

**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, JUNE 14, 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 . 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) May 10, 2021 Minutes

6) OLD BUSINESS

7) NEW BUSINESS

8) PUBLIC HEARING

- A) ACTION 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.
- B) ACTION 2021-03-13AZ: A REQUEST BY PAUL AND STACEY GEHRMAN FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) TO ALLOW CONNECTION TO CITY SERVICES. AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3.

9) HAND-OUTS/DISCUSSION ITEMS

10) EXECUTIVE SESSION

11) COMMENTS FROM COMMISSIONERS

12) ADJOURN



PLANNING COMMISSION MEETING MINUTES

Monday, May 10, 2021

The Ontario Planning Commission was called to order at 6:00 pm in the Council Chambers of City Hall. Commission members present were Chairman Ralph Poole, Blu Fortner, John Hall, and John Breidenbach. Cydney Cooke and Ruben Hernandez were absent. Max Twombly was excused.

City Staff present were; Dan Cummings, Community Development Director; Marcy Siriwardene, Building Official; and Marc Berg, Planning Tech. Adam Brown, City Manager Ex-Officio, was present. Commissioner John Hall, Ex-Officio Eddie Melendez, and Greg Winterowd (consultant from Winterbrook Planning), attended the meeting online via Zoom.

The meeting was recorded and is on file at the City Community Development Center. The Agenda for this meeting was emailed on or before May 3rd, 2021. Copies of the Agenda are available at the City Community Development Center.

Chairman Poole led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

John Breidenbach moved, seconded by Blu Fortner, to adopt the Agenda as presented. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

PUBLIC COMMENTS

Chairman Poole asked for any public comments from the online attendees.

There were no requests for public comment.

There were no unscheduled public appearances.

ADOPTION OF MINUTES-Joint Commission Meeting on October 22, 2020

John Hall moved, seconded by John Breidenbach, to adopt the minutes as presented. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

ADOPTION OF MINUTES-Planning Commission Meeting on April 12, 2021

Blu Fortner moved, seconded by John Breidenbach, to adopt the minutes as presented. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

* Ex-Officio Eddie Melendez logged onto the meeting via Zoom.

There were no Old Business Discussion Items.

PUBLIC HEARING: 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).

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

Dan Cummings, Community Development Director, presented an overview on the staff report. Mr. Cummings turned the time over to Mr. Greg Winterowd, consultant from Winterbrook Planning, to present a synopsis of the work done on this project.

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 proposed in a separate report will be brought back to the Planning Commission at a later public hearing.*

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 scheduled 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 by the City Council, Winterbrook will prepare related Comprehensive Plan and Zoning Ordinance amendments.

Review Criteria

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 Cod*
- 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.

PROPOSERS

Mr. Greg Winterowd, Winterbrook Planning, spoke on the efforts of the Technical Advisory Committee. He stated that the Ontario *Housing Productivity Measures and Recommended Comprehensive Plan and Zoning Code Amendments* was included in the staff report. This project has been nearly a full year of work. The recommended changes to the Comprehensive Plan came from work on the housing needs analysis and buildable lands inventory. The consultants recommended that zoning be adjusted to improve the housing market. The amendments would allow the city to do efficient planning within the Urban Growth Boundary. The aspirational forecast was a proposed, higher projection of population growth (3,481 new people and 1,493 new dwelling units in 20 years).

Chairman Poole shared his appreciation for the project and asked for any questions from the committee.

Commissioner Hall stated that he felt the report was well laid out.

Commissioner Breidenbach was really pleased and thanked the consultants.

Mr. Cummings commented the TAC meetings provided a lot of the information for the report.

Chairman Poole asked Mr. Cummings if the Oregon Department of Land Conservation and Development (DLCD) has to approve these amendments once City Council signs off on them.

Mr. Cummings responded that the DLCD was involved and have already reviewed the contents. He said he did not foresee any changes before going to the City Council.

Chairman Poole asked if the city's proposed acreage (for residential use) in the housing report was already within the Urban Growth Boundary.

Mr. Cummings said that this was correct.

Chairman Poole mentioned interest from the Eastern Oregon Border Economic Development Board (Border Board), Senator Lynn Findley (District 30), and Representative Mark Owens (House District 60). Senate Bill 16 (81st Oregon Legislative Assembly 2021) was being pushed hard. Its approval would increase the supply of buildable sites by allowing counties to partition and rezone up to 200 acres from exclusive farm to residential. Chairman Poole hoped that this amendment would not impact the move for additional 200 acres for Malheur County in any way.

Mr. Cummings gave his opinion that the county would not select acres within Ontario city boundaries. Some properties that are part of the urban reserve area could be considered, as it is part of the county 50-year plan.

Chairman Poole thanked all who worked on this project and expressed disappointment in the previous population forecast estimates that PSU provided. The "aspirational forecast" seemed much more applicable.

Adam Brown, City Manager, stated that his contacts at Portland State have population projections closer to these estimates (presented in the staff report). The federal numbers show a population decrease in Ontario since the last decennial census.

There were no opponents.

Chairman Poole closed the Public Hearing.

FINDINGS OF FACTS

Mr. Cummings suggested the commission should 1) accept the 2021 Housing Report as a supplemental document for the amendments, 2) approve motion to amend chapter 10, and 3) motion to approve the findings of facts.

Chairman Poole said he would support a motion to accept the Ontario Housing Needs Analysis, Residential Buildable Lands Inventory and Policy Recommendations (the 2021 Housing Report), intended as a background document to Chapter 10: Housing of the Ontario Comprehensive Plan.

