

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**PLANNING COMMISSION MEETING AGENDA
CITY OF ONTARIO OREGON
MONDAY, MAY 10, 2021, 6:00 PM, MT
[Zoom Link](#)**

1) CALL TO ORDER

Commissioner Cydney Cooke _____ Commissioner Blu Fortner _____ Commissioner Max Twombly _____
Commissioner John Hall _____ Commissioner John Breidenbach _____ Commissioner VACANT _____
Chairman Ralph Poole _____

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

2) PLEDGE OF ALLEGIANCE

3) MOTION TO ADOPT THE AGENDA

This Agenda was posted on May 3, 2021. 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) Minutes of October 22, 2020
- B) Minutes of April 12, 2021

6) PUBLIC HEARING

- A) Ontario Housing Needs Analysis, Residential Buildable Lands Inventory and Policy Recommendations (the 2021 Housing Report) is intended as a background document to Chapter 10: Housing of the Ontario Comprehensive Plan as well as amend title 10 the Ontario Comprehensive Plan, and Title 10A substantive zoning regulations, which are intended to increase housing productivity and population growth within the Ontario Urban Growth Area (UGB).

7) COMMENTS FROM COMMISSIONERS

8) ADJOURN

Malheur County Planning Commission

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, on October 22, 2020. Kathy Clarich called the meeting to order at 7:34 p.m.

MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich
Clark Forsyth
Rob Kindschy
Linda Simmons
John Faw
Chad Gerulf
Ed Anthony

MALHEUR COUNTY PLANNING DEPARTMENT STAFF MEMBERS:

Eric Evans, Planning Director
Tatiana Burgess, Planning Management Assistant
Stephanie Williams, County Counsel

ONTARIO PLANNING COMMISSION MEMBERS PRESENT

Ralph Pool
Max Twombly
John Hall
Cydney Cook
Blu Fortner
John Briedenbach

NEW BUSINESS

Applicant: Gordon and Linda Curtis

Representative:

Conditional Use Permit for one Non-Farm Dwelling. Planning Department File No. 2020-07-013.

Eric Evans - I will be acting kind of as a moderator, I did this similar thing last time but it's a little bit different because we were in person at the time. I'm going to read a few things... Do we have... I know somebody was going to be representing the Curtis's. Do we have somebody representing the Curtis's? I'll ask the Chairs, do you want me to proceed without them? Do you think there is going to be questions?

Kathy Clarich - I don't have a problem.

Malheur County Planning Commission
October 22, 2020

Ralph Poole - I think we should move forward.

Eric Evans – Now is the time to hear the request the application to amend the Ontario Urban Growth Area Boundary, UGA and UGB Zone change from Ontario ORS/UGA to Ontario OI1/UGA to include property commonly identified as Map 18S47E05AA Tax Lot 300 and 301. Additionally the Malheur County Planning Commission will be (INAUDIBLE)... We'll be listening for the Malheur County Planning Commission for approval of a property line adjustment between the above referenced parcels. These are Malheur County Planning Department file 2020-09-003 and the City of Ontario Planning Action number 2020-08-32AZ. We don't have a podium but you will be a time to speak and if you do please state your name, address and title 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 myself, the moderator. Testimony in question should not be directed to staff or directly to witnesses.
3. Do any members of the Ontario Planning Commission or Malheur County Planning Commission need to abstain?
 - a. None.
4. Do any members of the Ontario Planning Commission or Malheur County Planning Commission have any conflicts to disclose?
 - a. None..
5. Do any members of the Ontario Planning Commission or Malheur County Planning Commission have any bias to disclose?
 - a. None.
6. Do any members of the Ontario Planning Commission or Malheur County Planning Commission have any ex parte communication, including any site visits, to disclose?
 - a. None.
7. Does anyone object to any members of the Ontario Planning Commission or Malheur County Planning Commission hearing this application?
 - a. There are no objections.
8. Does anyone challenge the Ontario Planning Commission or Malheur County Planning Commission 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: the Joint Management Agreement between Ontario and Malheur County, Ontario Municipal Code 10B-20-30, and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

Malheur County Planning Commission
October 22, 2020

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 to raise an issue may preclude raising it before LUBA.

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.

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

Eric Evans - This is the Malheur County Planning Action number 2020-09-003 and the City of Ontario Planning Action number 2020-08-32AZ to amend the Urban Growth Boundary and zone change from Ontario Residential to O-I1 to include a portion of the property identified with Map 18S47E05AA Tax Lots 301 and 300. Additionally, Malheur County Planning Commission is here to approve a proposed property line adjustment between the above referenced parcels where prior to the property line adjustment Tax Lot 300 will consist of 98, 901 square feet and Tax Lot 301 will consist of 42,456 square feet. Upon completion of the property line adjustment Tax Lot 300 will consist of 126,450 square feet and Tax Lot 301 will consist of 14,908 square feet.

This is sort of like that Sheri Hart Rief application where the applicant was having issues with their sewer and needed to connect to city services. This applicant came to the City and wanted to connect in but if you guys can see this (Mr. Evans referring to a map) you can see where the house is in kind of the southern part of that Tax Lot 301. It doesn't really match very well with the Industrial Use and their office is towards that more northern part. What they want to do is adjust the Residential Use. You can see where it has the Ontario UGA Residential and the I1, they want to adjust those to match the actual use and get the offices off of Tax Lot 301 and move the offices to 300 where the use is.

I believe both planning commissions have a staff report in front of them. One thing to note, we do address many of the findings of fact in the staff report. A notice to the Department of Land Conservation and Development was sent on September 17, meeting that 35 day notice. A notice to all property owners within 100' from the subject property was mailed on October 1st. And a notice was published in the Ontario Argus Observer on or before October 2, 2020. We will be having this... the Planning Commissions will be voting to recommend an action from their respective governing bodies. Also in the staff report are some suggested motions for approval or denial.

Malheur County Planning Commission
October 22, 2020

Is there anybody on now that is representing the applicant or is the applicant on?

Dan Cummings - I don't believe so. If anybody has any questions, I can answer them, probably. for the owners.

No Proponent Testimony.

No Opponent Testimony.

No Public Agency Testimony.

Eric Evans - Lastly, I think this is pretty cut and dry. All that we're doing is we're, both Planning Commissions, are looking about changing the zoning of 301 and adjusting that zoning to match what the new property lines are going to be and Malheur County Planning Commission will do that property line adjustment. It's pretty cut and dry. As staff, I would recommend approval of this.

Ralph Poole - Do we happen to have an overlay that shows the final, after the lot line adjustments?

Eric Evans - Let me see what I have really quickly. I know there was one.

Kathy Clarich - Wouldn't it be Exhibit 'B' in the packet?

Eric Evans - Yes. That's what I was going to do is look for that Exhibit. I tried to keep the same Exhibits as Dan had marked too. If you actually look at Exhibit...

Ralph Poole - I don't have an Exhibit 'B'.

Eric Evans - Let me pull it up really quick.

Dan Cummings - If I might add for my Commission, right after this, if this is approved we will be doing another action that will be annexing the house parcel into the City and rezoning it to City ORS 50.

Kathy Clarich - I have a question. It said in there that they were granted an exception. What was the exception?

Eric Evans - It's already an exception property. It's just a technical term for land use, right? So are granted an exception from the Statewide Planning rule so... So a lot times these UGB lands used to be EFU and they're excepted from those Goal 3 rules so it's a goal 3 exception. That's probably what you're referring to. That's what we did like with the Treasure Valley Reload Center, we basically gave that land an exception to Goal 3 and maybe Goal 14. Ralph, can you see that? Does that help?

Malheur County Planning Commission
October 22, 2020

Ralph Poole - Yes, thanks.

Kathy Clarich - So they'll still use the same driveway into the house right?

Dan Cummings - Yes. Yeah, basically the house parcel by use is not changing. The fence is right where the new line is shown and everything. The house parcel use is going to be the same it just happens that it had a bigger piece that's being used by the commercial operation.

Eric Evans - So at this point in time, if we'd like, both Commissions can close their hearings for public testimony and we can have some deliberation, if you'd like.

Ralph Poole - I'd accept a motion from the Ontario Planning Commission to close public hearing.

John Briedenbach made a motion to close the public hearing. John Hall seconded the motion which was approved unanimously by the Ontario Planning Commissioners present.

Kathy Clarich - Do I have a motion to close the public hearing?

Ed Anthony made a motion to close the public hearing. John Faw seconded the motion which was approved unanimously by the Malheur County Planning Commission members present.

Closed to Public Testimony.

Eric Evans - Okay. We'll go ahead and if anybody has any questions or any kind of deliberation. We'll entertain some questions. If nobody has any questions I'll just move on.

John Faw - If this is as straight forward as it looks I don't have any questions.

Eric Evans - In my opinion it's pretty darn straight forward.

Kathy Clarich - The only question I had was the entrance that goes with the house and a separate entrance for the storage.

Dan Cummings - Yes to both of those.

Ralph Poole - Any further questions from the City of Ontario Commission? I don't hear any so I think we're happy with findings of fact.

Eric Evans - Okay, at this point in time I would entertain any motions from... Dan, remind me who do we want to go first? Or maybe this is a Stephanie question.

Dan Cummings - The County should go first because they're the first ones to approve this and then we counter right behind.

Malheur County Planning Commission
October 22, 2020

Ed Anthony made a motion to accept the staff report and findings of fact. John Faw seconded the motion which was unanimously approved by the Malheur County Planning Commission members present.

Ralph Poole - For the City of Ontario Planning Commission I would accept a motion to accept the findings of fact and staff report.

Blu Fortner made a motion to accept the findings of facts and staff report. Cydney Cook seconded the motion which was unanimously approved by the City of Ontario Planning Commission members present.

Kathy Clarich - I need a motion for the zone change.

Ed Anthony made a motion to move the request of the zone change Ontario O-RS/UGB to Ontario O-I1/UGB to include a portion of the property commonly identified as Map 18S47E05AA to the County Court to approve this motion. John Faw seconded the motion which was unanimously approved by the Malheur County Planning Commission members present.

Ralph Poole - For the City of Ontario Planning Commission I would accept a motion to either accept or deny the request for a zone change.

John Briedenbach made a motion for approval of the zone change O-RS/UGB to Ontario O-I1/UGB to include a portion of the property commonly identified as Map 18S47E05AA TL 301 and 300 hereby amending the Ontario Urban Growth Area/Boundary (UGA/UGB), as set forth in the County Planning Action 2020-09-003 and City Planning Action 2020-08-32AZ based on the information, findings and conclusions set for in the staff report. John Hall seconded the motion that was unanimously approved by the City of Ontario Planning Commission members present.

Eric Evans - I think for Ontario City Planning Commission, on behalf of the County I would like to thank you guys. This isn't as great as seeing us all in person. It has a little bit of technical challenges but I do appreciate your guys' willingness to do this and we'll push this motion forward. Dan is there anything else that you want to say?

Dan Cummings - I want to just thank the Malheur County Planning Commission and the City of Ontario Planning Commission for their time this evening and approving this action. Thank you.

Eric Evans - So at this point in time if Ontario you are welcome to stay or adjourn and do whatever you'd like to do.

Malheur County Planning Commission
October 22, 2020

Ralph Poole - As Ontario Planning Commission Chairman I would accept a motion to adjourn.

Blue Fortner made a motion to Adjourn. Cydney Cook seconded the motion which was approved unanimously by City of Ontario Planning Commission members present.

OLD BUSINESS

Approval of August 2020 minutes:

Ed Anthony made a motion to accept the August 2020 minutes. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present.

CONTINUED BUSINESS:

Applicant: Jennifer Ellsworth
5452 N. Hickory Burr Place
Boise, Idaho 83713

Kathy Clarich - So did we change where the houses are going to go? Or where the land is going to be divided on this?

Eric Evans - Tatiana, do you want to talk about this or am I?

Tatiana Burgess - Yes, I can do that. They had the opportunity to update the proposal. We have been presented with a new proposed non-farm partition map to where each of the partitions is going to go north and south of Snively Gulch Road to where they have direct access off of the County Road. They did present the argument that there had been a secured easement for the former northern partition however they abandoned that idea. So right now they are only proposing the new map that has been presented in your packet.

Yesterday we did receive a commentary letter from our County Road Master and (Eric if you could share that on the screen) according to the County Road Master he is now okay with Ellsworth's having access for the two proposed partitions as long as they commit to having the Snively Gulch Road back to the original placement. It seems like the County road had, overtime, moved further south from the original pathway that it went on due to erosion and other factors. So the proposal from the County Road Master (and we definitely recommend that that's included in the conditions) is that if they commit to putting the road back to it's original placement and securing the maintenance agreement, in that case they can freely access that. If they would like to go ahead with how the road is today, how its moved from the county right-of-way, then in that case they would need to propose to secure an easement from Mr. George Martin, the neighbor in the property to the east. Eric if you want to scroll to the second page that map is actually there, what I'm actually talking about, so the Commissioners can see. Outlined in red is the original

Malheur County Planning Commission
October 22, 2020

right of way and that's not how it's traveled on (is our understanding). Everybody has been kind of going south. So according to the County Road Master in that proposal is that if they go to the northern original path then they would be okay. Again, both partitions would have direct access off of Snively Gulch Road that way. I think that's the only update that we have so far.

Kathy Clarich - If they have to move the road then are they going to have to do all that road work themselves or is that something the County is going to help with?

Tatiana Burgess - No, this is not a county maintained road. They do have to commit to having a maintenance agreement. Again, that is outlined in Dave's letter, Dave Tiffany's letter, and it would have to be stipulated as a condition of approval that they will have that maintenance agreement for the road as, again, it is not a county maintained road.

John Faw - Maintenance agreement by whom? Between whom?

Tatiana Burgess - The applicants would have to maintain that road. We would have to secure their commitment that they are going to maintain that road.

Kathy Clarich - Do you have what size these lots are now?

Tatiana Burgess - They're each going to be two acres, the minimum allotted size. The proposal staying (INAUDIBLE) as the original one to where they do have immediate plans of developing only the northern one, the one directly north of Snively Gulch Road where they are going to build their home. The other one they just wanted to have it secured as a potential nonfarm dwelling site. They don't have immediate plans for developing that and I'm sure that's going to be addressed with the applicants themselves as well.

Eric Evans - Kathy, if you want, if Tatiana did, if the planning commission wishes I can go ahead and read this letter onto the record if you guys would like.

Kathy Clarich - That would probably be good.

Eric Evans - It's dated October 21, addressed to the Malheur County Planning Commission through Eric Evans, Malheur County Planner, regarding application for access road onto County road Tax Lot number 800 T21S Range 46ES22.

"Dear Eric Evans and Commissioners: The road involved, Snively Gulch Road, is a dirt road that is not maintained. The applicants, Vaughn and Jennifer Ellsworth, have applied for an access that will be used to connect to the County road. I wrote them a letter July 25, 2019, stating the County has no objections to their request. Since that time there has been some questions as to where the county right of way is located. Because the road has moved over the years due to erosion and other water related issues and the fact that it is not maintained. If the Ellsworths are willing to put the road back in its original location they could use the county right of way to access their property. The road, over time, has moved onto the property of George Martin. If they wish to leave the road where it is then they will need to obtain an easement from Mr. Martin to go through his private property to access their property."

Malheur County Planning Commission
October 22, 2020

Kathy Clarich - Thank you.

Eric Evans - So it would be our recommendation that we, as staff, a condition be added to address Snively Gulch Road or the easement from George Martin as a condition of approval.

Ed Anthony - So which do they want to do? Do they want to move the road back to where it was at?

Jennifer Ellsworth - We are fine to put it back to the original road.

Ed Anthony - Okay, thank you.

Kathy Clarich - Is there anything else you'd like to tell us?

Vaughn Ellsworth - Having talked with George Martin, I think we just want to have it as the condition that we're going to get this resolved. We just got this letter yesterday. We wanted to talk with George a little bit more and just work with him. But the condition that we'd like is that we're going to put in the road but we just want to make sure everybody is on board with it either way. That's where we are at with that.

Kathy Clarich - Okay, thank you. We're still open for public comment, is that right Eric?

Eric Evans - Yeah and I mean we can give the applicant, if they want, some time to talk about their application then they have that right. If you guys want to say anything more, about moving the road or anything now is the time.

Vaughn Ellsworth - So we did move the proposed lots a little bit. We had proposed builder looking at the land and the property with us and after he pointed out some elements of what we might want to look at we decided to change those to where they are at. Also, this was, with respect to some of the opinions of our neighbors. That's all we have really as far as that.

Jennifer Ellsworth - The purpose to continue it was just to verify that we have access and I think that's been established at this point. We have access through Snively Gulch Road. We do actually have an easement on Emerald Slope Road that we won't be using at this time but that was the main thing that we understood that we needed to continue to tonight.

Kathy Clarich - Okay, thank you. Since it's open to public comment is there anybody that is for this action?

Proponent Testimony

George Martin, 2079 Highway 201, Adrian, Oregon 97901 or PO Box 228, Adrian, Oregon 97901.

Malheur County Planning Commission
October 22, 2020

George Martin - This is George Martin, owner of the Sandlot LLC to the east. I have discussed and met with Dave from the County and the Ellsworths. I believe, without a doubt, that we can resolve the issue of giving them access or allowing them access across that parcel with one or two of the options that the County had specified there in the letter. From that stand point I have no objections to it moving forward based on those conditions. We'll get it resolved and they can move forward.

Kathy Clarich - Is there anyone else that is in favor of this action?

Tim Barton, 916 Emerald Slope Road, Adrian, Oregon 97901.

Tim Barton - Again, I just wanted to thank Ellsworths for a couple of things. Really clarifying the easement through Emerald Slope Road and listening or taking into consideration the neighbors input on the positioning of the lots there so again, just thank them for the work and effort they've put over the last month.

Kathy Clarich - Okay. Is there anybody else in favor? Okay. Is there anybody opposed?

No Opponent Testimony

Kathy Clarich - Tatiana do we have any letters or anything that haven't been entered in.

Tatiana Burgess - No, that was the only thing that we recieved yesterday from Dave Tiffany. As (INAUDIBLE) site visit terribly late, he didn't get out there until this past Monday but that is the only thing that hasn't been entered into the record so far.

Kathy Clarich - Does anybody have any questions for the Ellsworth? If not, I'm going to close it to the public.

Closed to Public Testimony

Kathy Clarich - Okay, what do you guys think?

Ed Anthony - I think we should go ahead and go with it since they got everything straightened out.

Kathy Clarich - I think we should go with it with those conditions.

Eric Evans - I was just telling Ed this but I would like you guys to be specific what you're approving. If you're wanting to approve that new map, their amended application you could call it, then to make sure that that's stated on the record.

Kathy Clarich - Is that an Exhibit number or how do we know to notate it?

Tatiana Burgess - We didn't address it as an Exhibit we just addressed it, I would say as an amended proposed plot plan, we can refer to it that way.

Malheur County Planning Commission
October 22, 2020

John Faw - That's just secures that it will show on plot maps for future reference?

Eric Evans - We can go ahead and call that Exhibit '5' as well, is what I would call that.

John Faw - Because I want to make sure that this thing gets in the record so that it doesn't disappear and we have to go through all this again.

Eric Evans - What was that John? What were you asking for? I apologize.

John Faw - I just want to make sure that this is entered into the record so this is a permanent addition/change out there where these parcels have been created so that we don't have to go through all of this again one day.

Eric Evans - They have to have a partition plat so I think they have a surveyor to do that, to submit a partition plat. So that has to be done.

Kathy Clarich - And an easement is going to be granted up at Snively Gulch Road where it gets to their property, I assume, to the other parcel?

Eric Evans - I think the way they have it is that there won't need to be an easement because Snively Gulch Road is a public access road and they'll have direct access from that to each parcel. Am I correct?

Jennifer Ellsworth - Yes. Snively Gulch Road actually cuts across our property and that's what where we would enter.

Kathy Clarich - Okay. Let's make sure that we get the easement to that other piece from the Road District even though it's not a maintained county road, that you make sure that the easement is there for that parcel.

Vaughn Ellsworth - Why do we need an easement when it's a county road?

Kathy Clarich - Well not an easement but access granted for both parcels.

Vaughn Ellsworth - It should be, the way I see the maps, for the Snively Gulch Road so that should take care of that problem.

Kathy Clarich - Yes, but if they want to I would recommend that they get it in writing. So I will entertain a motion

Ed Anthony made a motion to accept the staff report and findings of fact. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of John Faw, who abstained from the vote.

Ed Anthony made a motion to approve two nonfarm dwellings. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of John Faw, who abstained from the vote.

Ed Anthony made a motion to approve two nonfarm partitions with the Amended Plot Plan set forth as Exhibit '5' map and with the conditions set forth in Dave Tiffany's letter regarding Snively Gulch Road. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of John Faw, who abstained from the vote.

New Business

Applicant: Sherwin Koehn
450 Douglas Road
Ontario, Oregon 97914

Conditional use application for two non-farm dwellings and two non-farm partitions. Planning Department file no. 2020-09-012.

Kathy Clarich – Now is the time to hear the request for a conditional use permit for two non-farm dwellings and two non-farm partitions for applicant Sherwin Koehn, Planning Department file 2020-09-012

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.

1. 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.
2. Do any members of the County Planning Commission need to abstain?
 - a. None.
3. Do any members of the County Planning Commission have any conflicts to disclose?
 - a. None.
4. Do any members of the County Planning Commission have any bias to disclose?
 - a. None.
5. Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?
 - a. John Faw has been to the site.
6. Does anyone object to any members of the Malheur County Planning Commission hearing this application?
 - a. There are no objections.
7. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
 - a. There are no challenges.

Malheur County Planning Commission
October 22, 2020

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 6-6-7 General Criteria to Evaluate Suitability; 6-6-8-1 Specific Conditional Use Criteria for Non Resources Dwellings in EFU, ERU or EFFU Zones; 6-6-8-2 Specific Conditional Use Criteria for Non Resource Partition in an EFU, ERU, or EFFU Zone; 6-3A-3 Allowance of Certain Uses; OAR 660-033-130(4)(a)(D) Agricultural Lands.

Testimony, arguments and evidence presented must be directed toward these approval criteria or other criteria in State law, the Malheur County Comprehensive Plan or the Malheur County 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.

We are going to start with the staff report Tatiana.

Preliminary Staff Report: Read by Malheur County Planning Department Assistant Director, Tatiana Burgess.

Tatiana Burgess – This is a conditional use application for two non farm dwellings and two non farm partitions, planning department file number 2020-09-012. The applicant is Mr. Sherwin Koehn at 450 Douglas Road in Ontario, Oregon 97914. The property is identified as Tax Lot 900 on Assessor's Map 17S47E05; Malheur County Reference number 6539. This property is zoned Exclusive Farm Use with the exception of the proposed site of the non-farm partition site north of the canal, which is zoned Exclusive Range Use. The total size of the parent parcel is 77.38 acres. Currently the property is being used for farming as well as the surrounding use. Everything around it is being used for farming. The property directly east of the parent parcel that we can see a portion of on the map is the homesite (INAUDIBLE). The sites of each of the proposed partitions will have independent access off of Power Road. A DEQ sanitation system would be required for each of the proposed nonfarm dwellings. Each of the proposed nonfarm dwellings would be located within the Payette Rural Fire District. We have a letter attached to be included in the record. The soils on the property are primarily class III on the parent parcel with an insignificant amount of class VIII soil. None of the soils on the proposed partition site have

Malheur County Planning Commission
October 22, 2020

been surveyed by the National Resources Conservation Center, which would both proposed partitions would be situated on soil that would be incompatible with farm use, as outlined in OAR 660-033-0130(4)(c)(B). There is only one current dwelling on the parent parcel that had been built in 1946, per the Assessor's records. There is no other known zoning history. With regards to the water rights we did get a clarification from the Owyhee Irrigation District today that we would like to introduce into the record. Currently the part north of the canal has been farmed it does not have secured water rights. The proposal is that there would be 13.7 acres transferred to the proposed site from the parent parcel and that is set to go in effect at the beginning of the next calendar year. As it stands today, none of the proposed partition sites currently have any water rights.

That is all I have.

This is the email that Eric has displayed, that we received from the Owyhee Irrigation District, that is confirming... that I can read into the records if you would like me to, Eric?

Eric Evans – Yes please.

Tatiana Burgess – The email was submitted to me today, dated October 22, at 1:43PM by Brittany Valero of the Owyhee Irrigation District and it reads, 'Hi Tatiana. The property we spoke about on the phone owned by Sherwin Koehn, located at 450 Douglas Road in Ontario, currently does not have water rights above the canal. However, he has requested a permanent water right transfer which is relocated 13 irrigated acres to that location. That will be submitted at the end of this year. We don't expect any problems to cause the transfers denial and that it will be complete by 2021. I have attached the current water rights map of the property, the red outline is the property boundary and the green colored overlay is the waters location as of 2020.'

Eric Evans – Did I fix the audio at all? Is that better.

Tatiana Burgess – We can hear you better, yes.

Kathy Clarich – Okay I guess I'm kind of confused. They're transferring a parent parcel to these lots that they want to make?

Tatiana Burgess – So according to the information that I could get from the Irrigation District, that's what they have told us, that they received a proposal from Mr. Koehn to have those 13.7 acres transferred from the parent parcel above the canal to the proposed non-farm partition sites. But I'm sure Mr. Koehn can speak more to that.

Applicant Testimony

Sherwin Koehn – That is correct. We are transferring some water from some ground that has water rights on it but are not farmable because of rocky ground and also swamp grounds along the edges of my fields.

Kathy Clarich – Can I have you state your name and your address?

Malheur County Planning Commission
October 22, 2020

Sherwin Koehn - Sherwin Koehn my address is 250 Douglas Road, Ontario, Oregon 97914.

Kathy Clarich – So each of these lots is going to be like 7 acres or 7.5 acres?

Sherwin Koehn – Correct. They will be fairly similar lots in size, approximately 7 acres.

John Faw – There's going to be 14 acres of water rights transferred up there?

Ed Anthony – 13.7.

Sherwin Koehn – Yes, a little bit under 14.

Kathy Clarich – I guess I don't understand why you're transferring the water rights up there instead using it for farming because if you're doing two lots then it's not going to be enough water to farm with.

Sherwin Koehn – Well first of all we have a friend that wants to buy a small farm and have some cattle and he would like to purchase this lot, actually he would like to purchase both lots from us and raise some cattle and so we have ground that is really rocky and rocky hillside and also some swampy ground that for some reason has water rights on them that we don't farm ground because it's just not farmable. So we just transferred the water rights up to there to accommodate him for his little cattle operation.

Kathy Clarich – Anybody else have more questions?

Ed Anthony – So my question is, if you transfer that water right up there, if we're not supposed to take water rights to build houses on, true?

Kathy Clarich – Yes.

Ed Anthony – So all of a sudden that property he didn't have water right all of a sudden has a water right so we're going to be able to get that passed because it's got a water right?

Eric Evans – So I'll kind of sort of either clarify it a little bit or make it a little bit more murky. Technically if this were to do a nonfarm partition on a piece of property that's less than 80 acres but more than 40 acres, is what we have here. You look at the soil composition and at least 90% of it has to be class 6, 7, and 8. 90% of it has to be that and have no water rights. So we're on an undefined through NRCS so we've always kind of went that way because NRCS did not survey this property, so we meet that mark. If they had water rights today on this piece of property it would be a no and would have never made it this far. So you can take that into consideration, what does that mean if they want to transfer it later? I'm not even sure if Owyhee will allow water rights to be transferred to a property that has residential use.

Ed Anthony – So here is my question again... he would have been better off to not even let us know that he was going to transfer that water right, right?

Malheur County Planning Commission
October 22, 2020

Eric Evans – I mean, I don't want to seem like I want people to be underhanded but, yes. I guess the answer is yes.

Ed Anthony – Then he could have done it later and we would have never known. I'm just saying, he's come out and said he's going to transfer that water right up there and what we've done over the years in anything with water rights, we haven't been able to put houses on.

Kathy Clarich – Right.

Tatiana Burgess – At the same time if it's going to go through at the beginning of the calendar year, if by that point the partition is filed and this was now turned to residential we can't get Owyhee (AUDIO BREAKING UP) water transfer. According to that letter they are okay to go through if the property looks as it is today. They are not saying that they would go through if that partition gets approved. It didn't seem like they were aware of that.

Ed Anthony – I'm just throwing out what we've been told over the years. So here's my thing, I don't have a problem okaying it as it is right now. It does not have a water right. Here's my thing... I wish he would not have told us he was transferring that water right up there, now it puts us in a hard situation here, do we okay it or do we not okay it? That's just my comment.

Kathy Clarich – There's not much ground left if he transfers that much water right, there's not that much ground left to put a house on... or two houses on.

John Faw – My quandary on this is similar to Ed's. As it sits today this is a no brainer. It's dry ground, it's above the ditch, two lots, we've got road access... perfect. But once you add the water to it that changes what they can do because then if you want to divide it off you need to go to the dry ground, which is going to be the swampy ground down below where they're going to transfer the water off of.

Kathy Clarich – I've got the same problem with it to.

John Faw – I'd love to see this go forward but I'm not sure that this something we can do. I'm like Ed, I wish we hadn't known that they were going to move water up there.

Ed Anthony – Here's my thing. Let's go at it like this then, let's say there's no water water, we know there's no water right, okay? If we okay it maybe we put in there if they add water right they'll lose there permit. Can we do something like that?

Eric Evans – Make it a condition of approval that they don't transfer water rights on the property?

Ed Anthony – Or leave enough that they have enough to build houses. He's taking 14 acres of water rights up there basically. That's what he wants to build houses on, is 14 acres, right? So maybe he only needs to transfer 12 acres of water right up there or 10 or whatever.

Malheur County Planning Commission
October 22, 2020

Kathy Clarich – That still makes it the same thing for us, if he transfers the water rights and then it's not bare ground anymore, it's farmable.

Sherwin Koehn – I might be a little ignorant here but did I understand that the ground can't be farmed with water or without water? I'm a little confused.

Ed Anthony – Okay, the State of Oregon has a law that says you can't take farm ground out of farm use to build houses on. If you transfer water up to farm that ground, now it's farm ground it's not dry ground. Now we're in a situation do we okay it? Because it's dry ground now and it's going to be farm ground later or do we not okay it because you are transferring water up there. Do you understand what I'm saying?

Sherwin Koehn – I'm just kind of wondering what are you going to do with 7 acres? You're not going to make a living on that.

Ed Anthony – I'm just telling you what the law reads. We've got to go by the law because then they could appeal our decision and then you'll have to fight LUBA, which is something you don't want to do.

Kathy Clarich – Our farms is 7 acres and (INAUDIBLE) has no problem with it. It depends on what you want to do with 7 acres whether you want to farm it or not.

Linda Simmons – What are you going to farm?

Kathy Clarich – I'd put hay out there, it worked for me. At this point is there anybody for this motion?

No Proponent Testimony

No Opponent Testimony

Sherwin Koehn – This is Sherwin and I have one questions. I've been listening with great interest. Someone said, as far as transferring the water, it sounds like I should get back with Owyhee Irrigation if this goes through and see if it's even possible to transfer it to non-farm ground. If it's classified residential is doesn't sound like I can even transfer it.

Kathy Clarich – That would be something you would have to check with Owyhee on. Eric, I have a question for you. Do we want to let him have the time to talk to Owyhee or do we just make a decision and he'll have to live with it?

Eric Evans – Well ultimately that's up to you guys but we can... you guys can have a discussion about any condition you want and the condition could be that he can't transfer any water rights to that because...

Kathy Clarich – If we let him make it residential, you're saying we could put a thing in that he can't transfer water rights to residential?

Malheur County Planning Commission
October 22, 2020

Eric Evans – Yes, I believe so. If I’m wrong hopefully Stephanie would interject but she doesn’t seem to be.

Stephanie Williams – I really don’t think Owyhee is going to let them transfer the water right.

Eric Evans – Right, that’s my thought to.

Stephanie Williams – Maybe this gentleman needs more time to go talk to Owyhee and maybe he wants to reconfigure his partition. I’m not sure.

Ed Anthony – So why don’t we table this until our next meeting. That will give him time to do that and he can think about what he wants to do then. Is that alright with you Mr. Koehn?

Sherwin Koehn – Yes that would be fine. I will check more into this. It sounds like maybe they didn’t know exactly what I was proposing to do.

Kathy Clarich – And you may want to put your lot somewhere else were you won’t have the water.

Eric Evans – And Kathy, we’ll want to continue this to a date and time certain so Tatiana, can you tell me what the date is? November 19th at 7:30?

Tatiana Burgess – That’s something that we were going to discuss with the condition, that’d be a date that you and I had discussed. Yes, it’s November 19th if we receive the approval from the Commissioners that it’s okay to modify our typical date to November 19th at 7:30.

Ed Anthony – Yes we need to do that. If we don’t we’re going to have a meeting on Thanksgiving Day and that’s not going to work.

Eric Evans – Yes, I actually think it’s already set-in stone because I think I already made that commitment to the City of Nyssa.

Kathy Clarich – I think we already approved that.

Eric Evans – Okay. So it would be a continuance to November 19th at 7:30.

Kathy Clarich – Everything is still open to the public.

Ed Anthony made a motion to continue the hearing for application 2020-09-012 to November 19, 2020 at 7:30 PM. John Faw seconded the motion which was unanimously approved by the Commissioners present.

Malheur County Planning Commission
October 22, 2020

Applicant: Ted Cooper (Krystal Stewart, Realtor)
PO Box 1082
Shingle Springs, CA 95182

Owner: Truett Hearn
4460 Highway 201
Ontario, Oregon 97914

Conditional Use Application for one Non-Farm Dwelling, Planning Department File No. 2020-09-014.

Kathy Clarich - Now is the time to hear the request for a conditional use permit for one non-farm dwelling in Exclusive Farm Use zone, for applicant Ted Cooper, Planning Department file 2020-09-014.

Ed Anthony - Kathy, I'm going to have to abstain from this one because my wife is the realtor that's working on this property.

Tatiana Burgess - I guess I need to ask if any other commissioners if they have an ex parte communication to disclose?

Kathy Clarich - I'm very aware of this place. I've known this place for a long time.

Preliminary Staff Report: Read by Malheur County Planning Department Assistant Director, Tatiana Burgess.

Tatiana Burgess - This is Planning Department file 2020-09-014, proposal for a conditional use permit for one non-farm dwelling. The applicant is Mr. Ted Cooper, represented by Krystal Stewart, Realtor. Mr. Cooper's mailing address is PO Box 1082, Shingle Springs, CA 95182. The current owner of record is Mr. Truett Hearn, 4460 Highway 201, Ontario, Oregon 97914. The property is identified as Tax Lot 101, on Assessor's Map 17S47E21, Malheur County Reference 18917. The property has direct access off of Highway 201 and is zoned Exclusive Farm Use. The current parcel size is 10.35 acres. It is currently vacant and the properties surrounding it to the north and south have non-farm dwellings on them. The properties that are directly east, across from Highway 201, are currently zoned Rural Residential. There will be a DEQ sanitation system required for the non-farm dwelling. The property is within the Ontario Rural Fire Protection District. On that note, we did receive a letter from Ontario Fire Chief past the time that we submitted the packets to you that we will need to introduce into the record with a couple of things that the Fire Chief has mentioned. There are 6 acres of water rights on this property and the majority of soil on the property are class I with a small portion of class III soil on the northwestern side of the property. Most of the property is in the flood plain.

Previously this had been part of conditional use permit no. 1995-9-28-4. At that time the conditional use permit was a proposal for two non-farm partitions and two non-farm dwellings. The property was split up and the partition was executed on partition plat 96-08. Subsequently the conditional use permit a 12 month extension, however, there was never a non-farm dwelling

Malheur County Planning Commission
October 22, 2020

built through that permit, so the permit expired. Part of the conditions of that previous conditional use permit approval, the property has been disqualified for farm use for tax valuation and it has been assessed at the real market value for taxing purposes since 1996 so there would be no tax penalty due.

In regard to the access, the property will be accessed through a shared driveway that is between this property and the property that is directly south of this which is currently shared with the owner, Mr. Truett Hearn. I have outlined in the letter from the fire Chief that there will be some conditional standards that have to be executed and we would recommend that we would put that in our conditions of approval. At this time, the only thing that I would have is to read this letter into the record.

