



**AGENDA REPORT
PUBLIC HEARING
February 8, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2020-12-45RZ: A REQUEST BY PAUL HILBIG REPRESENTING H2MK, LLC FOR A REZONE OF PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H). TO MATCH THE LANDS TO THE EAST OWNED BY H2MK, LLC .**

DATE: January 2, 2021

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H), AS SET FORTH IN ACTION 2020-12-45RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

2. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H, AS SET FORTH IN ACTION 2020-12-45RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM HIGH DENSITY RESIDENTIAL (RM-10) TO HEAVY GENERAL COMMERCIAL (C-2H, AS SET FORTH IN ACTION 2020-12-45RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4710AB, Tax Lot 1901, which said Tax Lot 1901 is currently zoned in the City under High Density Residential (RM-10) and the owner's land to the East of this Tax Lot is zoned Heavy General Commercial (C-2H). This action is to rezone Tax Lot 1901 to the same zoning as the owner's adjacent land which is C-2H so that the property can be developed together as one planned development that will require the same zoning.

BACKGROUND:

The Owner of the the parcel known as tax lot 1901 on Assessor Map 18S4710AB also owns the adjacent 9 acres of land (Tax Lot 1900) that is zoned C-2H and along with the Applicant are planning on developing an Recreational Vehicle Park (RV Park), as shown on Attachment 5 of this report, and wants to include the parcel known as tax Lot 1901 as part of the RV Park. To do so all properties will need to be zoned the same.

The Community Development Director as Economic Development Director has been working for several years to promote the development of an RV Park in Ontario to provide the need for the traveling recreational public to stay and shop in Ontario and to provide for a need for an RV Park for longer term stays by citizens using Recreational Vehicles as their homes, most commonly know as "Snow Birds". This proposed Development will meet these needs.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from RM-10 High Density Residential to C-2H Heavy General Commercial for the development of an Recreational Vehicle Park.

The last Planning Commission actions on this property was on the adjacent lands when it was annexed into the City and rezoned to C-2H under Planning Action 2018-12-21AZ and the Hearings Officer approval of the Partition Plat 19-06 under Planning Action 2019-19-01PTN.

CURRENT SITUATION:

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 finding 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 affected 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 affected 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: By the Applicant:

1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The Land owner is a citizen of the community and has been highly involved in the use of the property over the years (Goal 1). The zone conforms with the Comprehensive Plan (Goal 2). The Rezone will allow the development of an Recreational Vehicle Park that will meet the high demand for such a use (Goal 8). The site will improve the Economy by bringing in visitors (Goal 9) and provide housing (Goal 10).

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The existing and proposed zone are both residential in nature and conforms with the

Comprehensive Plan.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

Market conditions have changed and there is currently a High Market demand for RV Parks. Changing the zone will allow the applicant to meet the demand.

4. As applicant, you must show 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.

We have conducted significant market research and analysis which has led us to propose developing an RV Park. There is a need for the development. The rezone will allow us to include the property along with the adjacent ground already zoned C-2H.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

We have completed several draft site plans. Each plan shows that we can fit the required spacing for several stalls, including buffers and open space.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The property is adjacent to existing and proposed Right of Way (600'). Since this ground will be part of a larger project, it will tie into utilities from within the site.

7. Explain how the proposed change in zoning 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.

We expect to buffer existing neighbors with landscaping and fencing. Street lights will be strategically placed as to not affect surrounding properties. Our proposed use does not produce dust, vibration, odor, heat or glare, or an unusual amount of noise.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, 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. With the approval of this rezone Goal 8 is met by meeting the high demand for a much needed RV Park, Goal 9 is met again by providing improvement to the local economy by providing a place for the traveling visitors to stay and to shop and eat in Ontario and Goal 10 is met by providing for sections in the Park for the Short term traveling Public, and longer stay sections to accommodate for people or families displaced by acts of mother nature such as fire and floods, as well as for providing longer term stay for Construction workers during construction projects filling another housing need in the community. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.

CRITERION IS MET

b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The applicant states in finding 3, that there has been a change in the property due to change in the Market and high demand for RV Parks. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met. **CRITERION IS MET**

d. The proposed re-zone would bring the applicant's proposed use of the property in this manner into conformance with the City Zoning Code and allow for growth. Rezoning to a zone to match the adjacent property would not be considered as the granting of a special privilege for a single property or group of property owners. **CRITERION IS MET**

e. As noted in the findings 5, the subject properties sizes are adequate to demonstrate consistency with this criterion and allow for the development of a much needed RV Park. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets as well as internal development and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

g. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The proposed use do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for a 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 the criteria and standards must be met in order for the request to be recommended for approval.