APPROVAL OF THE 2021 HOUSING REPORT AS BACKGROUND DOCUMENT TO THE ONTARIO COMPREHENSIVE PLAN AND RECOMMEND APPROVAL TO THE CITY COUNCIL

John Breidenbach moved, seconded by Blu Fortner to recommend approval to the City Council. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

APPROVAL OF PLANNING ACTION 2020-01-02CPAMD FINDING OF FACTS

John Breidenbach moved, seconded by John Hall to accept the findings of facts as presented. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

APPROVAL OF PLANNING ACTION 2020-01-02CPAMD 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

John Breidenbach moved, seconded by Blu Fortner to recommend to City Council. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

Chairman Poole thanked all the parties involved on their work on the amendments. He asked if there were any other items to consider for this meeting.

Mr. Cummings reminded the commission that there will be a June Planning Commission meeting, scheduled for June 14th, 2021.

Commissioner Breidenbach thanked those involved in this housing research. He felt the TAC meetings brought several groups together for some very interesting meetings. He encouraged the other commissioners to take time to be involved if a project like this came around again.

MOTION TO ADJOURN

Blu Fortner moved, seconded by John Breidenbach, to adjourn. Roll call vote: Cooke-out; Fortner-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 4/0/2.

Ralph Poole
Chairman

Attest: Marc Berg
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
June 14, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2021-03-11RZ: A REQUEST BY CINDY M BRYANT FOR A REZONE OF PROPERTY FROM SINGLE FAMILY RESIDENTIAL (RM-50) TO PLANNED DEVELOPMENT (PD) RESIDENTIAL FOR AFFORDABLE HOUSING.**

DATE: May 28, 2021

PROPOSED MOTION:

A: APPROVAL:

- 1). I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD AS SET FORTH IN ACTION 2021-03-11RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.**
- 2). I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM RS-50 TO PD, AS SET FORTH IN ACTION 2021-03-11RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.**

B: DENIAL:

- 1). I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM CRS-50 TO PD, AS SET FORTH IN ACTION 2021-03-11RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).**

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4709CC, tax lot 3200 AND 3500, which said tax lots are currently zoned Single Family Residential (RS-50) and to develop the property into an affordable housing development for Seniors 55 and older and Military Veterans in a private secure setting as the preliminary plan shows on Attachment #5.

BACKGROUND:

The applicant is also the owners of the two tax lots known as Tax Lot 3200 and 3500 and has been working with the city of Ontario to plan an affordable housing development for senior citizens 55 years of age or older and military veterans who either would like to own or lease a smaller affordable home with small and manageable lots, as well as the possibility of providing duplex & triplex structures for those who want to rent only.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from Single Family Residential (RS-50) to Planned Development (PD) Residential within the City Limits of the City of Ontario.

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007 and the Hearings Officer approval of the Property line adjustment under Planning Action 2020-08-34PLA which the owner decided not to follow through with the adjustment.

CURRENT SITUATION:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan and a planned development is an approved zoning under the comprehensive plan and is recognized as a much needed type of development to meet housing needs.

1. ***Rezone***

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

1. *The zoning map amendment is in conformance with statewide planning goals and guidelines.*
2. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
3. *The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.*
4. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
5. *The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
6. *The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
7. *The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings:

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

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the rezone is still for a residential and the same number of acres.

There is a small effect to Statewide Planning Goal 10 (Housing) as the property is already zoned residential and the new zone is a residential zone, while it does add a few dwelling units to the Housing Needs Analysis (HNA) because of the density of the PD zone. The change will help in the affordable Housing needs of Ontario.

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

The rezone is in conformance with the acknowledged plan as the property is currently a residential zone and the requested zone is for residential use.

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

There has been no mistake made the rezone is due to a change in market conditions and the need to the affordable housing needs across Oregon.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small

group of properties.

There is huge need for more affordable housing in Ontario and the surrounding area is all residential use, so granting this rezone would not be grant a special privilege.

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

The size of the parcel allows for development of at least 30 new affordable housing units.

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

The property fronts onto Alameda Drive which is a public street with public utilities available as well as an emergency access onto SW 12th Street which also allows for connectivity to public utilities.

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

There will be no change in the type of use as the existing zone is a residential use and the new zone is a residential use as well, therefore there will be no adverse effects upon the surrounding properties due to dust, noise or other ecology effects.

Summary Conclusions: Based on the findings above:

1. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. **CRITERION IS MET**
2. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**
3. The applicant states in finding 3, that there has been a change in market conditions with the need for affordable housing across America as well as in Ontario. Therefore, there is a change in market condition, and demonstrates that this criterion is met. **CRITERION IS MET**
4. As noted in applicant's finding 4, rezoning from a residential zone to another residential zone would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same type of use as the surrounding area. **CRITERION IS MET**
5. As noted in the findings 5, the subject properties sizes are adequate to demonstrate consistency with this criterion as shown in the preliminary plan attached as Attachment #5. **CRITERION IS MET**
6. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**
7. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone. **CRITERION IS MET**

Final Conclusion: **ALL CRITERIA ARE MET**

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for affordable housing and will allow for future development of the city meeting it potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the project can move forward with the subdivision phase of the project.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is consistent with the Comprehensive Plan.
A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

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

RECOMMENDATION:

