THESE MONUMENTS CHECKED TO WITHIN 0.03' OF THE POSITIONS DETERMINED IN 2009

THE FOLLOWING ACCESSORIES WERE SET/ESTABLISHED AT THE C1/4 CORNER

- 1) #4 REBAR w/ORANGE PLASTIC CAP. S50°41'E 33.28' FROM CORNER
- 2) #4 REBAR w/ORANGE PLASTIC CAP. S77°34'E 37.52' FROM CORNER
- 3) #4 REBAR w/ORANGE PLASTIC CAP. S66°56'W 17.40' FROM CORNER
- 4) #4 REBAR w/ORANGE PLASTIC CAP. N81°22'W 16.04' FROM CORNER

CORNER ① (N+V) /66 CORNER OF SECTIONS 8(3) WAS NOT VISITED OR VERIFIED THIS SURVEY. IT WAS ORIGINALLY ESTABLISHED AND SET BY BLACKLEY (SEE M.C. R.O.S. 18-47-0463) AND LOCATED BY DAN CUMMINGS (SEE M.C. R.O.S. 18-47-0748). THE DATA FROM SAID CUMMINGS SURVEY WAS USED TO CALCULATE THE POSITION OF THE CORNER SHOWN HEREON.

CORNER ② WAS CALCULATED BASED ON THE TWO PIPES/CAIP FOUND ON THE SOUTH LINE OF SUNSET CEMETERY, AS SHOWN ON M.C. R.O.S. #18-47-0451. THE DISTANCES NORTH TO CORNER ③ AND TO THE NORTH LINE OF THE SECTION ARE PROPORTIONED BASED ON M.C. R.O.S. #18-47-0451; DISTANCE SOUTH FROM THIS CORNER TO THE NW1/16 CORNER WAS CALCULATED BASED ON THE COMPUTED POSITION OF THE NW1/16 CORNER.

B) INCONSISTENCIES OF OCCUPATION IN RELATION TO THE SURVEYED LINES
THERE IS A WOOD, SPLIT RAIL FENCE ALONG THE SOUTH BOUNDARY OF THE PARTITION, BETWEEN 3.2' AND 4.5' SOUTH OF THE PARTITION LINE

SECTIONAL LINE BEING OFFERED HERE.

AT THE COUNTY CLERK'S OFFICE. TO MODERNIZE THIS RIGHT-OF-WAY AND TO MAKE IT A MATTER OF RECORD, SO ON THE WEST SIDE OF THE

THE RIGHT-OF-WAY FOR SUNSET DRIVE WAS LIKELY OFFERED AT SOME POINT IN THE PAST, PROBABLY NOTED IN A COMMISSIONER'S JOURNAL FILED

✓ DECEMBER 1908. I HAVE LOCATED

A MAP PROVIDED BY THE OWNER (IRRIGATION DISTRICT) SHOWS A RIGHT-OF-WAY EASEMENT FOR THE STEWART-CARTER LATERAL AS 20' R.O.W. ABOVE, 15' R.O.W. BELOW THE LATERAL. AN EMAIL FROM SANDRA FERROSON, REALTY SPECIALIST FOR THE BUREAU OF RECLAMATION CONFIRMS THESE DIMENSIONS. VISUAL INSPECTION OF THE CANAL SHOWS LAND TO THE EAST BEING HIGHER THAN THE LATERAL AND LAND TO THE WEST BEING LOWER THAN THE LATERAL. THEREFORE, THE 20' RIGHT-OF-WAY ABOVE (EAST) OF THE CANAL IS SHOWN ON THIS PLAT.

D) RANDOM ERROR IN MEASUREMENTS THIS SURVEY WERE USING TOPCON HIPER V GPS RECEIVERS USING REAL-TIME KINEMATIC METHODS MEASUREMENTS TAKEN DURING THE COURSE OF THESE MEASUREMENTS ARE LESS THAN 0.05 FEET. SURVEY DATA WAS PROTECTED TO A LOW DISTORTION UNCERTAINTIES DUE TO RANDOM ERROR IN THESE MEASUREMENTS ARE LESS THAN 0.05 FEET. SURVEY DATA WAS PROTECTED TO A LOW DISTORTION MAP PROJECTION (LDP). NO ROTATION WAS APPLIED AT THE C1/4, 00°00'11".