The above Summary and Findings of facts are presented to the Commission for consideration to adopted and/or amend as needed.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the applicants may proceed with their planned development of a much needed RV Park.
- D. **POLICY/LEGAL** 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 must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

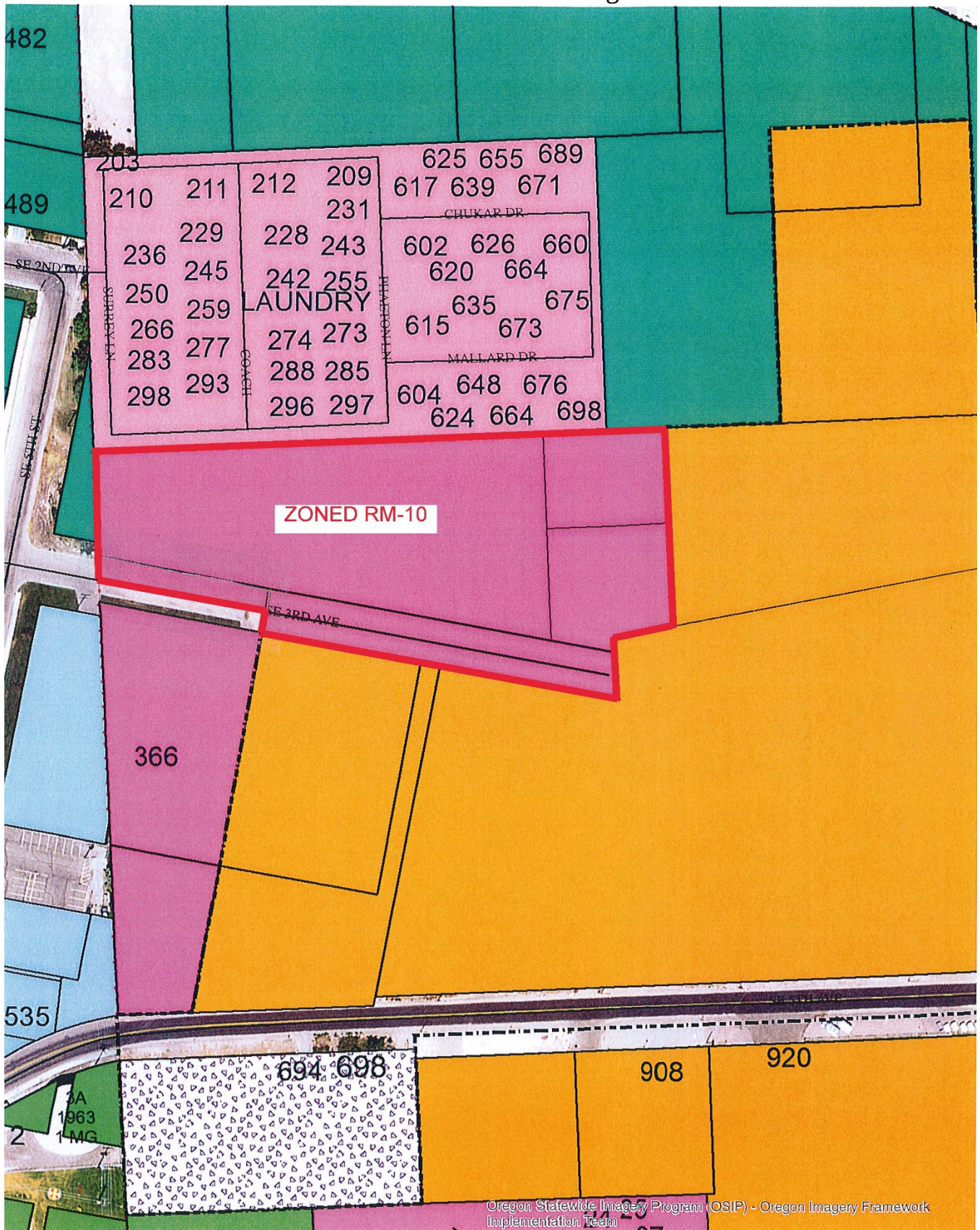
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the rezone from RM-10 to C-2H of the subject property.