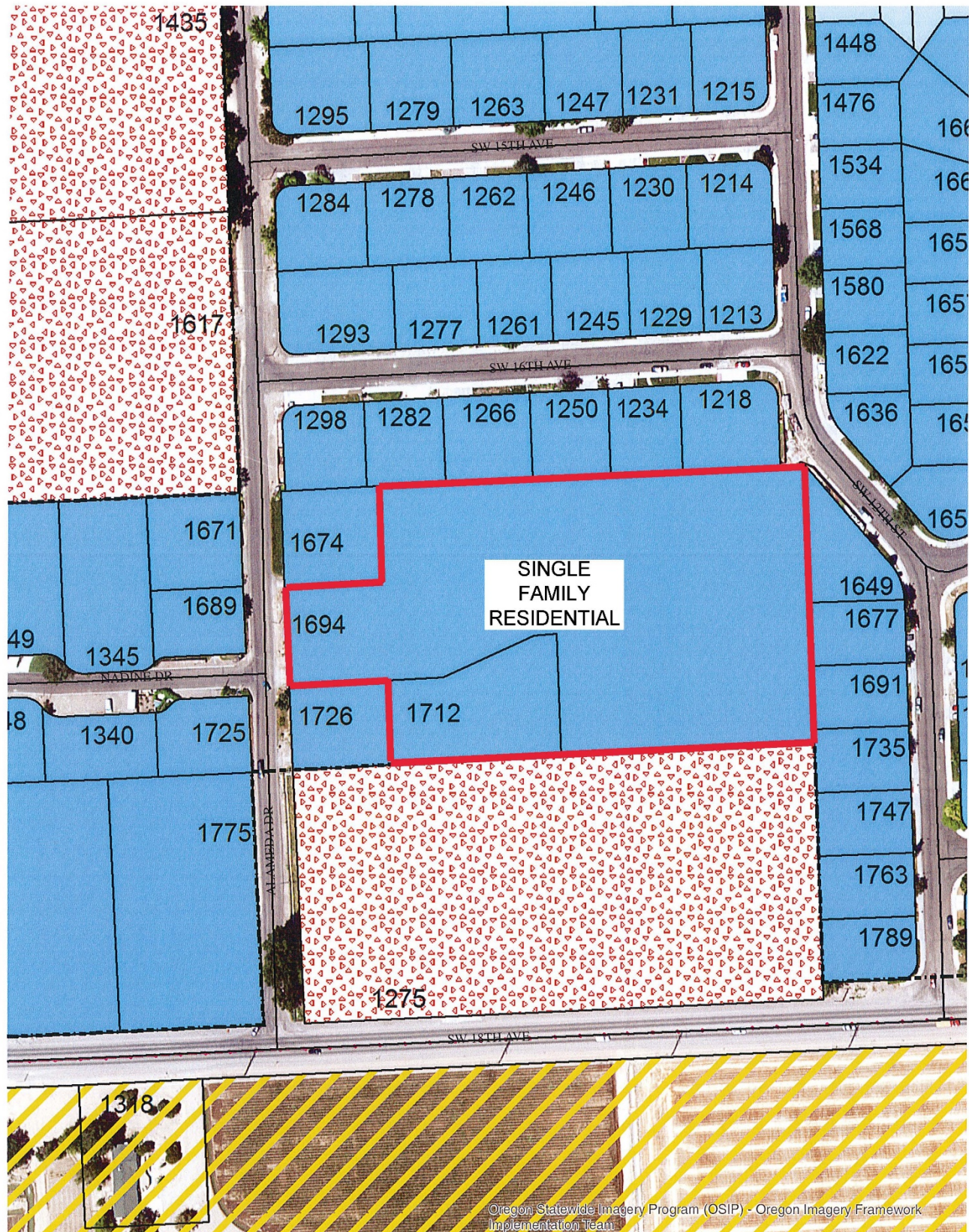
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the rezone from Single Family Residential (RS-50) to Planned Development Residential (PD) of the subject property.

ATTACHMENTS:

- 1. Attachment 1 Parcel Before Rezone
- 2. Attachment 2 Parcel After Rezone
- 3. Attachment 3 Parcel Rezone Tax Map
- 4. Attachment 4 Parcel Rezone Description
- 5. Attachment 5 Preliminary Plan