Eric Evans – How about I read this into the record? This is a letter dated October 18th from the Ontario Fire Chief, Terry Laten. It says, ‘Hello Krystal and Ted. I have reviewed the overhead map of the property and I see some issues for the Fire Department with access. I have attached the International Fire Code standard for access roads. This is based on the 2018 IFC or 2019 Oregon Fire Code. The Oregon Code and IFC state the minimum access width to be 20’ up to 500’ in length and 26’ for over 501’ long. In parenthesis he has (D 103.4). I have researched some other departments in the State, and they allow for, if the access road feeds only two residences or no more than four structures, they allow they access road to be only 12’ wide with turn-outs provided every 400’. The turnouts must be 10’ wide in addition to the 12’ access road and a 30’ long 10’ taper on the ends, this allows two fire apparatus to be able to pass each other. The access to this property travels using a shared road that appears to be longer than 500’ long and then the access road on the property could easily be in excess of another 500’ long. I would allow this style of access road as long it also includes one of the Oregon Fire Code approved dead end fire apparatus access road turn arounds, as shown on Appendix D, including the turn around portions to be required 20’ width. The access road cannot have a grade steeper than 10% and has to have a required vertical clearance of 13’6”. A residence built on this site will need to meet NFPA 1142 fire flow requirements.” We have this marked as Exhibit 4, for the record.

Kathy Clarich – Okay, is Krystal here?

Krystal Steward – Yes, I’m here.

Kathy Clarich – Why don’t you explain a little more about the plan for this property.

Krystal Steward – So the plan for the property would be to go down about half way from the main road 201 to the water and have a cabin built and a place to park his horse trailer. He would like to fence around the whole property, obviously not the river side, and then have trees planted along the property also. He would like to run his cows or horses on the plat closes to 201 and enjoy some fishing.

Kathy Clarich – Okay. Somewhere I saw that he’s planning on having an RV spot.

Krystal Steward – That would be next to the house. That would be like the RV/horse trailer parking spot. So yes, I guess the horse trailer does have RV in it.

Malheur County Planning Commission
October 22, 2020

Kathy Clarich – So it's not somebody that's going to be staying in it or anything?

Krystal Steward – No, that would be for his travels. He shows horses and so he travels quite a bit. He'd park there and then stay in the cabin and then get back in the horse trailer and RV and go back to wherever he is going.

Kathy Clarich – So he's planning on building in an area that's flooded before.

Krystal Stewart – Correct. He does know that it's the flood plain.

Kathy Clarich – Isn't that ground there irrigated?

Tatiana Burgess – There are 6 acres of water rights. Our understanding was that it would be built outside of the irrigated area. I'm not sure if it's actually being utilized at the time.

Krystal Stewart – No, it is not.

Kathy Clarich – It doesn't matter, it's still farm ground, it still has water rights attached to it. It even has... they grew grass there for years and years, or sod, it was like a sod farm. It is class one soil, that's why I'm like... (INAUDIBLE) to be built on would be this spot up along the highway where they have the waters rights to it. Does anybody else have...

John Faw – Is it one parcel, 101 and 102, are they covered under the same deed creating one parcel even though we've got two tax lots?

Tatiana Burgess – They were separated out, so that was the original parent parcel. You can look at Exhibit 3, that partition plat outlines what that original parent parcel before 1995 looked like. It was split up essentially into 3, it retained the original parent parcel and then two non-farm partitions at that time which was 101 and 102.

John Faw – So this 101 is actually a separate stand alone parcel even though its covered under an existing deed covering multiple parcels?

Tatiana Burgess – Right, so it was created as a separate parcel. I think it's still currently owned by the same person so that's why it might be under the same deed but they were split up into three distinct parcels at that time, through that conditional use permit.

John Faw – When they did that partition, is that when they built the house on 102? Is that when that residence and shop was built?

Tatiana Burgess – Shortly thereafter, yes. When they were granted the original approval it looks like part of that they had requested a 12 month extension as... I didn't find a lot of information but either they hadn't made significant progress or for some reason they had requested that extension. That's the time frame that house was established on there but then nothing was built on the first proposed partition at that time.

Malheur County Planning Commission
October 22, 2020

John Faw – So that house was approved to go down in the farmable portion of that land?

Tatiana Burgess – Yes. We do have a copy of that conditional use permit. We have the original approval. I can't speak to how and what criteria they used at the time but yes, it was approved to be split up into two non-farm partitions and two non-farm dwellings.

John Faw – With that being the case, can we deny them the ability to do the same thing they've already done?

Eric Evans – If they had a conditional use permit back in 1995, then that conditional use permit expired in 1999 and potentially had 2 years, so at least in 2001. At this point in time they are more or less working from scratch but it's really up to you guys what you want to do. They do have these legal units of land (you can see on that partition) and it's whether you guys want to allow them to put a residence on it or not, a dwelling.

Clark Forsyth – I just want to make sure I understand the lay of the land here. So, this is the old sod farm that you're talking about, did I hear you say that Kathy? So there's that gravel driveway the house is, if you're facing the river, the big house on the right with the barn and everything? So they're talking about, they want to build on the left side of the driveway where the sod was planted before?

Kathy Clarich – Yes.

Linda Simmons – I'm still confused about the water right thing.

Kathy Clarich – There's water rights to it. There's a little section up at the top that doesn't have the water right, if I remember right. We don't even have a map of the water rights that I can see.

Clark Forsyth – There hasn't been water on it for probably 15 years.

Kathy Clarich – Owyhee says they still have it so...

John Faw – Is this Owyhee water or a state permit out of the river?

Kathy Clarich – Owyhee says that they have 6 acres.

Eric Evans – Isn't the map on part of Exhibit 2? The second page... yeah there you go.

Kathy Clarich – That (INAUDIBLE) everywhere that they've been watering it but okay. I guess we don't have a plot plan or anything showing us where they want to build the house other than just a drawing that has, I guess a road and then it says cabin and then something else. Can you put a septic system in a flood plain?

Eric Evans – Yeah. The rules talk about minimizing it but yeah you can. What the reality that they're going to be facing with as much as a flood plain in this area is where the water level is at. I've never done any test holes on that side of the river right there, so I don't know what they're

Malheur County Planning Commission
October 22, 2020

going to find for ground water down there. I'll throw this up here because you're talking about flood plain, I will show you the map with that.

John Faw – What I'm seeing here is that other house that was already built on the other tax lot is in the flood plain as well.

Kathy Clarich – Yes.

Eric Evans – Is that one to the north of this property?

Tatiana Burgee – That one is directly south of 102.

John Faw – Well that one was approved. Have our rules and regulations, what we can and cannot do, has that changed dramatically since the first one was approved? It predates me by a long time.

Eric Evans – So this was back in 1995. I want to say that they may have done some changing in 2001. Stephanie might know that. She did say in the chat box that she doesn't remember.

Kathy Clarich – I don't know because we've had discussions before on the ones in the flood plain and I don't remember approving them, because of that.

Eric Evans – I don't have a lot of comments about flood plains stuff. I do know that, as of right now, we try to make sure that we adhere to the flood insurance programs rules.

Kathy Clarich – Do you know what the flood plain development permit is?

Eric Evans – Yes, I administer it. I'm the Flood Plain Administrator for the County. I administer the FIP for Malheur County and the city of Jordan Valley. We recently adopted a new flood plain ordinance and it's all stipulated out in that what they have to do. Most of the time, if they're putting in a house, they're talking about anchoring and putting in venting if it's a house on a foundation and stem walls, an elevation change.

Clark Forsyth – Eric, what year is this flood plain in? Is this the 100 year or the 500 year?

Eric Evans – What you're looking at right there is the 100 year, that's a 1% annual flood plain. Every year there's a 1% chance that that could happen.

Clark Forsyth – I was going to say, I've never seen that parcel flood but I've seen down at the other end.

Eric Evans – There's a property down the road where they put a... there was a manufactured home there, they put a newer manufactured home. We did a letter of map amendment that allowed them to build a house and basically designated that building site outside of the flood plain. It was proven with a survey that it was above that flood plain. Is it possible to do right here? I don't know, I don't know anything about it.

Malheur County Planning Commission
October 22, 2020

Kathy Clarich – If you map back to 101, that little section up in the north west corner is an elevated area if I remember right. I think that's why it's out of the flood plain. While we're thinking on this let me ask if there's anybody here that is for this application. Is there anybody here that's opposing this application?

No Proponent Testimony

No Opponent Testimony

Closed to Public Testimony

Kathy Clarich – What do you guys think?

Clark Forsyth – I guess my first question is, is there a rule that... some of you are making it sound like it's something we can't do or is it something we can do. I'm not quite sure. People can build in a flood plain if they want to jump through the hoops can't they?

Kathy Clarich – Yeah, I think they have to meet all the conditions and stuff but it's whether they can get, if they finance it or try to sell it later they may not be able to...

Clark Forsyth – I understand that but that's their issue. That's not something that we have to consider is it?

Eric Evans – We have it as a condition of approval that they have to get a flood plain development permit. I mean, let's be honest, they have to anyways, it's a County Ordinance.

Kathy Clarich – We can make a condition that it's not in any of the irrigated areas too, right?

Eric Evans – Yes.

Kathy Clarich – Because there's about 4 acres that doesn't have water rights, unless it has river water rights. Nobody said anything about that.

Tatiana Burgess – I can definitely double check with the State Water Master but I don't believe that it does.

Kathy Clarich – Okay, what do you guys think?

John Faw – I'm thinking the house just south of this one was already done, exactly what they're trying to do here, under similar rules and regulations of what we've got today, which kind of jumps in the face of what we've been told we could do but it's been done so we can't say that it can't be done because it has been.

Kathy Clarich – But we could put conditions in.

Malheur County Planning Commission
October 22, 2020

John Faw – Because personal opinion is this ought to be developed. We need some residential, more residential in this country. Here's a parcel and it's on the river, there's no way to make it a bigger farm. It's a hobby farm, it's a toy.

Rob Kindschy – I kind of agree. It has 6 acres of water right, there's 10 acres that leaves 4 acres, even if they needed to move a little bit of the land around or the water rights, where it is on it. Is still give them plenty of room to build as long as they don't run into flood plain trouble.

Linda Simmons – I think that the fact the one right next to it, it's like John said, it doesn't make sense that we don't do the same thing that's been done there because there is a precedence, just like in the Supreme Court.

John Faw – The thing is, this was done in '95 originally and laws can be changed in between too. But I just don't know how much they have changed because it all predates me and I don't have that history.

Kathy Clarich – The only other one that I can remember during my time was one that close to the Malheur River but they had to put the house up out of where the flood plain was, that was what we had stipulated at that time, that it had to be up above the flood plain because they were going to sell the lot.

Clark Forsyth – This is just one lot. They're not building this into a subdivision, this is just to put one house on, right?

Kathy Clarich – Well it's already subdivided.

Clark Forsyth – What we're looking at tonight is just for another residence.

Kathy Clarich – Right.

John Faw – (INAUDIBLE) houses in flood plains down in that Annex country and it can be done because they do it.

Clark Forsyth – There's hoops to jump through but they're aware of that. If they're aware of it then go for it.

Kathy Clarich - Okay so back in '96 they divided into parcels but one stayed (INAUDIBLE) lot 2 so is that the one, Tatiana, that you're not sure if it's actually separated on a deed or anything?

Tatiana Burgess – What I was trying to say is that ownership wise, Mr. Hearn, still owns the property to the south and owns this property as well. So ownership wise from a legal parcel stand point they are independent of one another. They have been divided out.

Kathy Clarich – Okay so this would have been in '96 so that's why I was questioning that.

John Faw – If there's a way, I would like to move forward.

Malheur County Planning Commission
October 22, 2020

Kathy Clarich – Tatiana, do you want to go through the conditions?

Tatiana Burgess – The proposed conditions as we have them right now, they would all have to be respected. One thing that I wanted to address, again after receiving the letter from the Fire Chief, that is not currently outlined but we will need to create that access to satisfy the Fire Chief's requirements for the access road. Again, it's owned by Mr. Hearn on both sides but if this sale goes through Mr. Cooper will have to get an easement from Mr. Hearn to access the same driveway. As you guys were discussing, if you would like to propose for the building site to be outside of the irrigated area we can definitely add that in as well.

John Faw – We'd need to have the easements and road agreements in there as well, that they be in place. Because any time you get two separate people sharing an access point, you've got a hunk of road that's got to be somebody's. We can't create it without an access point and I don't know whether or not ODOT would grant them another access point off of 201.

Tatiana Burgess – So the access point that ODOT was referencing to (there's a letter from them included) they were talking about the same location right there that is directly on the property line. So they've already have got the permit approval from ODOT so I believe that ODOT was recognizing the same access point for both pieces.

John Faw - But we need an easement then and a road maintenance agreement.

Tatiana Burgess – To get an easement and maintenance agreement for the access point and then to make sure that it satisfies the conditions from the Fire Chief as well.

Kathy Clarich – I would like to put a condition that it not be built on the ground with water rights.

Clark Forsyth – Are you saying that you want a house up on that corner?

Kathy Clarich – I just said that's one place that they could build it where it would be out of the flood plain.

Clark Forsyth – Now you're talking about irrigatable land, two different things. So this whole parcel is irrigated if I remember correctly.

John Faw – Not quite.

Kathy Clarich – 6 acres of the 10 has water rights.

John Faw – Would it not be possible then to move some of this water right around still accomplish what we're trying to do, not take any land out of production?

Kathy Clarich – I don't know if he'd be able to move it around because it's a residential lot.

Malheur County Planning Commission
October 22, 2020

Clark Forsyth – Are you saying on this piece of ground here he can only put water on certain parts on it?

Kathy Clarich – I don't know Clark.

Clark Forsyth – I just looks like it's all been farmed at one point in time.

Kathy Clarich – It was all farmed. Maybe they had water rights from the river also, I don't know.

Tatiana Burgess – The current water rights map we have is in Exhibit 2. So what you're saying Kathy, is to have a house built outside of that colored in area?

Clark Forsyth - So the light green is the water right?

Tatiana Burgess - Right.

Clark Forsyth - Well they could probably still build a house then down by the river. I didn't know they were after sites on there on water tracking rights.

Eric Evans - That's actually the same exact map that if I look at the map from '95 it's not as technological as the map but it's the same map pretty much.

John Faw made a motion to approve the staff report and findings of facts. Linda Simmons seconded the motion which was unanimously approved by the Commissioners present with the exception of Ed Anthony, who abstained from the vote.

John Faw made a motion to approve one non-farm dwellings with the additional conditions; procurement of easement and road maintenance agreement, fire safety requirements for the access and that they build outside of irrigated land. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of Ed Anthony, who abstained from the vote.

Applicant: Jimmy R. Belnap
1764 3rd Avenue East
Vale, Oregon 97918

Conditional Use Application for One Non-Farm Dwelling and One Non-Farm Partition, Planning Department File 2020-09-013.

Kathy Clarich - Now is the time to hear the request for conditional use permit for one non-farm dwelling and one non-farm partition in exclusive farm use zone for applicant Jimmy Belnap, Planning Department file 2020-09-013.

Malheur County Planning Commission
October 22, 2020

Do any members of the County Planning Commission need to abstain?

- a. Ed Anthony.

Do any members of the County Planning Commission have any conflicts to disclose?

- a. None.

Do any members of the County Planning Commission have any bias to disclose?

- a. None.

Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?

- a. John Faw
- b. Kathy Clarich.

Does anyone object to any members of the Malheur County Planning Commission hearing this application?

- a. There are no objections.

Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?

- a. There are no challenges.

Preliminary Staff Report: Read by Malheur County Planning Department Assistant Director, Tatiana Burgess.

Tatiana Burgess - Alright. So this the conditional use permit for one non-farm partition and one non-farm dwelling, Planning Department file number 2020-09-013 for the applicant Jimmy Belnap at 1764 3rd Avenue East, Vale, Oregon 97918. The property is identified as Tax Lot 1300 on Assessor's Map 18S45E, Malheur County Reference number 13688. The property is entirely zoned in exclusive farm use and its current size is 155.39 acres. There is a current dwelling on the property. The access point will be via 3rd Avenue East off of Highway 20-26. A DEQ approved sanitation system is already in place for the current house. The property is within the Vale Rural Fire Protection District. There are water rights for the parent parcel for through Warm Springs Irrigation District however, there are no water rights attached to the proposed partition site and there is a letter attached. The soil for this property is primarily class III and there is an insignificant amount of class I and class IV soils for the parent parcel. In 2018 the subject property was a part of a property line adjustment, Zoning file number 2018-04-017. That was a property line adjustment with the neighboring Tax Lot 1400, County Reference number 13690. As indicated in their cover letter submitted with the application, the applicant has waived their rights to a secondary non-farm partition at this site. So they are just wanting to split off the current and existing dwelling from the farm.

Kathy Clarich - So Mr. Belnap, please state your name and your address and tell us what your plan is.

Derrick McKrola - This is Derrick McKrola, Land Surveyor. I'm here to speak on behalf of Jimmy Belnap, he is here and is welcome to add any comments and answer questions if need be. Jimmy Belnap's request is super simple. You've got the parent parcel, 155 acres, and what we want to do is just separate the home site as a non-farm partition and a non-farm dwelling from the farm. Jimmy, can correct me if I'm wrong, is going to resign from operating/owning the farm and hoping to sell, tentatively, to his neighbor. We could not substantiate the opportunity to

Malheur County Planning Commission
October 22, 2020

create a second parcel so we waived that right for that, most of the ground is farmed and irrigated. The 2 acres that we're asking for is not irrigated and it's an existing home site. Other than our request that it be a non-farm partition and a non-farm dwelling there shouldn't be an impacts to the surrounding areas and operation of the farm. I want to note the Fire Departments letter, in the first paragraph they indicate that it's in good standing and I believe the second paragraph may have been cut from a previous letter and I believe it's in error such that the property does have an existing home and driveway. According to the County Road Department letter has no objections, that there's adequate access from the county road there. The irrigation district also indicates that the proposed area does not have irrigation. That's all we have.

Kathy Clarich - Does anybody have any questions? If not, is there anybody that is in favor of this action?

Proponent Testimony

Ed Anthony - I'm going to speak for Jimmy Belnap now that I've abstained. He's lived there for what 30 years? 40 years. What he is doing is selling his farm off and is going to retire and wants to keep his home site.

Eric Evans - I would like you to make it clear that you're doing this as a citizen and have had no ex parte conversations with other members of the commission.

Ed Anthony - I'm doing this as a citizen and I've had no ex parte communication with any commissioners. I just want to make that statement, that he just wants to have his house so he can still live in the same area he's lived his whole life. Thank you.

Kathy Clarich - Is there anybody else in favor of this action? Is there anybody in opposition to this action?

No Opponent Testimony

Closed to Public Testimony

Kathy Clarich - I don't know about you guys but I don't have a problem with this one.

John Faw - Looks really good to me.

John Faw made a motion to approve the staff report and findings of facts. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of Ed Anthony, who abstained from the vote.

John Faw made a motion to approve one non-farm dwelling. Linda Simmons seconded the motion which was unanimously approved by the Commissioners present with the exception of Ed Anthony, who abstained from the vote.

Malheur County Planning Commission
October 22, 2020

John Faw made a motion to approve one non-farm partition. Clark Forsyth seconded the motion which was unanimously approved by the Commissioners present with the exception of Ed Anthony, who abstained from the vote.

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: Kathy Clouch Date: 11-2-2021



ONTARIO PLANNING COMMISSION MEETING MINUTES
Monday, April 12th, 2021

The Ontario Planning Commission was called to order at 6:10 pm in the Council Chambers of City Hall. Commission members present in- person were: Max Twombly, Cydney Cooke, John Breidenbach, and Blu Fortner. John Hall was attending via video conference. Ralph Poole was excused and Ruben Hernandez was absent.

Members of staff present in person: Dan Cummings, Community Development Director, Marcy Siriwardene, Building Official, Marc Berg, Planning Technician, Ex-Officio Adam Brown (City Manager), and Mayor Riley Hill (attending in the audience). City Council Ex-Officio Eddie Melendrez attended via video conference.

Consultants attending via video conference: Greg Winterowd (Winterbrook Planning), Nick Foster (Kittelson & Associates), Cheryl Jarvis-Smith (ODOT), and Matt Hastie (Angelo Planning Group).

The meeting was video recorded and is digitally stored with the City of Ontario. The meeting agenda was posted on the city website. The Agenda for this meeting was emailed on or before April 5th. Copies of the Agenda were available at the City Community Development Center.

MEETING ATTENDEES

Ralph Poole	Co-Chairman	Absent
Max Twombly	Co-Chairman	In attendance
John Hall	Commissioner	Attending via ZOOM
Ruben Hernandez	Commissioner	Absent
Cydney Cooke	Commissioner	In attendance
Blu Fortner	Commissioner	In attendance
John Breidenbach	Commissioner	In attendance
Adam Brown	Ex-Officio	In attendance
Eddie Melendrez	Ex-Officio	Attending via ZOOM
Dan Cummings	Community Development Director	In attendance
Marcy Siriwardene	Building Inspection Official	In attendance
Marc Berg	Planning Technician	In attendance
Riley Hill	City Mayor	In the audience
Nick Foster	Consultant	Attending via ZOOM
Cheryl Jarvis-Smith	Consultant	Attending via ZOOM
Matt Hastie	Consultant	Attending via ZOOM
Greg Winterowd	Consultant	Attending via ZOOM
James Grissett	Public Comment	In the audience

Max Twombly, Vice-Chairman, led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

Blu Fortner moved, seconded by John Breidenbach, to adopt the agenda as presented. Roll call vote: Rodriguez-out; Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Cooke-yes; Poole-out. Motion carried 5/0/2.

PUBLIC COMMENT

Riley Hill, Ontario Mayor, requested to address the commission and requested that the transportation plan be amended. Dan Cummings, Community Development Director, suggested that Mayor Hill's comments be addressed later in the meeting, after the commission had heard the staff report.

Another request for public comment was made for items not on the agenda, from anyone attending the meeting via video conference. No requests were made.

OLD BUSINESS

Vice-Chairman Twombly asked Mr. Cummings for an updated staff report (for 2020-01-02CPAMD-ZCA).

Mr. Cummings explained the city received comments back from the State of Oregon and other housing advocates; regarding the city code changes previously proposed. Revisions included in Attachment 1 "Revised Findings of Facts" prepared for this meeting.

Previously approved findings and recommended revisions found in the portions of the report describe Accessory Dwelling Units (ADUs). The concerns that arose involved the legality of a manufactured home as an accessory dwelling. Mr. Cummings explained that current city codes allow for a manufactured home to be the principle dwelling on a residential property. Mr. Cummings elaborated on Oregon State rules, that "manufactured" home construction was distinct from traditional home construction. HUD housing requirements could be met, but not necessarily meet the structural building codes.

Corrections in the amendment should clarify the terms for what constitutes an accessory dwelling: 1) ADUs must be smaller than the principal dwelling and 2) a maximum square footage of 900 sq ft. Existing city codes for dwellings (outside of a mobile home park) must be minimum 1,000 sq ft, a "double-wide," sitting on a concrete foundation, etc.

Mr. Cummings submitted a letter from the Fair Housing Council of Oregon (FHCO) for the public record, who then read the letter written to the planning commission.

April 11, 2021

City of Ontario Planning Commission

RE: 2020-01-02CPAMD-ZCA

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO congratulate the City on the completion of 2020-01-02CPAMD-ZCA, addressing the state requirements within Oregon House Bill 2001. Additionally, the Goal 10 findings are well written, and a good example of a conscientious planning staff. However, both HLA and FHCO caution the City regarding the combination of a max size limitation on Accessory Dwelling Units (ADUs) of under 1,000 square feet, paired with a prohibition on manufactured housing below 1000 square feet in size. The combination effectively bans manufactured housing as ADUs within the city, and its legality is a current open question. We encourage the City to further review these requirements and remove them if they would be a barrier to providing needed housing.

Thank you for your consideration of our comments.

Sincerely,

Allan Lazo

Executive Director

Fair Housing Council of Oregon

Mr. Cummings said the city reviewed these concerns with the state and with legal counsel. The city staff felt the code changes were sufficient in how they were written; but the size limitations will ultimately be up to the Planning Commission and the City Council to approve it. Mr. Cummings said future code changes would always be possible through additional revisions, such as the ones presented this evening. Additional details could be found in the report submitted to the Commission.

Commissioner Breidenbach asked if this was the same report presented in the previous meeting.

Mr. Cummings replied the report was the same, with the addition to the ADU clarifications. Staff recommendations preferred not to have manufactured homes as the accessory dwelling unit. For example, if a lot had a principal dwelling that was a manufactured home, then any ADU built on that lot would have necessitated a "tiny home" or small home structure to meet standards. These were not restrictions on having a manufactured home on a lot, only with having a secondary (or ADU) on the property. A small home could be built off-site, but still must meet Oregon Specialty Residential Code requirements. City staff felt that Ontario has plenty of lots for manufactured homes, if built as the principal dwelling.

Vice-Chairman Twombly said he appreciated the efforts that city staff had put into this proposal.

Mr. Cummings wanted to know if the public had any comments before the commission made a decision.

Vice-Chairman Twombly asked for any additional questions from the commissioners.

Commissioner Cooke asked if the restrictions were on specific types of manufactured housing.

Mr. Cummings replied that these restrictions were already in the code, but the wording on ADUs was unclear. He said: *It was unclear whether you could legally have two manufactured homes on the same site.* (If one principal dwelling on a lot was a manufactured home, any ADU construction should not be manufactured home construction). Mr. Cummings added that any exceptions would be with how a property was zoned.

Commissioner Cooke asked: *So, Isn't that what we had the first time? What wording exactly did they have an issue with?*

Greg Winterowd, consultant from Winterbrook Planning (attended online) replied that the confusion came with the terminology of "site built." The objection was "why should the city care if the construction was built on site or not," if the home met building codes. (audio undecipherable) The policy has not been changed.

Vice-Chairman Twombly asked for any additional questions from the public.

Mr. James Grissett, resident of Ontario, addressed the commission. Mr. Grissett stated he would be starting some redevelopment (4-plex) on North Oregon Street. He felt the code amendments allow for more affordable housing in the community. His goal was to provide more home ownership and not just rentals and to keep housing affordable to those who would not normally afford it.

APPROVAL OF REVISED FINDING OF FACTS FOR PLANNING ACTION 2020-01-02CPAMD-ZCA

Cydney Cooke moved, seconded by Blu Fortner, to revise the Finding of Facts for Action 2020-01-02CPAMD-ZCA. Roll call vote: Rodriguez-out; Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Cooke-yes; Poole-out. Motion carried 5/0/2.

PUBLIC HEARING FOR PLANNING ACTION 2020-02-07CPAMD: A REQUEST BY THE CITY OF ONTARIO TO ADOPT THE ONTARIO ACTIVE TRANSPORTATION PLAN AS A REFINEMENT TO THE TRANSPORTATION SYSTEM PLAN AND AMEND TITLE 10-COMPREHENSIVE PLAN, TITLE 10A-SUBSTANTIVE ZONING REGULATIONS, AND TITLE 10C-SUBSTANTIVE REGULATIONS FOR LAND DEVELOPMENT OF THE ONTARIO MUNICIPAL CODE TO IMPLEMENT THE ACTIVE TRANSPORTATION PLAN.

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

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

SUMMARY:

The Active Transportation Update and East Idaho Avenue Refinement Plan (ATP) provides long- range guidance to ensure the City of Ontario has adequate planned transportation facilities to support planned land uses over the next 20 years. The ATP will update and refine the City's Transportation System Plan (TSP), adopted in 2006, and last amended in 2009.

When Planning Action 2021-02-07 CPAMD is approved, the ATP will be adopted as a refinement to the Comprehensive Plan, of which the ATP is a part, and the municipal code will have been amended to implement the ATP.

BACKGROUND:

The City of Ontario has been undergoing a planning process to comprehensively update the Active Transportation Plan as a refinement to the City's Transportation System Plan.

The City of Ontario has been undergoing a planning process to create the ATP. The ATP will strategically update the City's Transportation System Plan (TSP) – the transportation element of the City's Comprehensive Plan – with a focus on promoting active transportation modes such as walking, bicycling, and riding transit. The current TSP was adopted in 2006 under Ordinance #2560-2005, with refinements occurring in 2009 under Instrument #2627-2009 and 2630-2009 and in 2014 under Ordinance #2694-2014. The ATP will further refine the TSP to build on the City's successes while proposing active transportation improvements to better achieve community values related to mobility and safety.

The ATP identifies needs by pedestrian, bicycle, and transit modes through community feedback, technical analysis (i.e., level of stress and qualitative multi-modal analyses), and previous work by the City to develop Safe Routes to School networks. High priority transportation solutions proposed to address those needs include new and upgraded bicycle and pedestrian facility projects throughout the City. It also includes a refinement plan for the East Idaho Avenue corridor that identifies corridor specific improvements to improve multi- modal connections to downtown and also provide streetscape enhancements.

CURRENT SITUATION:

Request: Approval of the following two proposed actions pertaining to adoption of the 2021 Active Transportation Plan.

- 1. Adoption of the 2021 Active Transportation Plan (ATP): Volume 1 by reference as a refinement of the Transportation System Plan under Comprehensive Plan Transportation Objective 11 – Development of Refinement Plans*
- 2. Ontario Planning and Zoning Development Standards to amend Section 10A-31-10 (Conditional Uses), Section 10A-31-30 (Special Use Limitations), Section 10A-57-55 (Landscape Performance Standards), Section 10A-57-75 (Parking Spaces Required for Group A Uses), Section 10A-57-80 (Parking Spaces Required; Group B Uses), Section 10A-57-210 (Design Standards), Section 10C-25.04 (Bicycle and Pedestrian Standards), and Section 10C-25.08 (Street Standards)*

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1 FINDING OF FACTS BY ANGELO PLANNING GROUP MADE A PART HEREOF:

The proposal 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.

Conclusion: *All criteria and standards applicable to a change in municipal code have been met. A request for the code amendments may be recommended for approval or denial by the Planning Commission to the City Council, if all applicable decision criteria and standards are able to be met through appropriate review. This request presented to the Planning Commission infer the criteria and standards have been met in order for the request to be recommended for approval.*

Conditions of Approval: (List Conditions)

- 1. . NONE*

ANALYSIS:

- A. **STRATEGIC PLAN** *This action is consistent with the City Council Strategic Plan by improving existing infrastructure and providing new or improving existing multi-modal facilities.*
- B. **FINANCIAL** *The Transportation Growth Management (TGM) program – a partnership between DLCD and ODOT – provided a grant to aid in the development of these codes and the City Council approved a budget amount as matching funds for these code changes as well as other changes to the City Code.*
- C. **TIMING** *Adoption of this action will become effective 30 days after approval by the Ontario City Council.*
- D. **POLICY/LEGAL** *The recommendations for this land use action are in compliance with Statewide Planning Goals.*

ALTERNATIVES:

- 1. *The Planning Commission could table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.*
- 2. *The Planning Commission could deny the action by determining it is not in the best interest of the public to recommend the changes.*

RECOMMENDATION:

Staff recommends the Planning Commission approve the action.

ATTACHMENTS:

- 1. *Attachment 1 Code Consistency*
- 2. *Attachment 2 Proposed Code Changes*
- 3. *Attachment 3 Draft Ordinance*
- 4. *Attachment 4 Active Transportation Plan*

Mr. Cummings explained the city was attempting to update their Transportation System Plan (TSP), which was primarily focused on the area around East Idaho Avenue. The Oregon Department of Transportation (ODOT) awarded the city a grant and consultants were hired. Both City Council and the Planning Commission had sat in on joint meetings for this project. Mr. Cummings added that the same consultants who presented before would be sharing a condensed version again this evening.

Nick Foster, consultant from Kittelson & Associates (attended online), presented a PowerPoint presentation via Zoom. Mr. Foster said the other consultant involved were grant manager Cheryl Jarvis-Smith from ODOT and land use codes consultant Matt Hastie from Angelo Planning Group. Mr. Foster covered key points from the previous presentation given at a prior commission meeting.

Mr. Foster explained the project had two parts, as well as the implementation. The grant was funded in order to update the 2000 TSP, which included two overall plans 1) the refinement plan 2) the city-wide application plan. This project started over a year ago. Public outreach was also sought, much of it was done online. Aug/Sept marketing had not been completed. They also did local school virtual workshops. The project website was online.

Mr. Foster described the East Idaho Avenue plan, from Interstate Highway 84 (I-84 or Vietnam Veterans Memorial Highway) over to the Snake River. Plans would include the widening of the road, provide additional turn lanes, and to make connections for walking, biking, etc.

Mr. Foster said the Active Transportation Plan was city-wide and included projects for walking, biking, and connections to bus services. There were plans for new roads and sidewalk improvements around schools and to the downtown area. The project included better access over the highway (I-84) on Idaho Avenue and on 5th Avenue (with a new bike lane along 5th Ave). Mr. Foster said that in the long-term, plans would involve access over the railroad (Union Pacific Railroad), water collection and water drainage.

Matt Hastie from the Angelo Planning Group then presented. Mr. Hastie said that these efforts go towards the city's Comprehensive Plan. Suggestions would be to improve opportunities for mixed-use development, to put housing closer to where services and amenities are located, and to improve the experience for bikes and pedestrians. Safety, landscaping requirements, off-street parking, etc. were all considered in the code amendments. Examples would be connecting businesses with sidewalks and/or

streets. These suggestions would apply to new development. Landscaping requirements should give the city some flexibility and minimize irrigation and water use. Mr. Hastie added that parking requirements were not changed much, only to reduce the number of spaces to lower development costs. Street design standards were shown in the updates, as seen in the graphics, which would also go into the code changes.

Mr. Cummings asked if there were any questions for the consultants. The commission could then discuss Mayor Hill's suggestion of an overpass (along SE 18th Avenue to the Idaho state line).

Commissioner Cooke asked: *How much of the feedback that was received during the different presentations of this plan? What is the overall consensus from that feedback?*

Mr. Foster said, lots of feedback had been given on the East Idaho Ave area and that most people surveyed were supportive of the project. Many liked the idea of widening the streets and had wanted traffic moved (in a future project). Several comments brought up areas around schools (for sidewalks and crosswalks). Alameda Elementary (located at 1252 Alameda Drive) was another concern, where families wanted the ability for kids to safely walk to school.

Commissioner Cooke asked why the area around East Idaho Ave had been selected as a "top priority" or a location of emphasis for this study. She referred to the consultant's previous presentation to the commission, which included a list of locations considered as a higher priority from which the city could select. She asked if East Idaho Ave was not in the "top 10" then how did this location get selected as a location of emphasis.

Mr. Foster replied, the grant money was contingent on locations specified by ODOT.

Cheryl Jarvis-Smith (ODOT) said, the city had put in the request that the study look at refinements for the East Idaho Ave location. This included opportunities for streetscape improvements, but the TSP portion of the project is more city-wide. Ms. Jarvis-Smith added that the city had been innovative and was able to incorporate both pieces into this grant.

Commissioner Cooke asked if this grant money coincided with the Safe to School grant (ODOT Safe Routes to School Infrastructure Program grant or SRTS).

Mr. Cummings said that the SRTS was a different grant.

Adam Brown, Ontario City Manager, stated: *If I might add to that. In the city, the East Idaho Avenue I believe is the fastest area of growth, where the traffic is changing most dynamically at that point than most other parts of the city. We've quickly outgrown turn-ways. Pedestrian access was important, too, for people who shop or walk to work in that area. I think the rate of growth on that part of town was an important driver for it.*

Commissioner Cooke asked if there was a methodology used, to score priority for all the locations. The original consultant presentation listed over 40 different locations, sorted by categories, as options to study for this grant. For example, the category "biking" ranked East Idaho at #7, category "pedestrian prioritization" score was #11, the category of "intersections" did not make the list, etc. She just wanted to know why East Idaho Ave became a prioritization for the consultants so quickly.

Mr. Hastie asked if the question was why does the presentation focus on only East Idaho Ave. He mentioned that the East Idaho transportation area was being looked at, even before the consultants got involved. The consultants focused on East Idaho Ave because it was a priority to the city, not because it scored the highest priority location.

Commissioner Cooke restated the answer, that the consultants researched the East Idaho Ave location because it was started even before the grant was funded.

Mr. Hastie said, the consultants were ranking a lot of projects that were outside of the scope of this specific grant and that East Idaho Ave fit the criteria for this specific grant funding.

Commissioner Cooke asked: *How much overall will this project cost?* Based on what is being shown in the diagrams in the presentation, Commissioner Cooke wanted to know a cost estimate for the different suggested amenities (an example being the type of biking system that was more costly than others).

Mr. Foster said that this project could be upwards of around \$3.8 million dollars.

Commissioner Cooke asked if the grant money was separate funding and how much of that cost would the grant cover.

Ms. Jarvis-Smith said, about \$240,000.

Commissioner Cooke asked if this was only a two-year planning project.

Mr. Cummings noted that the last time the city Transportation Plan had been updated was back in 2006 and the Comprehensive Plan was last updated in 2009.

Mr. Foster said, in many places you saw about a 20-year parameter for updates.

Commissioner Cooke asked if any of the other locations (from the previous meeting presentation) were given a cost estimate for all of the changes suggested in this study.