ATTACHMENTS:

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4
5. Attachment 5

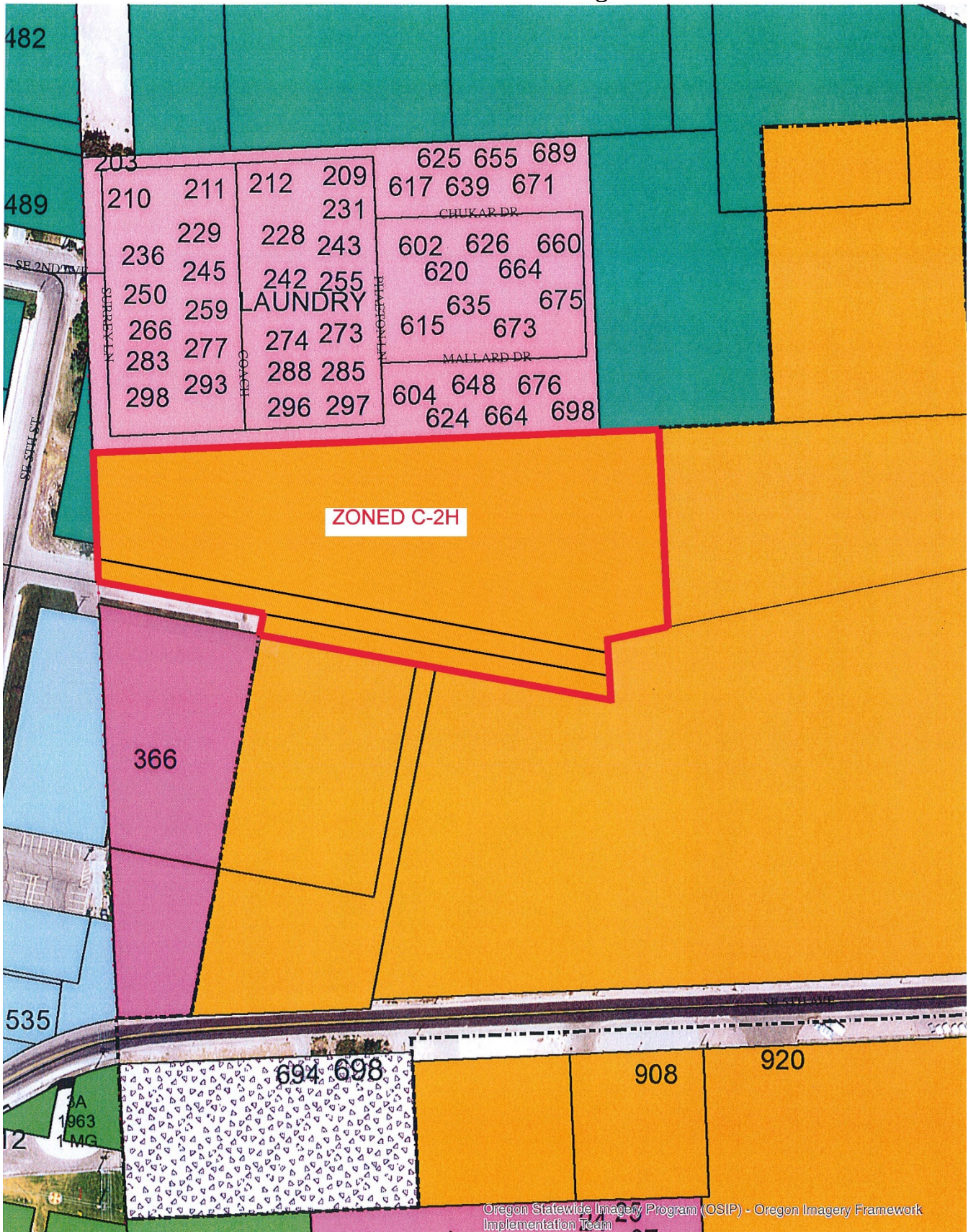
Attachment "1"

Parcel Before Rezoning



Attachment "2"

Parcel After Rezoning



Attachment "3"