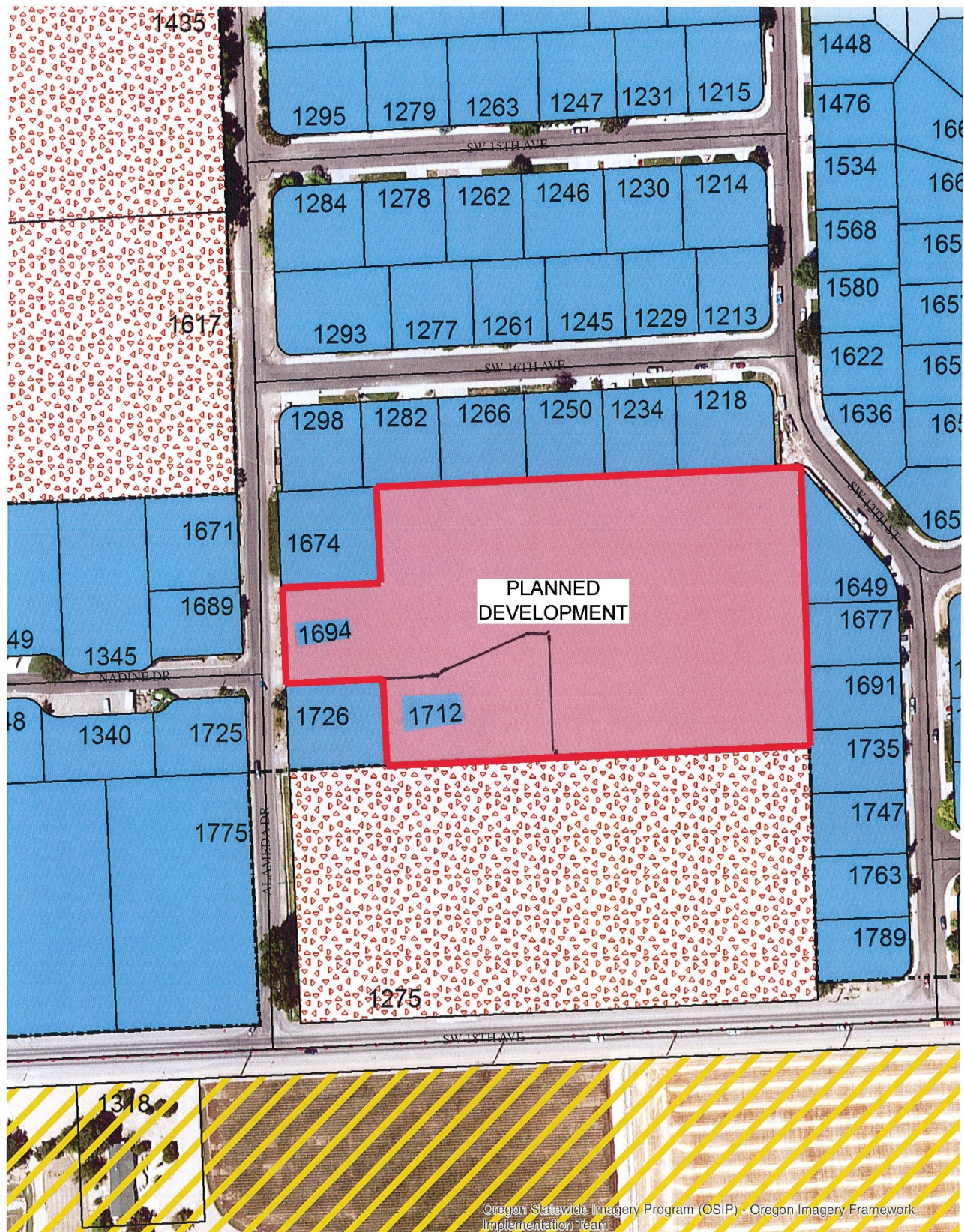
Attachment "1"

Parcels Before Rezoning



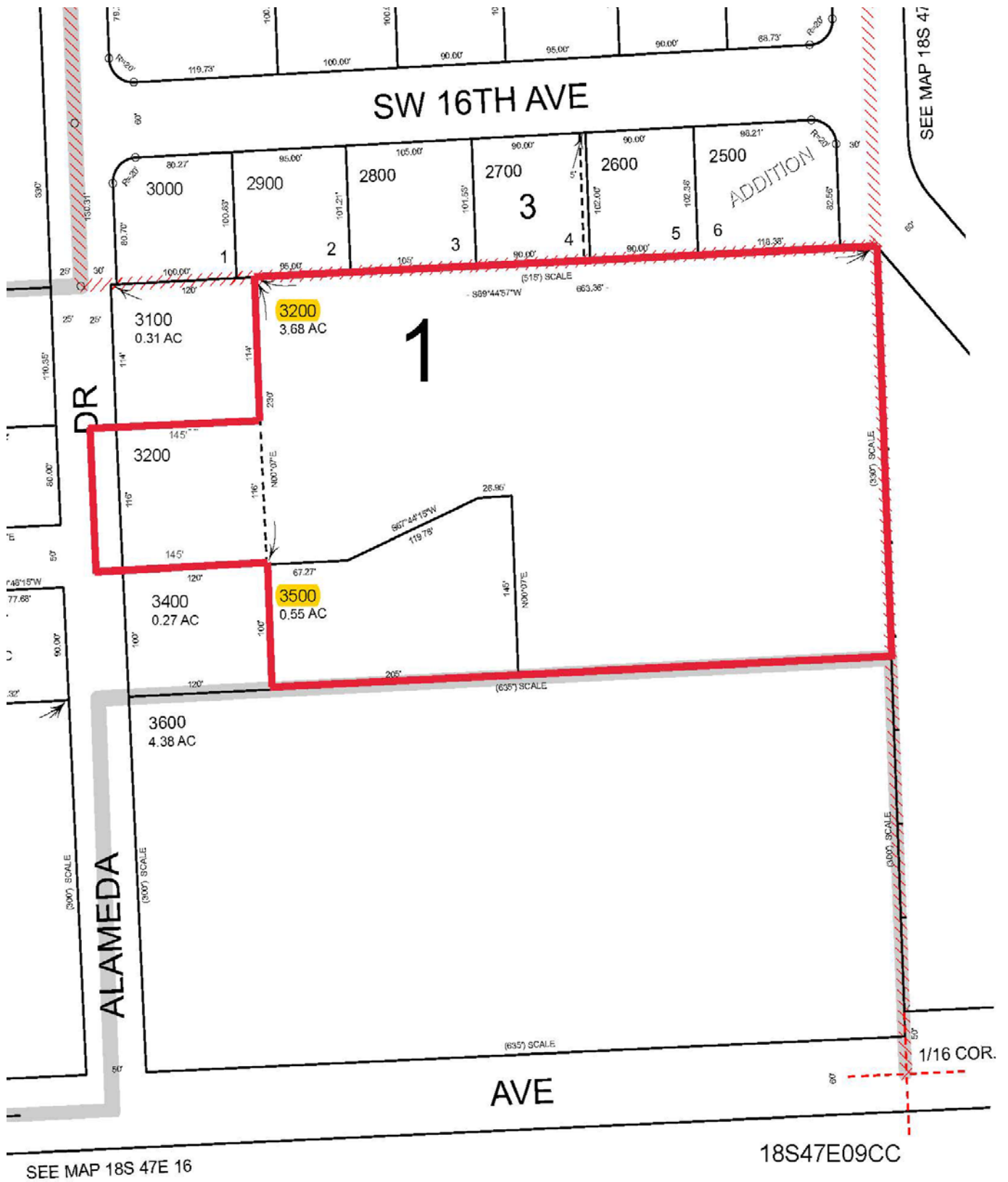
Attachment “2”