Mr. Foster said, there should be a cost estimate for each project, in the TSP (starting around page 40).

Commissioner Cooke asked: *Is there a plan already made to pay for the rest of the project on East Idaho? Is that in the budget?*

Mr. Cummings replied: *No, a lot of those improvements will either be something we address with ODOT there; or by developers as they are developing projects along that corridor.*

Commissioner Cooke was concerned that this East Idaho Ave project was the only location of more than 40 that could be studied with this grant money.

Mr. Cummings said, this specific grant money from ODOT was only used to create the plan. An updated TSP plan was needed, in order to then go out and secure funding for construction on some of the recommendations within the new plan. Without the TSP updates, grants for development would be hard to come by. Mr. Cummings added that this was one of the main reasons to update the city plan: To have up-to-date costs that allow the city to secure state and federal funding. Like other planning projects, a certain amount of the design requirements had to be done by developers.

Commissioner Cooke wanted to verify that the city was only in the planning phase for these suggestions, and not committing themselves to an expensive undertaking.

Mr. Cummings thanked Commissioner Cooke for her thoughtful questions and for her genuine concern.

Mr. Cummings provided a map on the projector and turned back to the previous inquiry of Mayor Hill. The question was about whether or not the city could add to the scope (with an additional project) within this TSP update. Considering the existing grant, the question was if the request could be added into the Master Plan, on seeking an overpass along SE 18th Ave, connecting to the highway (I-84) and over to the State of Idaho.

Ms. Jarvis-Smith said, that this project is now at the public hearing phase. However, there was budgeting in this grant for consultants to make additions to the report.

Mr. Cummings said, that Mayor Hill is asking to add back an older planning idea (similar to the overpass project over the Union Pacific railroad tracks). The idea was to continue SE 18th Avenue to the east, over I-84, over the Snake River, and connect 18th Ave into Fruitland, Idaho. This older planning idea was suggested nearly 40 years ago. The location would not allow for a main interchange. Mr. Cummings asked if this idea could include a highway off-ramp (leading traffic over onto to the existing EAST Lane S.). Otherwise, Mr. Cummings said the plan would be for a bridge across the Snake River into Idaho.

Ms. Jarvis-Smith asked if there was an existing placeholder in the TSP, for a connection over to the Idaho

side of the river. She did not think there was any notation about an off-ramp over to EAST lane S.

Mr. Cummings said, he was not sure if SE 18th Ave was even referenced in the city TSP. He asked if the funding in this contract would be applicable, or if a project like this would need to wait.

Ms. Jarvis-Smith answered, that SE 18th Ave connecting to East Idaho Ave was already identified in the TSP, so the future refinement would be in the feasibility of a connection off of the highway (I-84) over to EAST lane S.

Mr. Foster added, that dimensions for an off ramp would be the question, but the idea was already in the TSP.

Mr. Cummings said, he would like the Planning Commission to continue what had been presented in this meeting, with the recommendations to go to the City Council. Consultants could add mention of this SE 18th Ave idea before the report would go in front of the City Council. Mr. Cummings asked what the Planning Commission would like to do on this motion.

Ms. Jarvis-Smith asked if Mayor Hill was set on this idea. She asked if one project was more vital than the other.

Mayor Hill was in the audience and came up to speak at the podium. He was looking at Ontario's current situation, that any train or auto accident would cause major delays. His example referred to East Idaho Ave going under the Union Pacific railroad tracks, near S. Oregon Street) Vehicles have waited as long as 10 minutes at the train crossing (at SE 5th Ave). In an emergency situation, existing infrastructure meant that assistance would then be cut off. Mayor Hill's suggestion was for an additional off-ramp at the highway (I-84), which would give access that was not now available. At the present time, federal infrastructure funds could be available to Ontario, making a project like this very timely.

Mr. Foster shared his screen via Zoom, and showed the location referenced by Mayor Hill.

Mr. Cummings said, the previous TSP did show the project idea from SE 18th Ave, but there was not a reference to a highway connection. Mr. Cummings asked the consultants if any additional updates needed to be done.

Ms. Jarvis-Smith answered, that going after funding would require some cost estimates and some updates to any project ideas into the TSP plan. But this project idea fell within the scope of the grant funding.

Mr. Brown stated, the reference to SE 18th Ave in the TSP would be advantageous moving forward.

Mayor Hill: *The reason I am asking these questions right now is that in about five minutes I am leaving to go over to the Fruitland City Council meeting. They are also going to take this up. It's my belief, after talking to the city manager, that they are in favor of this. In fact, he had told me that they had been planning for years to head to the west and have already made provisions for a wide enough right-of-way to this plan.*

Mr. Cummings asked the consultants, if the city were to get new construction numbers, could they begin seeking out funding for a project like this.

Ms. Jarvis-Smith answered, that additional grant money is not necessary to update this portion of the TSP. But, funding would be needed for the construction. Any updates to the application for ODOT funding would need to include this project.

Mr. Cummings reiterated, that the Planning Commission was not being asked to approve anything new, but to consider the updates to the TSP as it was presented in the meeting this evening. The staff report was concluded.

Co-Chairman Twombly asked if the commission had any additional questions for the staff or the consultants.

Commissioner Cooke asked if there was an active search (for funding) for any the other areas mentioned

in the presentation. Or, would the city only pursue the East Idaho Ave location at this time.

Mr. Brown, City Manager: *I think it's a combination of good planning and being opportunistic. We have a grant writer now, which has been really nice. We put out priorities and needs for them, and they try to match them up, at least at the federal level. The first step to getting funding would be to get it into our city's five-year Capital Improvement Plan. I think one of the important points of getting the East Idaho Ave done is that we have a template for them, the research is done to make those changes.*

Commissioner Cooke commented that East Idaho Ave over to Fruitland, ID are the nicer parts of Ontario. West Idaho Ave could use improvements. She asked if property taxes had been used for the west side of the city? It was nice to see that the other locations in town had been addressed in the planning process. She was curious if there was a reason that the east side of town was considered first and foremost?

Mr. Brown replied that, in terms of local money, it would be advantageous to look at the city's 5-year program; to see where funds were being used. The city had not put as much funding into infrastructure on the east side of the highway (I-84). Much of the city's funding was being used in other areas of Ontario. Ontario had received funding for the Safe Routes to School (SRTS) project (<https://www.ontariooregon.org/srts.html>), which included improvements at May Roberts Elementary and Alameda Elementary.

John Breidenbach, Commissioner, added that business owners on the west side of SW 4th Ave could take advantage of the city's Façade Grant Phase II program (<https://www.ontariooregon.org/facade.html>), to encourage historic preservation through matching funds. He said businesses paid more to be in the East Idaho Ave location. It was not just up to the city, but businesses could help, too. The Transportation Plan addressed congestion, but the west side of town was also being considered.

Mr. Cummings: *Part of the problem that we, as a community, have is that a lot of this funding (just like this project from ODOT) is along sections of your city streets that are also part of state highway systems. When streets are no longer part of state highway systems, it's hard to find that grant money to help us out. But East Idaho Ave is still a state highway up to SW 2nd Street. That helped us get this kind of funding. The local city streets, they are no longer state highway. It's harder to get money for private streets that private development is supposed to do, when there is no state highway system connected to them.*

Blu Fortner, Commissioner, said when a state highway went through, when that area was improved, the local taxpayers were not necessarily paying for those improvements. The State of Oregon was funding the improvements of that Oregon highway. Those funds could not be taken and used elsewhere on other streets. Even though areas in town have sat unimproved for decades, the problem was that the city would have to pay solely for those improvements, where the state had funded the majority of improvements on state highways.

Mr. Cummings said, ODOT grants for this project also funded the updates to street cross-sections, planning code changes, etc. which would go into effect for all the city limits. ODOT had been very gracious to fund these additional (city-wide) improvements.

Co-Chairman Twombly asked to hear comments from any proponents to the motion. None were offered. The hearing was closed.

Commissioner Cooke read proposed motion 1: *I move that the Planning Commission accept the findings of facts as outlined in attachment 1 for the request to amend the municipal zoning and development code within Title 10 – Comprehensive Plan, Title 10A – Substantive Zoning Regulations, and Title 10C – Substantive Regulations for Land Development of the Ontario Municipal Code; as set forth in Planning Action 2021-02-07 CPAMD.*

APPROVAL OF PLANNING ACTION 2020-02-07CPAMD FINDING OF FACTS

Cydney Cooke moved, seconded by Blu Fortner, to accept the Findings of Facts. Roll call vote: Rodriguez-out; Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Cooke-yes; Poole-out. Motion passed 5/0/2.

APPROVAL OF PLANNING ACTION 2020-02-07CPAMD

Blu Fortner moved, seconded by John Breidenbach, to recommend for City Council approval. Roll call vote: Rodriguez-out; Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Cooke-yes; Poole-out. Motion passed 5/0/2.

FURTHER DISCUSSION

Mr. Cummings, said he had no further hand-outs or discussion items for the night. He announced the next Planning Commission meeting would be Monday, May 10th, 2021. Mr. Cummings added that the second part of the code amendments for the Housing Needs Analysis would be on that meeting's agenda.

MOTION TO ADJOURN

Blu Fortner moved, seconded by Cydney Cooke, to adjourn. Roll call vote: Rodriguez-out; Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Cooke-yes; Poole-out. Motion passed 5/0/2.

Max Twombly
Vice-Chairman

Attest: Marc Berg
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
May 10, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ONTARIO HOUSING NEEDS ANALYSIS, RESIDENTIAL BUILDABLE LANDS INVENTORY AND POLICY RECOMMENDATIONS (THE 2021 HOUSING REPORT) IS INTENDED AS A BACKGROUND DOCUMENT TO CHAPTER 10: HOUSING OF THE ONTARIO COMPREHENSIVE PLAN AS WELL AS AMEND TITLE 10 THE ONTARIO COMPREHENSIVE PLAN, AND TITLE 10A SUBSTANTIVE ZONING REGULATIONS, WHICH ARE INTENDED TO INCREASE HOUSING PRODUCTIVITY AND POPULATION GROWTH WITHIN THE ONTARIO URBAN GROWTH AREA (UGB).**

DATE: April 5, 2021

PROPOSED MOTION:

1. **I MOVE THE PLANNING COMMISSION ACCEPT THE 2021 HOUSING REPORT AS A BACKGROUND DOCUMENT TO THE ONTARIO COMPREHENSIVE PLAN AND RECOMMEND APPROVAL THE CITY COUNCIL.**
2. **I MOVE THE PLANNING COMMISSION APPROVED THE CODE AMENDMENTS AS SHOWN IN THE APPENDIX A AND B IN THE ATTACHED ORDINANCE # 2790-2021 AND RECOMMEND THE APPROVAL TO THE CITY COUNCIL.**

SUMMARY:

The ***Ontario Housing Needs Analysis, Residential Buildable Lands Inventory and Policy Recommendations*** (the **2021 Housing Report**) is intended as a background document to Chapter 10: Housing of the Ontario Comprehensive Plan.

If the City Council accepts the 2021 Housing Report:

1. Key tables and conclusions from this report will be included in Chapters 2 Land Use Planning, 10 Housing and 14 Urbanization of the Ontario Comprehensive Plan.
2. Comprehensive Plan and Zoning Ordinance text amendments are proposed in the attached Draft Ordinance 2790-2021 as Appendix A and B .

The 2021 Housing Study is organized into five chapters as follows:

- **Section 1. Introduction** presents the local historical context and regulatory framework for the housing inventory, analysis and projections found in Sections 2 through 6.
- **Section 2. Demographic and Housing Trends Analysis** summarizes recent trends in

Ontario and the surrounding region – including nearby cities in Idaho.

- **Section 3. Residential Buildable Lands Inventory** estimates Ontario's current residential lands that are suitable, available, and necessary for residential use.
- **Section 4. Ontario's Housing Need** forecasts housing growth over the 20-year planning period, describing housing need assumptions based on trend observations by density ranges and housing types.
- **Section 5. Residential Land Sufficiency** evaluates Ontario's residential land capacity to meet forecasted housing needs.

Technical Advisory Committee Review.

The TAC is tentatively scheduled on April 14, 2021 to review and comment on the 2021 Housing Study. TAC comments will be forwarded to the Planning Commission prior to the schedule May 10, 2021 Planning Commission public hearing.

BACKGROUND:

Winterbrook Planning has hired by the City of Ontario to prepare the 2021 Housing Study. The study is funded by a grant from was funded by a grant from the Department of Land Conservation and Development (DLCD). The 2021 Housing Study will replace the Residential portions of Ontario Urbanization Study (ECONorthwest, 2007), including the following:

- As required by state law, the Portland State University Population Research Center's coordinated 2040 population projection (12,256) will replace the 2026 population projection (15,692) in the Urbanization Study.
- However, because the PRC projects a population increase of only 45 people during the 20-year planning period (and a need for only three buildable acres), the annexation, zoning and public facilities planning implications of the 2026 population projection are considered in the 2021 Housing Study.
- The Residential BLI in the 2021 Housing Study will replace the Residential BLI in the Urbanization Study.
- The HNA in the 2021 Housing Study will replace the HNA in the Urbanization Study.
- The comparison of housing need and residential land supply in the 2021 Housing Study will replace the comparison in the Urbanization Study.
- The 2021 Housing Study concludes that Ontario has more than sufficient buildable residential land within the UGB to meet population growth needs under either population growth scenario.

CURRENT SITUATION:

Request: Recommendation to approve of the 2021 Housing Report as a background document to the Ontario Comprehensive Plan. If the Housing Report is accepted and approved by the Planing Commission and by the City Council, then a recommendation to the Council and a Council approval of the Comprehensive Plan and Zoning Ordinance amendments. as outlined in Ordinance 2790-2021 Appendix A and B.

Comprehensive Plan and Zoning Ordinance amendments must comply with applicable Statewide Planning Goals as well as Ontario Zoning Ordinance requirements and meet procedural requirements of the Ontario Zoning Ordinance.

Statewide Planning Goal 1: Citizen Involvement

Goal 1 is met in two ways: first, through a series of TAC meetings that considered the technical and community-wide implications of proposed plan and code amendments designed to provide affordable housing opportunities to existing and future Ontario residents, and second, through the public hearing process set forth in the acknowledged Ontario Zoning Ordinance. \

A TAC meeting is tentatively scheduled for April 14, 2021. Comments related to the 2021 Housing Report will be forwarded to the Planning Commission prior to the May 10, 2021 public hearing.

Statewide Planning Goal; 2: Land Use Planning

Goal 2 is met in several ways:

1. The Housing Report is based on and consistent with the official CPR population projection;
2. The Housing Report also considered the implications of an alternative population projection;
3. The Housing Report provides the factual basis for Comprehensive Plan amendments related to land use allocations and rezoning of land;
4. The Housing Report recommends Zoning Ordinance amendments that ensure consistency between the Comprehensive Plan and implementing and use regulations

Statewide Planning Goals 3 (Agricultural Lands), 4 (Forest Lands), 5 (Natural and Cultural Resources), 6 (Air, Water and Land Resources Quality)

These goals are not affected by the proposed amendment package; therefore, these goals are not applicable.

Statewide Planning Goal 7 (Natural Hazards)

Goal 7 is directly addressed in the Residential Buildable Lands Inventory. Land that is within the 100 year floodplain or on slopes of 25% and greater is considered unbuildable.

Statewide Planning Goal 8 (Parks and Recreation)

This goal is not affected by the proposed amendment package and therefore, is not applicable.

Statewide Planning Goal 9 (Economic Development)

Land that is planned and zoned for employment use is not changed by this proposal. Proposed changes to the titles of the Neighborhood Commercial (C-1), General Commercial (C-2) and Central Business District (C-3) zones simply recognize that multi-family housing has been permitted outright in these zones since the Ontario Comprehensive Plan was acknowledged in the 1980s and that a mix of housing and commercial supports business development in these zones. The proposed new titles are Mixed Use – Neighborhood Commercial (MU-NC), Mixed Use – Commercial (MU-C), and Mixed Use – Downtown (MU-D)

Statewide Planning Goal 10 (Housing)

The 2021 Housing Report complies with Oregon Statewide Planning Goal 10: Housing and related housing statutes and rules, by

- Providing a housing needs analysis (HNA) as required by Goal 10;
- Providing a residential buildable lands inventory (BLI) as required by Goal 10;
- Demonstrating that Ontario has an adequate supply of buildable land to meet housing needs identified in the HNA as required by Goal 10;
- Ensuring that needed housing types and densities are permitted under clear and objective standards in Ontario's residential zones as required by Goal 10;
- Helping to ensure that new and existing housing will be affordable for existing and future Ontario residents at all income levels required by Goal 10; and
- Recommending measures, comprehensive plan and zoning amendments to increase housing productivity for all needed housing types as encouraged by Goal 10 and required by the terms of the DLCD grant.

Statewide Planning Goal 11 (Public Facilities and Services)

The proposed plan and code amendments are intended to use buildable residential land more efficiently, and thereby (a) decrease the cost per dwelling unit of providing required public facilities and services to support housing development, and (b) encouraging residential infill and redevelopment and higher density housing, thereby making housing more affordable to existing and future Ontario residents.

Statewide Planning Goal 12 (Transportation)

Proposed comprehensive plan and code amendments are designed to link planning designations and zones that allow higher density housing to streets that connect residential areas to employment, and thereby reduce vehicle miles traveled and transportation costs for housing consumers.

Statewide Planning Goal 13 (Energy Conservation)

Proposed comprehensive plan and code amendments are designed to increase land use efficiency and reduce vehicle miles traveled, thereby conserving energy.

Statewide Planning Goal 14 (Urbanization)

Proposed comprehensive plan and code amendment are designed to increase land use efficiency, encourage infill and redevelopment, thus reducing the need to expand the UGB to meet housing needs. The 2021 Housing Report demonstrates that there is more than sufficient buildable land to accommodate population growth as determined by the PRC official population projection and the larger 2026 project prepared by ECONorthwest as part of the 2007 Urbanization Study.

ANALYSIS:

- A. **STRATEGIC PLAN** this action is consistent with the City Council Strategic Plan by providing land use codes allowing for affordable housing to the City of Ontario.
- B. **FINANCIAL** DLCD provided a grant to aid in the development of these codes and the City Council approved a budget amount as matching funds for these code changes as well as other changes to the City Code.
- C. **TIMING** These code changes are requested to be approved by June 30, 2021
- D. **POLICY/LEGAL** The recommended Code amendments attached herein are in Compliance with House Bill 2001 (HB 2001).

ALTERNATIVES:

- 1. The planning commission could table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.
- 2. Deny the action by determining it is not in the best interest of the public to recommend the changes.

RECOMMENDATION:

Staff recommends the Planning Commission approve the action.

ATTACHMENTS:

- 1. Attachment 1-Ontario HNA-BLI Comparison 04.05.21 final draft
- 2. Attachment 2-DRAFT_OntarioBLI_Maps_Package
- 3. Ord #2790-2021
- 4. Appendix A. HNA-BLI Comprehensive Plan Amendments (003)
- 5. Appendix B. HNA-BLI Zoning Code Amendments



Housing Report: Housing Needs Analysis & Residential Buildable Lands Inventory

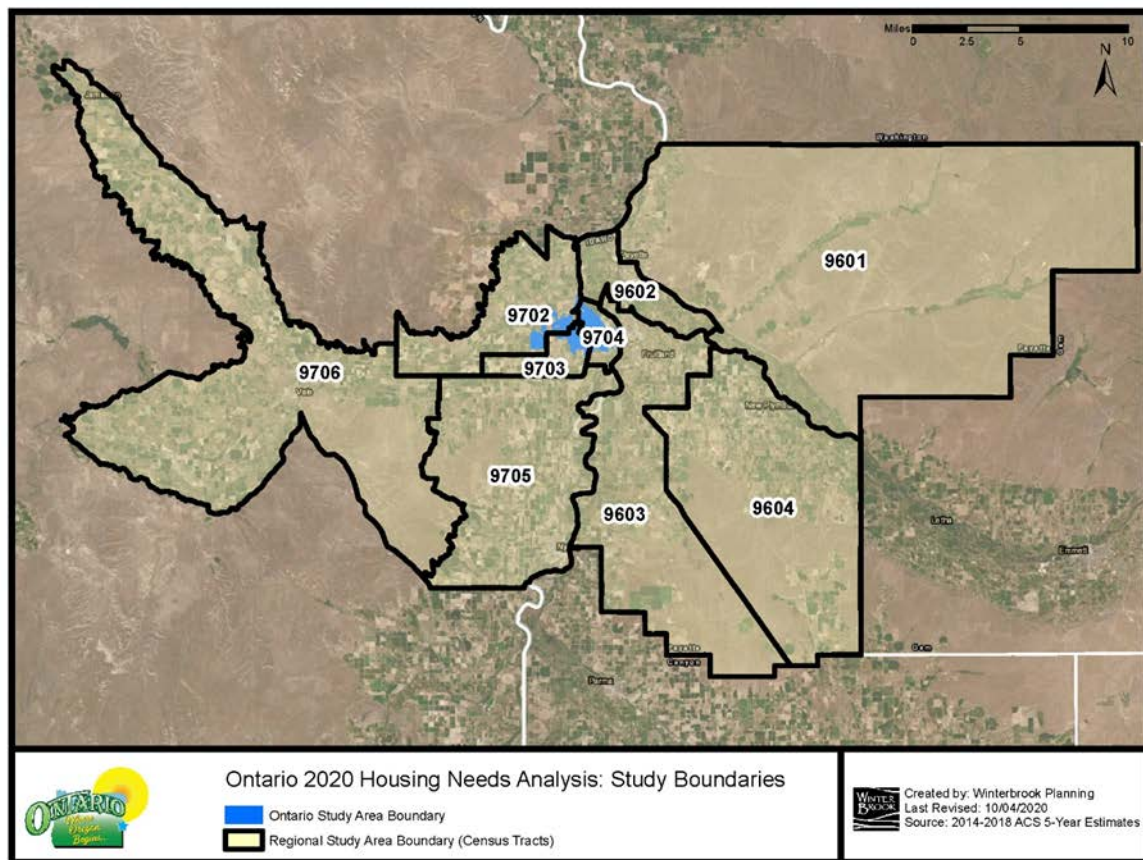


TABLE OF CONTENTS

Section 1. Introduction.....	1
Report Purpose and Organization.....	1
The Technical Advisory Committee.....	2
Historical Context	2
Ontario’s Central City Role	2
Declining Growth in the 21 st Century	3
2007 Ontario Urbanization Study.....	4
Coordinated Population Projections – Change in State Law.....	4
Housing Production Measures	5
Regulatory Framework.....	5
Needed Housing Types.....	6
Section 2. Demographic and Housing Trends Analysis	7
Population Forecasts.....	7
PRC Official Forecast	7
Aspirational Forecast.....	8
City and Regional Study Areas	8
Regional Study Area Boundaries	9
City and Regional Demographic Trends.....	10
Population Estimates	11
Age Distribution	11
Racial Diversity	12
Housing Characteristics	12
Actual Housing Units and Housing Mix	13
Fruitland and Payette, Idaho Building Permit Data.....	14
Payette, Idaho Land Divisions	15
Regional Housing Stock Age and Composition.....	16
Housing Tenure	16
Vacancy Rates.....	17
Economic Characteristics.....	18
Housing Price.....	18
Median Incomes.....	19
Cost-Burdened Households and Families “Buying Down”	20
Housing Value to Income Ratio	21

Section 3. Residential Buildable Lands Inventory.....	22
Ontario's Residential Land Base.....	22
Development Status of Residential Lands	23
Gross Buildable Residential Lands	23
Section 4. Ontario's Housing Need	25
Housing Growth Assumptions	25
Observed Ontario Residential Development Trends	26
Building Permits and Residential Land Use Decisions.....	27
Projected Housing Need.....	29
Needed Housing by Income Levels.....	29
Projected Housing Mix and Density	30
Needed Housing Mix by Dwelling Type and Zone.....	31
Projected Residential Land Need by Residential Plan Designation	33
Section 5. Residential Land Sufficiency	35
Development Capacity of Existing Residential Buildable Lands	35
Comparison of Housing Need and Residential Buildable Lands Capacity	36
Capacity to Accommodate PRC Population Growth and Needed Housing.....	36
Capacity to Accommodate Aspirational Forecast and Needed Housing	36
Conclusions for Residential Land Sufficiency	37
APPENDIX A: Inventory of Mobile Home, Manufactured Dwelling Parks, & Affordable Housing	38
Inventory of Mobile Home and Manufactured Dwelling Parks.....	38
Ontario's Affordable Housing Developments	38
APPENDIX B: Buildable Lands Inventory Maps	40

LIST OF TABLES

Table 1. Regional Population Change Estimates, 2010 to 2018	11
Table 2. Hispanic / Latino Population (2010 & 2018)	12
Table 3. Total Housing Units (2010 & 2018)	13
Table 4. ACS Estimated Housing Mix by Type (2010 & 2018).....	13
Table 5. Payette Housing Type and Density Data, 2010 to 2020.....	15
Table 6. Housing Occupancy by Tenure.....	17
Table 7. Housing Vacancy Rates, 2018.....	18
Table 8. Ontario's Median Incomes by Select Population Characteristics (2018)	19
Table 9. Housing Cost-Burdened (2018)	20
Table 10. Residential Land Base by Zone, 2020	22

Table 11. Development Status of Residential Tax Lots by Zone, 2020	23
Table 12. Gross Residential Buildable Land by Zone, 2020	24
Table 13. Ontario New Dwelling Unit Demand, 2020 to 2040	25
Table 14. Ontario Observed Densities by Housing Type, 2007 to 2020	28
Table 15. Affordable Housing Types by Income Level, 2018	30
Table 16. Projected Housing Need by Dwelling Type, 2020 to 2040	31
Table 17. Housing Types Permitted	32
Table 18. Projected Density for New Housing by Plan Designation, 2020 to 2040	32
Table 19. PRC Population Projection: Residential Land Need by Plan Designation, 2020 to 2040	33
Table 20. Aspirational Forecast: Residential Land Need by Plan Designation, 2020 to 2040	34
Table 21. Residential Buildable Land Capacity within Ontario UGB, 2020 Estimate	35
Table 22. PRC Population Projection: HNA-BLI Comparison by Plan Designation, 2020 to 2040	36
Table 23. Aspirational Forecast: HNA-BLI Comparison by Plan Designation, 2020 to 2040	37
Table 24. Inventory of Ontario's Mobile/Manufactured Home Parks, 2020	38

LIST OF FIGURES

Figure 1. Carter House and Fiser Hotel, Downtown Ontario, c. 1910	2
Figure 2. Ontario Historical and Forecast Population	7
Figure 3. Oregon and Idaho Regional Study Area Boundaries	9
Figure 4. Ontario Study Area Boundary	10
Figure 5. Ontario City Limits - Historical Population, 1970 to 2018	11
Figure 6. Population Distribution by Age, 2018	12
Figure 7. Fruitland, Idaho Building Permits for New Single-Family Homes, 2012 to 2020	14
Figure 8. Payette, Idaho Building Permits for New Single-Family Homes, 2006 to 2020	15
Figure 9. Housing Stock by Number of Bedrooms (2018)	16
Figure 10. Housing Value (2018)	18
Figure 11. Median Incomes (2018)	19
Figure 12. Housing Supply by Income and Affordability (2012-2016 CHAS Data)	21
Figure 13. Ontario Median Housing Price and Income Over Time	21
Figure 14. Ontario Building Permits for New Detached Single-Family and Manufactured Homes on Individual Lots, 2010 to 2020	27

LIST OF ABBREVIATIONS

ACS	American Community Survey (U.S. Census Survey)
ADU	Accessory Dwelling Unit
ACS	American Community Survey (performed annually by the US Census Bureau)
AMI	Area Median Income
AAGR	Average Annual Growth Rate
BLI	Buildable Lands Inventory
CHAS	Comprehensive Housing Affordability Strategy
DEM	Digital Elevation Model
DLCD	Oregon Department of Land Conservation and Development

HB	House Bill (Oregon Legislature)
HNA	Housing Needs Analysis
HPS	Housing Production Strategy
HUD	United States Department of Housing and Urban Development
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
PRC	The Population Research Center at Portland State University
UGA	Urban Growth Area
UGB	Urban Growth Boundary

SECTION 1. INTRODUCTION

REPORT PURPOSE AND ORGANIZATION

The primary purpose of this report is to assess Ontario's housing needs, provide sufficient residential buildable land to meet these needs, to identify measures the city can take to increase housing production, and to suggest changes to the Ontario Comprehensive Plan and Zoning Ordinance to achieve the same objective.

This report was funded by a grant from the Department of Land Conservation and Development (DLCD) and is intended to comply with Oregon Statewide Planning Goal 10: Housing, by

- providing a housing needs analysis (HNA);
- providing a residential buildable lands inventory (BLI);
- demonstrating that Ontario has an adequate supply of buildable land to meet housing needs identified in the HNA;
- ensuring that needed housing types and densities are permitted under clear and objective standards in Ontario's residential zones; and
- helping to ensure that new and existing housing will be affordable for existing and future Ontario residents at all income levels.

This report is organized in six sections:

- **Section 1. Introduction** presents the local historical context and regulatory framework for the housing inventory, analysis and projections found in Sections 2 through 6.
- **Section 2. Demographic and Housing Trends Analysis** summarizes recent trends in Ontario and the surrounding region – including nearby cities in Idaho.
- **Section 3. Residential Buildable Lands Inventory** estimates Ontario's current residential lands that are suitable, available, and necessary for residential use.
- **Section 4. Ontario's Housing Need** forecasts housing growth over the 20-year planning period, describing housing need assumptions based on trend observations by density ranges and housing types.
- **Section 5. Residential Land Sufficiency** evaluates Ontario's residential land capacity to meet forecasted housing needs.

A separate companion report entitled *Housing Productivity Measures and Recommended Comprehensive Plan and Zoning Code Amendments* will include a list of local financial measures and regulatory incentives that could be used to encourage new housing construction in Ontario, as well as a list of amendments to the Ontario Comprehensive Plan and Zoning Ordinance designed to encourage housing investment.

Appendix A: Inventory of Mobile Home, Manufactured Dwelling Parks, & Affordable Housing contains an up-to-date inventory of mobile/manufactured dwelling parks as well as subsidized affordable housing developments.

THE TECHNICAL ADVISORY COMMITTEE

The Housing Technical Advisory Committee (TAC) provided valuable facts, analysis and insights that have grounded the statistical information found in this report in local and regional reality. Their contribution is appreciated. TAC members represented local government, business, real estate, land development and housing production experts, including:

1. Ontario City Council: **Mayor Riley Hill**: 208-212-2310, Riley.Hill@ontariooregon.org
2. Ontario Planning Commission: **John Breidenbach**, 541-889-8012, ceo@ontariochamber.com
3. Malheur County Commissioner: **Larry Wilson**, 208-739-8383, larry@malheurrealty.com
4. Malheur County Planning Admin: **Eric Evans**: 541-473-5179 eric.evans@malheurco.org
5. TVCC: **Kristine Needs**, Director of Residence Life & Student Conduct, 541-881-5792 kneeds@tvcc.cc
6. Housing Authority Director: **Kristy Rodriguez**, 541-889-9661 ex 111, kristyrodriguez@cableone.net
7. DHS Schools Team: **Melissa Gonzalez**, Melissa.R.Gonzalez@dhsosha.state.or.us

HISTORICAL CONTEXT

The following discussion provides background and historical information that sets the stage for the technical evaluations in Sections 2 through 5.

Ontario's Central City Role

Ontario has served as a regional employment, cultural and commercial center since its incorporation in 1899. Throughout the 20th Century, Ontario has continued to grow and prosper as a shipping and supply point for eastern Oregon and western Idaho's "Treasure Valley". According to the *Oregon Encyclopedia*,

Figure 1. Carter House and Fiser Hotel, Downtown Ontario, c. 1910



"Ontario built a hospital in 1912, a city hall in 1913, fire and police department buildings, and a series of city parks during the interwar period, as well as a golf course in 1938. The town's first newspaper was the Atlas, followed by the Malheur Gazette and the Argus, which has been Ontario's daily newspaper since 1900.

During World War II, Ontario came to national attention for welcoming Japanese Americans to settle in the region. The town's mayor, Elmo Smith (who would become the 27th governor of Oregon), said that since the government had

determined that Japanese and Japanese Americans could not live on the coast, then “it appears downright cowardly to take any other stand than to put out the call, ‘Send them along; we’ll cooperate to the fullest possible extent in taking care of them.’” Subsequently, Ontario’s population of 134 Japanese Americans ballooned to a thousand during the war years, most of whom found jobs as agricultural workers during the wartime labor shortage.

Agriculture continues to dominate Ontario’s industry, particularly russet potatoes, sugar beets, and onions. One of the town’s primary employers is the Heinz Frozen Food Company, which annually produces over 600 million pounds of potato products and employs approximately a thousand people. Other major employers are the Snake River Correctional Institute, which opened in 1991 and holds 3,000 beds (the largest in Oregon), and Treasure Valley Community College, which opened in 1962 and serves approximately 7,500 students each year. The Four Rivers Cultural Center, a 10,000-square-foot museum and community space, celebrates the diverse settlement patterns in the Ontario region, including exhibits on Northern Paiutes, Japanese, Hispanics, and Euro-Americans.”

Ontario has served as the retail hub for Treasure Valley residents for decades. Downtown Ontario has provided hospital, retail, and professional services to Treasure Valley residents on both sides of the Snake River. With this economic prosperity came the development of attractive single-family residential neighborhoods as well as working-class housing development.

In the 1970s, strip commercial development along Fourth Avenue weakened the viability of downtown commercial and office uses but served a growing suburban residential population within the Ontario City Limits.

Declining Growth in the 21st Century

At the turn of the 21st Century, the new Idaho Street commercial center prospered due to direct access to I-84 and Oregon’s lack of sales tax. Ontario has become the “big box” retail center for the region. However, in other respects, Ontario has not fared as well in the last two decades.

The Ontario Housing Technical Advisory Committee (TAC) based on their professional backgrounds in real estate development, business, education and affordable housing production and management. TAC comments provide useful insights that are discussed below and referenced in later sections of this report.

TAC members offered the following explanations for Ontario’s recent business and housing decline:

- Due in part to the opening of the East Idaho Street commercial area, Downtown retail and office and the Fourth Avenue commercial strip have declined.
- Due to national economic trends, fewer business owners and professionals live in Ontario, and therefore have not invested in housing in the community.
- Due in part to property tax incentives and the lack of a statewide agricultural land protection program in Idaho:
 - Agricultural-based processing and warehousing firms – that were originally based in Ontario and Nyssa – have expanded on farm land across the river in Idaho; and
 - New housing construction on nearby rural lands in Idaho has out-paced urban housing development in Ontario.
- Due in part to the perception that Ontario has a higher crime rate than nearby Idaho towns and proximity to Boise, new lower-density housing development in Fruitland and has far out-paced housing development in Ontario.

- Due in part to Oregon’s more expansive safety net and Idaho’s lack of statewide housing requirements, Ontario has had much more government assisted housing than communities across the river.
- Ontario has made substantial investments in public facilities planning and has designed its system to accommodate planned development for the entire Urban Growth Area as identified in the 2007 Urbanization Report; if the City were to rely solely on the PRC population projection, then public facilities would not be sized to accommodate planned growth within the UGB.

In these and other respects, Ontario is typical of other regional central cities that prospered in the 20th Century but have stagnated in the 21st Century – while suburban population and employment growth have accelerated. Ontario’s situation is complicated by the differences between Oregon’s and Idaho’s taxation and planning systems.

Yet, as documented by TAC members, Ontario has an extremely tight rental and purchase housing market. Despite this demand and City measures to entice new housing development, many residential land developers have chosen to invest in the Idaho towns of Payette and Fruitland rather than in Ontario.

2007 Ontario Urbanization Study

In 2007, counties were authorized to adopt “coordinated” population projections for their constituent cities. Table 2-5 of the *Ontario Urbanization Study* includes population and employment projections for the Ontario Urban Growth Boundary (UGB). Ontario was projected to grow by 37% over the 20-year planning period – from 11,425 in 2006 to 15,692 in 2026. Malheur County’s projection assumed that land within the Ontario Urban Growth Area (UGA) would be annexed into the city and developed for residential purposes.

The 2007 projection rested primarily on two assumptions:

1. Ontario would generate substantial economic development resulting in 3,898 new jobs by 2026; and
2. Ontario would capture some of the rapid population growth experienced in nearby Idaho communities (79% population growth in the Boise-Nampa region between 1980 and 2005).

The Urbanization Study served as the basis for amending the Ontario UGB in 2007. As a result of these planning efforts, the 2007 Ontario UGB had about 620 buildable residential acres to meet housing needs through 2026.