Tax Lot Map of Area

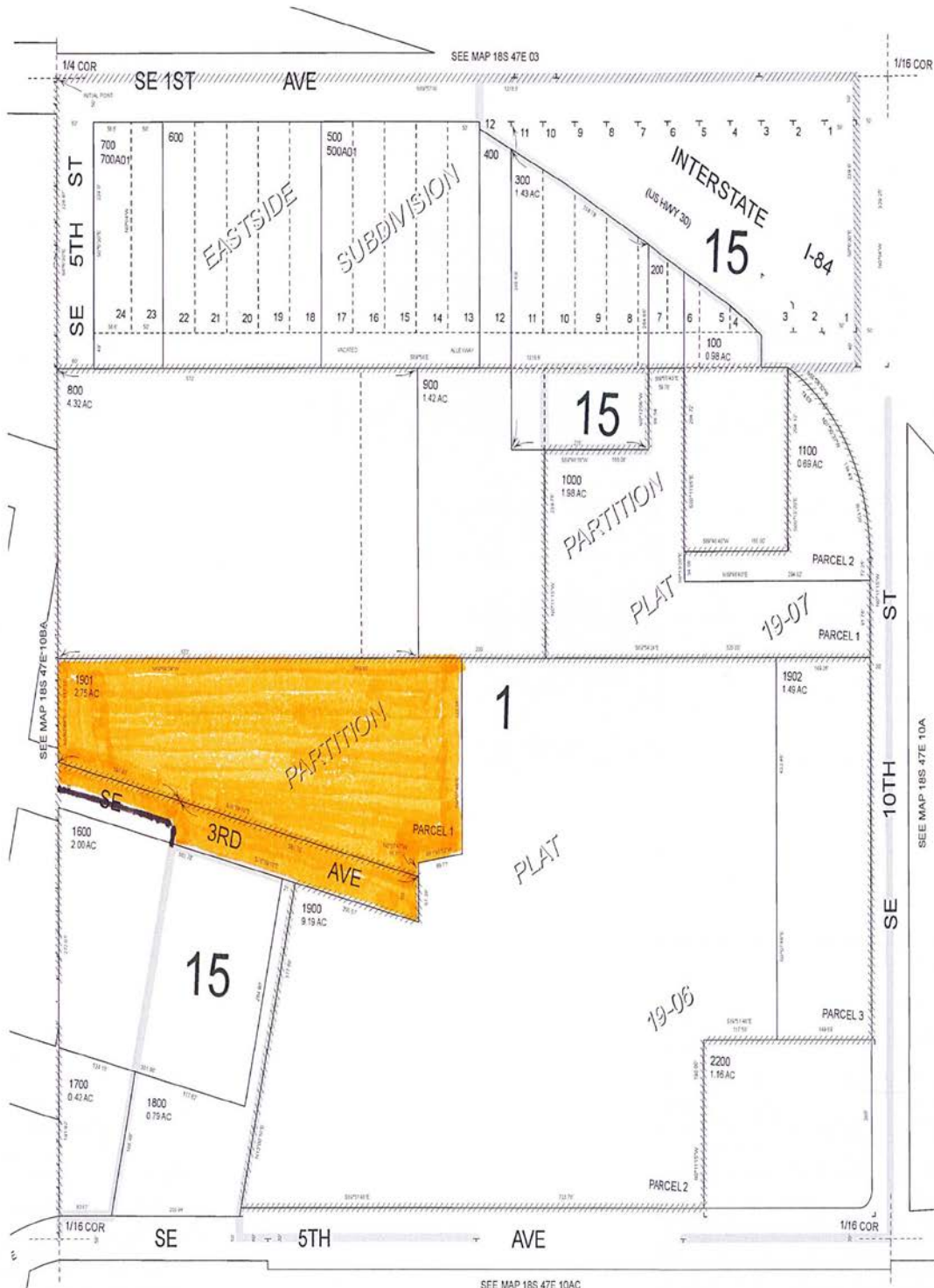
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N.W.1/4 N.E.1/4 SEC.10 T.18S. R.47E. W.M.
MALHEUR COUNTY
1" = 100'

18S47E10AB
ONTARIO

Cancelled
1200
1300
1400
1500
2000
2100



Revised: MA
05/22/2019

ONTARIO
18S47E10AB

MAHEUR COUNTY
SHERIFF
Jason Moore
Received: 3/21/2019
Filed: 5/10/2019
Survey No. 18-47-0980
Page No. B-0707

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