LDP Meta Data:
Datum: NAD83 (2011 OPUS) CM: 117°00'00"W LAT. OF ORIGIN: 43°15'00"N
FALSE NORTH: 0m FALSE EAST: 80,000m SCALE: 1.000100
PROJECTION: TRANSVERSE MERCATOR

FR COUNTY SURVEYOR
(ORS 209.250)

ANNER, SURVEYOR, & ASSESSOR

and *11-22-19*

130025 11/26/2019

MALHEUR COUNTY ASSESSOR APPROVAL

PREPARED FOR:

CHELSEY & ANDREA WARRINGTON
ATLAS LAND SURVEYING

PROFESSIONAL LAND SURVEYING SERVICES
206 NW 9th Street • Fruitland, Idaho 83619
208-452-6462 (phone/fax) • 208-739-3802

208-452-6462 (phone/fax) • 20

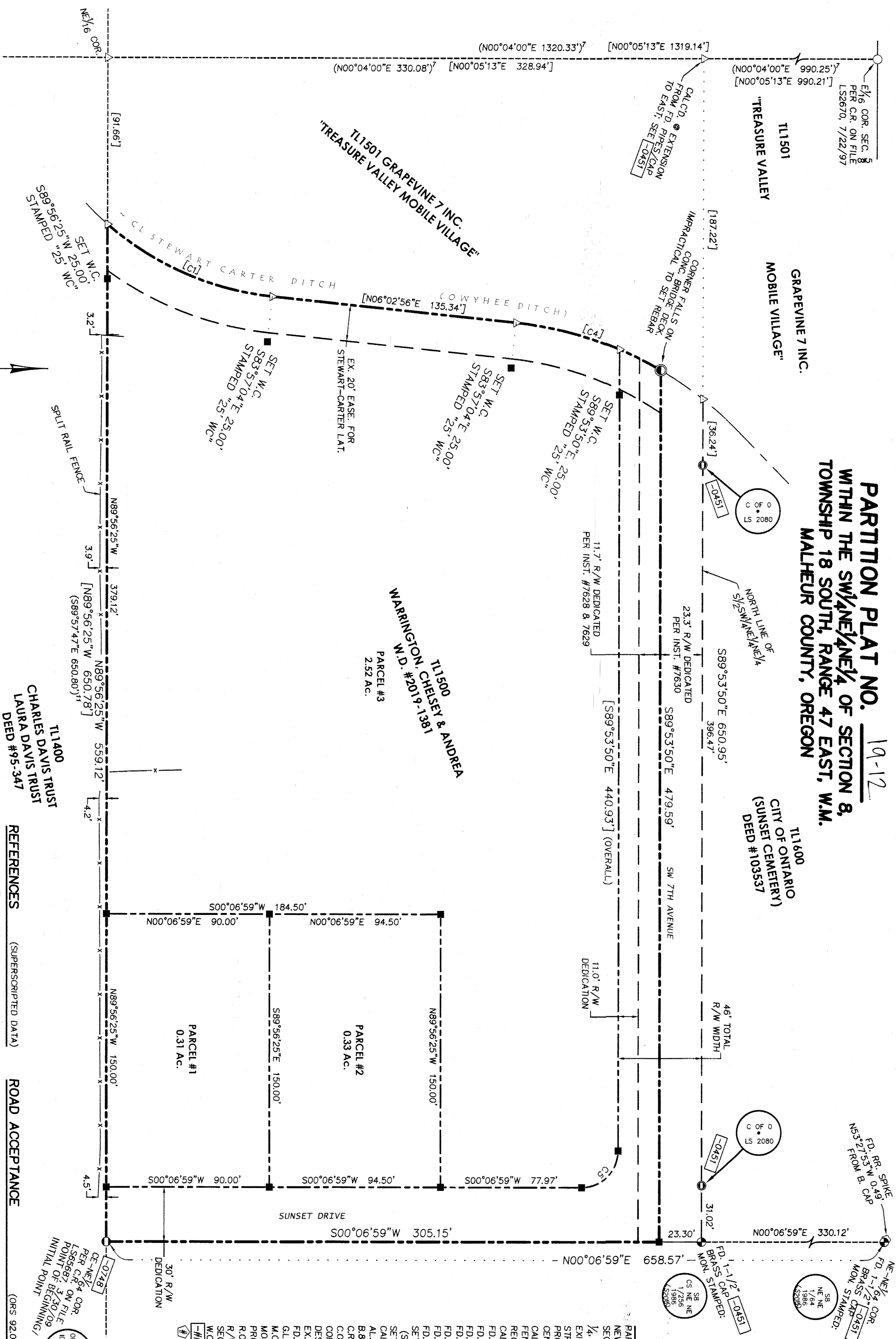
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208-452-6462 (phone/fax) • 20