By 2019, it became clear that the two critical growth assumptions had yet to be fully realized:

1. Ontario has not been successful in attracting new major employers to the area (despite having several hundred acres of buildable land reserved for employment), and
2. Ontario has experienced relatively little new housing development, despite witnessing the accelerated residential development in nearby Idaho cities and counties.

Coordinated Population Projections – Change in State Law

State law has also changed since 2007. ORS 195.033 Area population forecasts now gives Portland State University’s Population Research Center (PRC) the sole authority to issue population forecasts for local planning and UGB expansion purposes. **PRC’s 2020 population estimate for the Ontario UGB was 12,211. The 2019 PRC projects Ontario’s population to reach 12,256 by 2040 – an increase of only 45 people and a need for only 21 new housing units.**

The City recognizes that the HNA must be based on the PRC projection and that the City cannot rely on a different projection to justify a UGB expansion. However, the TAC provided several reasons that explain why this projection is too low, including a tight housing market, and abundant supply of buildable land, the adoption of a Public Facilities Plan to serve the entire UGA area, an uptick in new residential construction over the last two years, and recent government-assisted housing applications. For example, in 2020 Ontario approved a 70-unit multi-family development on five commercial acres consisting of two- and three-bedroom townhomes for families with children; the project is expected to be operational in 2021 and will accommodate from 210 to 250 residents. Further, a recent application to convert an existing senior center to a 50-unit apartment building was submitted to the City for review in early 2021. These two projects alone account for almost six times the projected number of housing units needed over the next 19 years based on the PRC 2040 population projection.

To effectively address the *possibility* that population growth *may* increase in the future, the 2020 HNA includes two parallel analyses showing the housing implications of planning for two 2040 population projections:

1. **PRC Forecast: The state required PRC population projection of 12,256 (45 more people); and**
2. **Aspirational Forecast: The 2007 coordinated population projection of 15,692 (3,481 more people) that was adopted as part of the Ontario Comprehensive Plan.**

HOUSING PRODUCTION MEASURES

In a separate report Winterbrook will propose additional measures designed to increase housing production in Ontario. The primary purpose of Ontario's existing and proposed housing production measures is to reverse past trends by encouraging the construction of the full range of affordable housing types within the Ontario UGB. The City's hope is to prove the assumptions made in the 2007 Urbanization Study correct – by increasing economic investment in Ontario and capturing a greater proportion of Idaho's residential growth within the Malheur County Border Region. Because PRC projections are based largely on recent growth trends, if proposed housing production measures are successful, then later PRC population projections will likely increase.

Regardless of the official population projection, the question of how to plan for the remaining acres of designated buildable residential land within the UGB remains. The city has already made substantial investments in planning for sanitary sewer, water, and transportation infrastructure to support the previously planned population growth within its existing UGB. If the city were to simply assume the need for the 21 additional housing units, there is no doubt that the existing residentially zoned land within the city limits would be sufficient to accommodate Ontario's PRC coordinated population projection.

However, Ontario remains committed to planning for efficient residential, commercial, and industrial development on land within its existing Urban Growth Area, as called for in the Ontario Comprehensive Plan. This report recommends policies to ensure that residential growth – if it occurs – will meet the housing needs of existing and future community residents in a compact and efficient manner.

Regulatory Framework

Ontario's local housing policies must meet the requirements of Oregon's Statewide Planning Goals and Guidelines for Housing (Goal 10) and the Oregon Administrative Rules (OARs) and Oregon State Statutes (ORSs) that implement it. These include OAR 600-008, ORS 197.286 to 197.314, and ORS 197.475 to 197.490.

Needed Housing Types

Goal 10 requires cities to plan for current and future housing needs by completing a periodic inventory of residential buildable lands and conducting a housing capacity assessment of those residential lands based on historic and anticipated housing development trends. Cities are required to plan for “needed housing” over the anticipated 20-year planning period.

Goal 10, OAR 660-008-050(6), and ORS 197.303 define “needed housing” as housing types that meet the need for housing within the Urban Growth Boundary at price ranges and rent levels affordable to households with a variety of income levels. The following needed housing types must be considered and permitted under clear and objective standards on buildable land in Ontario’s residential zones:

- Detached single-family dwellings;
- Attached single-family dwellings;
- An accessory dwelling unit (ADU) on a lot with an existing single-family detached dwelling;
- A duplex dwelling on a lot zoned for single-family use;
- A manufactured home on a lot zoned for single-family use;
- Manufactured dwellings in manufactured dwelling parks; and
- Multiple family dwellings.

All needed housing types are available for both occupancy by renters and owners.

The Ontario Planning Commission recently recommended Comprehensive Plan and Zoning Ordinance amendments to facilitate the development of attached single-family dwellings, accessory dwelling units, and manufactured homes and duplexes on individual lots zoned for single-family use. The City Council adoption hearing is scheduled for April 2021. Section 4 of this report projects housing need for each of the above-listed needed housing types. This report assumes that these critical “needed housing” code amendments have been adopted.

SECTION 2. DEMOGRAPHIC AND HOUSING TRENDS ANALYSIS

In Section 2 we consider local and regional demographic, economic and housing development trends that affect 20-year housing need by type and density.

POPULATION FORECASTS

The HNA considers two population forecasts:

1. The PRC population forecast, which is required by Oregon law; and
2. The 2007 City's aspirational forecast, which was adopted as part of the existing Comprehensive Plan and may be useful for determining how to rezone residential land if population growth occurs at a faster rate than projected by the PRC.

PRC Official Forecast

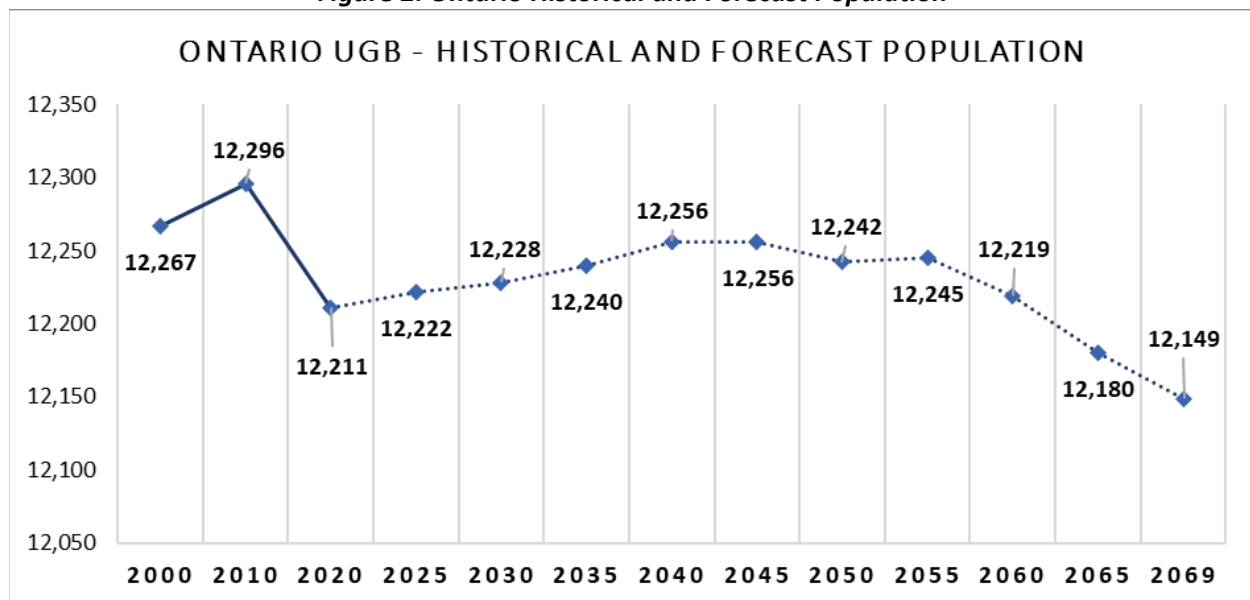
The Population Research Center (PRC) at Portland State University conducts coordinated population forecasts for all Oregon Counties and cities. Under Oregon law, the PRC forecast serves as the official forecast for planning purposes. Malheur County's and Ontario's population forecasts were last updated in 2019.

The PRC population growth assumptions for Ontario are that:

- Fertility rates will decline as women under 30 continue to have fewer children.
- Survival rates will increase slightly (over 65+ with longer life expectancies), but death rates will also rise over time.
- Net out-migration trends will continue – but at a lower rate than previously experienced.

Based on the PRC projection, the Ontario UGB is expected to have a population of 12,256 by 2040. This is marginally higher than the PRC estimated UGB population of 12,211 in 2020. This amounts to 45 more people over the next 20 years.

Figure 2. Ontario Historical and Forecast Population



Aspirational Forecast

As noted in the Introduction, in early 2020 Ontario approved a 70 unit apartment complex – designed to serve families with children. At three persons per household, this complex will likely accommodate 210 people – about 5 times the projected population growth over the next 20 years. For this and other reasons cited in the Introduction, the TAC supports consideration of a higher population target.

Ontario had previously planned for 15,692 by 2026 in the 2007 *Ontario Urbanization Study*. This projection has guided public facility planning within the UGB since 2007.

As discussed in the Introduction, this report will consider the implications of this higher population projection for the use and development of residential land within the existing UGB. Ontario was projected to reach a population of 15,692 in 2026. Extending this projection to 2040 represents an increase of 3,481 people over the 20-year planning period (using the 2020 base population of 12,211). The City recognizes that this population projection cannot be used to justify UGB expansion.

Ontario's housing needs determination is based on professional judgment and local policy:

1. The 2026 population forecast in the Ontario Comprehensive Plan;
2. Local and regional demographic, housing costs and income data; and
3. Residential development trends in Ontario, the Oregon region, and the Idaho region.

Based on the City's aspirational (alternative) population projection, the Ontario UGB is expected to have a population of 15,692 by 2040. This is significantly higher than the PRC estimated UGB population of 12,211 in 2020. This amounts to 3,481 more people over the next 20 years.

Recognizing that the aspirational population forecast cannot be used to justify a UGB expansion, this report will consider the housing and land use implications of meeting Ontario's 2040 housing needs based on both:

1. The state required PRC population projection of 12,256 (45 more people) and;
2. An alternative (aspirational) population projection – the previously planned population of 15,692 (3,481 more people).

CITY AND REGIONAL STUDY AREAS

Ontario's HNA was last completed in 2007 as part of the *Ontario Urbanization Study*. The *Ontario Urbanization Study* acknowledged the unique regional position of Ontario. Located along the Oregon-Idaho border, Ontario serves as a regional commercial and cultural center for the border region. The Urbanization Study documented explosive growth trends in the Boise-Nampa area between 1996 and 2005. Although other Treasure Valley cities (including Payette, Fruitland, and Ontario), had yet to experience rapid population growth, such growth was expected:

It is reasonable to assume that the westward migration of regional growth trends will continue and will result in increased population growth rates in Fruitland, Payette, and Ontario sometime within the next five to ten years. (Ontario Urbanization Study, 2007, p. 6)

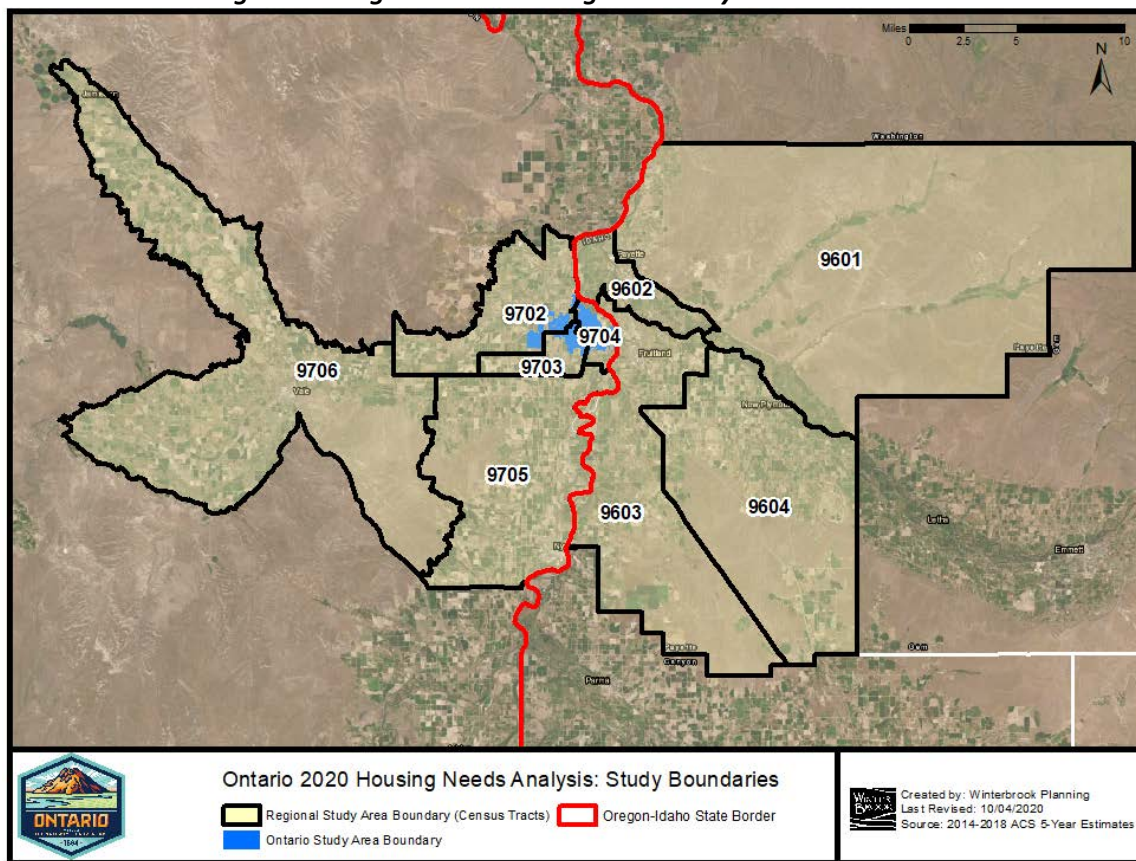
Ontario accordingly planned for a 2026 target population of 15,692 and an "average annual growth rate" (AAGR) of 1.5% over the planning period (2006 to 2026), resulting in roughly 4,000 additional residents above the city's 2006 population of 11,425.

Despite having an adequate supply of buildable residential land to meet the 2026 population projection within the existing UGB¹, Ontario's population has experienced limited growth between 2006 and 2020. Meanwhile, the nearby Idaho cities of Payette and Fruitland have grown substantially.

In consideration of regional housing trends, ORS 197.296 (5)(c) allows local governments to analyze a wider geographic area if doing so "... will provide more accurate, complete and reliable data relating to trends affecting housing need...". Because of Ontario's unique position along the Oregon-Idaho border, a regional study area is included in this analysis. The Oregon Region boundaries include Ontario, Nyssa, and Vale. The Idaho Region boundaries include Fruitland, Payette, and New Plymouth. The analysis below considers demographic and residential development trends in Fruitland and Payette because these cities (a) are just across the Snake River from Ontario, (b) have residents that routinely work and/or shop in Ontario, and (c) represent the level of recent residential growth that Ontario would like to achieve.

Regional Study Area Boundaries

Figure 3. Oregon and Idaho Regional Study Area Boundaries



The Oregon and Idaho regional study areas are based on American Community Survey (ACS) census tract boundaries. Five Oregon census tracts comprise the Oregon Region boundaries; four Idaho census tracts

¹ Ontario's BLI was updated in 2013 to reflect the addition of employment land. In 2013, Ontario had a surplus of 34.5 residential acres while meeting the planned population of 15,692 by 2026.

comprise the Idaho Region boundaries. The cities of Ontario, Nyssa, and Vale are included within the Oregon Region boundaries. The cities of Fruitland, Payette, and New Plymouth are within the Idaho Region boundaries. All census tract boundaries are the same in 2018 as they were in 2010. Thus, direct demographic and residential development comparisons can be made between the Idaho and Oregon study areas for the analysis period.

Oregon Census Tracts

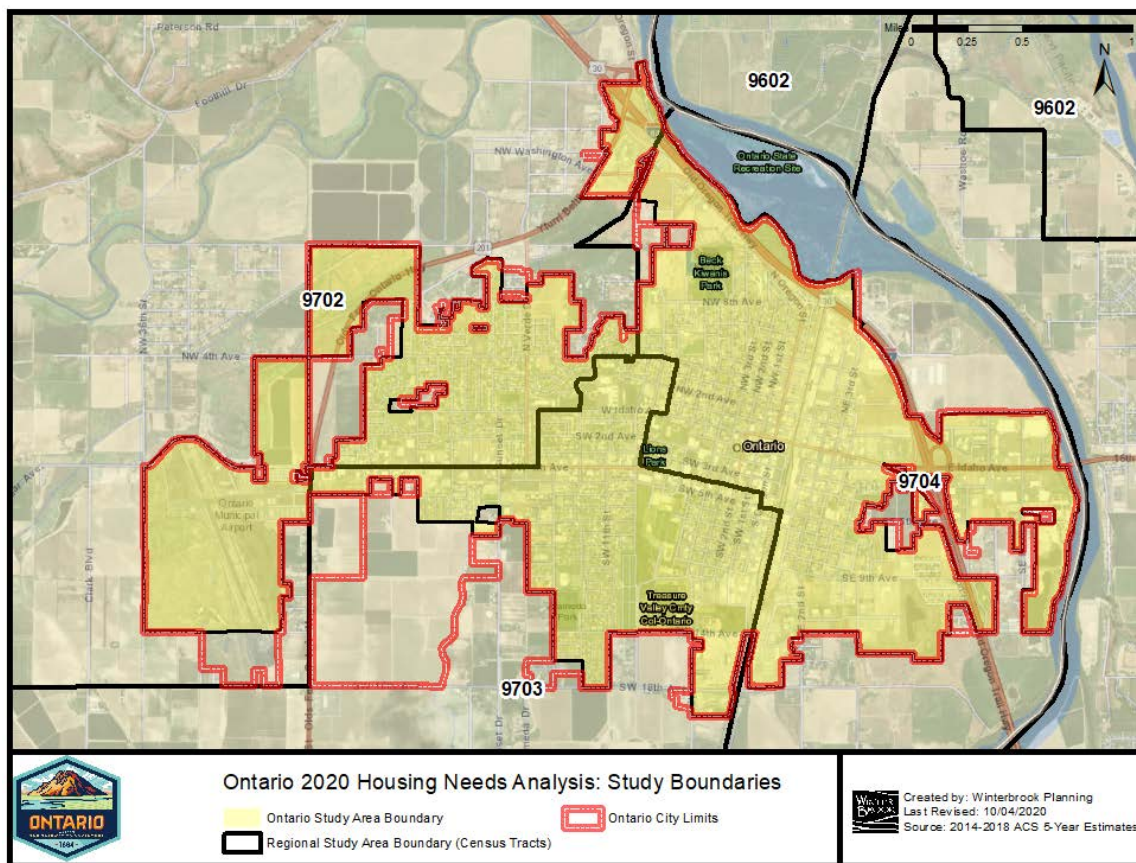
- 9702 (OR)
- 9703 (OR)
- 9704 (OR)
- 9705 (OR)
- 9706 (OR)

Idaho Census Tracts

- 9601 (ID)
- 9602 (ID)
- 9603 (ID)
- 9604 (ID)

The ACS “City Place” boundary for Ontario is close to the 2019 Ontario City Limits (shown in red in Figure 4). Ontario’s “City Place” boundaries are the same in 2018 as they were in 2010 – meaning that a direct geographic area comparison can be made between these years.

Figure 4. Ontario Study Area Boundary



CITY AND REGIONAL DEMOGRAPHIC TRENDS

Unless otherwise indicated, the data used to compare the Idaho and Oregon regions in 2010 and 2018 comes from the American Community Survey. The 2014-2018 American Community Survey 5-Year

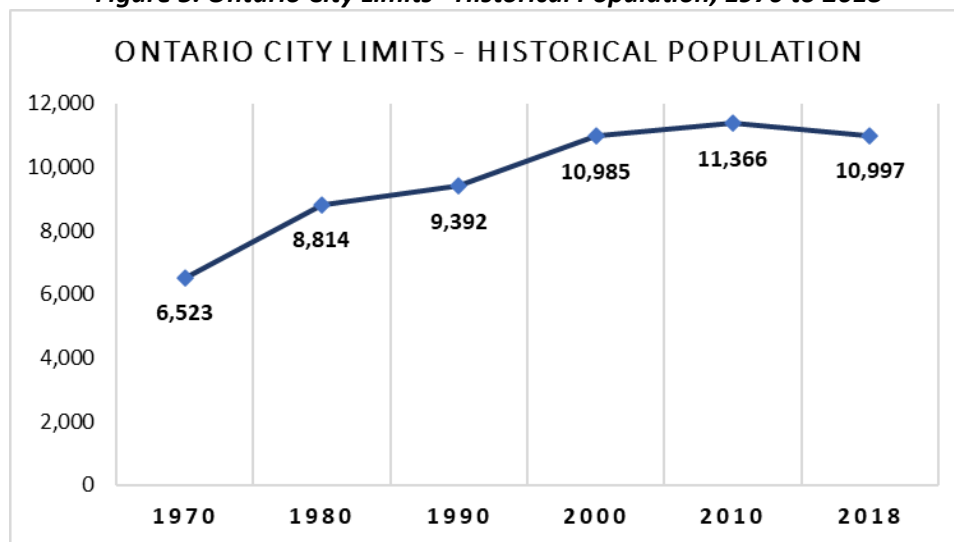
Estimates were used to explore trends in 2018 and the 2005-2010 American Community Survey 5-Year Estimates were used to explore trends in 2010. ACS data for the City of Ontario correlate with Census Tracts 9702, 9703 and 9704. While this data is useful for making general comparisons, ACS data is accurate within $\pm 7\%$ and lacks the precision found in City permit data or the Decennial Census.

Ontario has not come close to achieving the population growth rates projected in the 2007 *Ontario Urbanization Study*. However, the Idaho Region has grown as previously anticipated, with especially rapid growth over the last 5-years. Despite Ontario's relatively slow rate of population growth, Ontario's demographics are shifting. Ontario's population is getting younger and more diverse.

Population Estimates

Based on ACS data, Ontario experienced positive population growth between 1970 and 2010, but between 2010 and 2018 the population within the City Limits declined by 300 (see Figure 5).

Figure 5. Ontario City Limits - Historical Population, 1970 to 2018



During this same period, the Oregon Region experienced a net population decline of 132 persons. In contrast, the Idaho Region experienced a population increase of 590 persons, for an average annual growth rate (AAGR) between 2010 and 2018 of 0.33%. However, neither region experienced the AAGR of 1.5% projected in the 2007 *Ontario Urbanization Study*.

Table 1. Regional Population Change Estimates, 2010 to 2018

	2010 ESTIMATE	2018 ESTIMATE	NET ESTIMATED CHANGE	AAGR
Oregon Region	22,943	22,811	(132)	(0.07%)
Idaho Region	22,451	23,041	590	0.33%

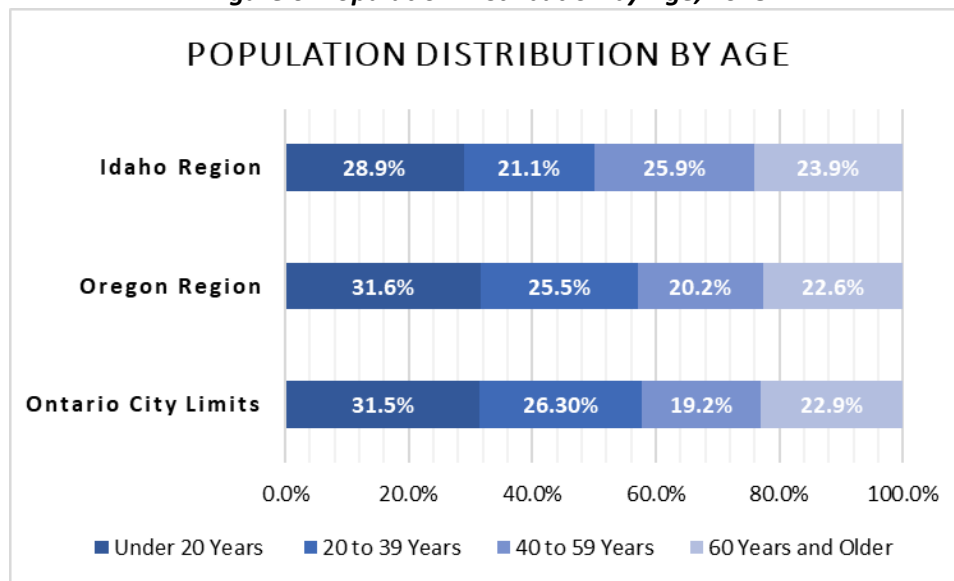
Age Distribution

Ontario's population is getting younger. The median age in Ontario in 2010 was 34.6. It fell slightly to 33.2 in 2018. This change could be attributed to net in-migration rather than an increase in school-aged children. There was a 2% share increase in the 20 to 34 age group that is not reflective of individuals from 2010 aging into the cohort in 2018. Meanwhile, there was only a small net increase in the number of school-aged children (aged 0 to 14) at 0.2%.

Between 2010 and 2018, the Oregon Region median age also decreased from 35.56 to 34.7. However, Idaho Region median age increased from 37.15 in 2010 to 40.2 in 2018. The TAC indicated that many older, affluent Ontario residents have invested in new homes in Idaho, some due to retirement.

Figure 6 shows population distribution by age in 2018. Ontario and the Oregon Region have larger shares of school-aged children and young working adults. The Idaho Region has a larger share of individuals over the age of 40.

Figure 6. Population Distribution by Age, 2018



Racial Diversity

Ontario is becoming more diverse at a faster rate than the region. In Ontario almost half (44.8%) the residents identified as Hispanic or Latino (of any race) in 2018, compared to 37.8% in 2010. Both the Oregon Region and the Idaho Region had an increase share of Hispanic /Latino residents, but the Idaho region has a substantially lower proportion of Hispanic or Latino residents than the Oregon region.

Table 2. Hispanic / Latino Population (2010 & 2018)

	HISPANIC / LATINO POPULATION		
	2010 ESTIMATE	2018 ESTIMATE	NET ESTIMATED CHANGE
Ontario City Limits	37.8%	44.8%	7%
Oregon Region	35.2%	38.9%	3.7%
Idaho Region	14.2%	17.2%	3%

HOUSING CHARACTERISTICS

Key housing trends that may affect needed housing type and density include:

1. Ontario has had more multi-family housing than surrounding regions;
2. Ontario's housing is older and smaller than in the surrounding regions; and
3. Ontario experienced a greater shift towards renter-occupied households than the surrounding regions.

Actual Housing Units and Housing Mix

Table 3 shows that Ontario's total housing units have declined between 2010 and 2018, based on ACS estimates. This is also true for the Oregon Region. In contrast, the number of estimated housing units in the Idaho Region grew by about 5% during this same period.

Table 3. Total Housing Units (2010 & 2018)

	2010 ESTIMATED UNITS	2018 ESTIMATED UNITS	% ESTIMATED CHANGE
Ontario City Limits	4,951	4,789	(3.3%)
Oregon Region	9,574	9,470	(1.1%)
Idaho Region	8,875	9,349	5.3%

Table 4 show how the share (percentage) of housing types have changed in each study area over time. There was a 6.7% share increase in multi-dwelling units in Ontario between 2010 and 2018 and a corresponding decrease in the proportion of detached single-family homes in Ontario and the Oregon Region over this same period. Ontario experienced a 7% share decline in the number of detached single-family homes, a 6.5% share increase in duplexes, and a 5.5% share increase in apartments with 20-units or more. The Oregon Region also saw increases in manufactured homes, duplexes, and apartments with 20-units or more.

Table 4. ACS Estimated Changes in Housing Mix by Type (2010 & 2018)

**Summary calculation does not include "Boat, RV, Van, etc."*

HOUSING TYPE	ONTARIO CITY LIMITS ESTIMATED %			OREGON REGION ESTIMATED %			IDAHO REGION ESTIMATED %		
	2010	2018	CHANGE	2010	2018	CHANGE	2010	2018	CHANGE
Single-Dwellings:	74.6%	67.9%	(6.7%)	82.1%	79.7%	(2.4%)	91.25%	90.2%	(1.0%)
1-unit, detached (single-family)	61.2%	54.1%	(7.1%)	66.5%	62.5%	(4.0%)	73.0%	71.6%	(1.4%)
1-unit, attached (townhomes)	3.5%	2.7%	(0.8%)	2.1%	2.4%	0.3%	2.0%	4.9%	2.9%
Manufactured (mobile) home	9.9%	11.1%	1.2%	13.5%	14.8%	1.3%	16.25%	13.7%	(2.5%)
Multi-Dwellings*:	25.4%	32.1%	6.7%	17.8%	20.2%	2.4%	8.7%	9.4%	0.8%
Duplex (2 units)	3.4%	9.9%	6.5%	2.5%	6.0%	3.5%	2.0%	2.3%	0.3%
Tri-plex, Quad-plex (3 or 4 units)	5.5%	5.4%	(0.1%)	4.2%	3.5%	(0.7%)	4.4%	3.6%	(0.8%)
<u>Apartments:</u>									
5 to 9 units	8.4%	3.2%	(5.2%)	5.4%	2.7%	(2.7%)	1.1%	1.0%	(0.1%)
10 to 19 units	3.6%	3.6%	0%	2.7%	2.3%	(0.4%)	0.5%	1.1%	0.6%
20 or more units	4.5%	10%	5.5%	3.0%	5.7%	2.7%	0.7%	1.4%	0.8%
Boat, RV, Van, etc.	0%	0%	0%	0.2%	0.1%	(0.1%)	0.0%	0.4%	0.4%
Total Housing Units	4,951	4,789	-	9,574	9,470	-	8,875	9,349	-

As shown on Table 4, the Idaho Region experienced a marginal decline in share of single-family homes overall, despite a gain in attached single-family homes (townhomes). The Idaho Region also experienced

marginal increases in the share of duplexes and apartments with 10 units or more. The Ontario HNA assumes that Idaho regional trends will affect housing demand in Ontario over the next 20 years. As discussed below, this rapid residential growth trend in the Idaho region accelerated between 2018 and 2020 in the cities of Payette and Fruitland.

Fruitland and Payette, Idaho Building Permit Data

Fruitland and Payette historically have been small agricultural market communities with relatively little population growth. However, both Fruitland and Payette have seen rapid residential growth over the last 10-15 years.

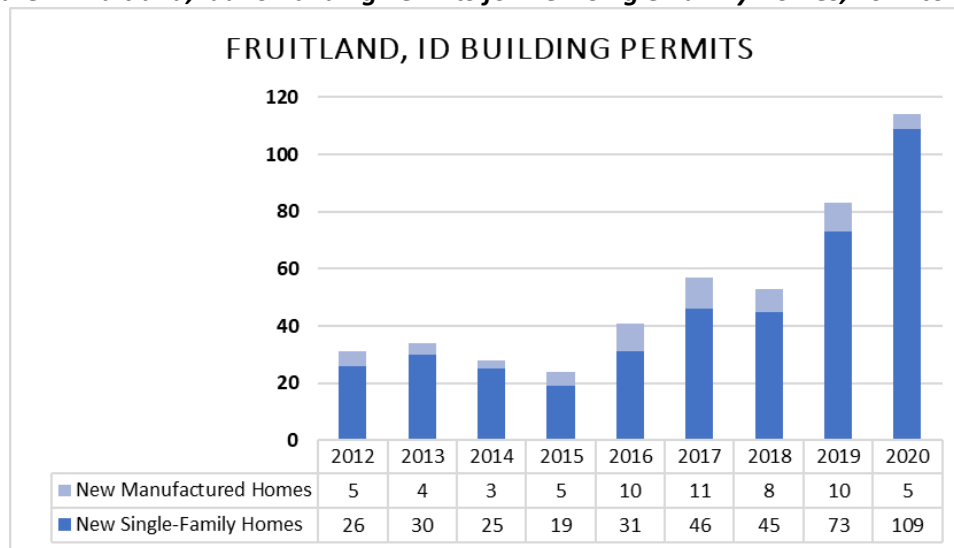
- Recent rapid growth in nearby Idaho cities may indicate pent up demand for housing in Ontario.
- Regional data regarding new housing types is also useful for estimating future needed housing types in Ontario.

Winterbrook was able to obtain building permit data from both cities; the data for Fruitland goes back to 2012 and the data for Payette goes back to 2006. Most of the residential development in these two towns has been either detached single-family dwellings or manufactured homes on individual lots.

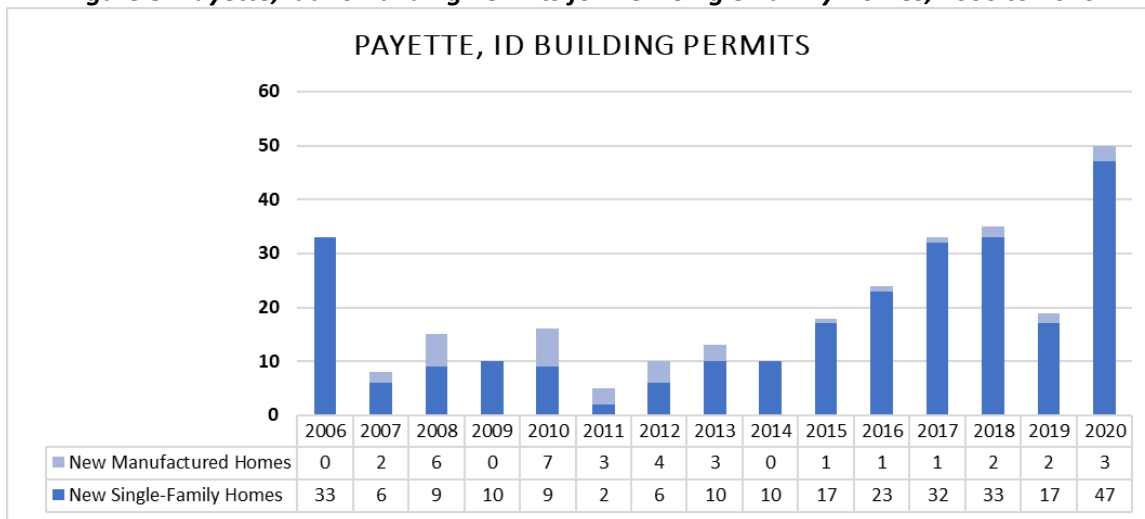
As shown on Figures 5 and 6, both cities saw a spike in detached single-family home construction from 2016-20, and a relative decline in the number of manufactured homes – indicating higher land values and a willingness to invest in more expensive housing in these communities.

Fruitland: From 2012 to 2020, Fruitland approved building permits for 487 dwelling units. The overwhelming majority were detached single-family dwelling units (404 or 83%), followed by manufactured homes (61 or 13%), duplexes (14 or 3%) and multi-family dwellings (8 or 2%). **Last year alone, Fruitland had more single-family building permits than Ontario has had in the last ten years.**

Figure 7. Fruitland, Idaho Building Permits for New Single-Family Homes, 2012 to 2020



Payette: Payette has also grown rapidly over the last several years with a similar distribution of housing types. From 2006 to 2020, Payette approved building permits for 320 dwelling units. Like Fruitland, the overwhelming majority (258 or 81%) were detached single-family dwelling units; however, six of these were attached single-family (2% of total housing units). There were 35 manufactured homes (11%), 1 ADU, 6 duplexes (12 units or 4%) and 8 multi-family dwellings (3%).

Figure 8. Payette, Idaho Building Permits for New Single-Family Homes, 2006 to 2020

Payette, Idaho Land Divisions

Winterbrook was able to get some recent (2010-20) housing type and density information based on land divisions and site development permits in the city of Payette, Idaho. This information is useful in anticipating housing types and densities that may occur in Ontario through the land division process if population growth picks up over the next 20 years.

Table 5 shows the results of five land divisions approved between 2010 and 2020 in Payette. Three land divisions were for single-family detached home lots, one included detached and attached single-family lots, and the other land division was for eight four-plex lots. Note that the data does not account for land that (a) may be unbuildable due floodplains or steep slopes and (b) may include land that was dedicated for public rights-of-way.