Parcels After Rezoning



Attachment "3"

Rezone Parcel Map



Attachment “4”

Rezone Parcel Description

Land in the City of Ontario, Malheur County, Oregon, as follows:

In Twp. 18 S., R, 47 E., W.M.:

Sec. 9: N1/2SE1/4SW1/4SW1/4,

EXCEPTING THEREFROM the following two parcels:

Parcel No. 1 (Tax Lot 3400):

Beginning at the Southwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence North 100 feet;

Thence East 145 feet;

Thence South 100 feet to the South boundary thereof;

Thence West 145 feet to the Point of Beginning.

Parcel No. 2 (Tax Lot 3100):

Beginning at the Northwest corner of said N1/2SE1/4SW1/4SW1/4;

Thence South 114 feet;

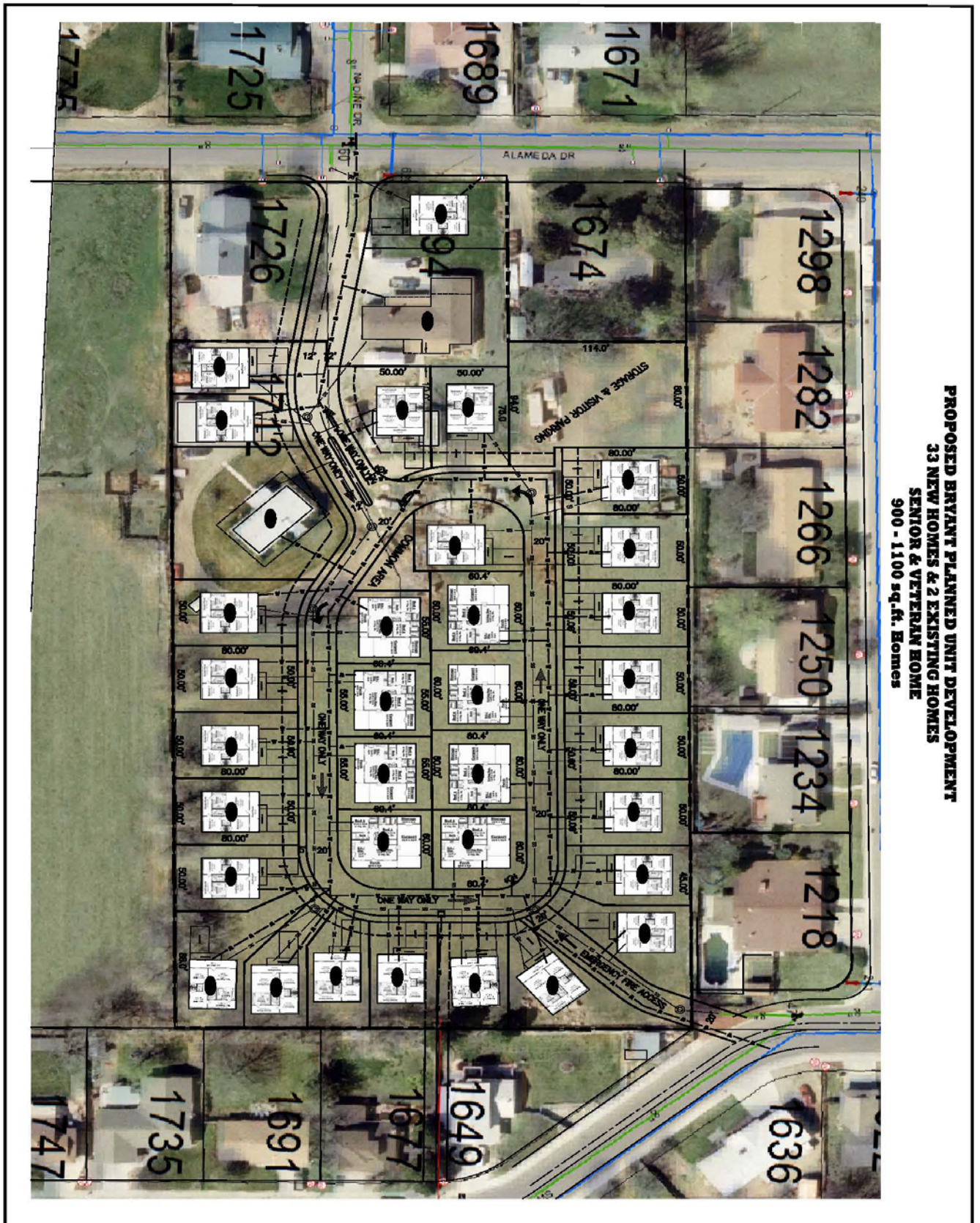
Thence East 145 feet;

Thence North 114 feet to the North boundary thereof;

Thence West 145 feet to the Point of Beginning.