208-452-6462 (phone/fax) • 20

Cap B side 111

PARTITION PLAT NO. 19-12
WITHIN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 8,
TOWNSHIP 18 SOUTH, RANGE 47 EAST, W.M.
MALHEUR COUNTY, OREGON



LEGEND, ABBREVIATIONS

NEW PARCEL LINE	ALUMINUM CAP
SECTION LINE	BARGAIN & SALE DEED
1/4, 1/6 SECTIONAL LINE	CORNER RECORD
EXISTING PROP. LINE	CITY OF ONTARIO
STREET R/W LINE	CORNER
PROPOSED EASEMENT	DESC.
CENTER LINE	EX.
CALCULATED/TIE LINE	FOUND
FENCE	GENERAL LAND OFFICE
RECORD MEASUREMENT	MALHEUR COUNTY
CALCULATED VALUE	MONUMENT
FD. M.C. BRASS MON.	PROPERTY
FD. #5 REBAR/PLASTIC CAP	RECORD OF SURVEY
FD. 2' DRIVE SHAFT/AXLE	RIGHT-OF-WAY
FD. AL. CAP	SECTION
FD. PIPE/CAP	R/W
FD. #5 REBAR	SEC.
FD. #4 REBAR/NO CAP	W.C.
SET #4 REBAR/AL. CAP	WITNESS CORNER
(SEE DETAIL)	M.C. R.O.S. NO. 18-47-###
SET MAG NAIL/MASHER	CORNER NUMBER
CALCULATED POINT	
AL. CAP	
B.S.D.	
C.R.	
C.O.O.	
COR.	
DESC.	
EX.	
FD.	
GL.O.	
M.C.	
MON.	
PROP.	
R.O.S.	
R/W	
SEC.	
W.C.	

CURVE TABLE				
CH	LENGTH	RADIUS	DELTA	CH. BEARING
[C1]	100.85'	165.00'	35°01'12"	N23°33'32"E
[C4]	84.65'	200.00'	24°15'04"	N18°10'28"E
C5	31.42'	20.00'	90°00'49"	S44°53'26"E

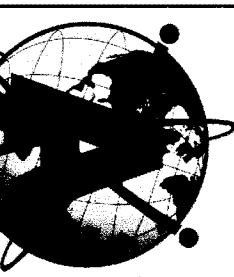
- REFERENCES** (SUPERSCRIPED DATA)
1. W.D. INST. #2019-1381
 2. DEED INST. #95-347
 3. INST. #7628, #7629, #7630
 4. W.D. INST. #1075347
 5. MAP OF STEWART-CARTER LATERAL;
 6. OWYHEE R.R. DISTRICT
 7. M.C. R.O.S. #18-47-0387
 8. M.C. R.O.S. #18-47-0451
 9. M.C. R.O.S. #18-47-0483
 10. M.C. R.O.S. #18-47-0489
 11. M.C. R.O.S. #18-47-0739
 12. M.C. R.O.S. #18-47-0748
 13. M.C. R.O.S. #18-47-0857

ROAD ACCEPTANCE (ORS 92.014)

I HEREBY ACCEPT ON BEHALF OF THE PUBLIC THE POTENTIAL FOR THE SUNSET DRIVE AS SHOWN HEREON FOR PUBLIC ROAD PURPOSES.