Table 5. Payette Housing Type and Density Data, 2010 to 2020

2010 – 2020 LAND DIVISIONS	SINGLE-FAMILY			SINGLE-FAMILY ATTACHED			MULTI-FAMILY			TOTAL		
	DU	Gross Acres	DU/ Acre	DU	Gross Acres	DU/ Acre	DU	Gross Acres	DU/ Acre	DU	Gross Acres	DU/ Acre
1	6	1.7	3.53	-	-	-	-	-	-	6	1.7-	3.5-
2	10	7	1.46	6	.4	10.71	-	-	-	16	7.4	2.16
3	37	10.32	3.59	-	-	-	-	-	-	37	10.32	3.59
4	-	-	-	-	-	-	32	4.68	6.84	32	4.68	6.84
5	19	7	3.43	-	-	-	-	-	-	19	7	3.43
TOTAL	77	25.86	2.98	6	0.56	10.71	32	4.68	6.84	115	31.1	3.7

Of the 115 units created through the land division and development permit processes, the average density was 3.7 dwelling units per acre. Assuming 20% for street dedication and 10% for unbuildable land, the average net residential density comes to about 5.3 dwelling units per net buildable acre.

Based on land division data, Payette's housing mix was 62% single-family residential (both detached single-family and manufactured homes on individual lots), 9% attached single-family, and 28% multi-family (fourplexes). These proportions are in line with Ontario's 2021 projections (70% low density housing types and 30% medium and high density housing types). The Payette data suggests that it is

reasonable to project that 10% of Ontario's new housing over the new 20 years will likely be attached single-family.

Regional Housing Stock Age and Composition

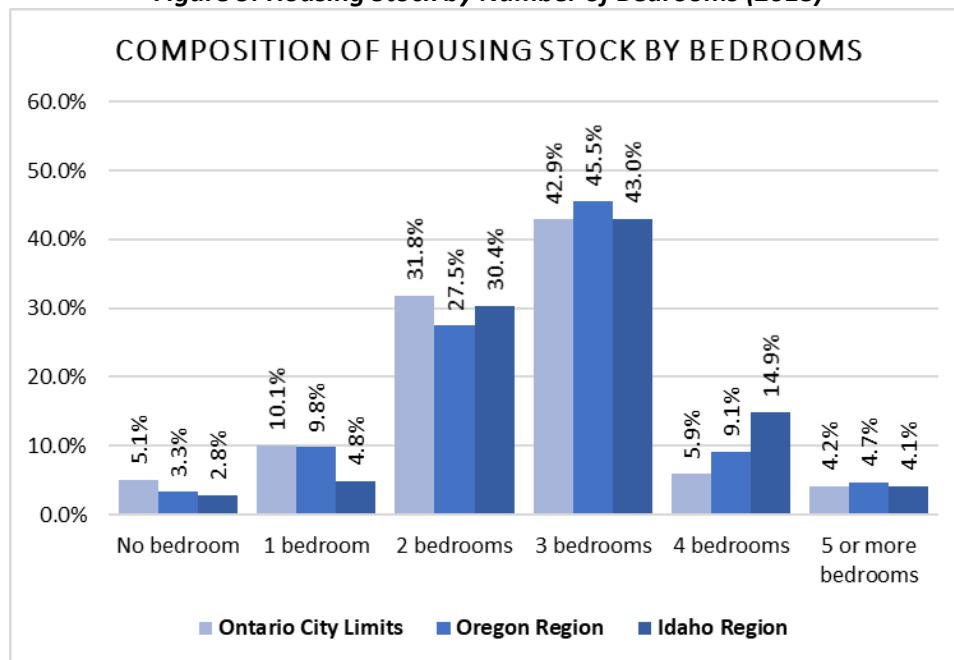
Based on ACS data, Ontario's housing stock is relatively old compared to housing in the surrounding regions. Only 6.8% of all units were built between 2000 and 2018, compared with 9% in the Oregon Region and 16.9% in the Idaho Region. This disparity is typical of an older central city with rapidly growing suburban areas.

The fact that the Idaho region has had twice the percentage of new housing units as the Oregon region may reflect (according to several TAC members):

1. Their relative distances from the Boise region;
2. Differences in state taxation and land use policy;
3. The high cost of extending urban services to residential land outside the City Limits; and
4. The perception shared by some TAC members that Ontario has a higher crime rate than neighboring communities.

Most Ontario homes are 2 to 3 bedrooms, with a smaller percentage of 4 and 5+ bedroom homes than in either the Oregon Region or the Idaho Region. In the Idaho Region, roughly one-fifth of the homes had 4 bedrooms or more. Idaho consumers are investing substantially more in housing than consumers in Oregon.

Figure 9. Housing Stock by Number of Bedrooms (2018)



Housing Tenure

While renter-occupied housing increased in Ontario and the surrounding regions, Ontario had the largest shift from owner-occupied housing to renter-occupied housing between 2010 and 2018. This trend was also reported by TAC members. Ontario experienced nearly a 10% share increase in renter-

occupied housing units compared to roughly a 7% share increase for the Oregon Region and a 2% share increase for the Idaho Region.

Table 6. Housing Occupancy by Tenure

	OWNER-OCCUPIED		RENTER-OCCUPIED	
	% ESTIMATE	AVERAGE HOUSEHOLD SIZE	% ESTIMATE	AVERAGE HOUSEHOLD SIZE
Ontario City Limits				
2010	59.1%	2.59	40.9%	2.44
2018	49.2%	2.52	50.8%	2.57
CHANGE	(9.9%)	(.07)	9.9%	0.13
Oregon Region				
2010	63.8%	2.75	36.2%	2.59
2018	57.0%	2.56	43.0%	2.57
CHANGE	(6.8%)	(0.19)	6.8%	(0.02)
Idaho Region				
2010	74.53%	2.78	25.47%	2.63
2018	72.63%	2.66	27.37%	2.49
CHANGE	(1.9%)	(0.12)	1.9	(0.14)

According to ACS estimates, the average renter-occupied household size increased slightly in Ontario between 2010 and 2018. In Malheur County's Coordinated Population Forecast, the Population Research Center found that: "... *smaller household size is associated with an aging population in Malheur County and its sub-areas.*" While this may be true for Malheur County, the influx of 20 to 34 year-olds coupled with marginal increases in school-aged children may suggest delayed family planning also contributes to decreased household size in Ontario.

Vacancy Rates

Winterbrook also looked at statewide homeownership and vacancy trends and such trends in the cities of Fruitland and Payette Idaho. Typically, a healthy rental vacancy rate is around 7 to 8%; a healthy homeowner vacancy rate is around 2%.² In 2018, Ontario's owner/renter vacancy rates were reportedly higher than the state and surrounding cities. TAC members reported a very tight rental and sales market – which should have resulted in more housing investment than Ontario has had in recent years. In Table 7, note the extremely low vacancy rates in Fruitland and the relatively low vacancy rates in Payette.

² <https://www.bloomberg.com/news/articles/2018-07-27/the-disturbing-rise-of-housing-vacancy-in-u-s-cities>

Table 7. Housing Vacancy Rates, 2018

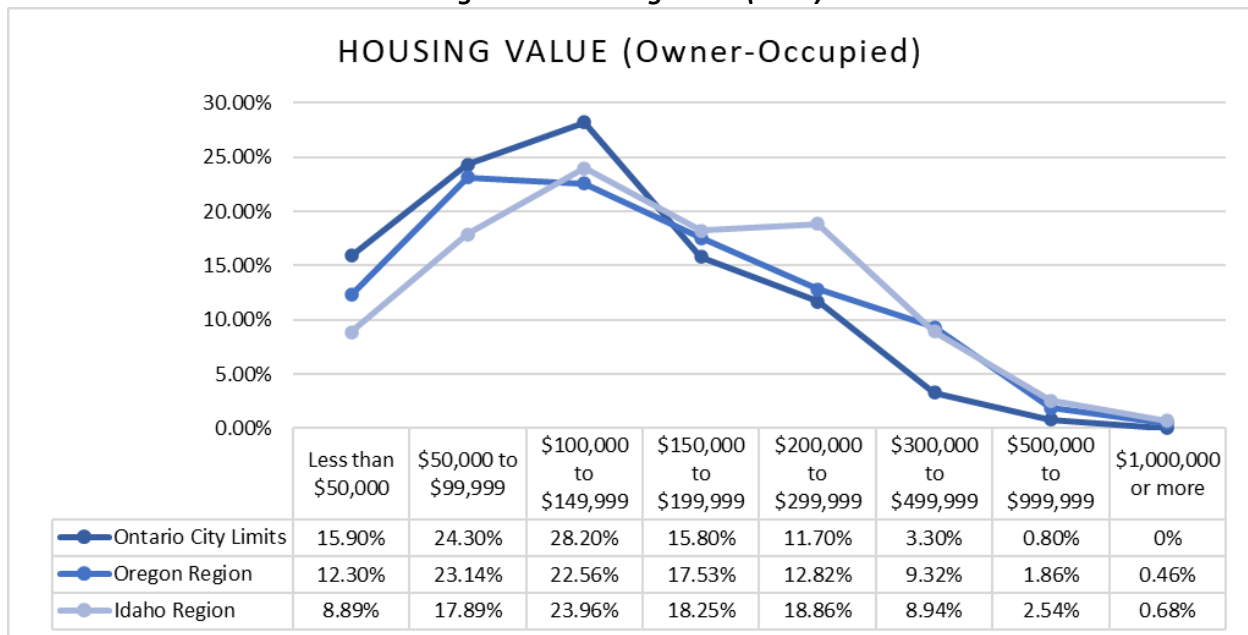
	RENTAL VACANCY RATE	HOMEOWNER VACANCY RATE
Ontario City Limits	4.7%	4.8%
State of Oregon	3.7%	1.4%
Fruitland, ID	0%	0%
Payette, ID	4.1%	1.5%

ECONOMIC CHARACTERISTICS

According to ACS data, Ontario's housing is more affordable than the Oregon and Idaho regions and Ontario's median income was also lower than these regions. Although a third of all Ontario households were housing cost-burdened, about 60% Ontario families were occupying housing that costs less than what they could reasonably afford. This data indicates demand for both lower- and higher-end housing in Ontario.

Housing Price

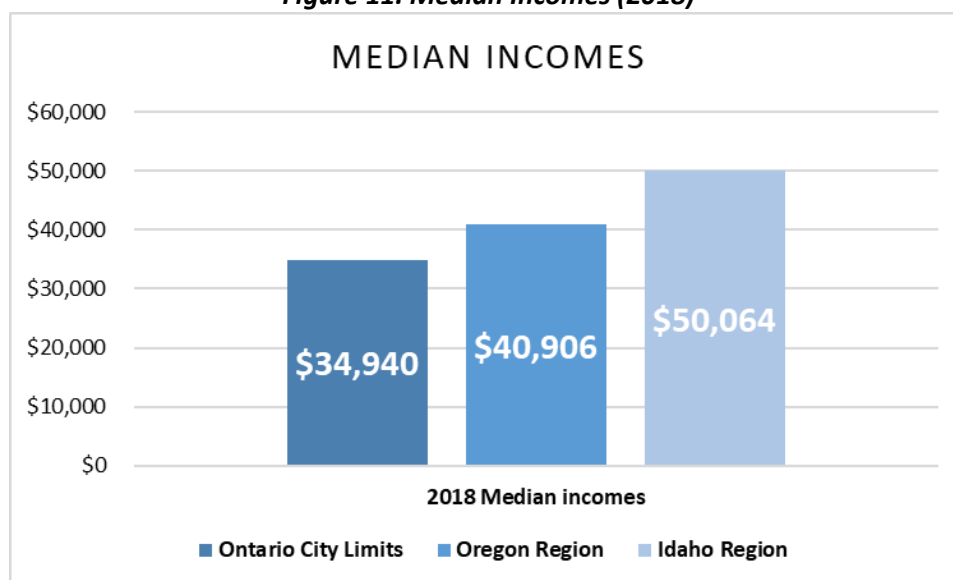
Ontario's housing stock is generally more affordable than in either region. Ontario's median housing price in 2018 was: \$114,800. The Oregon Region's median housing price was slightly higher at \$128,020. The Idaho Region's median housing price was much higher at \$145,825. The Idaho region figures are typical of rapidly-growing suburban areas near declining central cities with aging housing stock and limited new development. This data supports the notion that Ontario must take extraordinary measures to attract new housing development – with a focus on attracting young, working families, and retaining more affluent households.

Figure 10. Housing Value (2018)

Median Incomes

Ontario's median income was roughly 15% lower than in the Oregon Region and 30% lower than the Idaho Region in 2018. Figure 11 is consistent with the views of most TAC members that relatively affluent Ontario residents are purchasing new homes in Idaho cities and rural areas rather than in Ontario. TAC members noted that people may be moving to Idaho in part because the supply of housing in Oregon's rural areas is constrained by Oregon's land use planning program, which limits development on rural land outside of UGBs.

Figure 11. Median Incomes (2018)



There are notable differences among age and family groups regarding median incomes in Ontario. Table 8 shows relatively low incomes (compared with the overall Ontario median income of \$34,940) for:

- Young and middle-aged households (below 44 years);
- Senior households (65 years and older); and
- Family households with children under the age of 18.

Table 8. Ontario's Median Incomes by Select Population Characteristics (2018)

2018 MEDIAN INCOME	
Hispanic or Latino Origin	
Hispanic or Latino origin (of any race)	\$35,393
White alone, not Hispanic or Latino	\$35,560
By Age of Householder	
15 to 24 years	\$33,917
25 to 44 years	\$34,408
45 to 64 years	\$46,161
65 years and over	\$30,038
Families	
Families with own children of householder under 18 years	\$30,906
Families with no own children of householder under 18 years	\$58,977

Thus, there is a need for entry-level housing for younger and middle aged households and households with children -- and more affordable and perhaps smaller housing options for senior citizens. Note there is very little difference in income between “Hispanic/Latino households” and “White alone” households.

Cost-Burdened Households and Families “Buying Down”

As shown on Table 9, over a third of all Ontario households were cost-burdened (pay more than 30% of household income for housing) in 2018. In contrast, less than a quarter of all Idaho region households were housing cost burdened. This data indicates strong demand for government assisted housing in Ontario as well as demand for lower-costs housing options such as ADUs and duplexes.

In both Ontario and the surrounding regions, renters were more likely to be burdened by housing costs than homeowners. High housing cost-burden can prevent households from purchasing a home, saving for retirement, or saving for unexpected costs such as medical bills. When an inadequate number of rentals within a household’s price-range are available, households are more likely to settle for lower quality units or relocate. This data has been used to support successful government assisted housing grants and loans in Ontario.

Table 9. Housing Cost-Burdened (2018)

PERCENT OF HOUSEHOLDS SPENDING MORE THAN 30% OF THEIR INCOME ON HOUSING ALONE:			
	HOMEOWNERS	RENTERS	ALL HOUSEHOLDS
Ontario City Limits	25.24%	52.8%	34.99%
Oregon Region	20.18%	51.38%	32.61%
Idaho Region	19.88%	33.69%	23.49%

While roughly a third of Ontario *households* were cost-burdened in 2018, the Regional Housing Needs Analysis (ECONorthwest, 2019) estimated that 60% of Ontario *families* were “buying down”³ in 2016. This estimate is based on HUD’s 2012-2016 “Comprehensive Housing Affordability Strategy” (CHAS) data. CHAS data is based on HUD’s Area Median Family Incomes (HAMFI).

The red shading in Figure 12 shows the estimated number of Ontario families that are housing cost-burdened. Green shading shows Ontario families that are buying/renting housing within their affordability range. Blue shading shows the families that are “buying down” (or renting down).

³ These families have the means to occupy more expensive housing but are “buying down” and occupying less expensive housing either by choice or because of a lack of more expensive housing options.

**Figure 12. Housing Supply by Income and Affordability
(2012-2016 CHAS Data)**

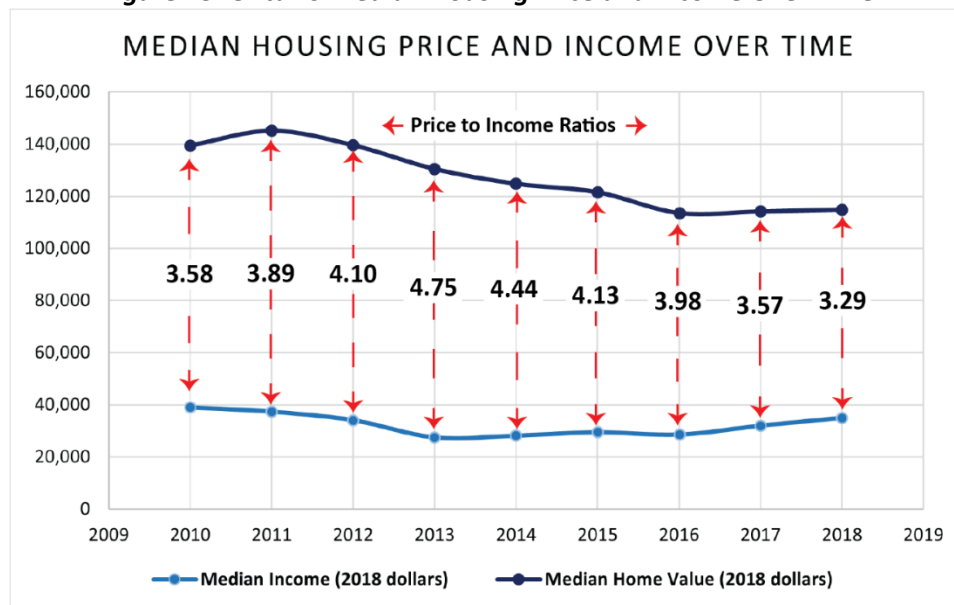
Unit Affordability	0-50% HAMFI	50-80% HAMFI	+80% HAMFI
UGB: Ontario			
0-50%	699	140	437
50-80%	745	310	609
+80%	120	64	325

Housing Value to Income Ratio

Figure 13 shows Ontario's median household incomes and median home values between 2010 and 2018. Home value data are based on an ACS respondent's estimate of how much their property (house and lot) would sell for if it were for sale when they were surveyed. The median prices and incomes in Figure 13 have been adjusted for inflation; all estimates are represented in 2018 dollars.

As discussed with regards to housing cost-burden, a household should have at least 3 times their rent or mortgage in monthly income, i.e., not spend more than 30% of their income on housing alone. A housing value to income ratio of around 3.0 is a general benchmark for affordability. Figure 13 provides a visual assessment of this ratio over time, controlling for inflation. Housing has become more affordable in recent years as the housing value to income ratio has decreased closer to 3:1.

Figure 13. Ontario Median Housing Price and Income Over Time



SECTION 3. RESIDENTIAL BUILDABLE LANDS INVENTORY

This section contains Ontario's Residential Buildable Lands Inventory (BLI). This analysis updates the 2007 BLI in the *Ontario Urbanization Study* (see Map 1) and follows standard BLI methods, based on the DLCD HB 2709 workbook "*Planning for Residential Growth*". The methods used are consistent with Goal 10 requirements for planning needed housing in urban areas for medium cities – cities with an estimated population between 10,000 and 25,000.

ONTARIO'S RESIDENTIAL LAND BASE

Ontario's residential land base for the BLI is shown in Table 10. This residential land base includes all residential zones within the UGB. Map 2 displays all zoning within the Ontario UGB. Map 3 displays residential land by zoning.

Table 10. Residential Land Base by Zone, 2020

ONTARIO ZONING	NUMBER OF TAX LOTS	PERCENT	TOTAL TAX LOT ACREAGE	PERCENT
Residential Zones:				
Single-Family Residential (RS50)	1,440	41.8%	485	30%
Duplex Residential (RD40)	990	28.8%	173	11%
High Density Residential (RM-10)	423	12.3%	178	11%
Manufactured Home Residence (RMH)	101	2.9%	39	2%
Planned Development (PD)	192	5.6%	74	5%
Residential – Urban Growth Area (R-UGA)	298	8.7%	655	41%
Total	3,444	100%	1,604	100%

In 2020, we identified 1,604 acres of residentially zoned land within Ontario's UGB. This land is divided into 3,444 tax lots. Most of Ontario's buildable residential land supply is located outside the City Limits and zoned Residential – Urban Growth Area (R-UGA).

Recognizing that lower density residential dwelling types are allowed in Medium and High Density Residential plan designations, the existing land area proportions by City zone are indicative of how Residential UGA land (42% of the residential land supply within the UGB) should be planned and zoned when it is annexed to the City to meet future housing needs:

- 60% Low Density Residential (RS50 and PD);
- 20% Medium Density Residential (RD40 and RMH); and
- 20% High Density Residential (RM-10).

Winterbrook recognizes that residential uses are permitted in the Neighborhood Commercial, General Commercial, and Central Commercial zones and that the City is considering amendments to the Heavy Commercial zone that would allow residential uses through the conditional use process. However, buildable land within these zones was determined to be needed for employment growth in the 2007 Economic Opportunities Analysis and was not considered for their capacity to accommodate residential growth at that time. Please see Section 6 of this report for proposed measures to encourage apartment and mixed-use development in Ontario's commercial zones.

DEVELOPMENT STATUS OF RESIDENTIAL LANDS

Table 11 and Map 4 show total residential acres by development status before removal of constrained land. Residential land is classified into four mutually exclusive categories:

- Vacant buildable
- Partially vacant/redevelopable;
- Developed; and
- Publicly-owned.

Approximately 4 acres of residential land within the City Limits was considered unavailable due to access constraints or easements.

Table 11. Development Status of Residential Tax Lots by Zone, 2020⁴

ONTARIO ZONING	TOTAL ACRES ON TAX LOTS				
	AVAILABLE FOR NEW HOUSING		COMMITTED ACRES (UNAVAILABLE FOR NEW HOUSING)		
	VACANT	PARTIALLY VACANT	DEVELOPED	UNDEVELOPABLE	PUBLIC OR EXEMPT
Residential Zones:					
Single-Family Residential (RS50)	59	52	346	1	27
Duplex Residential (RD40)	1	0	163	1	8
High Density Residential (RM10)	4	38	109	0	28
Residential Mobile Home	4	6	30	0	0
Planned Development (PD)	14	1	57	0	3
Residential (R-UGA)	193	271	169	2	20
TOTAL	275	367	874	4	85

GROSS BUILDABLE RESIDENTIAL LANDS

OAR 660-008-0005 describes “Buildable Land” as vacant or partially vacant land that is “suitable and available” for residential uses.

Vacant Residential Land

Tax lots that have no development or existing development has an assessed value of \$10,000 or less, not including manufactured dwellings in manufactured dwelling parks.

Partially Vacant Residential Land

Tax lots with existing development on a half-acre or more are considered “partially vacant”. One quarter-acre is subtracted from each tax lot to account for the existing house.⁵

⁴ Note that all acreage numbers are rounded to the nearest whole number.

⁵ OAR 660-0024-050(a) states that “The infill potential of developed residential lots or parcels of one-half acre or more may be determined by subtracting one-quarter acre (10,890 square feet) for the existing dwelling and assuming that the remainder is buildable land.”

Suitable Land – Land without Physical Constraints

Unconstrained land excludes land within the 100-year floodplain, with known wetlands, and with slopes of 25% or more (see Maps 5 and 6 for areas with physical constraints).

Available Land

Available land for residential uses is land that is not committed to other uses through existing development patterns or policy provisions. The development status described in the section above defines *unavailable* lands as either developed, undevelopable, or public or exempt land that is not owned by a housing agency. Available lands are categorized as vacant or partially vacant.

Gross Buildable Residential Land:

Gross buildable residential land is vacant and partially vacant land that is free of constraints. Gross buildable residential land by residential zone is shown in Table 12 and on Map 7.

Table 12. Gross Residential Buildable Land by Zone, 2020

ONTARIO ZONING	BUILDABLE ACRES ON VACANT LOTS	BUILDABLE ACRES ON PARTIALLY DEVELOPED LOTS	TOTAL GROSS BUILDABLE ACRES	PERCENT SHARE
Residential Zones:				
Single-Family Residential (RS50)	59	52	111	19%
Duplex Residential (RD40)	1	0	1	0%
High Density Residential (RM10)	2	36	38	6%
Manufactured Home Residence (R-MH)	3	6	9	2%
Planned Development (PD)	14	1	14	2%
City Limits Subtotal	79	95	173	29%
Residential (R-UGA)	163	251	414	71%
Total	242	345	587	100%

Of the roughly 587 gross buildable residential acres in Ontario's UGB, about 28% are located within the Ontario City Limits and 72% are located on unincorporated land within the UGB (zoned Residential - Urban Growth Area). Note that:

- Medium Density Residential land (RD40 and RMH zones) is nearly depleted, with only 10 buildable acres.
- High Density Residential (RM-10) buildable land is adequate, with 38 buildable acres.
- Low Density Residential (RS-50 and PD zones) is relatively abundant, with 125 buildable acres.

The Medium Density Residential land supply is designed to meet "missing middle" housing needs by allowing medium density housing types (e.g., triplexes and fourplexes and manufactured dwelling parks). The supply of Medium Density residential land should be increased as R-UGA land is annexed to the City.

SECTION 4. ONTARIO'S HOUSING NEED

HOUSING GROWTH ASSUMPTIONS

This section describes the key assumptions used in forecasting Ontario's housing need. These assumptions are based on the best available data and may rely on safe harbor provisions⁶.

- **Group Quarters Population:** To determine future population in group quarters⁷, we extended the estimated share of population in group quarters in Ontario, as identified in the 2014-2018 ACS 5-year Estimates. The estimated population in group quarters in 2018 was 290 persons, or 2.6% of Ontario's estimated total population. Generally, demands for group quarter housing are met by institutions and organizations outside of the traditional housing market – on public or semi-public / tax exempt lands. Group quarter housing demands can be subtracted from housing need projections for residential land.
- **Household Size:** OAR 660-024-004 (8)(a) establishes a safe harbor provision for average household size and allows cities to assume the most recent ACS estimate in their projection for future household size. Ontario's average household size was 2.55 persons-per-household in 2018, according to the 2013-2018 ACS 5-year estimates. An average household size of 2.55 was assumed for housing need projections.
- **Vacancy Rate:** OAR 660-024-004 (8)(e) establishes a safe harbor provision for vacancy rate and allows cities to assume the most recent ACS estimate in their projections. Ontario had an overall vacancy rate of 12.2% based on 2013-2018 ACS 5-year estimates.⁸

Table 13. Ontario New Dwelling Unit Demand, 2020 to 2040

VARIABLE	PRC POPULATION FORECAST	ASPIRATIONAL FORECAST
Change in Persons (2020 to 2040)	45	3,481
<i>minus</i> Change in Persons in Group Quarters (2.6%)	(1)	(90)
<i>equals</i> Persons in Households	44	3,391
<i>divide by</i> Average Household Size	2.55	2.55
New Occupied Dwelling Units	18	1,330
<i>add</i> assumed vacant units (12.2%)	+3	+163
TOTAL New Dwelling Units Needed (2020 to 2040)	21	1,493

⁶ Safe harbor assumptions are contained in OAR 660-024-0040 (8). These are a series of assumptions that can be relied upon by local governments to determine housing need.

⁷ Some examples of group housing include the Treasure Valley Community College dormitories, elder care and nursing facilities, shelters/transitional housing, and prisons.

⁸ Winterbrook notes that this high vacancy rates should be taken with a grain of salt. TAC members had evidence to support a tight rental and sales market. Moreover, Ontario's ACS vacancy rate estimate is much higher than found in neighboring Idaho cities (Fruitland's vacancy rate was 6.3% and Payette's vacancy rate was 3.2%).

OBSERVED ONTARIO RESIDENTIAL DEVELOPMENT TRENDS

Cities are required to project future housing need by type and density based in part on previously observed trends. DLCD's *"Planning for Residential Lands"* workbook describes the specific steps for forecasting future capacity and land needs to accommodate capacity⁹:

STEP 1. DETERMINE THE TIME PERIOD FOR WHICH THE DATA WILL BE ANALYZED.

Winterbrook reviewed residential construction permits between 2010 and 2020 and land use decisions between 2007 and 2020 to determine Ontario's recent residential development trends.

STEP 2. IDENTIFY TYPES OF HOUSING TO ADDRESS (ALL NEEDED HOUSING TYPES).

As described in the Regulatory Framework section of this report, cities must plan for needed housing types as defined by ORS 197.303; we have also accounted for duplexes and accessory dwelling units. All needed housing types are permitted in Ontario's residential zones. This categorization includes all identified housing types in ORS 197.303 (1)(a) through (e) as well as duplexes and ADUs on lots zoned to allow detached single-family dwellings (required by ORS 197.758 and 197.312, respectively). Ontario is in the process of amending the zoning ordinance to allow all needed housing types under clear and objective standards.

Needed housing types considered in this analysis include:

- **Single-family detached dwellings** on individual lots
- **Accessory Dwelling Units** if there is an existing detached single-family dwelling on a lot
- **Manufactured homes** on individual lots zoned for single-family use
- **Single-family attached dwellings** townhouses/rowhouses where each unit is on a separate lot
- **Duplexes** on individual lots planned for single-family use
- **Manufactured dwelling parks**, under state law, manufactured dwelling parks must be permitted under clear and objective standards in a zone that allows 6-12 dwelling units per acre
- **Triplexes, fourplexes and cottage clusters**, a lower density type of multi-family housing
- **Multi-family dwellings**, five or more dwelling units of any type and in any configuration on a lot or parcel, including courtyard apartments, apartments, and condominiums

In Ontario, government-assisted and farmworker housing represent funding sources and occupants that are allowed without restriction in any of the above housing types. Ontario imposes no restrictions on the financing or users of needed housing types permitted under clear and objective standards in its residential zones.

STEP 3. EVALUATE PERMIT/SUBDIVISION DATA TO CALCULATE THE ACTUAL MIX, AVERAGE ACTUAL GROSS DENSITY, AND AVERAGE ACTUAL NET DENSITY OF ALL HOUSING TYPES.

The following sections present an assessment of Ontario's actual housing types and densities between 2007 and 2020. This assessment is based on building permit data and residential land use decisions (subdivisions, partitions, and site development reviews) collected by the City of Ontario. See also permit and land use decisions for the cities of Payette and Fruitland, Idaho in Section 2. Development in adjacent Idaho cities may provide a preview of future housing need and density in Ontario.

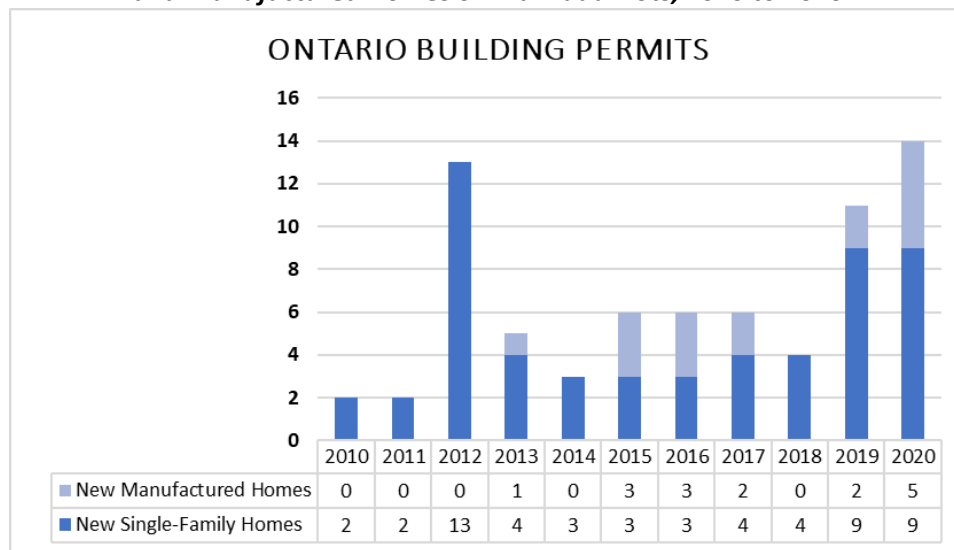
⁹ Specific steps are outlined under Task 2 in the *"Planning for Residential Lands"* workbook.

Building Permits and Residential Land Use Decisions

Ontario Building Permit Data – New Single-Family Construction

Between 2010 November of 2020, the City permitted 72 new single-family homes – including detached single-family dwellings and manufactured homes on individual lots. Over three-quarters of these permits have been for detached single-family homes; one-quarter have been for manufactured homes on individual lots. Ontario has seen a recent uptick in new single-family residential construction (see Figure 14). Eleven single-family homes received permits in 2019 and 2020, when 25 new construction permits were issued.

Figure 14. Ontario Building Permits for New Detached Single-Family and Manufactured Homes on Individual Lots, 2010 to 2020



Ontario Residential Land Use Decisions

Winterbrook analyzed residential land use decisions between 2007 and 2020 to determine actual housing mix and density. There were 15 residential land use decisions evaluated in this analysis. As shown on Table 14:

- The average actual density for Low Density Residential development (single-family detached and attached, manufactured homes on individual lots, duplexes and ADUs) was about 5.7 dwelling units per net buildable acres; and
- The only multi-family development – a 70-unit government assisted apartment complex – was approved at 13.9 dwelling units per net buildable acre.
- No new manufactured dwelling parks or subdivisions of more than 10 lots were approved from 2007-2020.

Table 14. Ontario Observed Densities by Housing Type, 2007 to 2020

2007 – 2020 PARTITIONS, SUBDIVISIONS, SITE DEVELOPMENTS	HOUSING TYPE & (ZONING)	SINGLE-FAMILY DETACHED, ADU AND DUPLEX			MULTI-FAMILY		
		DU	Net Acres	DU/ Net Acre	DU	Net Acres	DU/ Net Acre
1	Single-Family (RS50)	2	0.71	2.82	-	-	-
2	Single-Family (RS50)	3	6.5	0.46	-	-	-
3	Single-Family (RS50)	4	0.8	5	-	-	-
4	Single-Family & ADU (RS50)	2	0.3	6.66	-	-	-
5	Single-Family (RS50)	3	1.02	2.94	-	-	-
6	Single-Family (RS50)	1	0.21	4.76	-	-	-
7	Single-Family (RS50)	1	0.149	6.71	-	-	-
8	Single-Family (RS50)	10	2.17	4.61	-	-	-
9	Single-Family (RS50)	2	0.62	3.23	-	-	-
10	Single-Family (RS50)	7	1.12	6.25	-	-	-
11	Single-Family & ADU (RD40)	2	0.16	12.5	-	-	-
12	Single-Family &	2	0.138	14.49	-	-	-

2007 – 2020 PARTITIO NS, SUBDIVIS IONS, SITE DEVELOP MENTS	HOUSING TYPE & (ZONING)	SINGLE-FAMILY DETACHED, ADU AND DUPLEX			MULTI-FAMILY		
		DU	Net Acres	DU/ Net Acre	DU	Net Acres	DU/ Net Acre
	ADU (RM10)						
13	Single- Family & ADU (RS50)	2	0.344	5.81	-	-	-
14	Single- Family (RS50)	10	3.01	3.32	-	-	-
15	Multi- Family (C2)	-	-	-	70	5.02	13.94
TOTAL		5.68 DU/ NET ACRE			13.94 DU/ NET ACRE		

Winterbrook considered the density ranges allowed in the Low, Medium and High Density Residential designations, as well as observed densities in these categories in Ontario and nearby Idaho cities, to project future residential densities.

PROJECTED HOUSING NEED

As documented in Table 13, the number of needed housing units varies substantially based on two different population forecasts:

- **PRC Official Forecast:** 21 additional dwelling units will be needed to accommodate 20-year housing needs per the coordinated PRC population forecast; or
- **Aspirational Forecast:** 1,493 additional dwelling units will be needed to accommodate 20-year housing needs of the aspirational forecast.

NEEDED HOUSING BY INCOME LEVELS

DLCD's "Planning for Residential Lands" workbook directs cities to "Determine the types of housing that are likely to be affordable to the projected households based on household income" (p. 25). This subsection presents household income information from the 2014-2015 ACS 5-year estimates, input on housing preferences by TAC members, as well as analysis by Winterbrook Planning.

Table 15 is based on current household income distribution. Income is categorized into market segments using Ontario's 2018 Area Median Income (AMI) of \$34,940 and the most detailed financial information available from ACS at this geography. Oriented around the AMI, each income group represents roughly 20% of Ontario's households.

Table 15 also includes housing types that are relatively affordable to each income group. "Affordable" assumes that no household would pay more than 30% of their income on housing costs (i.e., mortgage,

rent, utilities, etc.). The following housing types will likely be affordable to each market segment around the AMI in the future:

Table 15. Affordable Housing Types by Income Level, 2018

INCOME GROUP	ONTARIO INCOME BRACKET	MOST COMMON HOUSING TYPES WITHIN BUDGET
Higher Incomes Households (170% AMI or More)	\$59,398 or more	Large lot single-family detached; high-amenity and single-family detached attached (townhomes and condominiums); Predominately owner-occupied and new construction
Middle Income Households (130% to 170% AMI)	\$45,422 to \$59,398	Small lot single-family detached dwellings; middle-amenity single-family attached dwellings (townhomes, condominiums); duplexes, triplexes, fourplexes, courtyard apartments and cottage clusters. Mix of owner-occupied and renter-occupied, new and existing construction
Moderate Income Households (90% to 130% AMI)	\$31,446 to \$45,422	Manufactured homes on individual lots; smaller and small lot single-family detached and duplexes; somewhat lower amenity single-family attached dwellings (townhomes); duplexes, triplexes, fourplexes, courtyard apartments and cottage clusters. Predominately renter-occupied, existing structures.
Low Income Households (60% to 90% AMI)	\$20,964 to \$31,446	Manufactured dwellings in manufactured dwelling parks; lower-amenity, existing multi-family dwellings. Predominately renter-occupied, existing construction; qualifies for government assistance.
Very and Extremely Low Income Households (Below 60% AMI)	Below \$20,964	Lower-amenity multi-family dwellings; used manufactured homes on individual lots; group quarters housing; Predominately renter-occupied with government assistance.