Attachment "5"

Preliminary Plan





**AGENDA REPORT
PUBLIC HEARING
June 14, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2021-03-13AZ: A REQUEST BY PAUL AND STACEY GEHRMAN FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) TO ALLOW CONNECTION TO CITY SERVICES. AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3.**

DATE: June 1, 2021

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) , AS SET FORTH IN ACTION 2021-03-13AZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

2. I MOVE THAT THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-03-13AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-03-13AZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

SUMMARY:

The applicant owns a parcel of land, known as 18S4705DB, tax lots 2000, 2100, 2102 and 2300. The applicants wish to annex and rezone the property into the City to connect to City Sanitary Sewer and water due to a failed septic system. The subject property is within 300 feet of the City Sanitary Sewer system and therefore under State regulations they are not allowed to repair their Septic system and therefore must annex to connect to City services. This application, if approved, will result in the annexation of 2.72 acres, plus the right of way for NW 4th Avenue, adjacent to the lands, into the City and a rezone of the property from Urban Growth Area Residential (UGA-R) to City Single Family Residential (RS-50).

BACKGROUND:

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

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007.

CURRENT SITUATION:

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

A. Rezone

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

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

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

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

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the existing property is zoned UGA Residential and the proposed zoning is Residential in conformance to the City Comprehensive plan and no changes are being requested.

The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The existing property is zoned UGA Residential and is proposed to be rezoned to City RS-50 Single Family Residential.

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

The rezone is in conformance with the acknowledged plan as the requested rezone is the same as the acknowledge Comprehensive plan, no change is requested.

The subject properties are currently zoned UGA Residential and the request is to rezone to the companion City RS-50(Single Family Residential) Zone that is the same zone as adjacent and nearby properties. The requested zone allows basically the same use as the UGA zone and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan

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

There is no mistake made, the requested zone is required due to annexation into City Limits and matches the planned zoning as per Comprehensive Plan.

The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

This is not a granting of special privilege as the requested rezone is the same as the Comprehensive Plan and is requested of the annexation of the property into city limits.

This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. The property is residentially designated under the Comprehensive Plan so a residential zone is the most appropriate for the property.

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

The minimum parcel size in the requested RS-50 zone is 5,000 square feet, the property is 108,464 square feet, more or less. The property exceeds the minimum parcel size and can easily be development into smaller parcels.

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

The property fronts onto the city street Dorian Drive and city services are available within the right of way for Dorian Drive and can be extended into the property for connection of the existing home and future development of the property.

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

The zone change will not adversely affect the surrounding area as the current use is the same use as the proposed zone change which is a single-family dwelling.

Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Allowed uses under city residential zone designations are no more likely to produce dust, noise, etc., than those under the UGA residential zone.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. CRITERION IS MET

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

c. The applicant states in finding 3, that no mistake was made, that the requested zone is required due to annexation into City Limits and matches the planned zoning as per Comprehensive Plan. Therefore, there is no mistake made the findings demonstrates that this criterion is met. CRITERION IS MET

d. The applicant states in finding 4, that request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. The property is residentially designated under the Comprehensive Plan so a residential zone is the most appropriate for the property. CRITERION IS MET

e. As noted in the findings 5, the subject property exceeds the minimum parcel size of the requested zoning and is of adequate size for future development. CRITERION IS MET

f. As noted in the finding 6 above, the property is properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. CRITERION IS MET

g. The applicant states in the finding 7 above, the zone change will not adversely affect the surrounding area as the current use is the same use as the proposed zone change which is single family dwelling. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone. CRITERION IS MET

Conclusion Rezone: ALL CRITERIA ARE MET

B. Annexation:

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

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

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

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

2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits.
 3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential (RS-50), is consistent with contiguous property.
 4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
 5. Annexation would benefit the city by increasing tax revenue, and, by providing more residential lands in a highly developable area.
- Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for residential use as well as allowing for future development of the city meeting it potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the lands can be developed and connected to city services.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is consistent with the Comprehensive Plan.

AN annexation and rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

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

RECOMMENDATION:

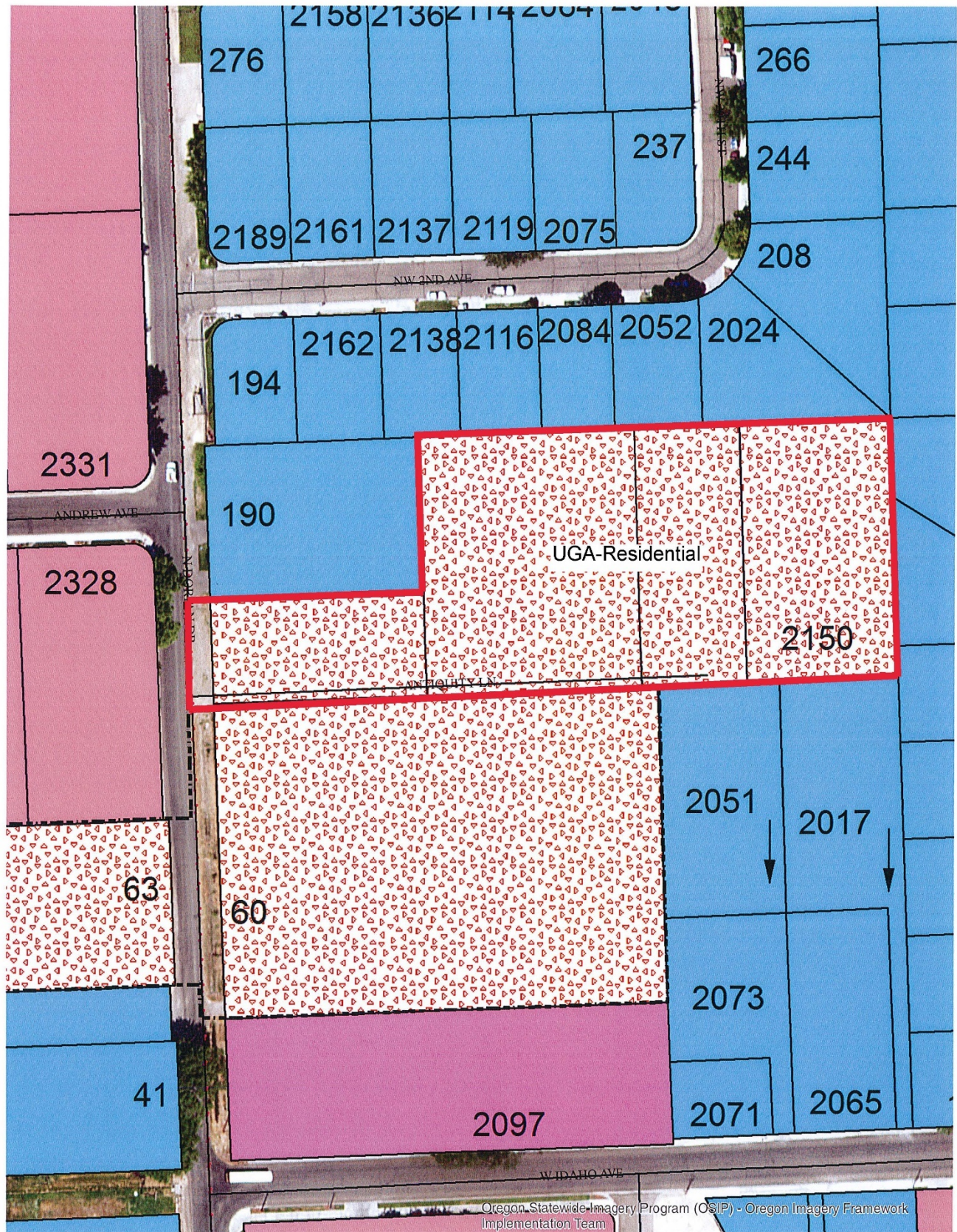
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from UGA-Residential to City Single Family Residential (RS-50) of the subject property.

ATTACHMENTS:

1. Attachment 1_Zoning Before
2. Attachment 2_Zoning After
3. Attachment 3_Location Map
4. Attachment 4_Description
5. Attachment 5_Tax Map

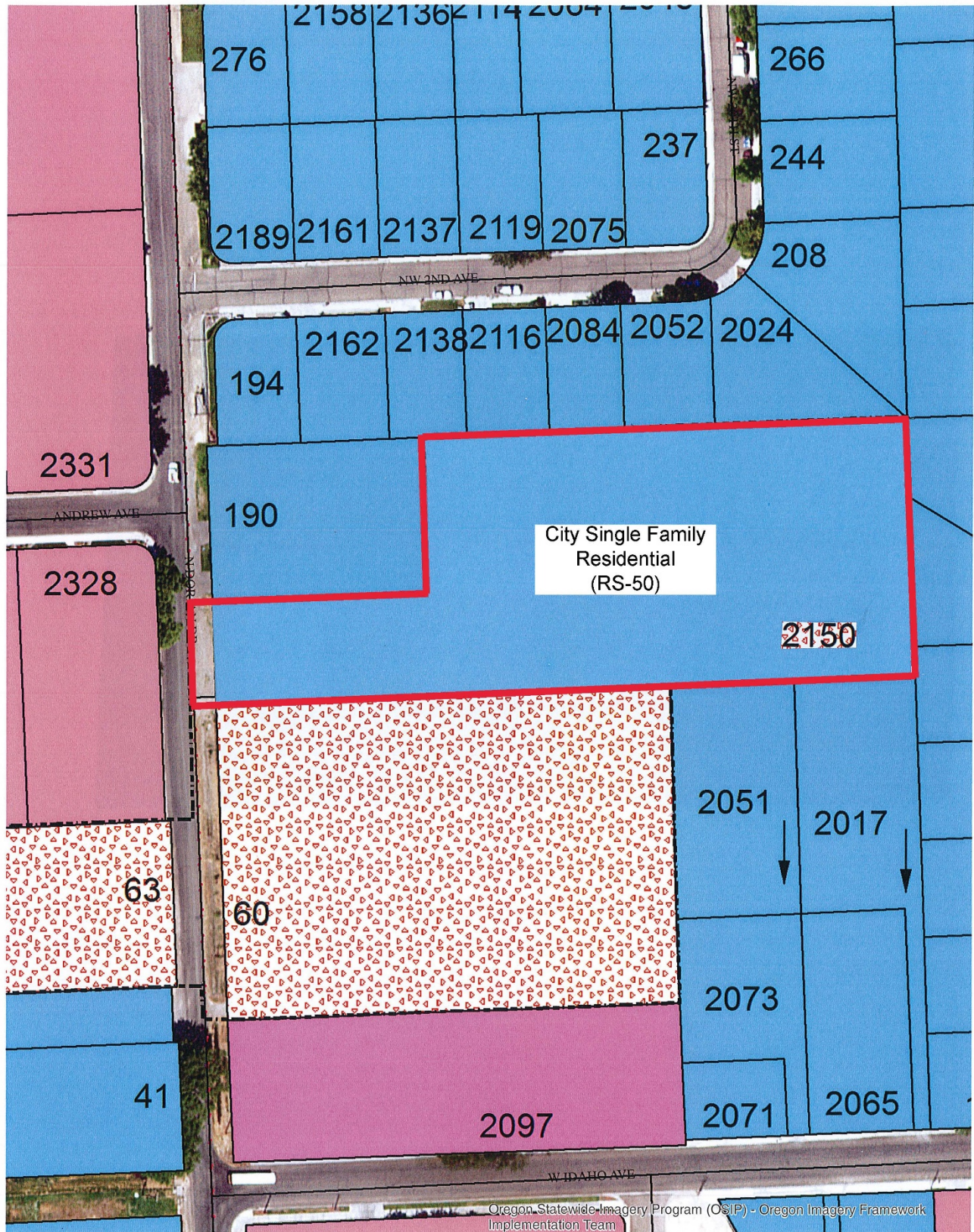
Attachment "1"

Parcels Before Rezoning

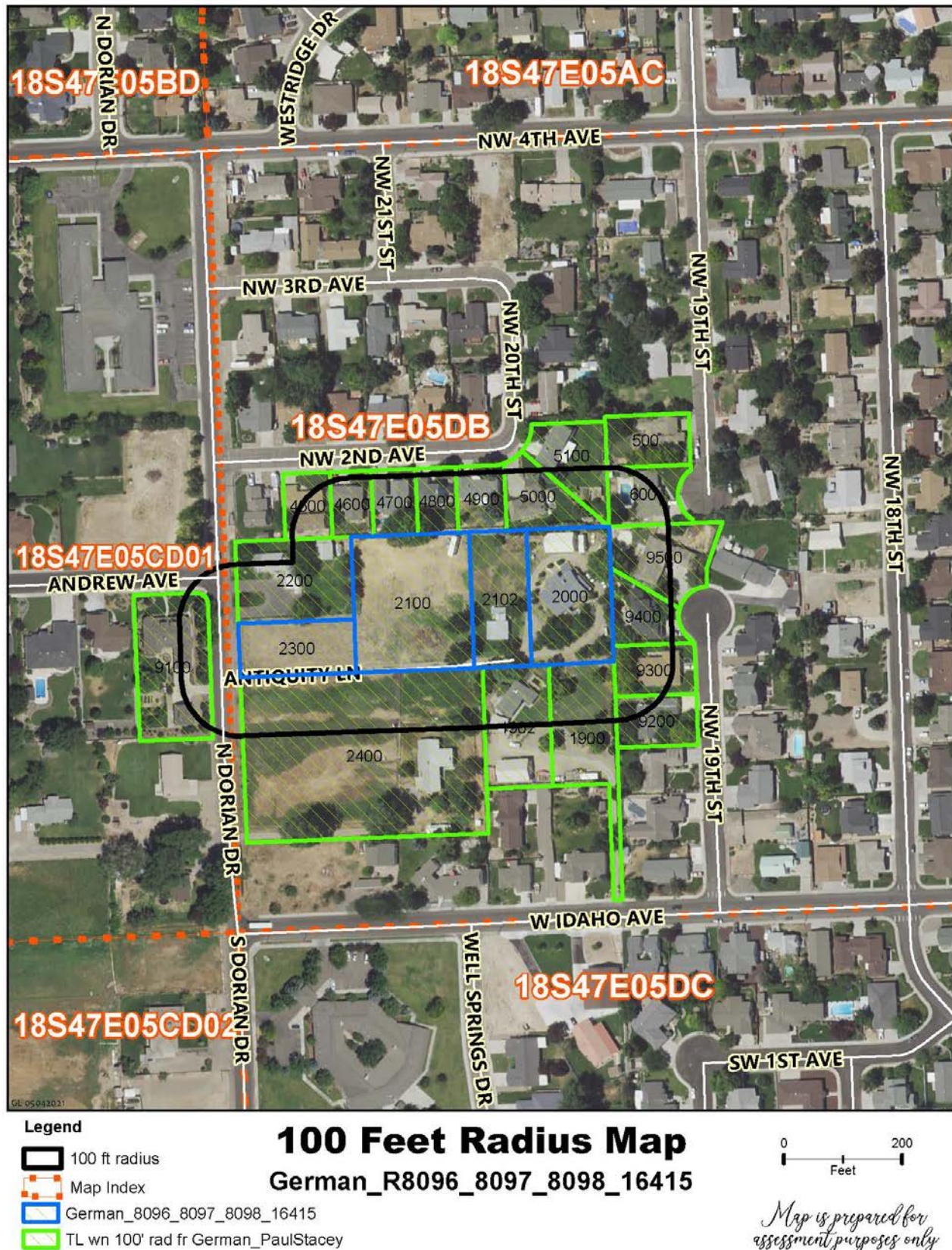


Attachment "2"

Parcels After Rezoning



Attachment “3”



Attachment “4”

Rezone Parcel Description

Land in Malheur County Oregon, within the SW1/4NW1/4SE1/4 of Section 5 of Township 18 South, Range 47 East of the Willamette Meridian, more particularly described as follows:

Commencing at the NW Corner of the said SW1/4NW1/4SE1/4;
thence West along the North line of said SW1/4NW1/4SE1/4, 233 feet to the Point of Beginning;
thence continuing West along said North line 420.65 feet, more or less, to the NE Corner of said SW1/4NW1/4SE1/4;
thence South along the East line of said SW1/4NW1/4SE1/4, 228 feet;
thence East 653.53 feet, more or less, to a point on the West line of said SW1/4NW1/4SE1/4;
thence North along said West line, 91 feet;
thence East 233 feet;
thence North 228 feet to the Point of Beginning.

End of Description.

Rezoned Parcel