MAYOR, CITY OF ONTARIO

CHELSEY & ANDREA WARRINGTON
PROFESSIONAL LAND SURVEYING SERVICES
206 NW 9th Street • Fruitland, Idaho 83619
208-452-6462 (phone/fax) • 208-739-3802
atl@atl-survey.com

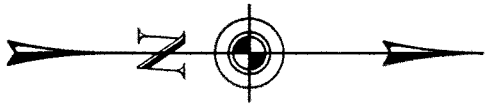


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CH	LENGTH	RADIUS	DELTA	CH. BEARING	L.C.
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[C4]	84.65'	200.00'	24°15'04"	N18°10'28"E	84.02'
C5	31.42'	20.00'	90°00'49"	S44°53'26"E	28.29'

C2-C3 NOT USED ON THIS PARTITION

SCALE: 1 INCH = 40 U.S. FEET



BASIS OF BEARINGS
OREGON COORDINATE REFERENCE SYSTEM
ONTARIO ZONE (SEE NARRATIVE)

REGISTERED PROFESSIONAL LAND SURVEYOR
DEAN J. COON
JANUARY 8, 2002
65687LS

RENEW: 12/31/9

CHARLES DAVIS TRUST
LAURA DAVIS TRUST
DEED #95-347

T11500
WARRINGTON, CHELSEY & ANDREA
W.D. #2019-1381
PARCEL #3
2.52 AC.

PREPARED FOR:
MALHEUR COUNTY SURVEYOR
(ORS 209.250)

DETAIL OF
SET 2" AL. CAP

By *Dean J. Coon*
Received 10/31/2019
Accepted 11/26/2019
Survey No. 18-47-0969
Dwg. No. B-01738



**AGENDA REPORT
PUBLIC HEARING
February 10, 2020**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: ACTION 2020-01-05ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND THE CITY ZONING AND DEVELOPMENT CODE, TITLE 10A-52-245, 10A-59-10 AND 10A-59-15 ONTARIO MUNICIPAL CODE TO AMEND THE APPROPRIATE STANDARDS AND LOCATIONS FOR THE ESTABLISHMENT OF MARIJUANA OPERATIONS AND ACTIVITIES.

DATE: January 19, 2020

PROPOSED MOTION:

THE CITY COUNCIL ON OCTOBER 23, 2018 APPROVED AND ADOPTED ORDINANCE #2748-2018 AN ORDINANCE AMENDING THE CITY CODE 10A TO ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES. IT WAS LATER FOUND THAT A CURRENT CITY ZONE E-5 WAS INADVERTENTLY NOT LISTED IN THE AMENDMENT AND AN ERROR WAS DISCOVERED IN LISTING OF A SCHOOL IN THE PROPER RESTRICTED LOCATION SECTION OF THE CODE. IT WAS THE INTENT OF THE PLANNING COMMISSION AND CITY COUNCIL TO INCLUDE ALL CITY ZONES AND PROVIDE FOR THE PROTECTION OF CERTAIN SCHOOLS WITHIN THE CITY OF ONTARIO AND THEREFORE THESE CODE AMENDMENTS ARE REQUIRED TO FULFILL THE REQUIREMENTS AS INTENDED.

SUMMARY:

Planning Commission Action:

- 1) I move that the Planning Commission accept and approve the Findings of Fact, as stated in this report.
- 2) I move that the Planning Commission recommend to the City Council, the approval and adoption of the proposed amendments (Exhibit 1) to the Ontario Zoning Codes as Outlined in this report and in the Ordinance attached as Exhibit 2 to the report.