PROJECTED HOUSING MIX AND DENSITY

Based on the demographic and housing trend analysis in Section 2 and the analysis presented earlier in this Section, Winterbrook projects that the following housing types – and proportions – will be needed during the 20-year planning period under either population forecast. To meet 20-year housing needs, the data and analysis in this report supports the following projections:

Low Density Residential Land Need

70% of new housing will be comprised of lower-density dwelling types allowed under clear and objective standards in all three of Ontario's residential zones (RS50, RD40 and RM10 zones) including:

- Detached single-family dwellings on individual lots;
- Manufactured homes on individual lots;
- Attached single-family dwellings on individual lots;

- ADUs (where there is an existing single-family dwelling on a lot); and
- Duplexes (on a lot zoned for single-family use that does not have an ADU)

Medium Density Residential Land Need

10% of new housing will be duplexes, triplexes, fourplexes, cottage clusters and manufactured dwellings in parks allowed under clear and objective standards in the City RD-40 or R-MH zones.

High Density Residential Land Need

20% of new housing will multi-family housing allowed under clear and objective standards in the RM10 zone. This includes apartments and condominiums.

Needed Housing Mix by Dwelling Type and Zone

Table 16 shows projected housing needs by dwelling type. This projection is based on Table 15 Affordable Housing Types by Income Level, observations of recent local and regional building permit data, residential land use decisions, and American Community Survey dwelling unit estimates.

Table 16. Projected Housing Need by Dwelling Type, 2020 to 2040

HOUSING TYPES	DWELLINGS UNITS - PRC POPULATION PROJECTION	DWELLING UNITS ASPIRATIONAL FORECAST
Needed Dwelling Units (2020 to 2040)	21	1,493
Lower Density Housing Types	70%	
Detached Single-Family on individual lots - 40%	8	597
Manufactured Homes on individual lots – 10%	2	149
Attached Single-Family on individual lots – 12%	2	180
Duplexes dwellings and ADUs – 8%	2	119
Unit Subtotal	14	1,045
Medium Density Housing Types	10%	
Triplexes, Fourplexes and Cottage Clusters – 5%	2	75
Manufactured Dwellings in Subdivisions and Parks – 5%	1	75
Unit Subtotal	3	150
Higher Density Housing Types	20%	
Apartments – 20%	4	298
Unit Subtotal	21	299

DLCD's "Planning for Residential Growth" workbook asks cities to allocate the projected housing mix (contained in Table 16) to the plan designation in which they are anticipated to develop. This conversion allows for a direct comparison against the existing residential buildable lands inventory. To understand where these projected housing types can develop, Table 17 shows the types of housing allowed in each residential plan designation and corresponding zone(s). Note that Ontario has a "pyramidal" residential zoning scheme, meaning that housing types permitted in lower density residential zones (for example single-family dwelling types) are also allowed in higher density residential zones; but higher density

housing types (for example multi-family dwellings) are not permitted in lower density zones. Table 19 shows the housing types that are permitted under clear and objective standards in each City zone.¹⁰

Table 17. Housing Types Permitted Under Clear and Objective Standards by Zone, 2020

Ontario Residential Zones	Single-Family Detached	Manufactured Home	Single-Family Attached	Duplex	ADU with SF Dwelling	Manufactured Dwelling Park	Multi-Family including Apartment
RS50	P	P	P	P	P	X	X
RD40	P	P	P	P	P	X	X
RM10	P	P	P	P	P	X	P
RMH	P	P	X	X	X	P	X
PD	Depends on dwelling types approved through the PUD process						

P – Allowed, subject to clear and objective development standards \ X – Prohibited

Table 18 below shows projected residential zoning acreage and densities by comprehensive plan designation, based on the permitted residential housing types (Table 17).

Table 18. Projected Density for New Housing by Plan Designation, 2020 to 2040

COMPREHENSIVE PLAN DESIGNATION	PROJECTED AVERAGE NET DENSITY (DU/ACRE ¹¹)	RECOMMENDED PERCENT OF BUILDABLE LAND BASE	PROJECTED DU/GROSS ACRE
Low Density Residential (Corresponding City Zone: RS50 and PD)	7.2	60%	6
Medium Density Residential (Corresponding City Zones: RD40 and RMH ¹²)	9.6	20%	8
High Density Residential (Corresponding City Zone: RM10)	14.4	20%	12

Note that these densities are much higher than projected in 2007. Recent code amendments have substantially increased the potential for duplexes and ADUs in the Low and Medium Density plan designations. On the other hand, planned density projections are based in part on actual residential densities observed in Ontario.

¹⁰ Note that the Residential UGA zone that applies to unincorporated land within the UGB is a holding zone. Urban level development is not allowed in the Residential UGA zone until the land is annexed into the City and assigned a City residential zone.

¹¹ A net acre is 42,560 square feet after accounting for street dedications. The gross acre density assumes that 20% of the site will be required for street dedication.

¹² At this point, the only zone that allows triplexes, fourplexes and cottage clusters under clear and objective standards is the RM10 zone. The RD40 zone allows triplexes and fourplexes through the discretionary conditional use process.

We also considered actual densities in Payette and Fruitland, because the City anticipates attracting an increased share of growth from the Idaho region. Another reason why projected average densities are at the low end of the “average density” range in each residential plan designation is because Ontario has no “minimum density” requirement. Thus, developers historically have chosen to develop single-family residential subdivisions on land planned and zoned to allow higher densities.

Table 18 also recommends the percentage of the City’s buildable land supply that should be maintained within the City Limits. As discussed in Section 3, there is currently an adequate supply of buildable land in the Low Density Residential designation (primarily RS-50) and High Density Residential plan designations, and an under-supply of buildable land in the Medium Density Residential (RD-40 and R-MH) designation. The existing supply residentially designated land (developed and buildable) within the City Limits is approximately:

- 60% Low Density Residential;
- 20% Medium Density Residential; and
- 20% High Density Residential.

Winterbrook recommends that these percentages be maintained within the Ontario City Limits – especially when land is annexed into the City and rezoned from Residential UGA to a City zone. This does not mean that all land within these designations must be developed to the maximum densities allowed by these designations. However, such a policy would ensure that there is an adequate buildable land supply in each designation to provide adequate market choice for the types of housing allowed in each designation.

PROJECTED RESIDENTIAL LAND NEED BY RESIDENTIAL PLAN DESIGNATION

Tables 19 and 20 show the allocation of needed housing type by plan designation, based on information provided in Tables 13 to 18. Table 19 shows the allocation based on the PRC projection (45 more people and 21 additional dwelling units). Table 20 shows the allocation based on the aspirational forecast (3,481 additional people and 1,493 additional dwelling units).

Table 19. PRC Population Projection: Residential Land Need by Plan Designation, 2020 to 2040

COMPREHENSIVE PLAN DESIGNATION	PROJECTED NEW HOUSING UNITS	PROJECTED GROSS DENSITY (DU/GROSS ACRE)	PROJECTED GROSS RESIDENTIAL LAND NEED
Low Density Residential	14	6	2.3 acres
Medium Density Residential	3	8	0.38 acres
High Density Residential	4	12	0.33 acres
TOTAL	21	-	3.0 acres

Ontario will need about 3 gross buildable residential acres to accommodate the PRC projected population of 12,256 (45 more people and 21 additional dwelling units). Yet, as supported throughout this report, there is reason to believe that many more people are likely to live in Ontario – and that many more housing units are likely to be constructed to meet their needs – over the 20-year planning period. Therefore, Table 20 estimates residential land need to accommodate the aspirational forecast over the same 20-year planning period.

Table 20. Aspirational Forecast: Residential Land Need by Plan Designation, 2020 to 2040

COMPREHENSIVE PLAN DESIGNATION	PROJECTED NEW HOUSING UNITS	PROJECTED GROSS DENSITY (DU/GROSS ACRE)	PROJECTED GROSS RESIDENTIAL LAND NEED
Low Density Residential	1,045	6	174.2 acres
Medium Density Residential	150	8	18.7 acres
High Density Residential	298	12	24.8 acres
TOTAL	1,493	-	217.7 acres

Ontario will need about 218 gross buildable residential acres to accommodate the City's aspirational forecast of 15,692 (3,481 more people and 1,493 additional dwelling units).

SECTION 5. RESIDENTIAL LAND SUFFICIENCY

This section evaluates the sufficiency of Ontario's residential land to accommodate expected growth over the 2020 to 2040 planning period. This section includes an estimate of residential development capacity (measured in new dwelling units) and an estimate of Ontario's ability to accommodate the housing needs of the both the PRC population projection and the Aspirational Forecast.

DEVELOPMENT CAPACITY OF EXISTING RESIDENTIAL BUILDABLE LANDS

Ontario's Residential Buildable Lands Inventory is described in detail in Section 3. Table 12 includes a summary of the gross buildable residential acres. Table 21 is derived from Table 12 and shows buildable land by plan designation and zone. Note that two zones have no plan designation:

1. The Planned Unit Development Zone that applies to specific properties and allows a mix of residential and other land uses that is not dependent on a specific plan designation. Because PUDs allow for density increases and most of the buildable residential land is single-family detached, we estimate the gross residential density at 6.0 dwelling units per gross acre.
2. The Residential UGA zone is a holding zone that has not specific plan designation. City Zoning is applied based on general comprehensive plan policies when land is annexed to the City. Because future zoning is uncertain, we estimate the density at 8.0 dwelling units per gross acre.

Table 21 shows capacity of each plan designation to accommodate residential growth. The total gross buildable residential acres of each plan designation are multiplied by the projected gross densities for new housing (see Table 18) to determine the development capacity of existing residential buildable lands. Unincorporated residential land within the UGA is zoned Residential UGA but has no residential plan designation.

Residential UGA land will be designated for a combination of Low, Medium and High Density Residential when it is annexed into the City. We assumed an average development density of eight dwelling units per gross buildable acre – between projected densities for Low and High Density Residential designated land.

Table 21. Residential Buildable Land Capacity within Ontario UGB, 2020 Estimate

COMPREHENSIVE PLAN DESIGNATION	TOTAL GROSS BUILDABLE ACRES	PROJECTED GROSS DENSITY (DU/GROSS ACRE)	PROJECTED DU CAPACITY
Low Density Residential	126	6	756
Medium Density Residential	11	8	88
High Density Residential	40	12	480
City Subtotal	177	-	1,324
Residential UGA (no Plan designation)	414	8	3,312
TOTAL	591	-	4,636

COMPARISON OF HOUSING NEED AND RESIDENTIAL BUILDABLE LANDS CAPACITY

The final step to determine residential land sufficiency is to compare projected housing needs (demand) with existing residential buildable land capacity (supply). Table 22 provides a comparison for the PRC projection. Table 23 provides a comparison for the Aspirational Forecast.

Capacity to Accommodate PRC Population Growth and Needed Housing

As shown in Table 22, Ontario will need about three gross buildable residential acres to accommodate the PRC forecast population of 12,256 (45 more people and 21 additional dwelling units). Table 22 shows that there is substantially more buildable residential land within the existing City Limits than needed to accommodate identified needed housing types at projected residential densities. Numbers are rounded to the nearest 10th of a percent.

Table 22. PRC Population Forecast: HNA-BLI Comparison by Plan Designation, 2020 to 2040

COMPREHENSIVE PLAN DESIGNATION	PROJECTED GROSS BUILDABLE RESIDENTIAL ACREAGE NEED	GROSS BUILDABLE ACRE SUPPLY WITHIN CITY LIMITS	RESIDENTIAL BUILDABLE ACRE SURPLUS OR (DEFICIT)
Low Density Residential	2.3	126	123.7
Medium Density Residential	0.38	11	10.62
High Density Residential	0.33	40	39.67
TOTAL	3.0 acres	177	174

As noted in the Introduction, relying on the PRC population forecast has the unintended consequence of allowing the City to meet Goal 10 by zoning only three buildable acres for residential use. Based on recent trends in nearby Idaho communities and the analysis contained in Section 2, there is reason to believe that Ontario will far surpass the number of needed housing units in 2021 alone.

For this reason, the City has chosen to set an aspirational goal of providing housing opportunities to accommodate the larger 2026 (and then “coordinated”) population forecast found in the existing Comprehensive Plan.

Capacity to Accommodate Aspirational Forecast and Needed Housing

As shown in Table 23, Ontario will need about 218 gross buildable residential acres to accommodate the aspirational forecast of 15,692 (3,481 more people and 1,493 additional dwelling units).

Within the Ontario City Limits there is a deficit of buildable land in both the Low Density Residential designation (primarily RS-50 zone), and the Medium Density Residential designation (RD-40 and R-MH zones). There is a surplus of buildable land within the High Density Residential designation (RM-10 zone).

The net deficit of residential buildable land can be made up when land is annexed to the City and rezoned to meet identified housing needs.

Table 23. Aspirational Forecast: HNA-BLI Comparison by Plan Designation, 2020 to 2040

COMPREHENSIVE PLAN DESIGNATION	PROJECTED GROSS BUILDABLE RESIDENTIAL ACREAGE NEED	GROSS BUILDABLE ACRE SUPPLY WITHIN UGB	RESIDENTIAL BUILDABLE ACRE SURPLUS OR (DEFICIT)
Low Density Residential	174.2	126	(48.2)
Medium Density Residential	18.7	11	(7.6)
High Density Residential	24.8	40	15.1
City Subtotal	217.7	177	(40.7)
TOTAL Need from Residential UGA (no Plan designation)	40.7 (deficit in City)	414	373.3

Conclusions for Residential Land Sufficiency

In both population projection scenarios, Ontario has more than enough residential land to meet its 20-year housing needs.

- The PRC projection shown in Table 22 demonstrates that there is more than enough residentially designated land within the existing Ontario City Limits to meet the official projected housing needs. This is not surprising given the trivial population increase – an additional 45 people over the 20-year planning period.
- The City's aspirational forecast is useful in helping the city to decide how to zone land within Residential UGA when it is annexed into the city, and how to assess applications for zone changes that involve residential land.

As the name suggests, the aspirational forecast also gives hope to the City that it can influence future population growth and residential development by adopting housing productivity measures. If the City is successful in increasing population growth beyond the PRC forecast, then PRC is likely to increase the City's official population forecast in the future. The two recent housing projects described in the Introduction (120 multi-family dwelling units) should directly affect Ontario's estimated 2021 and 2022 population forecasts in a positive way. It is our understanding that the anticipated new zoning regulations to allow attached single-family housing have already spurred interest among housing developers.

Section 6. Housing Productivity Measures and Recommended Comprehensive Plan and Code Amendments includes local financial measures and regulatory incentives that could be used to encourage new housing construction in Ontario, as well as a list of amendments to the Ontario Comprehensive Plan and Zoning Ordinance designed to encourage housing investment.

APPENDIX A: INVENTORY OF MOBILE HOME, MANUFACTURED DWELLING PARKS, & AFFORDABLE HOUSING

INVENTORY OF MOBILE HOME AND MANUFACTURED DWELLING PARKS

Mobile home and manufactured dwelling parks provide “naturally occurring” affordable housing. These neighborhoods offer homeownership opportunities for lower-income households, including new families and seniors. However, because of their land-leasing financial structure, mobile home and manufactured dwelling park residents are vulnerable to displacement. Zoning can place development pressures on mobile home and manufactured dwelling parks when these areas are zoned for other uses (such as high-density residential, commercial, or industrial). For this reason, cities are required to inventory existing parks and project future mobile home and manufactured dwelling park need.

ORS 197.475 through 493 guide planning for mobile homes and manufactured dwelling parks. Specifically, ORS 197.480 (2) asks cities to project future need for mobile home and manufactured dwelling parks, requiring:

(D) AN INVENTORY OF MOBILE HOME OR MANUFACTURED DWELLING PARKS SITED IN AREAS PLANNED AND ZONED OR GENERALLY USED FOR COMMERCIAL, INDUSTRIAL OR HIGH DENSITY RESIDENTIAL DEVELOPMENT.

The Oregon Department of Housing and Community Services maintains an up-to-date registration of manufactured dwelling parks. Table 28 shows all mobile home and manufactured dwelling parks within the Ontario UGB registered with the State, as of November 2020.

Table 24. Inventory of Ontario's Mobile/Manufactured Home Parks, 2020

NAME	ADDRESS	BASE ZONING	PARK TYPE	TOTAL SPACES
Cooper Country Mobile Estates	759 NW 8 th St	Residential Mobile Home	Family	50
Golf Mobile Court	3375 SW 18 th Ave	Commercial UGA	Family	16
Idlewheels Trailer Park	489 2 nd Ave E	Residential Mobile Home	Family	49
Mobilette Ranch Mobile Home Park	3100 ½ Court Ave	Residential Mobile Home	Family	30
Ontario MHP	1021 SE 9 th Ave	Residential Mobile Home	Family	57
Oregon Trail Estates	880 N Oregon	General Commercial	Family	40
Treasure Valley Mobile Village	26 Winegar Dr	High Density Residential	55+	116
Westgate Mobile Estates	2511 SW 4 th Ave & 2565 SW 4 th Ave	General Commercial	Family	104

Half of all of Ontario's registered mobile home and manufactured dwelling parks are zoned Manufactured Home Residence (R-MH); the other half are zoned either Commercial or High Density Residential (RM-10).

ONTARIO'S AFFORDABLE HOUSING DEVELOPMENTS

Ontario has both public housing and subsidized housing developments, and the Housing Authority of Malheur and Harney Counties administers Housing Choice Vouchers (Section 8) that are used in the private rental market. The following is a list of affordable housing developments in the Ontario UGB as

of August 2020. These developments are owned by either Government Agencies (the Housing Authority) or non-profit organizations.

- **Fairview Apartments:** 555 NW 9th St.
- **Hillcrest Apartments:** 154 Sunset Dr.
- **Lifeways 4-plexes:** 1064-1070 NW 6th, 1061-1067 NW 5th
- **Lifeways Transitional Housing (La Casa Vida Inc.):** 633 N Oregon St.
- **Malheur Homeless:** SE 6th St.
- **Meadowlark House:** 917 Fortner St.
- **Ontario Affordable Housing:** 1085 N Oregon St.
- **Ontario Auto Court:** 92 NW 2nd St.
- **Ontario Townhomes:** 1321 NE 3rd Ave.
- **Parkview Village Apartments:** 986 NW 4th St.
- **Sierra Vista Apartments:** 789 Sierra Dr.
- **Sunset Apartments Ontario:** 82 Sunset Dr.
- **Treasure Valley Estates:** 1035-1296 SE 10th Ave.
- **West Alameda:** 833 Alameda Dr.

APPENDIX B: BUILDABLE LANDS INVENTORY MAPS

Appendix B includes the following maps:

Map 1 Ontario Buildable Lands Inventory: Zoning within Urban Growth Boundary (2020)

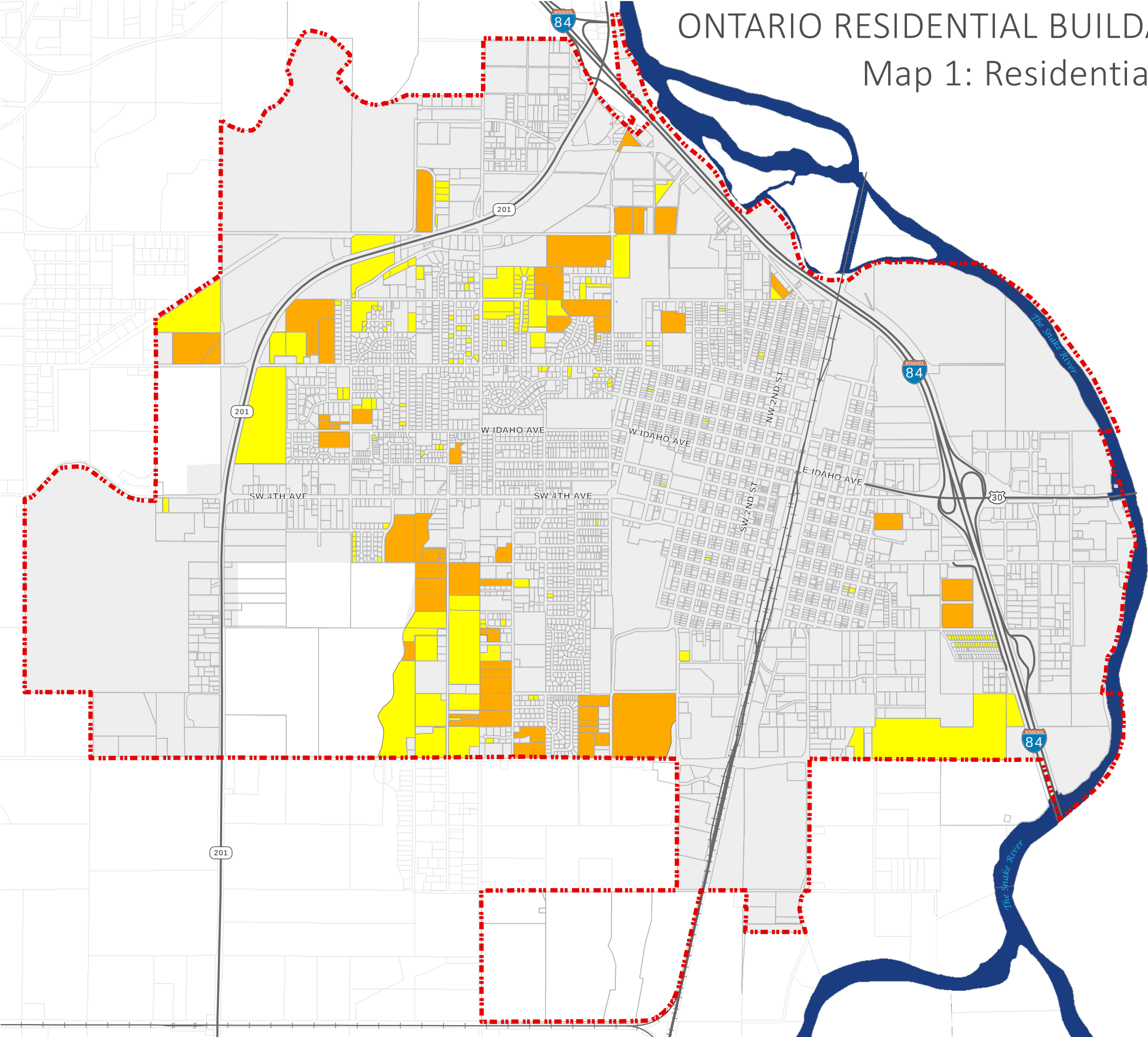
Map 2 Ontario Buildable Lands Inventory: Development Status of Residential Lands (2020)

Map 3 Ontario Buildable Lands Inventory: Development Constraints (2020)

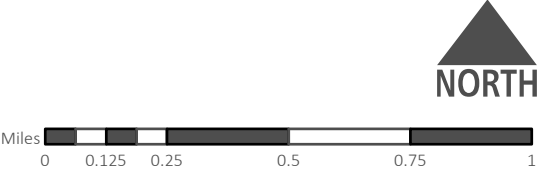
Map 4 Ontario Buildable Lands Inventory: Development Status and Constraints (2020)

ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 1: Residential Buildable Lands (2007)



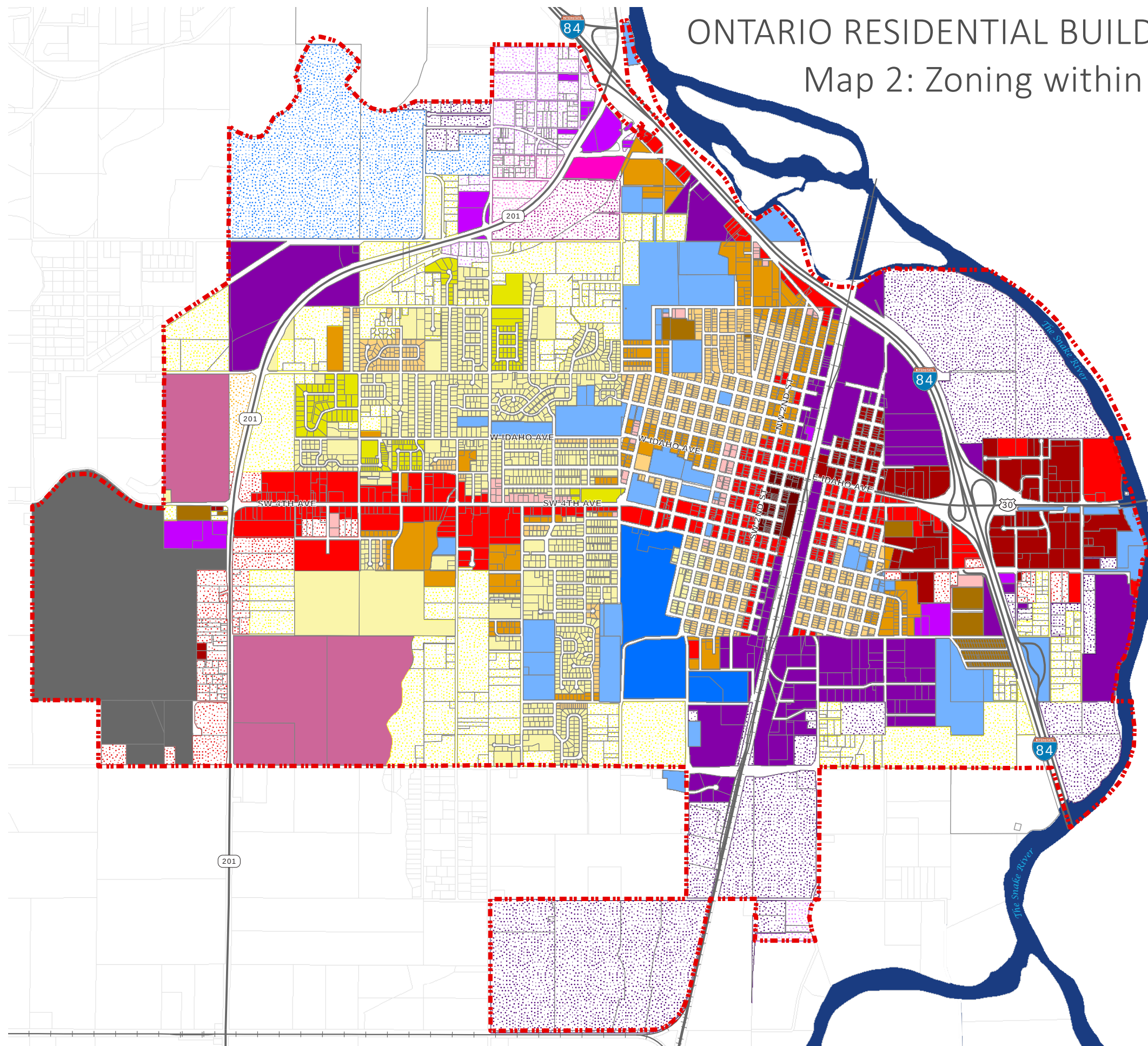
- 2007 Vacant Land (Residential Only)
- 2007 Partially Vacant (Residential Only)
- 2007 Ontario Urban Growth Boundary
- 2019 Ontario Urban Growth Boundary
- Railroads
- Major Roads
- Tax Lots
- Snake River



Last Revised: April 5, 2021
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019
Ontario Urbanization Study, 2007

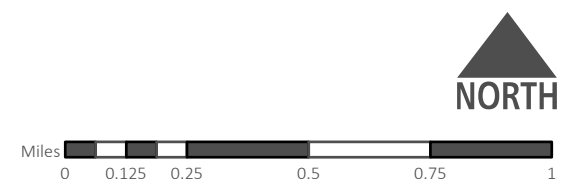
ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 2: Zoning within Urban Growth Boundary



Zoning

- | | |
|----------------------------------|---|
| RS50 - Single Family Residential | E2 - Employment Zone (2 Acres) |
| RD40 - Duplex Residential | AD - Airport Development |
| RM10 - High Density Residential | PF - Public Facility |
| RMH - Residential Mobile Home | CD - College District |
| PD - Planned Development | RUGA - Residential UGA |
| C1 - Neighborhood Commercial | CUGA - Commercial UGA |
| C2 - General Commercial | C(BP)UGA - Commercial Business Park UGA |
| C2H - Heavy General Commercial | I1UGA - Light Industrial UGA |
| C3 - Central Commercial | I2UGA - Heavy Industrial UGA |
| I(BP) - Industrial Business Park | E2UGA - Employment (2 Acres) UGA |
| I1 - Light Industrial | E5UGA - Employment (5 Acres) UGA |
| I2 - Heavy Industrial | PFUGA - Public Facility UGA |
| | Ontario Urban Growth Boundary |
| | Railroads |
| | Major Roads |
| | Tax Lots |
| | Snake River |

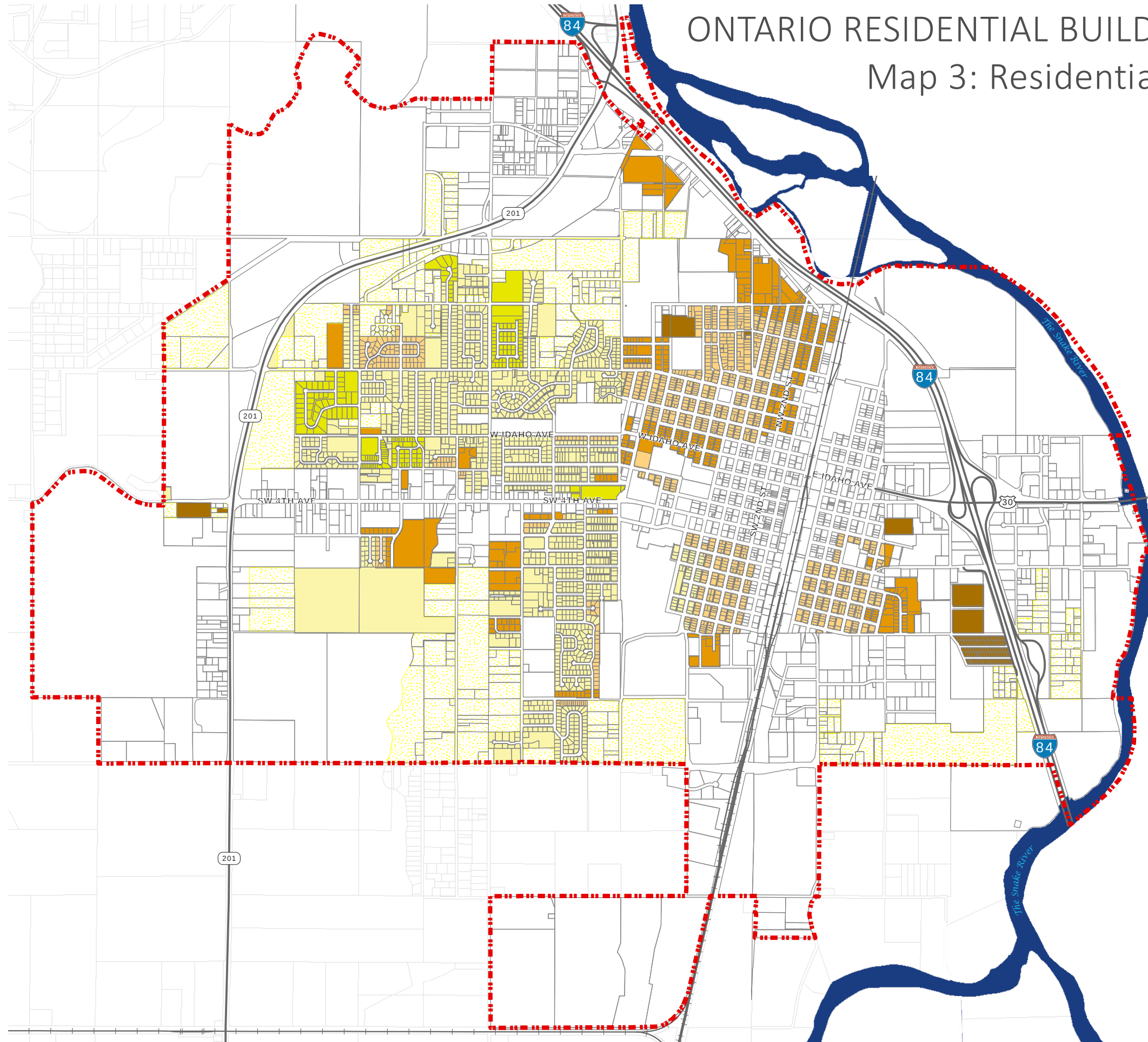


Last Revised: March 9, 2021
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019



ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

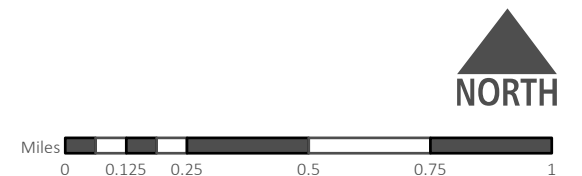
Map 3: Residential Land by Zoning in 2020



Zoning

- RS50 - Single Family Residential
- RD40 - Duplex Residential
- RM10 - High Density Residential
- RMH - Residential Mobile Home
- PD - Planned Development
- RUGA - Residential UGA

- Ontario Urban Growth Boundary
- Railroads
- Major Roads
- Tax Lots
- Snake River

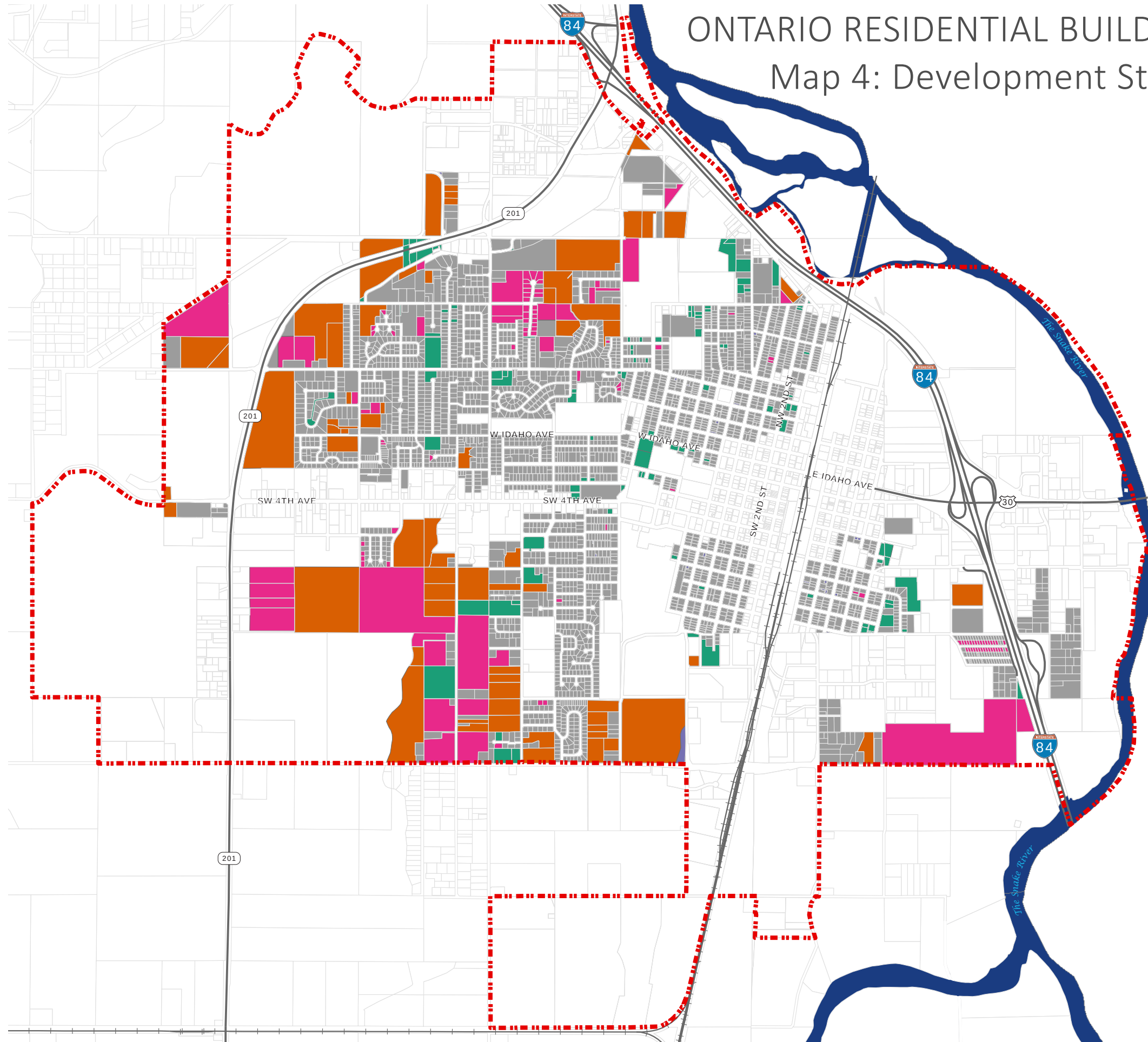


Last Revised: April 5, 2021
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019



ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 4: Development Status of Residential Lands



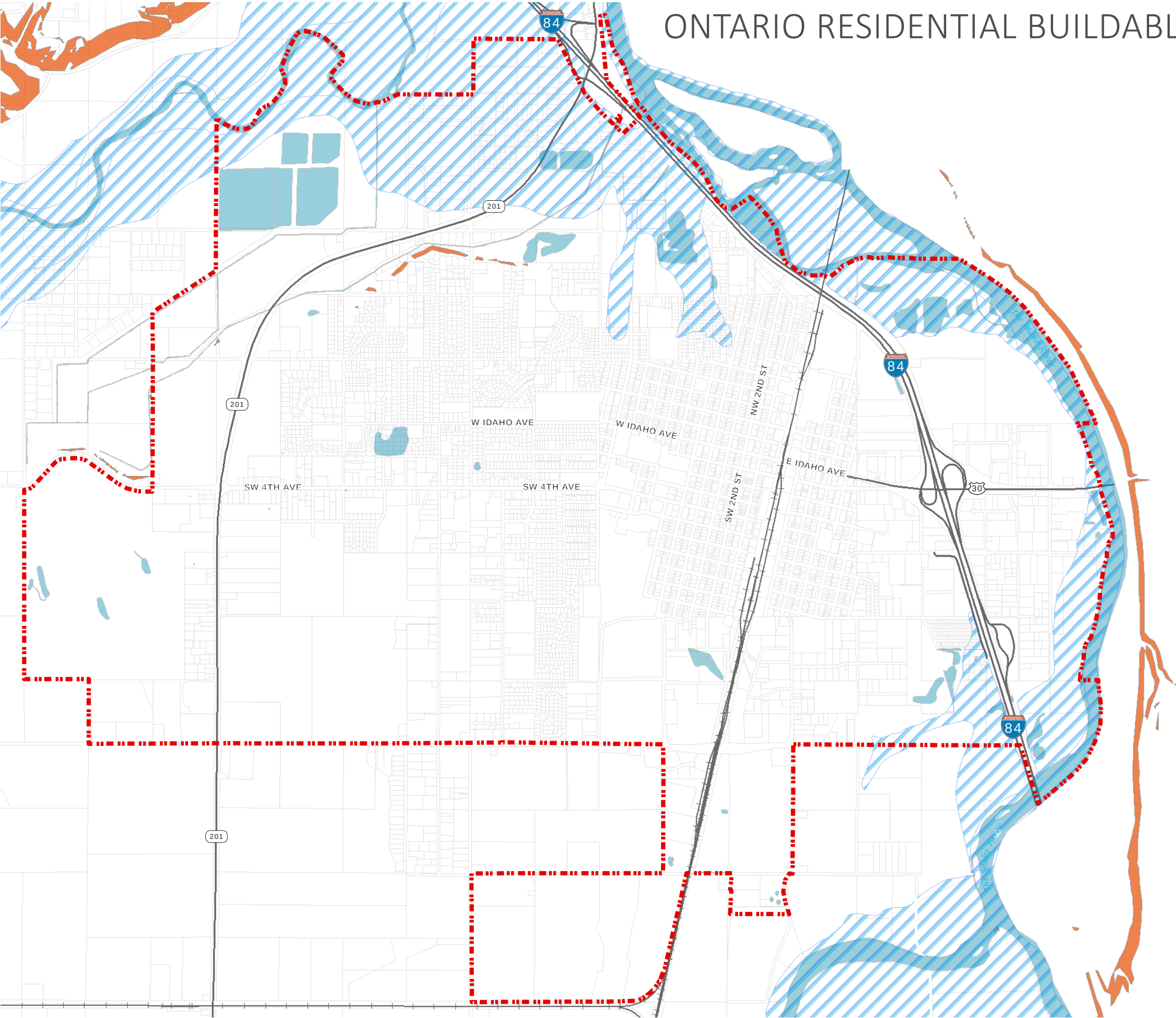
- Ontario Urban Growth Boundary
- Railroads
- Major Roads
- Tax Lots
- Vacant Land
- Partially Vacant
- Public or Exempt
- Undevelopable
- Developed
- Snake River



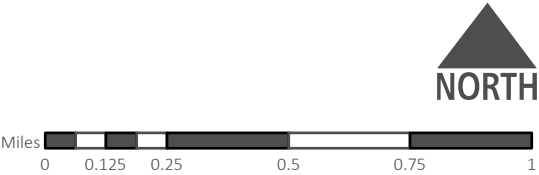
Last Revised: April 5, 2021
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019

ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 5: Constraints



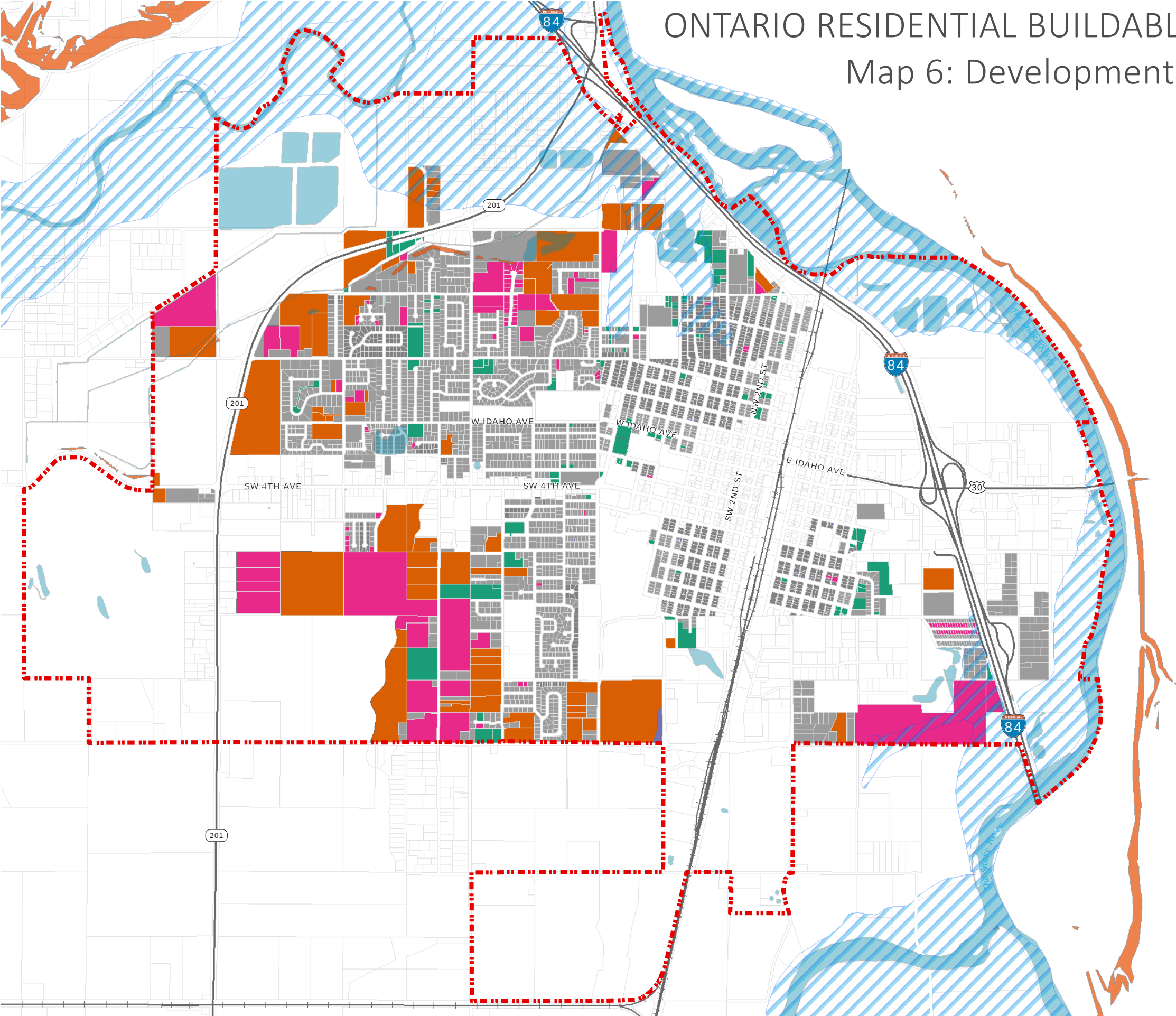
-  Floodway and 100-Year Floodplain
-  Wetlands (National Wetlands Inventory)
-  Slopes > 25%
-  Ontario Urban Growth Boundary
-  Railroads
-  Major Roads
-  Tax Lots



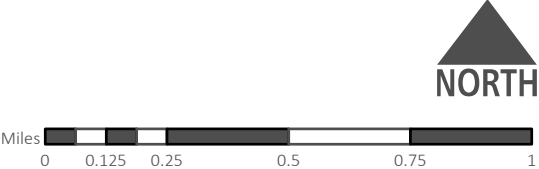
Last Revised: March 9, 2021
 Produced by: Winterbrook Planning
 Sources: Malheur County Assessor, April 2020
 Oregon Department of Land Conservation and Development, 2019
 Federal Emergency Management Agency
 Oregon Department of State Lands
 Oregon Department of Geology and Mineral Industries

ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 6: Development Status & Constraints



- Ontario Urban Growth Boundary
- Floodway and 100-Year Floodplain
- Wetlands (National Wetlands Inventory)
- Slopes > 25%
- Railroads
- Major Roads
- Tax Lots
- Vacant Land
- Partially Vacant
- Public or Exempt
- Undevelopable
- Developed



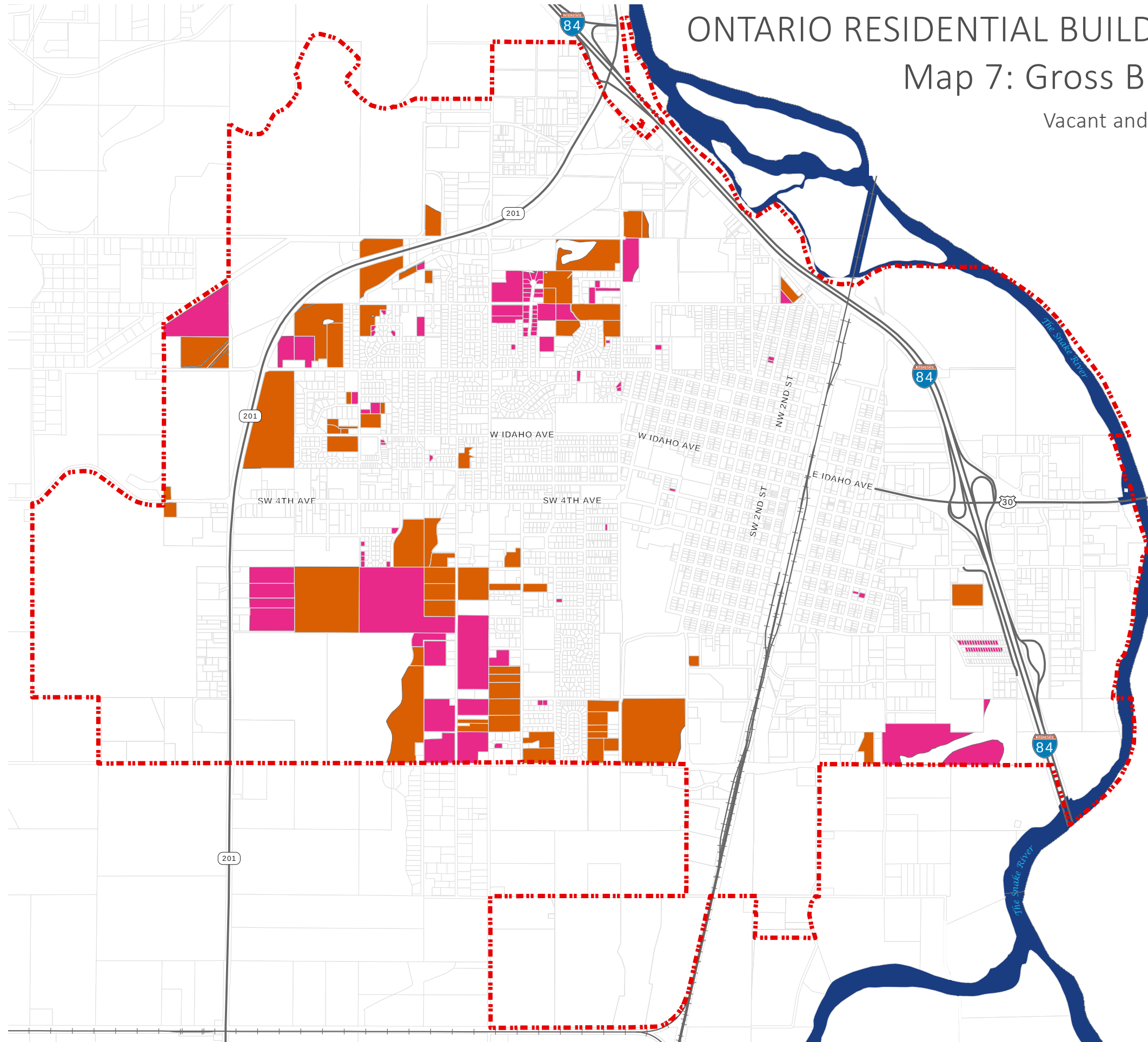
Last Revised: April 5, 2021
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019
Federal Emergency Management Agency
Oregon Department of State Lands
Oregon Department of Geology and Mineral Industries



ONTARIO RESIDENTIAL BUILDABLE LANDS INVENTORY

Map 7: Gross Buildable Residential Land

Vacant and Partially Vacant Land without Constraints



- Ontario Urban Growth Boundary
- Railroads
- Major Roads
- Tax Lots
- Vacant Land
- Partially Vacant
- Snake River



Last Revised: April 5, 2022
Produced by: Winterbrook Planning
Sources: Malheur County Assessor, April 2020
Oregon Department of Land Conservation and Development, 2019
Federal Emergency Management Agency
Oregon Department of State Lands
Oregon Department of Geology and Mineral Industries



ORDINANCE #2790-2021

AN ORDINANCE TO AMEND TITLE 10 THE ONTARIO COMPREHENSIVE PLAN, AND TITLE 10A SUBSTANTIVE ZONING REGULATIONS, WHICH ARE INTENDED TO INCREASE HOUSING PRODUCTIVITY AND POPULATION GROWTH WITHIN THE ONTARIO URBAN GROWTH AREA

- WHEREAS,** The Housing Report (2021) prepared by Winterbrook Planning includes an updated housing needs analysis and buildable lands inventory as required by Statewide Planning Goal 10: Housing; and
- WHEREAS,** The 2021 Housing Report complies with Oregon Statewide Planning Goal 10: Housing and related housing statutes and administrative rules, by
- Providing a housing needs analysis (HNA) as required by Goal 10;
 - Providing a residential buildable land inventory (BLI) as required by Goal 10;
 - Demonstrating that Ontario has an adequate supply of buildable land to meet housing needs identified in the HNA as required by Goal 10;
 - Demonstrating that needed housing types and densities are permitted under clear and objective standards in Ontario's residential zones as required by Goal 10; and
 - Helping to ensure that new and existing housing will be affordable for existing and future Ontario residents at all income levels required by Goal 10; and
- WHEREAS,** The Ontario Housing Productivity Measures Report (2021) prepared by Winterbrook Planning, recommends financial and marketing measures, and amendments to the Ontario Comprehensive Plan and the Ontario Zoning Ordinance, designed to increase housing productivity for all needed housing types as encouraged by Goal 10 and required by the terms of a Department of Land Conservation and Development grant; and
- WHEREAS,** The City Council desires to reverse relatively slow population growth and housing production trends experienced over the last decade and to coordinate with the Portland State University Population Research Center to increase Ontario's official population forecast based on factual evidence; and
- WHEREAS,** The proposed amendments to the Ontario Comprehensive Plan and Ontario Zoning Ordinance are designed to increase housing productivity and thereby increase the City's population growth rate; and
- WHEREAS,** The increased housing production will support the City's economic development objectives by ensuring a greater supply of housing for working families, small business owners and corporate executives; and

- WHEREAS,** The proposed Comprehensive Plan and Zoning Ordinance amendments complement the housing-related Ontario Zoning Ordinance amendments adopted by ORDINANCE #2786-2021; and
- WHEREAS,** The Ontario Urbanization Report (2007) was adopted as a Background Document to the Ontario Comprehensive Plan, but this report is outdated with respect to its housing needs analysis and residential buildable lands inventory; and
- WHEREAS,** Having given notice required by law, to the Oregon Department of Land Conservation and Development (DLCD), and to the Ontario City Council, the above findings have met the criteria of the Ontario Municipal Code; and

Now, Therefore, the City of Ontario ordains as follows:

1. The 2021 Housing Report: Housing Needs Analysis and Buildable Lands Inventory (including text, tables, maps, and appendices) shall be adopted as a Background Document to the Ontario Comprehensive Plan. The following chapters and sections of the 2007 Ontario Urbanization Study (pertaining to residential land need and residential land supply) are outdated and are hereby replaced by the 2021 Housing Report:
 - a. Chapter 1, Housing discussion;
 - b. Chapter 2, Population Forecast (as it pertains to residential land need);
 - c. Chapter 3, Buildable Lands Inventory (as it pertains to residential land);
 - d. Chapter 4, Housing Needs Analysis (in its entirety); and
 - e. Chapter 6, Comparison of Supply and Demand (as it pertains to residential land need and buildable residential supply).

In cases of conflict between any portion of the 2021 Ontario Housing Report and the 2007 Ontario Urbanization Study, the text, maps, tables, and appendices of the 2021 Housing Report shall prevail.

2. The Ontario Housing Productivity Measures Report (Winterbrook Planning, April 2021) provides the rationale for recommended changes to the Ontario Comprehensive Plan and the Ontario Zoning Ordinance and shall be adopted as a Background Document to the Ontario Comprehensive Plan.
3. The Ontario Comprehensive Plan (Ontario Municipal Code Title 10) shall be amended as set forth in Appendix A: 2021 Housing Related Comprehensive Plan Amendments; and
4. The Ontario Zoning Ordinance (Ontario Municipal Code Title 10-A) shall be amended as set forth in Appendix B: 2021 Housing Related Zoning Ordinance Amendments.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2021 by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2021.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

APPENDIX A

2021 Housing Related Comprehensive Plan Amendments

Section 1. Ontario Municipal Code “Forward” of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined:

TITLE 10 - COMPREHENSIVE PLAN FORWARD

Recognizing the need for an effective means of guiding and coordinating the physical development of Ontario, the City Council adopted the Comprehensive Plan in its original document form in 1978.

On May 22, 1985, The Land Conservation and Development Commission (LCDC) acknowledged the City of Ontario's Comprehensive Plan. The plan was then revised in April and May 1988 when the implementing sections and policies supporting the plan were severed from the original document. The City received its periodic review notice on August 31, 1988 and was granted a six months extension on February 6, 1989. On January 30, 1990, the City received notice from LCDC of the acceptance and termination of the periodic review order. This new revision of the Comprehensive Plan is intended to better reflect both the intent of the Statewide Planning Goals and those of the City of Ontario, and to combine on an orderly revised form those segments left in the severed 1985 plan.

In 2007, the City made substantial amendments to the Ontario Comprehensive Plan to address the implications of new year 2027 and 2056 population and employment projections, and the Ontario Urbanization Study.

The 2021 Ontario Housing Report was based on the Portland State University Population Research Center (PRC) coordinated population forecast and considered the implications of an aspirational forecast (the 2027 forecast in the 2007 Ontario Urbanization Study). The housing need projection was revised to accommodate Ontario's projected 2040 population targets. Although residential land needs have changed between the 2007 Ontario Urbanization Study and the 2021 Ontario Housing Report, the employment and public lands projections found in the 2007 Ontario Urbanization Study remain the same.

Section 2. Ontario Municipal Code “Plan Classifications” of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

THE PLAN

Plan Classifications

The land use element of Ontario's Comprehensive Plan is intended to provide a general guide to the future use of land within the City and its urban growth boundary. In addition to the goals, policies, and recommendations, the land use element consists of a map, indicating the proposed location, intent and pattern of the various defined land uses relating to the orderly physical development of Ontario.

The land use plan is based on the existing land use pattern and its relationship to such factors and natural land features; accessibility with respect to the existing and proposed transportation network; the nature, amount and direction of projected future growth; the location with respect to existing and proposed public facilities and utilities; relationship to nuisance factors, and the desirability of the location for future major uses.

The land use classifications are indicated on the Plan for the area within the City of Ontario Limits. The table below describes plan classifications and implementing zones shown on the Ontario Zoning Map. Planned Developments may be approved in any of the plan classifications or implementing zones listed below. The City applies the following designations: two Residential; one Industrial; one Commercial; one Manufactured Housing Park, and one Manufactured Home Overlay. More specific separation of the uses within each plan classification are defined by the zoning map and related ordinance provisions.

Plan Classification	Purpose
Low Density Residential An average of 7-14 dwelling units per acre. *	To provide areas suitable for <u>detached and attached single family and duplex residential uses, accessory dwelling units, and including manufactured dwellings</u> on individual lots, which have or will need public water and sewage services, Commercial and educational support facilities and employment opportunities. <u>The Low Density Residential plan classification is implemented by the Residential Single Family (RS-50) zone.</u>
Medium Density Residential An average of 8–18 dwelling units per acre. *	To provide areas suitable for <u>detached and attached single family, duplex and limited multi-family residential uses, and manufactured dwelling parks and manufactured homes on individual lots,</u> which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities. <u>The Medium Density Residential plan classification is implemented by two zones: Duplex Residential (RD-40) and Residential Manufactured Homes (R-MH).</u>
High Density Residential An average of 8-31 dwelling units per acre.	To provide areas suitable and desirable for all types of high density residential development including <u>detached and attached single family, duplexes, accessory dwelling units, apartments, cottage clusters, townhomes, and manufactured dwelling parks and manufactured homes on individual lots, planned developments, and other multifamily dwelling units,</u> which will have or will need public water and sewage services, commercial and educational support facilities and employment opportunities. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use. <u>The High Density Residential plan classification is implemented by the Residential Multi-Family (RM-10) zone.</u>
Commercial Mixed Use	To provide areas suitable and desirable for retail, wholesale, service, office, tourist, and their similar commercial activities which are needed by the City and surrounding areas. <u>High density residential development is encouraged in all commercial zones subject to design standards, either above commercial uses or as free-standing structures. Zone classification between commercial activities.</u>

	<u>The Commercial Mixed Use plan classification is implemented by the Neighborhood Commercial (C-1), General Commercial (C-2), Heavy Commercial (C-2-H) and Central Commercial (C-3) zones.</u>
Industrial	To provide areas suitable and desirable for those activities that are involved in processing or reprocessing materials and/or resources. These activities are needed to maintain or improve the City's economy and employment. Industrial areas are generally located where services and transportation improvements are available, and development is compatible with surrounding area uses. Zone classifications will be used to differentiate between heavy and light industrial activities.
Public Facilities	To indicate areas desired to be used for existing or anticipated public uses such as schools and other local public, State or Federal activities or facilities.
* Assumes 20% public ROW dedication.	

Section 3. Ontario Municipal Code “Functional Plans and Background Reports” of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

Functional Plans and Background Reports

The following functional plans and background reports are hereby incorporated as exhibits by reference into this Title:

- A. Does not require plan amendments to replace with updated versions:
 - 1. *Annual Economic Report* (The Oregon Employment Division, Malheur County)
 - 2. *Business and Employment Outlook, Volumes 1 and 2* (The Oregon Employment Division Program Year (JTPA DIST 14)
 - 3. *Flood Plain Information* (Federal Emergency Management Agency (FEMA) and LCDC, Oregon Flood Plain Management Program.
- B. Requires plan amendments for changes or replacement:
 - 1. *The Ontario Transportation Systems Plan* (November 2005 - Ordinance 2560 - 2005)
 - 2. *The Ontario Urbanization Study* (ECONorthwest, April 2007)
 - 3. *The Ontario Public Facilities Plan* (1989; to be revised in 2007-08)
 - 4. *The Ontario Riparian Corridor and Wetland Inventory* (To be adopted in 2007-08)
 - 5. *The Ontario Housing Report: Housing Needs Analysis & Residential Buildable Lands Inventory* (Winterbrook Planning, adopted 2021)
- C. Recent plans and studies that have useful information, but are not adopted as policy documents:
 - 1. *Coordinated Population Forecast for Malheur County* (Population Research Center, Portland State University, 2019)

- ~~4.~~ 2. *Coordinated Population Forecast for Malheur County* (ECONorthwest, May 2007)
- ~~2.~~ 3. *Downtown Oregon Resource Team Report* (ODDA, 2005)
- ~~3.~~ 4. *The Study of Rail Assets and Industrial Land Supply in Malheur County* (Malheur County, 2006)
- ~~4.~~ 5. *Downtown Workshop Report* (Crandall & Arambula, 2006)
- ~~5.~~ 6. *Ontario Comprehensive Parks Master Plan* (2003)
- ~~6.~~ 7. *Ontario Municipal Airport Plan* (1978)

In the event of conflicts or discrepancies between said functional plans and background reports, and Title 10, the Title shall take precedence over said plans and reports. Title exhibits shall be maintained on file in the office of the Planning Director.

Section 4. Ontario Municipal Code “Historic Documents” of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

Historic Documents

The following documents have historic significance in the formulation of the early efforts to compile an acknowledged Comprehensive Plan, but are no longer a current source of reference:

1. *Economics and Population Background Report* (Volume 1, December 1976)
2. *Public Facilities and Service Background Report* (Volume 2, December, 1976)
3. *Housing Background Report* (Volume 3, April, 1977)
4. *Land Capabilities and Natural Resources Background Report* (Volume 4, August, 1977)
Wastewater Facilities Plan (April 1975; amended 1976)
5. *Water System Master Plan* (July, 1978)
6. *Stormwater Management Plan* (March, 1983)
7. *Planning Inventories and Forecasts* (1987-88)
8. *Economic Study* (1985-86)
9. *Prison Utilities Extension Study* (1989)
10. *Flood Plain Information: Snake and Malheur Rivers* (1974)

These reports shall be kept on file in the office of the City Planning Director. Other existing background reports may join these documents when amended or replaced by updated material.

GOAL 2: - LAND USE PLANNING

Section 5. Ontario Municipal Code Section 10-2-1 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-2-1 - Findings: General

The City has inventoried existing land uses, projected buildable land needs by ~~for specific~~ land use classifications and has compared these needs with buildable land within the Ontario Urban Growth Boundary. The resolution of residential land need and supply is found in the Ontario Housing Report (2021). The resolution of employment and public land need and supply is found in the Ontario Urbanization Report (2007).

Section 6. Ontario Municipal Code Section 10-2-6 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-2-6 - Policies: Residential Land Use

1. Residential areas shall be planned so they do not intrude into industrial areas or predominantly commercial areas.
2. Readily serviceable residential land shall be made available in adequate quantities to meet needs of all markets with a sufficient supply to support a competitive market for land in each of the market sectors.
3. Variety in residential types is encouraged, but housing types and densities shall be so organized, as feasible, on the zoning maps, as to maintain the optimum value of each type.
4. The use ~~of~~ or reuse of ~~for~~ already serviced lots is encouraged.
5. Residential building, complex and subdivision design shall minimize the exposure of living areas to traffic.
6. Multiple-family and other higher density housing shall be encouraged where there is immediate access to a collector or major street; in close proximity to consumer service type commercial activity, or where permanent open space or parks can compensate for the lack of private open space.
7. Land use regulation shall be designed and administered so as to minimize housing costs because of delay or uncertainty.
8. Ontario will maintain an adequate supply of buildable land within each residential plan category as (a) Residential UGA land is annexed to the City or (b) when residential zone changes are proposed within the City Limits. To ensure choice in the residential land marketplace, buildable residential land should be allocated roughly as follows:
 - Low Density Residential: 60% of the buildable residential land area
 - Medium Density Residential: 20% of the buildable residential land area
 - High Density Residential: 20% of the buildable residential land areaThis policy should be considered in conjunction with Policy 9 residential zoning locational guidelines.
9. The following locational guidelines should be considered by the City when evaluating rezoning proposals to the following residential plan categories:
 - a. **High Density Residential** zones (RM-10) should:
 - (1) be located next to land designated for Industrial, Commercial, Employment or Medium Density Residential use;
 - (2) be located within 1,000 feet of existing or planned transit service, parks and schools, and commercial services;

- (3) have frontage along a collector or arterial street; and
- (4) be located on slopes of less than 20% and outside the 100-year floodplain.

b. **Medium Density Residential** zones (RD-40 and R-MH) should:

- (1) serve as a transition area between High and Low Density Residential plan categories;
- (2) be located within 2,000 feet of existing or planned transit service, parks and schools, and commercial services;
- (3) have frontage along a collector street or higher classification; and
- (4) be located on slopes of less than 20% and outside the 100-year floodplain.

c. **Low Density Residential** zones (RS-50) should:

- (1) not be located next to land designated for Industrial, Commercial (other than Neighborhood Commercial), or Employment use; and
- (2) should have access primarily from local or collector streets.

Section 7. Ontario Municipal Code Section 10-2-7 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-2-7 - Policies: Commercial Land Use

1. New commercial development shall be concentrated in and around existing commercial areas as much as possible.
2. Additional strip commercial development shall be discouraged and existing commercial areas shall be kept sufficiently deep so as to promote commercial concentration, allow for landscaping and for sufficient Off-street parking and loading.
3. Commercial uses generating large volumes of traffic shall be located close to major traffic routes and shall have carefully engineered accesses to such routes.
4. Neighborhood commercial activity shall be located where there is a clear benefit to nearby residential areas. Neighborhood commercial zoning shall be confined to relatively small areas.
5. Neighborhood business districts shall be encouraged to develop at one quadrant of the intersection of two collector streets or of a collector street and a major street. They should be compact enough to minimize their adverse effects upon surrounding residences, but large enough to give proper service to the immediate trade area and to provide adequate off-street parking and loading, landscaping, and convenient and safe access.
6. The amount of land allocated in the land use plan for retail and service facilities shall be ample for the needs of healthy competition, but gross over-zoning shall be avoided to reduce the waste of land and blighting influence on surrounding property.
7. Land uses and design in Downtown Ontario shall reinforce downtown as a distinct and unique place in the city. Differences in permitted land uses and development standards should be established between downtown and other commercial districts in order to limit competition between them. Downtown shall function as the city center in several ways, including as a transit hub for the area.
8. Ontario encourages mixed commercial and residential uses in the following zones:

- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Central Commercial
- C-2-H Heavy Commercial (as a conditional use)

GOAL 9 - ECONOMIC DEVELOPMENT

Section 8. Ontario Municipal Code Section 10-9-7 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-9-7 - Policies: Economic Development

1. The City shall give emphasis to the attraction and development of industries and activities that employ and raise the income level and economic security of the local residents. Particular attention shall be given to the employment of the area's unemployed and underemployed.
2. Special emphasis in attracting and developing industries shall be given to those for which the local region has an economic advantage.
3. Industrial sites shall be planned for the quantity, quality and size sufficient to provide a competitive market for industrial land and to provide the employment sites necessary to support the population and facilities called for in the comprehensive plan.
4. The City shall strongly support the expansion and increased productivity of existing employers.
5. Land use plans shall not provide for industrial developments, which will generate wastes that will exceed the natural carrying capacity of the local air and streams.
6. All economic development proposals shall be in harmony with the community's environment and quality of life.
7. The City shall monitor economic development to determine its effects on population characteristics, income, land requirements and other aspects of public policy.
8. Potential conflicts between commercial and industrial development and agriculture shall be minimized. Agricultural lands shall be conserved whenever possible.
9. Industrial land shall not be so located as to interfere with the enjoyment of residential land, and residences and manufactured home parks shall be prohibited from encroaching on lands most suitable for and planned for industry.
10. Commercial and industrial development proposals shall be evaluated by the City staff to determine the public costs and benefits associated with them. If the development is determined to be desirable and is permitted, the business or industry shall bear its fair and equitable share of the cost, as determined by the City Council, of providing the public facilities that serve it.
11. Commercial and industrial developments shall contribute to the costs of building and maintaining central public facilities (such as the water treatment plant) on a basis appropriate to the type and scale of the development. Costs shall be determined by the City Council and recovered through various development user fees.

12. The City shall encourage private non-profit groups to own or control industrial lands to be held at reasonable prices for immediate use by a new or expanding industry.
13. Downtown shall be a focus for economic development and redevelopment in the city, targeting both residents and visitors. Development and redevelopment in downtown should concentrate on:
 - Personal and professional services;
 - Civic, institutional/public, and cultural uses;
 - Restaurants, cafes, and entertainment;
 - Specialty retail stores; and
 - Mixed commercial and residential uses.
14. To encourage this development and redevelopment, transportation alternatives shall be strongly supported, including developing downtown as a transit hub.
15. Ontario seeks to attract multiple rail-dependent industrial users to the community. Ontario has demonstrated that it is feasible to provide sanitary sewer, water and transportation facilities within a year following annexation to the City. Ontario is committed to providing a competitive short-term supply of fully serviced rail-dependent sites with Heavy Industrial zoning. Sites included within the UGA for rail-dependent industrial users shall be reserved in large parcels of at least 50 acres, and shall only be developed for rail-dependent uses. Rail dependent uses are industrial uses that cannot function without, and require regular and direct access to, rail facilities.
16. Ontario encourages mixed commercial and residential uses in all of the following zones: Neighborhood Commercial (C-1), General Commercial (C-2), Heavy Commercial C-2-H (as a conditional use), and Central Commercial Zones (C-3).

GOAL 10: - HOUSING

Section 9. Ontario Municipal Code Section 10-10-2 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-10-2 - Findings: Housing Need

The Ontario Housing Report (2021) describes housing need in detail and is summarized in this section. The report considered two population projections to evaluate Ontario's future housing needs: the Population Research Center (PRC) population projection of 12,256 (45 more people) by 2040, and an aspirational forecast 15,692 (3,481 more people). The aspirational forecast reprojects the 2007 coordinated population projection used in the Ontario Urbanization Study (2007). The aspirational forecast shall be used only to manage existing lands within the 2020 UGB and not as a justification for UGB expansions.

- To meet the PRC population projection of an additional 45 more people, Ontario will need to provide about 2,936 21 new dwelling units to accommodate growth between 2007 2020 and 2040 2027 and 9,042 new dwelling units to accommodate growth between 2007 and 2057.
- To meet the aspirational forecast of an additional 3,481 more people, Ontario will need to provide 1,493 new dwelling units to accommodate growth between 2020 and 2040.

Based on observed local and regional trends, the Ontario Housing Report projects that the following housing types – and proportions – will be needed during the 20-year planning period under either population forecast:

- 70% of new housing will be comprised of lower-density dwelling types;
- 10% of new housing will be duplexes, triplexes, fourplexes, cottage clusters and manufactured dwellings in parks; and
- 20% of new housing will multi-family housing provided

Ontario will need about 782 buildable acres to accommodate new housing growth between 2007 and 2027 and 2,386 total acres between 2007 and 2057. The needed residential mix is 65 percent single-family, seven percent manufactured (mobile home), and 28 percent multiple family (seven percent condo/townhomes and 21 percent multi-family). The forecast results in average residential densities of 4.9 dwelling units per net acre and 3.8 dwelling units per gross acre in 2027.

Housing needs by type and density are summarized in Table 10-1. The supply of buildable land available within the existing (2006) UGB to meet that need is shown in the Urbanization Report and in Chapter 10-14, Urbanization.