BACKGROUND:

On Monday October 8, 2018 the Commission acted on planning action 2018-08-15 ZCA on the creation of Chapter 10A-59 entitled "Marijuana Facilities" and amended city codes dealing with Conditional Uses and set a recommendation to the City Council who held Public Hearings on Ordinance #2748-2018 on October 16, 2018 and October 23, 2018 adopting the City codes on Marijuana Facilities.

It was later found that a current city zone E-5 was inadvertently not listed in the amendment and an error was discovered in listing of a school in the proper restricted location Section of the code. It was the intent of the Planning Commission and City Council to include all city zones and provide for the protection of certain schools within the City of Ontario and therefore these code amendments are required to fulfill the requirements as intended.

CURRENT SITUATION:

To correct the error the following amendments are being presented:

As proposed, the amendments would:

- 1). Amend Title 10A-52-245 UGA E-5 Conditional Uses to include the allowed Marijuana Facilities to match the same uses as the E-2 zone which is basically the same allowed uses as the E-5 except for being a 2-acre size development instead of the 5-acre development.
- 2). Amend Chapter 10A-59-10 by adding the E-5 zone text in two places, one in the title the other in the first paragraph.
- 3). Amend Title 10A-59-15 by adding the E-5 zone text in two places, one in the title the other in the first paragraph and by moving from 10A-59-15 (A) (1) (e) Malheur Education Service District (ESD) and placing it as 10A-59-15 (A) (2) (f).

The text of the specific amendments are as follows:

Section 1. Section 10A-52-205 is hereby amended by adding that portion that is underlined:

10A-52-245 - CONDITIONAL USES.

The following uses are permitted conditionally in the UGA E-5 Zone:

1. Commercial recreation facilities or RV Park;
2. Schools and college;
3. Churches;
4. Bars, taverns, cocktail lounges;
5. Dry cleaning, laundry;
6. Bed and breakfast;
7. Dwelling, multi-family mixed use ;
8. Public buildings, facilities and services;
9. Distribution centers;
10. Amusement center;
11. Marijuana Retailer as provided in Chapter 10A-59;
12. Marijuana Laboratory as provided in Chapter 10A-59;
13. Marijuana Wholesaler as provided in Chapter 10A-59;

14. Marijuana Processor Non-Flammable as provided in Chapter 10A-59; and
15. Marijuana Grow Site Medical as provided by State regulations and as provided in Chapter 10A-59.

Section 2. Section 10A-59-10 is hereby amended by adding that portion that is underlined:

10A-59-10 MARIJUANA RELATED OPERATIONS AND ACTIVITIES AS CONDITIONAL USE IN C-1, C-2 AND C-3, C-2H, E-2, E-5, I-1, and I-2 ZONES

Unless lawfully prohibited by Section 3-23-1 and any amendments thereto imposing a ban on marijuana within the jurisdiction of the City of Ontario, the following uses if listed under being allowed by a conditional use, are conditional uses in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones, as provided in Chapters 27, 29 and 33 of Title 10A: Marijuana Businesses defined in Section 10A-03-134.1.1; Marijuana Grow Sites Medical defined in Section 10A-03-134.1.2; Marijuana processing sites defined in Section 10A-03-134.1.4; Marijuana Processor Flammable defined in Section 10A-03-134.1.5; Marijuana Processors Non-Flammable defined in Section 10A-03-134.1.6; a Marijuana Producer Recreational defined in Section 10A-03-134.1.7; Marijuana Recreational Facility defined in Section 10A-03-134.1.8; Marijuana Retailers defined in Section 10A-03-134.1.9; Marijuana Testing Laboratory defined in Section 10A-03-134.1.10; Marijuana Wholesalers defined in Section 10A-03-134.1.11; and Medical Marijuana Facilities defined in Section 10A-03-134.5.

Section 3. Section 10A-59-10 is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-59-15 MARIJUANA RELATED OPERATIONS AND ACTIVITIES GENERAL AND SPECIAL CONDITIONS IN THE C-1, C-2, C-3, C-2H, E-2, E-5, I-1 AND I-2 ZONES.

All marijuana operations and activities located in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones are subject to Chapter 10B-25 ("Conditional Use Permits") of Title 10B, and to the conditions generally imposed upon conditional uses in these zones and to the application fee set by most recent fee resolution. The following special conditions shall also apply to all marijuana operations and activities:

(A) Location Restrictions. Marijuana operations and activities are prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school attended primarily by minors, including but not limited to:

- a) All Ontario 8C Schools
- b) St. Peter Catholic School
- c) Treasure Valley Christian School
- d) Four River Community School;
- e) ~~Malheur Education Service District (ESD);~~

2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors existing at the time of this ordinance which are:

- a) Ontario Head Start Center
- b) Oregon Child Development Coalition (OCDC)
- c) Malheur County Child Development Center
- d) Treasure Valley Relief Nursery
- e) Ontario Boys and Girls Club
- f) Malheur Education Service District (ESD);

PREVIOUS PLANNING COMMISSION ACTION

On Monday October 8, 2018 the Commission acted on planning action 2018-08-15 ZCA on the creation of Chapter 10A-59 entitled “Marijuana Facilities” and amended city codes dealing with Conditional Uses and set a recommendation to the City Council who held Public Hearings on Ordinance #2748-2018 on October 16, 2018 and October 23, 2018 adopting the City codes on Marijuana Facilities.

FINDINGS OF FACT

- 1. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A, 10B and 10C of the Ontario City Code.
- 2. Amendments to Title 10A has been initiated by the City Council in accordance with Section 10B-15, Ontario City Code.
- 3. Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.
- 4. The appropriate legal notice has been provided for this hearing.
- 5. The code amendments are required to fulfill the intent and requirements of the Ontario Planning Commission and City Council for Marijuana Facilities.

Conclusion:

The proposed code amendments are needed to insure compliance with the Citizens of Ontario during the original public hearing as established by the Planning Commission’s recommendations and City Council Public hearings for Ordinance #2748-2018.

ANALYSIS:

- A. **STRATEGIC PLAN** This fulfill the Council Strategic Plan by meeting the insuring the Desirability and Growth of the City as the Council has intended.

- B. **FINANCIAL** Financial impact has been limited to staff time and recording fees.
- C. **TIMING** This action is housing keeping and there is no emergency in getting this approved at this time.
- D. **POLICY/LEGAL** This action is Governed by Title 10 Chapter 10B-01-05 (1) Legislative actions for Title changes.

ALTERNATIVES:

Planning Commission could choose to not make a recommendation to the Council and leave the decision up to the City Council.

RECOMMENDATION:

Staff recommends that the City of Ontario Planning Commission recommend to the City Council, the adoption of the proposed amendments within this staff report.

ATTACHMENTS:

1. Exhibit 1 Proposed Amendments
2. ORDINANCE 2770-2020_Amending Title 10A-59



Exhibit 1 Proposed Zoning Amendments

Section 1. Section 10A-52-205 is hereby amended by adding that portion that is underlined:

10A-52-245 - CONDITIONAL USES.

The following uses are permitted conditionally in the UGA E-5 Zone:

1. Commercial recreation facilities or RV Park;
2. Schools and college;
3. Churches;
4. Bars, taverns, cocktail lounges;
5. Dry cleaning, laundry;
6. Bed and breakfast;
7. Dwelling, multi-family mixed use [when accessory to a commercial development];
8. Public buildings, facilities and services;
9. Distribution centers;
10. Amusement center;
11. Marijuana Retailer as provided in Chapter 10A-59;
12. Marijuana Laboratory as provided in Chapter 10A-59;
13. Marijuana Wholesaler as provided in Chapter 10A-59;
14. Marijuana Processor Non-Flammable as provided in Chapter 10A-59; and
15. Marijuana Grow Site Medical as provided by State regulations and as provided in Chapter 10A-59.