Table 10-1. Forecast of needed housing units, Ontario, 2006-2026 and 2006-2056 Projected Housing Need by Dwelling Type, 2020 to 2040

<u>HOUSING TYPES</u>	<u>DWELLINGS UNITS - PRC POPULATION PROJECTION</u>	<u>DWELLING UNITS ASPIRATIONAL FORECAST</u>
<u>Needed Dwelling Units (2020 to 2040)</u>	<u>21</u>	<u>1,493</u>
<u>Lower Density Housing Types</u>	<u>70%</u>	
<u>Detached Single-Family on individual lots - 40%</u>	<u>8</u>	<u>597</u>
<u>Manufactured Homes on individual lots – 10%</u>	<u>2</u>	<u>149</u>
<u>Attached Single-Family on individual lots – 12%</u>	<u>2</u>	<u>180</u>
<u>Duplexes dwellings and ADUs – 8%</u>	<u>2</u>	<u>119</u>
<u>Unit Subtotal</u>	<u>14</u>	<u>1,045</u>
<u>Medium Density Housing Types</u>	<u>10%</u>	

<u>Triplexes, Fourplexes and Cottage Clusters – 5%</u>	<u>2</u>	<u>75</u>
<u>Manufactured Dwellings in Subdivisions and Parks – 5%</u>	<u>1</u>	<u>75</u>
<u>Unit Subtotal</u>	<u>3</u>	<u>150</u>
<u>Higher Density Housing Types</u>	<u>20%</u>	
<u>Apartments – 20%</u>	<u>4</u>	<u>298</u>
<u>Unit Subtotal</u>	<u>21</u>	<u>299</u>

Source: Estimates by ~~ECONorthwest~~ Winterbrook Planning

Ontario will need 3 gross buildable residential acres to accommodate the PRC projected population of 12,256 (45 more people and 21 additional dwelling units). Ontario will need 218 gross buildable residential acres to accommodate the City's aspirational forecast of 15,692 (3,481 more people and 1,493 additional dwelling units).

Table 10-1. Projected Housing Need by Dwelling Type, 2020 to 2040

<u>COMPREHENSIVE PLAN DESIGNATION</u>	<u>PROJECTED NEW HOUSING UNITS</u>		<u>PROJECTED GROSS DENSITY (DU/GROSS ACRE)</u>		<u>PROJECTED GROSS RESIDENTIAL LAND NEED</u>	
	<u>PRC Populati on Projectio n</u>	<u>Aspiratio nal Forecast</u>	<u>PRC Populati on Projectio n</u>	<u>Aspiratio nal Forecast</u>	<u>PRC Populati on Projectio n</u>	<u>Aspiratio nal Forecast</u>
<u>Low Density Residential</u>	<u>14</u>	<u>1,045</u>	<u>6</u>	<u>6</u>	<u>2.3 acres</u>	<u>174.2 acres</u>
<u>Medium Density Residential</u>	<u>3</u>	<u>150</u>	<u>8</u>	<u>8</u>	<u>0.38 acres</u>	<u>18.7 acres</u>
<u>High Density Residential</u>	<u>4</u>	<u>298</u>	<u>12</u>	<u>12</u>	<u>0.33 acres</u>	<u>24.8 acres</u>
<u>TOTAL</u>	<u>21</u>	<u>1,493</u>	<u>=</u>	<u>=</u>	<u>3.0 acres</u>	<u>217.7 acres</u>

Section 10. Ontario Municipal Code Section 10-10-3 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-10-3 - Findings: Residential Buildable Land Supply

As noted in Chapter 10-14, Urbanization, the existing (2006 2020) UGB appears to have sufficient land to accommodate 20-year housing needs. After accommodating the PRC population projection, the 2020 UGB will have a surplus of 588 residential acres. After accommodating the aspirational forecast, the 2020 UGB will have a surplus of 373.3 residential acres. ~~Table 14-4 indicates a surplus of approximately 35 buildable acres.~~

~~However, evidence presented at the joint TAC/Planning Commission/City Council/County Court Work Session held on April 25, 2007, indicated that there is an extreme shortage of larger, serviced parcels, with willing sellers, inside the existing UGB. This is the kind of land needed to attract a regional or national homebuilder. There was general agreement that the lack of such large parcels contributed to the paucity of building permits in Ontario when compared with residential development in neighboring Idaho cities and counties. The work shop participants generally agreed that the City should take steps to increase the supply of large, serviced, residential building sites within the Ontario UGB.~~

Section 11. Ontario Municipal Code Section 10-10-6 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-10-6 - Policies: Housing

1. Housing design and construction methods that result in the efficient use of land, materials, public facilities and energy shall be encouraged through land use regulations.
2. The City shall encourage the rehabilitation and weatherization of older housing so as to maintain and enhance this valuable resource.
3. Housing intended for older and handicapped persons shall be encouraged in locations within walking distance of commercial and health care facilities.
4. The City's capital improvement program shall take into consideration the housing needs of the community and the resulting implications for public facilities and services.
5. The City shall cooperate with the country housing authority in area-wide housing improvement programs that provide convenient information and services to home owners.
6. Required public and private improvements shall be the minimum necessary to ~~insure~~ ensure overall compliance with community goals.
7. Land development review shall be the minimum necessary to ~~insure~~ ensure compliance with applicable laws and community goals.
8. The City shall encourage innovation in residential design, development and redevelopment consistent with [the] land development code and any other applicable regulations and community goals.
9. The City shall cooperate with Malheur County Housing Authority, regional agencies, State Housing Division, HUD, FMHA, private developers and other entities for the provision of low or moderate income housing.

10. Assisted Housing shall not be concentrated in any one area, but be dispersed throughout the City as much as possible.
11. Ontario shall take necessary steps to increase the supply of large, serviced, residential building sites within the Ontario UGB, by pursuing the following steps:
 - a. Ontario will update the Public Facilities Plan and actively seek private and public funding to extend public facilities to residential areas with large vacant sites and willing sellers.
 - b. Ontario will immediately begin contacting residential property owners within and immediately outside the existing UGB to determine their interest in short-term residential property development - with the intent of trading serviceable and available land outside the UGB for unavailable land inside the UGB.
12. Ontario will cooperate with homebuilders interested in developing master planned residential communities that provide for housing consistent with the 2007 Housing Needs Analysis (Ontario Urbanization Study, Chapter 4) 2021 Ontario Housing Report.
13. As a way of increasing housing variety and affordability in Ontario and promoting development and redevelopment of downtown, City policies and implementation measures shall allow for and support housing in Downtown Ontario, particularly as part of mixed use developments with commercial and institutional uses.
14. Ontario will encourage housing above ground-floor commercial in all Commercial Zones.
15. Ontario will encourage new medium and high residential development in the Neighborhood Commercial, General Commercial and Central Commercial Zones.
16. To encourage housing production while minimizing potential conflicts between intensive commercial uses and residential development, the City may permit residential development of 10 units or more in the Heavy Commercial (C-2-H) zone as a conditional use.

GOAL 14: - URBANIZATION

Section 12. Ontario Municipal Code Section 10-14-1 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-1 - Findings: General

The Ontario Urbanization Study (2007) projects land needs for employment, housing and livability for two periods: 2007—2027 and 2027—2057. The Ontario Housing Report (2021) updates the housing needs projections of the Ontario Urbanization Study and reprojects housing need by type and density from 2020 to 2040. According to the Goal 14 administrative rule, Ontario must include enough buildable land within its UGB to accommodate growth for the next

20 years. According to the Urban Reserve administrative rule, Ontario may establish an "urban reserve area" to accommodate land needs for the next 50 years. Ontario has chosen to do both.

In 2013 the City adopted the Second (2013) Addendum to the 2007 Ontario Urbanization Study. This Addendum documented the short- and medium-term need for one or more large sites to accommodate "rail-dependent industrial" users within the Ontario UGA.

Section 13. Ontario Municipal Code Section 10-14-2 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-2 - Findings: Growth Needs

~~The City of Ontario has not evaluated its Urban Growth Boundary (UGB) for more than two decades. During that period, the Treasure Valley region has experienced considerable growth. During the 1990s and early 2000s, that growth experienced within the Boise-Nampa area began to migrate westward towards Ontario. While Ontario has not yet experienced the rapid growth rates of the Boise region, evidence suggests that it will within the next 20-year planning period (2020 to 2040). In summary, now is a prudent time for the City to review its UGB and make appropriate amendments to its comprehensive plan and implementing ordinances.~~

The Ontario Urbanization Study (2007) complies with Oregon Statewide planning Goals 9, 10, and 14 which require communities to inventory buildable lands and to maintain a 20-year supply of land for residential, commercial, and industrial purposes. Additionally, Goal 9 requires an economic opportunities analysis and Goal 10 requests a housing needs analysis.

The Ontario Housing Report (2021) replaces the housing needs analysis of the Ontario Urbanization Study. The documentation of need for additional land within the UGB is a key outcome of ~~this~~ these studies study. ~~This~~ These determinations is are based on assumptions about population and employment growth, household size, density, and other factors.

The Ontario Urbanization Study (2007) ~~provides~~ provided the technical analysis required to support an Urban Growth Boundary (UGB) expansion and for establishment of Urban Reserve Areas (URA) in 2007. ~~It includes data that the City can use to update the Goal 9, 10, and 14 factual components of the Ontario Comprehensive Plan including the buildable lands inventory.~~ The factual basis and findings relating to Goals 9 and 14 of this report remain relevant and in effect in 2021. However, the factual basis and findings relating to Goal 10 have since been updated and are found in the Ontario Housing Report (2021). ~~Specifically, this report presents:~~

- ~~• A forecast of population and employment;~~
- ~~• A housing needs analysis consistent with Goal 10;~~
- ~~• An economic opportunities analysis consistent with Goal 9 and OAR 660-009; and~~
- ~~• A buildable lands inventory consistent with Goal 9 and 10 requirements.~~

~~The Urbanization Study also compares demand for land with the supply of land. This analysis is required by Statewide Planning Goals 9, 10, and 14 to determine if the City has sufficient buildable land to meet 20 years of demand (UGB) and 50 years of demand (URA). It~~

~~includes a land needs assessment – that compares land needs with buildable land supply within the Ontario Urban Growth Boundary.~~

Both the Ontario Urbanization Study (2007) and the Ontario Housing Report (2021) include comparisons of land demand with the existing supply of land within the Ontario UGB. The Ontario Urbanization Study (2007) satisfies the Statewide Planning Goals 9 and 14 need to determine if the City has sufficient buildable land to meet the 20- and 50-year employment demands. The Ontario Housing Report (2021) satisfies the Statewide Planning Goal 10 sufficiency determination for residential buildable land to meet the 20-year forecast.

Section 14. Ontario Municipal Code Section 10-14-3 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-3 - Findings: Population and Employment Projection

The Ontario Housing Report based its findings on the official Population Research Center (PRC) population projection of 12,256 (45 more people) by 2040, and an aspirational forecast 15,692 (3,481 more people). The aspirational forecast reprojects the 2007 coordinated population projection used in the Ontario Urbanization Study (2007). The aspirational forecast shall be used only to manage existing lands within the 2020 UGB and not as a justification for UGB expansions.

The Ontario Urbanization Study (2007) relied on a coordinated population forecast to justify housing and employment need for a UGB expansion. Table 14-1 summarizes these population and employment forecasts ~~for Ontario~~. The population forecast is the official, adopted forecast for the City. The employment forecast represents a mid-range estimate based on range of annual growth rates between 3.0 percent and 4.0 percent. The forecast was developed by ECONorthwest and has been adopted by Malheur County.

Table 14-1. Population and employment forecasts, Ontario 2007-2027 and 2007-2057

Year	Total Emp	Pop	Pop/Emp
2007	5,418	6,013	1.1
2027	11,939	13,451	1.1
2057	25,787	28,725	1.1
Change 2007-2027			
Number	6,521	7,437	1.1

Percent	120%	124%	
AAGR	4.0%	4.1%	
Change 2007-2057			
Number	20,368	22,711	1.1
Percent	376%	378%	
AAGR	3.2%	3.2%	

Section 15. Ontario Municipal Code Section 10-14-4 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-4 - Findings: Buildable Land Inventory

~~Ontario has about 5,244 acres within the current Urban Growth Boundary (UGB). Of this, about 4,495 acres are in tax lots; the remaining lands are in public right-of-ways—primarily streets. The City has about 1,100 acres of buildable commercial, industrial, and residential land within its UGB. Table 14-2a summarizes the 2020 residential buildable land inventory (vacant and partially vacant land within the Ontario UGB). Table 14-2b summarizes the buildable land inventory of all other land uses as of 2007.~~

Table 14-2a. Gross Residential Buildable Land by Zone, Ontario UGB, 2020

<u>ONTARIO ZONING</u>	<u>BUILDABLE ACRES ON VACANT LOTS</u>	<u>BUILDABLE ACRES ON PARTIALLY DEVELOPED LOTS</u>	<u>TOTAL GROSS BUILDABLE ACRES</u>	<u>PERCENT SHARE</u>
<u>Residential Zones:</u>				
<u>Single-Family Residential (RS50)</u>	<u>59</u>	<u>52</u>	<u>111</u>	<u>19%</u>
<u>Duplex Residential (RD40)</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>0%</u>

High Density Residential (RM10)	<u>2</u>	<u>36</u>	<u>38</u>	<u>6%</u>
Manufactured Home Residence (R-MH)	<u>3</u>	<u>6</u>	<u>9</u>	<u>2%</u>
Planned Development (PD)	<u>14</u>	<u>1</u>	<u>14</u>	<u>2%</u>
<u>City Limits Subtotal</u>	<u>79</u>	<u>95</u>	<u>173</u>	<u>29%</u>
Residential (R-UGA)	<u>163</u>	<u>251</u>	<u>414</u>	<u>71%</u>
<u>Total</u>	<u>242</u>	<u>345</u>	<u>587</u>	<u>100%</u>

Table 14-2b. Vacant and partially vacant land by Zoning, Ontario UGB, January 2007

<u>Acres in Tax Lots by Constraint Status</u>				
<u>Area-General Zone</u>	<u>Total</u>	<u>Acres Unavailable for Development Developed</u>	<u>Acres Available for Development Constrained</u>	<u>Percent of Non-Residential Acres Available Buildable</u>
<u>City Limits</u>				
Partially Vacant Commercial	102.4 <u>226.3</u>	59.5 <u>50.2</u>	2.2 <u>176.1</u>	40.6 <u>38%</u>
Industrial	279.1	85.5	193.6	42%
Vacant Public Facility	111.2 <u>93.2</u>	0.0	2.3 <u>93.2</u>	108.8 <u>20%</u>
<u>Subtotal Total</u>	<u>213.6</u> <u>598.6</u>	<u>59.5</u> <u>226.9</u>	<u>4.5</u> <u>462.9</u>	<u>149.5</u> <u>100%</u>
<u>Between City Limits and UGB</u>				
Partially Vacant	302.4	21.2	21.0	260.2
Vacant	845.8	0.0	155.9	689.9
<u>Subtotal</u>	<u>1,148.2</u>	<u>21.2</u>	<u>176.9</u>	<u>950.1</u>

TOTAL	1,361.7	80.7	181.5	1,099.5
--------------	----------------	-------------	--------------	----------------

Section 16. Ontario Municipal Code Section 10-14-5 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-5 - Findings: Long Range Buildable Land Needs

Table 14-3a shows residential land need estimates for both the official PRC population projection of 12,256 (45 more people) by 2040, and an aspirational forecast 15,692 (3,481 more people).

Table 14-3a. Projected Housing Need by Dwelling Type, 2020 to 2040

<u>HOUSING TYPES</u>	<u>DWELLINGS UNITS - PRC POPULATION PROJECTION</u>	<u>DWELLING UNITS ASPIRATIONAL FORECAST</u>
<u>Needed Dwelling Units (2020 to 2040)</u>	<u>21</u>	<u>1,493</u>
<u>Lower Density Housing Types</u>	<u>70%</u>	
<u>Detached Single-Family on individual lots - 40%</u>	<u>8</u>	<u>597</u>
<u>Manufactured Homes on individual lots – 10%</u>	<u>2</u>	<u>149</u>
<u>Attached Single-Family on individual lots – 12%</u>	<u>2</u>	<u>180</u>
<u>Duplexes dwellings and ADUs – 8%</u>	<u>2</u>	<u>119</u>
<u>Unit Subtotal</u>	<u>14</u>	<u>1,045</u>
<u>Medium Density Housing Types</u>	<u>10%</u>	
<u>Triplexes, Fourplexes and Cottage Clusters – 5%</u>	<u>2</u>	<u>75</u>
<u>Manufactured Dwellings in Subdivisions and Parks – 5%</u>	<u>1</u>	<u>75</u>
<u>Unit Subtotal</u>	<u>3</u>	<u>150</u>
<u>Higher Density Housing Types</u>	<u>20%</u>	
<u>Apartments – 20%</u>	<u>4</u>	<u>298</u>

<u>Unit Subtotal</u>	<u>21</u>	<u>299</u>
----------------------	-----------	------------

Table 14-3b shows land need estimates for employment and public/semi-public land uses for the 20- and 50-year planning periods. The results indicate a total land need of about 1,431 acres for 20-year period from 2006-2026; and 3,549 acres for the 50-year period from 2006-2056.

Table 14-3b. Employment and Public/Semi-Public Land need estimates, Ontario UGB, 2006-2026 and 2006-2056

	Land Need (Gross Acres)	
Land Use	2006-2026	2006-2056
Residential		
Single family detached	494.6	1,156.8
Manufactured	41.7	97.4
Condo/Townhomes	16.8	39.4
Multifamily	40.3	94.3
Subtotal – Residential	593.4	1,387.9
Non-Residential (Employment)		
Retail and Services	254.1	719.7
Industrial	307.3	626.9
Government	42.1	228.4
Subtotal - Non-Residential	603.5	1575.0
Other (Public/Semi-Public)		
Church	21.3	61.9
City (Facilities)	17.1	49.5

City (Parks)	120.0	300.0
County	17.1	49.5
Fraternal	8.5	24.8
Schools	50.0	100.0
Subtotal - Public/Semi-Public	234.0	585.7
Total Land Need	1,430.9 <u>837.5</u>	3,548.6 <u>2,160.7</u>

The Second (2013) Addendum to the 2007 Ontario Urbanization Study identified an unmet short-term need for rail-dependent industrial sites in the 150—400 acre range to accommodate (1) a rail-dependent manufacturing firm and/or (2) a railcar maintenance and service company. The City of Ontario and Business Oregon are working to accommodate interested rail-dependent users known as Project Rail and Project 78. To ensure that Agricultural land is not prematurely included within the Ontario UGA to meet this need Ontario has adopted a sequential approach. Consistent with Policy 10-14-8(3), Ontario will include one rail-dependent industrial site within the UGA in early 2014 to meet short- and medium-term needs; at such time as this site is developed for rail-dependent uses, Ontario is committed to initiating a second UGA amendment to ensure that a second rail-dependent industrial site is immediately available within the UGA.

Section 17. Ontario Municipal Code Section 10-14-6 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-6 - Findings: Comparison of Land Need and Supply

In 2007, the City of Ontario adopted a 2056 URA to meet identified land needs through 2056. The 2056 URA included 1,757 acres for future urban uses. Approximately 500 acres were reserved in the southeast portion of the URA for rail-dependent uses served by both the Union Pacific Railroad and Railroad Avenue.

The 2007 Comprehensive Plan identified a Year 2026 UGA deficit of about 354 acres in the following land use categories:

- Commercial (11 acres).
- Industrial (89 acres).
- Public Facilities (254 acres).*
- Residential 35 acre surplus.

* Public facilities need included city and county facilities, park, school, fraternal, and religious needs.

In 2009, the City of Ontario and Malheur County amended the Urban Growth Area (UGA) boundary to meet a large-site industrial land deficit. This expansion included the 77-acre "Wada Site" (nine acres of which was already within the UGB) immediately northwest of the Ontario Regional Airport and served by the Yturri Beltline (Oregon Highway 201).

In 2013:

1. Public facilities needs identified in the 2007 Comprehensive Plan were reduced by 80 acres to account for a transcription error (30 acres) and double-counting school needs (50 acres). The UGA was expanded to address 105 acres of the adjusted 184-acre public facilities need.
2. The City of Ontario and Malheur County identified a need for at least one site of approximately 200 acres to meet the site requirements of mega data centers. Ontario UGA lacked any such large sites; therefore, the UGA was expanded by an additional 199 acres to meet this identified need.
3. In late 2013, the City of Ontario and Malheur County identified a need for at least one site of approximately 250 acres with direct access to the EORR short line to meet the site requirements of rail-dependent industrial users. Ontario UGA lacked any such large sites; therefore, the UGA was expanded by an additional 245 acres to meet this identified need.

The 2021 Ontario Housing Report replaces the housing needs analysis found in the 2007 Ontario Urbanization Study. The Ontario Housing Report considered two population projections for which to evaluate residential housing needs.

Table 14-4a updates 2006-2026 Ontario employment and public/semi-public land need and supply numbers based on the expanded 2013 UGA.

Table 14-4b updates 2006-2026 Ontario residential land need and supply numbers based on the revisions of the Ontario Housing Report (2021).

Table 14-4a: Ontario Employment and Public/Semi-Public Land Need and Supply 2006-2026 and Ontario Residential Land Need and Supply 2020-2040 (Revised 2013, and 2021)

Generalized Land Use	Buildable Acres	Need 2006-2026	Surplus (Deficit) 2006-2026
Commercial	242.9	254.1	(11.2)
Industrial	485.8	507.3	(21.5)
Rail-Dependent Industrial	245.0	250.0	(5.0)
Public Facility	114.9	184.0	(69.1)

<u>TOTAL</u>	<u>1,088.6</u>	<u>1,195.4</u>	<u>(106.8)</u>
<u>Residential Need</u>	<u>Buildable Acres Supply within City Limits</u>	<u>Need 2020-2040</u>	<u>Surplus (Deficit) 2020- 2040</u>
Residential	627.9	593.4	34.5
<u>Low Density Residential</u>	<u>126</u>	<u>PRC Need: 2.3</u> <u>Aspirational Need: 174.2</u>	<u>PRC Surplus (Deficit): 123.7</u> <u>Aspirational Surplus (Deficit): (48.2)</u>
<u>Medium Density Residential</u>	<u>11</u>	<u>PRC Need: 0.38</u> <u>Aspirational Need: 18.7</u>	<u>PRC Surplus (Deficit): 10.62</u> <u>Aspirational Surplus (Deficit): (7.6)</u>
<u>High Density Residential</u>	<u>40</u>	<u>PRC Need: 0.33</u> <u>Aspirational Need: 0.33</u>	<u>PRC Surplus (Deficit): 39.67</u> <u>Aspirational Surplus (Deficit): 15.1</u>
<u>City Residential SUB TOTAL</u>	<u>177</u>	<u>PRC Need: 3.0</u> <u>Aspirational Need: 177</u>	<u>PRC Surplus (Deficit): 174 within City Limits</u> <u>Aspirational Surplus (Deficit): (40.7) within City Limits</u>
<u>TOTAL Need from Residential UGA</u>	<u>414</u>	<u>Aspirational Deficit in City: 40.7</u>	<u>Remaining UGA Surplus (Deficit): 373.3</u>
<u>TOTAL</u>	<u>1,716.5</u>	<u>1,788.8</u>	<u>(72.3)</u>

Section 18. Ontario Municipal Code Section 10-14-8 of Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10-14-8 - Policies: Urbanization

1. Ontario will coordinate with Malheur County in the establishment and maintenance of a 50-Year Urban Reserve Area (URA).
2. Ontario will monitor land development on an annual basis and compare the supply of buildable land against the land needs identified in the Ontario Urbanization Study (2007) and the Ontario Housing Report (2021).
3. Ontario will periodically expand the Urban Growth Boundary (UGB) to maintain a continuous, 20-year supply of buildable land for employment, housing, and public/semi-public needs.
4. Ontario will seek grant funding from the Department of Land Conservation and Development to support studies necessary to justify a UGB expansion in 2007. The City will commit to a local match to conduct the following studies necessary to:
 - (a) Comply with Goal 5, by preparing a riparian corridor and wetland inventory and protection program for the Urban Reserve Area. This inventory will be useful in refining the Buildable Lands Inventory;
 - (b) Comply with Goal 11, by updating the Public Facilities Plan (PFP) to demonstrate that land added to the UGB can be efficiently provided with key public facilities and services;
 - (c) Comply with Goal 12, by updating the Transportation System Plan (TSP) to ensure that land added to the UGB will have an adequate level of transportation service, as required by the Ontario Comprehensive Plan and the Transportation Planning Rule.
 - (d) Comply with Goal 14 requirements for efficiency of land use, by preparing specific area plans for land added to the UGB (and adjacent buildable lands) to ensure that land is used efficiently, and that transportation facilities are provided as required by the TPS.
 - (e) Comply with the Ontario Comprehensive Plan, by amending existing zoning regulations to allow for flexibility and creativity in creating complete and healthy communities for existing and future Ontario residents.
 - (f) Comply with Goal 14 by preparing UGB amendment findings demonstrating compliance with the Goal 14 administrative rule and applicable Statewide Planning Goals.
5. Land added to the UGA to meet the needs of rail-dependent users shall be retained in large parcels (minimum of 50 acres) to ensure that large site size requirements for rail-dependent industrial users are met consistent with the Second (2013) Addendum to the Ontario Urbanization Study.

Appendix B

2021 Housing Related Zoning Ordinance Amendments

CHAPTER 10A-27 - C-1, NEIGHBORHOOD COMMERCIAL ZONE

Section 1. Ontario Municipal Code Section 10A-27-01 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-27-01 - PURPOSE.

To provide for areas of limited impact retail and office establishments, and similar uses, in neighborhoods that are primarily residential without harming the residential character of those neighborhoods. This zone also provides for medium and high density residential uses.

Section 2. Ontario Municipal Code Section 10A-27-05 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-27-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-1 Zone:

1. Dwellings when constructed according to the space limits of RM-10 Zone and Section 10A-27-07 Special Use Limitations;
2. Home occupations meeting standards herein;
3. Retail shopping establishments as defined herein;
4. Consumer service establishments as defined herein;
5. Dance and music studios;
6. Churches;
7. Schools and colleges, public or private, including commercial business or vocational schools or colleges;
8. Park and recreation facilities, public;
9. Private clubs and clubhouses as defined herein;
10. Residential care facilities housing not more than eight clients;
11. Roominghouse as defined herein;
12. Hotel, bed and breakfast, as defined herein;
13. Museums, concert halls, auditoriums and similar cultural facilities;
14. Horticulture and the growing of field crops or hay.

15. Public buildings, none of which may be of industrial character.
 16. Business offices and general office buildings.
 17. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items with fewer than ten employees. Fabrication of art or crafts objects, bakery goods, or ice cream for on premises sale or as custom orders for delivery.
 18. Recreational vehicle park.
 19. Medical, dental or other health professional office or clinic for humans.
 20. Adult foster care for not more than five patrons.
 21. Family day care provider as defined herein;
 22. Day care center as defined herein;
- (Ord. No. 2630-2009, § 1, 7-2-2009)

Section 3. Ontario Municipal Code Section 10A-27-07 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-27-07 - SPECIAL USE LIMITATIONS.

The following limitations or conditions shall apply in addition to any conditions or limitations applying to all zones, to all uses permitted or permissible in the C-1 Zone:

1. All operations shall be conducted within a completely enclosed building, except for nursery stock consisting of green plants and shrubs, for the temporary outdoor display of merchandise located within five feet of principal building, patio or sidewalk restaurant service, railroad operations, and play yards of day care centers.
2. All products produced, kept, handled or offered for sale shall be sold only at retail on the premises.
3. No nonresidential use shall continue normal operations past the hour of 11:00 p.m. or earlier than 7:00 a.m. except pursuant to a conditional use permit.
4. Not more than two delivery or service vehicles shall be used in the operation of any business.
5. No permitted or permissible separate business establishment shall occupy a floor area greater than 5,000 square feet to conduct its operations and to store its wares, products, inventory and materials, except that grocery stores may occupy a floor area of 15,000 square feet.
6. Screening shall be provided along all lot lines abutting residentially zoned or developed property, sufficient to block substantially any view of the nonresidential use and its operation, stored materials and equipment from all points located on or not more than eight feet above the lowest elevation of such residential property, in the event such screening is not sufficient to block totally

any view of stored waste or waste receptacles. In no event shall this Section be deemed to require more than full enclosure (including roof) of stored waste including waste receptacles and an opaque fence not more than seven feet in height extending the full length of not more than three sides of the subject property. The required front yard shall be landscaped to the standards set forth under the miscellaneous provisions of this Title.

7. No use shall be established by the conversion of a building or premises originally designed for use as a gasoline service station or drive-in establishment unless the paved area on the lot in question shall have been reduced, by the addition of natural landscaping, to an area not greater than two hundred percent of the area required by this Title for off-street parking, loading and access thereto.

8. No nonresidential use shall be established in any structure or premises originally designed for a residential use unless the existing residential character or the building shall be retained. Any design or structural change, additions or extensions shall be consistent with the architectural character of the original building.

~~9. No building designed and intended for a business use shall be constructed or established on a development site occupied by a residential building. The~~
following residential standards shall apply to residential and mixed use buildings in the C-1 zone in addition to applicable standards of this code.

- a. Residential uses are allowed above existing commercial ground floor uses.
- b. New residential development and mixed use buildings with ground floor residential uses shall have a minimum density of 10 dwelling units per acre.
- c. New residential and mixed use buildings shall provide an accessible front entrance on the street-facing ground floor façade.
- d. As shown on Figure 10A-27-07, new mixed use buildings with ground floor commercial uses shall provide transparent window and door glazing on that together cover a minimum of:
 - i. Half the length of the ground-level street-facing facade, and
 - ii. Half the wall area of the ground-level street-facing façade.

Figure 10A-27-07. Required Commercial Ground Floor Window Glazing – Measurement Example



10. No permitted or permissible use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

11. Space lighting shall be shielded so as to prevent the direct glare of beams onto any adjacent residentially zoned or used property.

12. Signs may project into any required front or rear yard as set forth in table 6-B of the Uniform Sign Code as adopted in this Title. Signs may project into a required side yard not more than 18 inches. One pole sign for each development site or building shall be allowed in each required front or rear yard.

[...]

CHAPTER 10A-29 - C-2, GENERAL COMMERCIAL ZONE

Section 4. Ontario Municipal Code Section 10A-29-01 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-29-01 - PURPOSE.

The C-2 Zone is intended to provide business locations for retail and service uses serving a region-wide clientele. The zone is intended to be located in areas characterized by good accessibility, including those areas which are exposed to

heavy automobile traffic. This zone also provides for medium and high density residential uses.

Section 5. Ontario Municipal Code Section 10A-29-05 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-29-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-2 Zone:

1. All principal uses allowed in the C-1, Neighborhood Commercial Zone shall be allowed in the C-2 Zone except that dwellings shall be constructed to the space limits of the RM-10, Multi-Family Residence Zone, and ~~only Multi-Family Dwelling developments of 10 or more dwelling units are allowed~~ shall be meet Section 10A-29-07 Residential Special Use Standards.
2. Automobile service establishments as defined herein when all repairs or another work are performed within a building, where all refuse and scrap parts are stored in closed containers when possible and screened from view at all points on any public or private property or street and when all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
3. Gasoline service stations, truck stops, minor automotive repair as defined herein;
4. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor;
5. Mortuaries or funeral homes;
6. Dry cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
7. Hotel, motel;
8. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items;
9. Outdoor advertising sign;
10. Residential care facility not limited as to number of clients;
11. Commercial recreation facilities or recreation vehicle park;
12. Rental of small trucks and small trailers only when accessory to a gasoline service station or automobile service establishment;
13. Farm and garden store;
14. Wholesalers with stock involving less than 3,000 square feet of storage space;
15. Auction house;
16. Nursing home;

17. Amusement arcade;
18. Kennel; or
19. Veterinarian.

Section 6. Ontario Municipal Code Section 10A-29-07 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-29-07 – RESIDENTIAL SPECIAL USE STANDARDS.

The following special use standards shall apply to residential and mixed use buildings in the C-2 zone in addition to applicable standards of this code.

1. Residential uses are allowed above existing commercial ground floor uses.
2. All new residential buildings and mixed use buildings that allow ground floor residential uses shall have at least 10 dwelling units at a minimum density of 10 dwelling units per acre.
3. All new residential and mixed use buildings shall provide an accessible front entrance on the street-facing ground floor façade.
4. As shown on Figure 10A-33-07, new mixed use buildings with ground floor commercial uses shall provide transparent window and door glazing that together cover a minimum of:
 - a. Half the length of the ground-level street-facing facade, and
 - b. Half the wall area of the ground-level street-facing façade.

Figure 10A-33-07. Required Commercial Ground Floor Window Glazing – Measurement Example



[...]

CHAPTER 10A-33 - C-3, CENTRAL COMMERCIAL ZONE

Section 7. Ontario Municipal Code Section 10A-33-01 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-33-01 - PURPOSE.

To provide a business zone specifically designed to foster the continuation and improvement of the historic central business district of the City. Off street parking is provided at central locations rather at each business site so as to encourage compact pedestrian oriented development. This zone also allows medium and high density residential uses.

Section 8. Ontario Municipal Code Section 10A-33-05 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-33-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-3 Zone:

1. Dwellings. Multi-family dwellings, townhouses and dwellings above ground-floor non-residential uses ("vertical mixed use") and on the bottom floor of any structure ("live/work or horizontal mixed use") are allowed only if they comply with Special Use Limitations in [Chapter 10A-33-07](#). Dwellings in the C-3 Zone

are subject to the space limits of the C-3 Zone found in [Chapter 10A-35](#) instead of the space limits of the R-10 Zone in [Chapter 10A-25](#).

2. Home occupations meeting standards herein;
3. Retail shopping establishments as defined herein;
4. Consumer service establishments as defined herein;
5. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor;
6. Dry cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
7. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items;
8. Farm and garden store;
9. Wholesalers with stock involving less than 3,000 square feet of storage space;
10. Dance and music studios;
11. Auction house;
12. Outdoor advertising signs;
13. Medical, dental or other health professional office or clinic;
14. Business offices and general office buildings;
15. Kennel;
16. Veterinarian;
17. Churches;
18. Mortuaries or funeral homes;
19. Schools and colleges, public or private, including commercial business or vocational schools or colleges;
20. Public buildings, none of which may be of industrial character;
21. Museums, concert halls, auditoriums and similar cultural facilities;
22. Park and recreation facilities, public;
23. Commercial recreation facilities;
24. Amusement arcade;
25. Private clubs and clubhouses as defined herein;
26. Residential care facilities housing not more than eight clients;
27. Roominghouse as defined herein;
28. Hotel, bed and breakfast, as defined herein;

29. Adult foster care;
30. Family day care provider as defined herein;
31. Day care center as defined herein;
32. Residential care facility not limited as to number of clients; or
33. Nursing home.

Section 9. Ontario Municipal Code Section 10A-33-07 of Title 10A is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-33-07 – RESIDENTIAL SPECIAL USE LIMITATIONS.

The following limitations or conditions shall apply in addition to any conditions or limitations applying to all zones, to specified uses permitted or permissible in the C-3 Zone:

1. Buildings with residential uses on the ground floor, other than live-work uses, shall not be permitted on Oregon Street.
- ~~2. Buildings with residential uses on the ground floor shall: a. Provide window glazing on the ground floor facade, where glazing of the facade shall mean the use of transparent windows along a minimum of 50 percent of the length of the ground level street-facing facade, and covering a minimum of 50 percent of ground level street-facing wall area (See Figure 10A-33-07a). Minimum window glazing includes any glazed portions of doors. b. Provide an accessible entrance; c. Limit the residential use on the ground floor to 50% of the floor area of the ground floor; and d. Be designed to accommodate commercial uses (e.g. ceiling heights, interior support columns).~~
- ~~3. There shall be no more than eight single-family attached dwellings in a continuous building.~~
- ~~4. Fewer than ten multi-family dwellings are allowed in a building.~~
2. Residential uses are allowed above existing commercial ground floor uses.
3. All new residential development, and mixed use buildings that allow ground floor residential uses, shall have at least 10 dwelling units at a minimum density of 10 dwelling units per acre.
4. All new residential and mixed use buildings shall provide an accessible front entrance on the street-facing ground floor façade.
5. As shown on Figure 10A-33-07, new commercial and mixed use buildings with ground floor commercial uses shall provide transparent window and door glazing that together cover a minimum of:
 - a. Half the length of the ground-level street-facing facade, and
 - b. Half the wall area of the ground-level street-facing façade.
6. All ground floor uses shall be designed to accommodate commercial uses with respect to ceiling height and interior support columns.

Figure 10A-33-07a. Required Commercial Ground Floor Window Glazing – Measurement Example