Section 2. Section 10A-59-10 is hereby amended by adding that portion that is underlined:

10A-59-10 MARIJUANA RELATED OPERATIONS AND ACTIVITIES AS CONDITIONAL USE IN C-1, C-2 AND C-3, C-2H, E-2, E-5, I-1, and I-2 ZONES

Unless lawfully prohibited by Section 3-23-1 and any amendments thereto imposing a ban on marijuana within the jurisdiction of the City of Ontario, the following uses if listed under being allowed by a conditional use, are conditional uses in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones, as provided in Chapters 27, 29 and 33 of Title 10A: Marijuana Businesses defined in Section 10A-03-134.1.1; Marijuana Grow Sites Medical defined in Section 10A-03-134.1.2;

Marijuana processing sites defined in Section 10A-03-134.1.4; Marijuana Processor Flammable defined in Section 10A-03-134.1.5; Marijuana Processors Non-Flammable defined in Section 10A-03-134.1.6; a Marijuana Producer Recreational defined in Section 10A-03-134.1.7; Marijuana Recreational Facility defined in Section 10A-03-134.1.8; Marijuana Retailers defined in Section 10A-03-134.1.9; Marijuana Testing Laboratory defined in Section 10A-03-134.1.10; Marijuana Wholesalers defined in Section 10A-03-134.1.11; and Medical Marijuana Facilities defined in Section 10A-03-134.5.

Section 3. Section 10A-59-10 is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-59-15 MARIJUANA RELATED OPERATIONS AND ACTIVITIES GENERAL AND SPECIAL CONDITIONS IN THE C-1, C-2, C-3, C-2H, E-2, E-5, I-1 AND I-2 ZONES.

All marijuana operations and activities located in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones are subject to Chapter 10B-25 ("Conditional Use Permits") of Title 10B, and to the conditions generally imposed upon conditional uses in these zones and to the application fee set by most recent fee resolution. The following special conditions shall also apply to all marijuana operations and activities:

(A) Location Restrictions. Marijuana operations and activities are prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school attended primarily by minors, including but not limited to:
 - a) All Ontario 8C Schools
 - b) St. Peter Catholic School
 - c) Treasure Valley Christian School
 - d) Four River Community School;
 - e) ~~Malheur Education Service District (ESD);~~
2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors existing at the time of this ordinance which are:
 - a) Ontario Head Start Center
 - b) Oregon Child Development Coalition (OCDC)
 - c) Malheur County Child Development Center
 - d) Treasure Valley Relief Nursery
 - e) Ontario Boys and Girls Club
 - f) Malheur Education Service District (ESD);



ORDINANCE NO. 2770-2020

AN ORDINANCE AMENDING TITLE 10A-52-245, 10A-59-10 and 10A-59-15 OF THE ONTARIO CITY CODE THAT ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES IN CERTAIN ZONES UNDER A CONDITIONAL USE PERMIT AND TO PROHIBIT THEM IN ALL OTHER ZONES NOT SPECIFICALLY NOTED AS BEING ALLOWED AS A CONDITIONAL USE.

- WHEREAS,** The City Council on October 23, 2018 Approved and Adopted Ordinance #2748-2018 an Ordinance amending the City code 10A to allow certain Marijuana related operations and activities; and
- WHEREAS,** It was later found that a current city zone E-5 was inadvertently not listed in the amendment; and
- WHEREAS,** An error was discovered in listing of a school in the proper restricted location Section of the code; and
- WHEREAS,** It was the intent of the Planning Commission and City Council to include all city zones and provide for the protection of certain schools within the City of Ontario.

NOW THEREFORE, The Common Council or The City Of Ontario Ordains As Follows:

Section 1. Section 10A-52-205 is hereby amended by adding that portion that is underlined:

10A-52-245 - CONDITIONAL USES.

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8. Public buildings, facilities and services;
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12. Marijuana Laboratory as provided in Chapter 10A-59;
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 - d) Treasure Valley Relief Nursery
 - e) Ontario Boys and Girls Club
 - f) Malheur Education Service District (ESD);

Section 4. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 21st day of February, 2020, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this 21st day of February, 2020.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder