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BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**PLANNING COMMISSION MEETING AGENDA
CITY OF ONTARIO OREGON
MONDAY, JULY 12, 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 James Grissett _____
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) June 14th, 2021 PC Minutes

6) PUBLIC HEARING

A) CONTINUATION OF 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.

7) HAND-OUTS/DISCUSSION ITEMS

8) COMMENTS FROM COMMISSIONERS

9) ADJOURN



ONTARIO PLANNING COMMISSION MEETING MINUTES

Monday, June 14th, 2021

The scheduled meeting of the City of Ontario Planning Commission on June 14th was called to order at 6:00 pm in the Council Chambers of Ontario City Hall. Planning Commission members present included: Chairman Ralph Poole, Vice-Chairman Max Twombly, Commissioner John Hall, Commissioner James Grissett, Commissioner Blu Fortner, and Commissioner John Breidenbach. Commissioner Cydney Cooke was absent.

Members of staff present in person: Mr. Dan Cummings (Community Development Director), Ms. Marcy Siriwardene (Building Official), Mr. Marc Berg (Planning Technician), and Ex-Officio Adam Brown (City Manager). City Council Ex-Officio Eddie Melendrez was in attendance via Zoom.

The meeting was video recorded and is digitally stored with the City of Ontario. The meeting agenda was posted on the city website. Copies of the reports and meeting agenda are available at the City Community Development Center, or on the city website www.ontariooregon.org.

MEETING ATTENDEES

Ralph Poole	Chairman	In attendance
Max Twombly	Vice-Chairman	In attendance
John Hall	Commissioner	In attendance
James Grissett	Commissioner	In attendance
Cydney Cooke	Commissioner	Absent
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
Mr. Kenny King	Resident	In attendance
Ms. Linda DeBoer	Resident	In attendance
Mr. Kevin Aleman	Resident	In attendance
Mr. Craig DeBoer	Resident	In attendance
Mr. Don Ray	Resident	In attendance
Mr. Paul Gehrman	Resident	In attendance

MEETING AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Motion to Adopt the Agenda
- 4) Public Comments
- 5) Approval of Minutes
 - A) May 10, 2021 Meeting 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

Tonight's agenda was posted on the city website. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CALL TO ORDER

Chairman Ralph Poole called the meeting to order and introduced newly appointed planning commission member, Mr. James Grissett. Chairman Poole asked for a roll call and led everyone in the Pledge of Allegiance.

MOTION TO ADOPT AGENDA

Chairman Poole asked for a motion to adopt the agenda. Commissioner Hall moved, seconded by Commissioner Twombly, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1.

PUBLIC COMMENT

Chairman Poole asked for public comment. He specified they were setting aside some time for any request to speak on either of the planning actions, so that public comment would be heard during the public hearing portion of the meeting.

APPROVAL OF MINUTES

Chairman Poole asked for any additions of corrections to the meeting minutes of May 10, 2021.

Commissioner Breidenbach moved, seconded by Commissioner Hall, **TO APPROVE THE MEETING MINUTES AS PRESENTED**. Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1.

OLD BUSINESS

Chairman Poole asked staff if there was any old business to cover in the meeting. Mr. Cummings answered there was no previous business to cover.



OPEN PUBLIC HEARING

Chairman Poole opened the meeting to the public. The rules of a public hearing were explained. Chairman Poole asked if there were any objections to this planning commission's jurisdiction on either item on the agenda. A resident in the audience (Mr. Kenny King) asked how the jurisdiction worked and at what point he could speak on the first agenda item.

Chairman Poole explained that as a planning commission, this group would pass any decisions made onto the Ontario City Council, who then would have the ultimate responsibility of deciding these planning action items. There were no objections to Planning Commission jurisdiction and no disclosures, no ex-parte contact.

Chairman Poole asked if there were any reason for abstentions. No abstentions made.

Chairman Poole announced they would move to the staff report. Chairman Poole explained the procedures.

Mr. Dan Cummings, Community Development Director, presented to the commission.

The first item to discuss was **Planning Action 2021-03-11RZ**.

**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: December 7, 2020

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.

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:**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 high 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 space.

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

The property 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 ecological effects.

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 there has been a change in market conditions with the need for affordable housing across America as well as in Ontario, and demonstrates that this criterion is met.

CRITERION IS MET

- d. 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

- e. As noted in the findings 5, the subject property sizes are adequate to demonstrate consistency with this criterion as shown in the preliminary plan attached as Attachment #5.

CRITERION IS MET

- f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets 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, 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 of 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 for a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "**Findings:**" and "**Conclusion:**" for each criterion. **All** the criteria and standards must be met, in order for the request to be recommended for approval.

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



ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for affordable housing and will allow for future development of the city meeting its potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city currently.
- C. **TIMING** This action is needed as soon as possible so that the 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 considered to be consistent with the Comprehensive Plan. A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

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

RECOMMENDATION:

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

ATTACHMENTS:

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

OPEN TO QUESTIONS

Mr. Cummings asked that the commission read the letter submitted prior to coming to any decision.

Chairman Poole asked if there were any questions from the commission on Mr. Cummings report.

Commissioner Breidenbach asked if these were for veterans and what size of lots would be here.

Mr. Cummings replied 50ft by 80 ft, close to RS-50 zoning size and homes 800 – 1,200 sq ft.

Commissioner Hall asked if the (northeast corner) roadway will be gravel or paved.



Mr. Cummings replied gravel at minimum, enough to hold 55,000 lbs (designed to hold firetruck apparatuses). The roadway will be gated and locked, with only the Ontario Fire Department having access.

Commissioner Hall asked if there was an issue with emergency vehicles using that entryway.

Mr. Cummings showed the location on the map on the screen and reiterated that this entrance is a public right-of-way (ROW). The 30 feet of ROW was platted when the adjacent subdivision was designed. The assumption was that SW 12th Street would run directly south into SW 18th Ave. When Springbrook subdivision was developed, the location of 12th St was moved east, in order to build houses. The city missed that they needed to keep enough ROW space for a regular street connection. For the size of development, the amount of traffic does not require a full-size street on the northeast corner. The fire chief is happy if emergency vehicle can get through.

Vice-Chairman Max Twombly asked about parking.

Mr. Cummings replied there would be no on-street parking in this development. Each lot will have two parking spaces (single car garage and a parking space in front). Some senior residents may not have two vehicles, but one does not know for sure. His recommendation to the property owner was to provide overflow. The covenants, conditions, and restrictions (CC&R's) will need to meet all the requirements set up, e.g., specify the parking.

Chairman James Grissett asked about veteran status. Is it the initial plan to allow veterans to purchase, or will it specifically state somewhere a purchase must be by a military veteran? Will this be part of a homeowner's association?

Mr. Cummings replied regulations will need to be mandated, but this is just the planning phase. A public meeting like this one needs to set the parameters for the conceptual design, because the city does not enforce CC&R's after approval. Realigning a road is a minor issue at this stage. A final design is not typically done for a preliminary meeting like this one. The developer wants to provide for seniors, 55 years and older, military veteran status, disabled, etc. Any criteria (or none at all) can be recommended by the Planning Commission to City Council. Existing code is not too different for this zoning type of RD-40 (Malheur County Code O-RD: Duplex and Residential Zoning). The biggest difference is the private roadway presented.

Chairman Poole asked if there were any other communities like this in Ontario.

Mr. Cummings replied that several developments are "PD" (Malheur County Code O-PD: Planned Development). Mr. Cummings showed some examples of locations zoned O-PD on the city map. Many developments here in Ontario were designed by Mr. Cummings and his business, prior to working for the city. His recommendation was always to keep roads public. A private, gated community does not always work in this area. If the street were private, the developers would build the streets to meet city standards. This development will not have the option to start as a private road and later convert back to public. The existing design does not allow for the city to take it over, unless the road is widened and dedicated as a one-way street. Only two subdivisions in Ontario have been done this way.

Chairman Poole asked if, as a private road, the developer would be in charge of maintenance, street sweeping, snow removal, etc.

Mr. Cummings replied that the developer would be responsible for everything, if this is built as a private road. Everything except the water and sewer, as the city will have an easement for those. It is up to the homeowner's association to make sure lots are maintained.

Chairman Poole asked if our police department would continue to police an area like this.

Mr. Cummings stated that was correct.

Chairman Poole asked if it becomes an ordinance issue, does the city have the authority to enforce maintenance, i.e., fix potholes.



Mr. Cummings replied that this location is already within city limits. This development would have to abide by all the general ordinances. Weeds and potholes would be included. If the city stipulates that the road must be paved, the city would maintain the control of requiring it to be hard surface. Staff would support this being a gravel road.

Chairman Poole asked about the setbacks and if anything would be different from normal residential.

Mr. Cummings replied that the plan was to allow for 5-foot setbacks for high density, RD-40 (O-RD Duplex and Residential zone). In RS50 (O-RS Single Family Residential zone) setbacks would be 7 feet. These lots are big enough, but it would limit the size of the homes. The idea was to allow for the maximum number of homes in the development. In a planned development, they could use any design that the developer and the city feel is appropriate.

Commissioner Hall asked who would own the property, if it was set at 55 and older.

Mr. Cummings replied that the property owner planned on selling them. He used himself as an example, if a spouse passed away and he could not maintain such a large home, this would be an excellent opportunity. He could own the home, lease the property, and not worry about leaving it to next of kin. A life estate is one option the developer has considered several scenarios.

Commissioner Hall asked is he could buy several of them and “rent them out to 20-year-olds.”

Mr. Cummings replied that no, he could not. Because the CC&R’s would mean 20-year-olds could not be living there. It is not just who owns the home, but the age requirement would include those residing in the home.

An audience member asked Mr. Cummings a question.

Mr. Cummings reminded the audience that they would have an opportunity to ask questions later in the meeting.

Commissioner Fortner asked if a younger person like himself could buy the home and rent it to someone over the age of 55.

Mr. Cummings replied that it all depends on how the developer sets up the agreements. In speaking with the developer, her intention was to sell the lots to those over 55, that only those over 55 could be renting or residing or living there. The city could also set up the rules, by which the developer would have to abide. If a younger person was living there, they would be in violation (of the zoning ordinance) if someone was to bring it to the attention of the city. The CC&R’s determine the enforcement.

Commissioner Grissett ask if the HOA would also manage these regulations.

Mr. Cummings replied that an HOA would be mainly responsible for enforcement. As a city, the response would only be if the violation was brought to their attention. The HOA would be the first point of contact. If unresolved, the resident could then come to the city, would has the power to enforce that agreement.

Commissioner Grissett ask if there was any benefit or advantage to setting an age limit or describing this as an elderly community.

Mr. Cummings replied that the developer would need to respond to the question. Mr. Cummings feels, after two years of communication, the main reason is pressure from the financiers, who do not think there are enough seniors in the area who will purchase these homes. They are asking for more lots in this development. But the developer is determined to provide housing for veterans and residents over 55. The city would want to set those stipulations, if the only reason to approve the development was based on these criteria. Otherwise, the developer would need to come back with a different plan.

Commissioner Breidenbach mentioned he can only think of a few senior communities, all of which are in manufactured homes (trailer parks). He asked if these would be that same (or “stick-built”).



Mr. Cummings replied that yes, it was the plan not to use manufactured homes. The city cannot put that stipulation on, only the developer can.

Chairman Poole recommended that they close the staff meeting and any other questions from the commission be held until after proponents and opponents were allowed to address the commission. Additional questions could be addressed after they close the public hearing.

Vice-Chairman Twombly asked about the three existing homes represented in the map. Would the existing homes on the property be incorporated into the 55 and older housing? Will they be part of the same ownership?

Mr. Cummings replied that 1726 Alameda Dr was not part of the subdivision. 1712 Alameda Dr would be part of the subdivision. 1694 Alameda Dr would be planned as a "management home" for a live-in manager of the subdivision. The details would have to be specified.

Chairman Poole thanked Mr. Cummings and asked to hear from any proponents of the project.

PROPONENTS

Chairman Poole asked if there were any proponents at the meeting who wished to address the commission. The rules for making public comments were explained.

There were no proponents in attendance who wished to speak to the commission this evening.

Mr. Cummings asked if the commission would begin the public comments (from opponents) with the letter written up by Ontario resident Mr. Kenny King and submitted for this meeting.

OPPONENTS

Chairman Poole opened the meeting to hear from any opponents of the project. He asked if the letter submitted would be read into the record and if Mr. King would like to read the letter..

Mr. King declined, but wanted to address the commission afterwards.

Chairman Poole read letter from Mr. King (received by staff 6/9/21):

Bryant Planned Unit Development

June 7, 2021
Planning and Zoning Administrator
Ontario Community Development Center
458 SW 3rd Street
Ontario, Oregon 97914

To Whom it May Concern:

My name is Kenny King and my wife's name is Marissa King, we do not support this Bryant Planned Unit Development. We have lived at 1649 SW 12th Street since January 2017. Our tax lot number is 8000. This is a letter to explain the interactions we've had with the pasture property, tax lots 3200 & 3500 since January of 2017, and to express our concerns with the potential rezoning of these lots, per the Bryant plans available at City Hall.

In spring 2017, I noticed white top weeds growing in the pasture. I went knocking on doors of residences around the pasture to see if the owners would be able to take care of those weeds before they started infringing on our property. The owner of tax lot 3500 said the owner of the pasture lived



on lot 3200. The owner at lot 3200 said that her husband was working in mining and was very busy when home. I volunteered to spray 2,4-D broadleaf killer on the weeds and she said that would be fine.

On 4/13/2018, lot 3200 was sold for \$150,000. Cindy, the new owner of lot 3200, knocked at our door and asked about adding a sewer drain and road access through our property. She said that she would like to build a shop with plumbing on the property at the residence for lot 3500. Cindy offered to trade a new section of fence delineating the "easement" she wanted for the road and plumbing. We told her we were not interested in giving up any of our property, through easement, trade, exchange, or sale. She insisted that it was only a small portion of the corner of our lot, and she would be more than happy to match the style of fence we liked. We expressed again that we were not interested in her proposal. Later that year, I asked for permission to spray 2,4-D on their pasture to keep the white top weeds at bay. They agreed.

Since these first couple of friendly interactions with the new owner of lot 3200 in 2018, they have not tried to communicate with us directly. Surveyors have come by our house on two different occasions to measure our property and our shed on our property. Additional indirect communication included a UPS driver delivering a package to our son. The driver knocked at the door, handed the package to our son, and then he asked to speak to me. The UPS driver spoke with me for approximately 15 minutes, attempting to convince us to sell a portion of our property to the owners of lot 3200, and we should talk to their realtor. The driver gave me Britney Mills phone number as a contact for the realtor. I assured the UPS driver that we were happy with our property and fence the way it was.

The proposal to rezone lots 3200 and 3500 from City Single Family Residential to City Planned Development Residential was likely their agenda from the start. Truth and honesty is very important to us when building relationships with new people, especially neighbors. The above listed interactions with lot 3200 owners and even others acting on their behalf, have left me feeling distrust.

We are in support of affordable housing for seniors and veterans in Ontario Oregon. However, we do not support Bryant Planned Unit Development, due to the following issues and concerns:

- How will this plan include a 20 foot road for fire emergency access when the existing fences are 16 feet apart? The minimum gate access is 20 feet according to Appendix D of the International Fire Code.
- When I measure a sidewalk and curb it comes out to 5 feet. Will this access have sidewalks per Ontario, Oregon Municipal Codes 8-3-1 through 8-3-12 for pedestrian safety?
- We are concerned that to make these plans feasible, property from lots 8000, 3400 and/or 2500 would need to be included. None of said property owners have agreed to give up any of our land for the project.
- Have tax lots 3200 and 3500 been proposed to be rezoned in the past, and if so, what was the outcome of those Planning Commission decisions?
- The city intends to bring sewer through between lot 8000 and 8100 which will sever enough roots of our 40' tall trees and other establish landscaping to kill them. These trees life and atmosphere of these trees in my yard is priceless to me.

Thank you for your consideration of our questions and concerns and we look forward to learning more about the proposed rezoning.

Sincerely, Kenny King



Chairman Poole invited the letter's author to address the commission.

Mr. Kenny King, Ontario resident, spoke to the commission:

"Thank you for all your consideration. Last Monday I walked around the community and talked to the neighbors. When I got to 1726, I spoke to her and her husband about why they backed out of the original project with the road designed into it. They have a similar situation where they felt pressured. I can't speak on their behalf. They did say that when the surveyors came in to survey their property, their property was five feet past their fence and in the driveway of Cindy's. There is easement there already because they have been using the road for years. I think it is strange that they are claiming this will be the plan, when there is no access."

Mr. King referenced the staff report, with how the road was to be built.

"If Cindy had been more honest in the beginning, there was a chance that I would be willing to deal property with her. The current plan is to go with private driveways around this entire lot, according to Dan. I understand that anything that we bring up in this meeting is a foundation for future lawsuits."

Mr. King referenced the Oregon Model Development Code (State of Oregon Transportation and Growth Management Program, 2015. *Model Development Code & User's Guide for Small Cities*, Edition 3.1 Volume II. <https://www.oregon.gov/lcd/TGM>) Chapter 4.3 - Land Divisions and Property Line Adjustments and Chapter 4.8 - Master Planned Developments.

"4.3 specifically says that land division and property line adjustments and I believe that A-K, the list on here, none of these list the land division or property adjustments by the city. None of these criteria meet this particular road in the back. Because it's either my property or this family's property that's going to be affected by it."

"I understand that the city has got easement? Is that the right term? Or right-of-way? So, this specifically says what that right-of-way can be used for by the city. Nowhere in this paperwork does it say that you can take right-of-way from a private individual that's been taking care of that land and give it to another private individual for a bigger driveway. That's essentially what Cindy is proposing here. She's saying that we need a firetruck to get in here. We're going to take this family's private land that they have been...it's been lotted that way since '72, I think. It's been a while since that fence line has been up."

Mr. King referenced the Bill of Rights Fifth Amendment to the U.S. Constitution. "We own land, and we have a right to land. For the city to take it and give it to someone else, just so a fire truck can drive down their driveway, seems wrong to me. Whether it's by my property or their property. One way or another, for the safety of possibly 70 people, who knows? How many houses are actually going to be built there?"

Chairman Poole asked the commission if they had any questions for Mr. King.

Chairman Poole asked "Which is your piece property, sir?"

Mr. King replied "1649. It's the triangle shaped, kind of a strange property."

Chairman Poole thanked Mr. King for his time.

Ms. Linda DeBoer, Ontario resident, spoke to the commission:

"My name is Linda DeBoer. I am the property owner next to Ken. I'm on 1677. There's a couple of things I just want to point out."

Ms. DeBoer left the podium and approached the screen displaying the map. She pointed out 33 houses for this project and located her house. She pointed out how close the buildings in the design proposal were to the right-of-way in question.



Ms. DeBoer mentioned a “PD” Planned Development can be lots of things. If this isn’t stated just for 55 and older, it could be business offices, churches museums, etc.

“We are really concerned about this little piece of property. Also, in PD Code 17.12.4 it says...I think this property is 3.8?...says it can be no less than 4 acres.”

“I also want to point on...you can’t park on the street according to how an individual would like to develop this.” Ms. DeBoer left the podium again and went to the screen to point at a property on the map. She referenced the northwest corner of the property. She asked about the three or four houses in the drawing on the far east side of the property.

“Why are these over here? She bought this property around 2017. I just kind of feel like...I wish we would have known what she really was thinking. Is she really trying to benefit the neighborhood? That’s all I can say for a time.”

Chairman Poole asked the commission if they had any questions for Ms. DeBoer.

Commissioner Grissett asked Ms. DeBoer “What are your thoughts if it is mandated 55 and older?”

Ms. DeBoer said “If it’s mandated 55 and older, I still have a problem with the amount of houses there. I really do. That’s a great deal in our neighborhood. I don’t know if it will change the value of our home. I just don’t really think this is the appropriate area to have this development. Housing? Yes.”

Ms. DeBoer mentioned she was a volunteer supervisor at the hospital. “I think they are going to be cramped. I think family life is important, too. I just don’t know if these small homes can accommodate them. Each of those homes on the outside are one bedroom. The ones on the inside are two bedroom.”

Ms. DeBoer asked how big each of the proposed houses would be. Mr. Cummings estimated about 1,000 sq ft.

“We just feel like the traffic...if there is a gate down there that’s going to be locked, fine. But, are you going to promise me that?”

Chairman Poole replied, “We can, if that is the decision of us and the city council.”

Chairman Poole gave an example on North Verde with a gate and a chain, only fire dept has access, which has been kept locked on both ends for the past three years. “It can happen.”

Ms. DeBoer asked if there was a time limit on this project. “Does she have to build this right away?”

Mr. Cummings said a time limit could be put on a project. He added that the purpose for a preliminary hearing like this is to find out what the property owner’s plans are and if they could move forward. Most subdivisions are typically 1-2 years. Some developers can go faster.

Ms. DeBoer said that “gated communities don’t usually work. When you have it changed to PD, she could change her mind and change these from 55 to apartments for 55. That changes this whole structure again.”

Chairman Poole thanked Ms. DeBoer for her time.

Mr. Kevin Aleman, Ontario resident, spoke to the commission:

“Hello everyone, My name is Kevin Aleman. I live in Ontario, at 1218 SW 16th Ave. It’s that house on far right with the pool.”

“We have been taking care of that piece of property for twenty years now. There has never been an issue.”

Mr. Aleman stated that the city has said that if they can keep that piece of property clean, they could do



something with it, maybe get the sidewalk finished. He has loved living there, until now, because of safety reasons.

Mr. Aleman stated that with the elderly there are a lot of concerns and responsibilities, with emergency vehicles coming through.

"Right now it's quiet. Potentially, these houses are really close. And so is ours. We could be the first town to get a firetruck in a pool. Sounds like a pretty crazy headline."

As a business owner, and house owner, and TVCC graduate, they worked with the city to put that fence up. Without any notice, other than Mr. King, they would not have known about the project.

"The city has not addressed this at all. She's about to change our neighborhood dramatically."

Mr. Aleman has concern for the school (Alameda Elementary), where they host a lot of recreational games.

"That's about to change if there is a new crime to take care of."

"I could buy a house, potentially, if my grandfather passes it to me. Now I'm the one living there."

Mr. Aleman gave the example of an older home owner who dies, passes the property on to a grandson, then a younger person is then living there. It will be a risk to Ontario to allow that to happen.

"That is the responsibility on the city of Ontario. If you are willing to take that risk and keep us safe, like we are now, keep the school safe, keep all those kids safe. Hopefully, not to get anyone into a situation where they are scared to live there."

"Our peace and quiet, it's going to change. The elderly go through a lot of accidents. It's common. I'm not judging them. I also love the elderly. The veterans, I love them. But it's all about location. 33 or 35 houses in one setting? Yeah, that sounds pretty wild, if you ask me."

Mr. Aleman was concerned about affordable housing. "Track records show that with affordable housing comes a lot of issues. Environments are changed, crime rates go up. It's just something that happens."

"Our house, the property we took care of, gladly...we were glad that we could stretch the fence there. We bought the home with the pool there. That's about to change. Without no warning, in fact, we were told we could do those things. I've lived there with my parents for over twenty years."

Mr. Aleman commented how small the houses would be for the elderly. He asked if an older person buys the house, passes away, then who will take care of that house? "These houses are a big unknown PD. The elderly are unknown. The future of Mr. Fortner businessman? Unknown. Me possibly living in one? Unknown. It's just one big unknown for the safety of our neighborhood, for the safety of the school. It might change our dynamic. It might change the city's dynamic, putting the responsibility on the city departments."

Chairman Poole thanked Mr. Aleman and asked the commission if there were any questions for him.

Mr. Craig DeBoer, Ontario resident, spoke to the commission 7pm

"Some of my concerns are: I'm all for supporting the military and those 55 and older. I know there are several spots in the City of Ontario where they have those facilities. My problem is, who is going to enforce this? For one, from what I understand, Cindy doesn't even live in Ontario...she does not live in Ontario, so she is not trying to better herself, as far as for the city itself. She's doing it on a financial gain, which, more power to her."

Mr. DeBoer referenced SW 12th Street, "We have enough trouble with speeding. And you tell me that you put a 55 or older, clear back in here by 1691, and he has somebody come and visit him or her, and they are going to park clear up here?"



"Who is going to enforce parking on the street? Who is going to help maintain those streets? Even though she is selling those lots, those homeowners are supposed to be able to take care of those lots. 55 and older? I don't know. There are issues there."

"We've lived in that spot 18 years. We bought it with the view, living basically in a country setting. That will be gone. What's the value of all these people's homes that have been established for years? What's it going to do to their property values? Is it going to tank them? Or is it going to go up? I don't look for mine to go up because I have 33 homes behind my house."

"There's a lot of concerns. We've never met this lady. Yet she tells us that everybody is onboard. B.S. They're not. There's a lot of unanswered questions here, that's getting pushed through with the simple vote of you guys."

Mr. DeBoer was concerned that if this project goes through, the developer could then come back and get the rules changed. "If things don't change, she can come back and have you guys get the rules changed, to start putting her daughter into one of these homes. Or someone that's younger than 55, into one of these facilities. What's to keep that from happening? There's just a lot of unanswered questions and a lot of real concerns that, I think, has been deceived through the public."

Chairman Poole thanked Mr. DeBoer.

Mr. Don Ray, Ontario resident, spoke to the commission:

Mr. Ray went to the screen and pointed out his residence. "I'm the senior person on this street. I've been there for 33 years, though we are getting ready to move. I will tell you this: Everybody along this street has paid for that fence. Any time there is a fence repair, never once has she offered to ever fix the fence that is falling down. We have footed the cost for all the fences."

Mr. Ray went back up to the map on the screen. "Where this is at over here, they decided to go in. This gentleman here, they had it gated out there. They just cut the lock, so they could go through and start cleaning up the property in there. In the 33 years I've lived there, they used to have a farmer there and everyone here can vouch for this, every year I would go out into that field and I would cut the thistles down, because they were eight feet tall. I've cut other stuff down so that I could keep it away from the fence. So right now, she is not maintaining anything."

Mr. Ray went back up to the map on the screen. "If you will notice all of these lots up there. The size on them, they are cutting every one of those lots in half and putting two houses on every lot. Just think about your subdivision up there, where you're from. What would happen?"

"This is a really nice area here. Like this other gentleman said, traffic has become so much more in the last years. You guys need to drive out here and see what this little road is here. It goes between these houses. The road doesn't amount to a whole lot. I don't know if we can bear a whole lot more traffic up there."

"As it is, right now, on 16th, we get our roads plowed once a year, when the snow comes; which is okay. But, what is going to happen when this all goes in."

Mr. Ray went back up to the map and pointed out the location of Pennington Drive, east of SW 12th Street. "33 houses is just so much. Pennington Drive is back in here. I doubt that there's 33 houses along that drive."

"This is a nice neighborhood. I want you guys to just think about what we're doing here. 55 and above is great. But those are awfully small houses. What is to prevent her from just putting double-wide trailers up there, and then just renting them out?"

Chairman Poole thanked Mr. Ray.



Mr. Paul Gehrman, Ontario resident, spoke to the commission:

"I'm not here for this, but I had a question. My name is Paul Gehrman and I'm a neighbor of Ralph's (Chairman Poole). If you turn that into a private road, the Ontario Police Department will not be able to help you with things like parking problems, in there. Or, people speeding in there, because it is a private road. If it's public, then they can enforce it. But they cannot enforce infractions there on a private road. They can take a DUI, or a reckless driver, and remove her. But outside of that, no. Just for your information. Thank you."

Chairman Poole thanked Mr. Gehrman and announced they would close the public hearing.

CLOSE HEARING

Chairman Poole asked Mr. Cummings if he would like to address any other questions.

Mr. Cummings wanted to clarify some information on the development.

"Mr. King is under the impression that we are taking land from these people under this operation. We are not."

Mr. Cummings pointed out the existing property line on the map. He referenced the homeowner at 1218 SW 16th Ave. "I have met with him a couple of times. They came in to pull a building permit. That is when I did state to them that their fences were in city right-of-way. I did make a statement to them at the time saying, right now, we do not see that as a big issue. We're not going to come and make you take it down, until such time as we need the right-of-way."

Mr. Cummings referenced the right-of-way location on the map, between 1218 SW 16th Ave and 1649 SW 12th Street. "At this point, the city is saying that we need that section of right-of-way because they are going to require her to put the fire road in here."

Mr. Cummings pointed out that the planning commission can suggest to the city Fire Chief that the emergency access is not needed, and not put the emergency road in. "But, again, I have to agree with the Fire Chief. We would want a secondary, emergency access. We have the ability. We have a 30 foot right-of-way already there. Yes, these people have used that right-of-way for years. That fence was put in prior to these people buying it. No fault to them. They did not do the encroachment. But, it is an encroachment into city right-of-way."

Mr. Cummings added that the right-of way in question was already dedicated during the development of the subdivision, to the north of the property in question. "We are not asking to take any more ground from any adjacent owners at all, for that portion of the action. Yes, the improvements in the city's right-of-way would have to be removed to a certain extent, to get that access there."

Mr. Cummings asked if the council had any additional questions for him.

Commissioner Breidenbach asked about the size of the acreage, whether it was under four acres (as asked by Ms. DeBoer).

Mr. Adam Brown, City Manager, looked up the acreage and saw it listed as "just over four, for the two parcels."

Someone in attendance thought that the map showed the acreage as 3.86.

Mr. Cummings responded that, with the lots combined, tax lot #3200 being 3.68 acres, tax lot #3500 being .558 acres, makes a combined total of 4.238 acres. He showed on the map where the boundaries of the two lots were located.



Someone in attendance commented that the one house in question (1694 Alameda Dr) would not be a part of the proposed development.

Mr. Cummings clarified that the property within this proposed development belonged to the developer (tax lots #3200 and #3500); excluding the homes at addresses 1726 Alameda Dr and 1647 Alameda Dr.

Someone in attendance commented that there are two, regular sized homes existing in the location.

Mr. Cummings confirmed on the map the location of the two houses (1726 Alameda Dr and 1694 Alameda Dr) and that the developer's parents reside in one of them.

Someone in attendance commented that the "PD" would include the existing, bigger houses in the development; making 33 homes plus 2 existing houses.

Mr. Cummings confirmed this number was correct for the existing design proposal. He also clarified that each "house" was really counted as a lot. He also clarified that if the developer wished to build additional houses, they would have to come back through the public hearing process and present a proposal to get that change made.

Someone in attendance commented that they "missed that part."

Mr. Cummings explained that it would be under the same action for the Planning Commission to approve. "Whatever they set, if the Planning Commission does not set the age limit to 55, then it does not matter. She could let anybody live in there. But, that is the purpose of these public hearings."

Mr. Cummings also mentioned that the developer had the City Council meeting and tonight's meeting mixed up, that she would not be able to attend. He mentioned that this decision is up to the Planning Commission, and they could table the action for another time.

Commissioner Breidenbach asked about the letter submitted by Mr. King. Have these properties been previously considered for development?

Mr. Cummings's research only found one earlier action, when the property was originally annexed into the city limits and rezoned to the RS50 (O-RS Single Family Residential zone) as it is currently zoned. He does not know of any other actions proposed for this property. The only exception would be the property line adjustment approved and signed by the owners of 1726 Alameda Dr. He added that the homeowners changed their minds, so the adjustment was never finalized. He said that he did not know the reason as to why.

Commissioner Hall asked if Ontario has any other developments with only a twenty-foot roadway width.

Mr. Cummings did not believe Ontario had a development like this.

City Manager Brown if the development (NW 2nd Ave) behind the high school was an example.

Mr. Cummings said that NW 2nd Ave is a one-way street, but wider than 20 feet, because they wanted to allow parking on that street. The only parking at this development would be in a garage, on the side of the house, or the overflow parking.

Someone in attendance commented 33 houses would be a possible 66 vehicles in the development.

Commissioner Breidenbach asked about the staff report. Where would the sewer and water come in?

Mr. Cummings replied that the sewer and water would be an easement, coming in through the same right-of-way in the northeast corner. The easement would wrap around the street and service the individual houses. Homes on the west side of the property would tie into water and sewer from Alameda Dr. If approved, the developer would have the right to do so. The plan is that the majority of the houses will have water and sewer connected to SW 12th Street.



Mr. Cummings confirmed that this would be a private road. The only response that the city police would make is for emergencies and life-threatening situations. The city could enforce ordinance violations such as weeds but would not enforce parking on the street. That will be the responsibility of the HOA. But these houses are within Ontario city limits.

Commissioner Breidenbach asked about tabled actions. If this action was tabled, would the Planning Commission hold another full public hearing?

Mr. Cummings replied yes, it would be tabled to the next Planning Commission meeting.

Commissioner Fortner asked if the commission is able to mandate “stick built homes,” if they did not wind up with manufactured homes there.

Mr. Cummings replied that the laws of the State of Oregon does not allow a government agency to restrict manufactured homes. The governor has taken that right away from private developers, which is brand new for the state. That is also the case should the property be subdivided.

Commissioner Breidenbach commented that the issue of manufactured homes has been discussed a lot in the last year, with Oregon’s new law.

Commissioner Fortner asked if it is up to an HOA to enforce the parking, instead of law enforcement, how much power does an HOA have to enforce an ordinance?

Mr. Cummings felt they would only do as good as any HOA could. Before it is all finalized, the Planning Commission would see what all the requirements are. But he felt that you cannot say for sure how well an HOA will enforce policy.

Commissioner Grissett asked about the storm drain on the east side of the property (between 1649 and 1677 SW 12th St). Is that an existing storm drain, or will that be a new easement?

Mr. Cummings confirmed that the storm drain is existing. He had informed the property owner that, although he did not build the carport on the side of his property, that structure is encroaching on the city’s easement. It was constructed without a permit. If the city has to get into the easement, the homeowners will have to remove the carport at their own expense.

Commissioner Grissett asked if the storm drain goes on the back of the property line. He wanted to know about the tree that Mr. King had mentioned.

Mr. Cummings said that the trees within the easement could pose huge issues for the owner and the city. If the trees grow into the storm drain, cause damage, and possibly require the infrastructure to be replaced. Anything encroaching in the easement will need to be torn out.

Mr. Cummings added that the easement for the storm drain was platted with the subdivision. Every homeowner who purchased lots along the west side of SW 12th St will have a title policy and plat of those lots would have seen that easement. He said that situations like this should be in your title, with a copy of the plat showing the easement.

Comments from the audience are undecipherable.

Mr. DeBoer sitting in the audience said “If people come and work on your house and throw 40 sheets of paper at you and say this, this, and this, it really does not explain it, the title doesn’t explain it...we go to City Council, or to city planning and zoning and we’re told to come see you. We say that we are buying this, where is this property line, and okay these are already here. So, now, we didn’t do that. Yet, we’ve paid all that and evaluated our home, and taxes and property values. Now you’re telling us that all of this is going away over possibility of encroachment, and we’re just out S.O.L.”



Ms. DeBoer sitting in the audience asked if there was “a grandfather clause or anything like that.”

Chairman Poole responded to the audience that “No, not when those have already been titled and already been set up as a subdivision, there is a certain level of responsibility called Buyer Beware. That should be in your title report. I would go back and look at your title insurance.”

Chairman Poole asked that the commission continue their turn of asking questions.

Chairman Poole asked if, under the current zoning, would there be enough access to get in? Would there still be a requirement to put in a fire lane? Is there an estimate on how many homes could be built on the property under the current zoning? The scenario would mean full, standard roads, allowed for the access for police, etc.

Mr. Cummings estimated 20-25, because the Fire Chief may not require access through the right-of-way, though he likes a secondary access. The road size would require that they to tear down one of the existing houses. Mr. Cummings gave some possible design changes, considering that Ontario also has some new code amendments.

Chairman Poole pointed out to the public that the neighbors would have no say in a development, should the zoning stay as it is currently.

Mr. Cummings said that it would not even require a public hearing, as long as a developer met all the current code requirements.

Chairman Poole said “Public, please be aware that there could be as many as 25 homes going in there and you would have no say in what happens, period.” Only because it would be a planned development are residents being allowed to come in and participate in a public hearing.

Ms. DeBoer sitting in the audience asked if there was any reason the developer “can’t take out some of these homes and not make them so teeny tiny and right next to each other?”

Chairman Poole replied that it would be a matter of the Planning Commission and the City Council in making a decision. “That’s why we have it open to the public, so we can hear all those who might be opposed to that type of development.”

Commissioner Fortner asked “If we don’t change it to a planned development, then we could not mandate that it be 55 and older?”

Chairman Poole said “Correct.”

Commissioner Grissett added that the examples of crime, speed, all the concerns brought up would then be a real problem, because the city would have no mandate, nor would the citizens.

Someone in attendance commented that they went out and measured, and did not think the right-of-way was wide enough.

Mr. Cummings answered that the seeing the plat shows from property line to the corner of the street was platted at 30 feet.

Ms. DeBoer sitting in the audience asked if that included the sidewalk.

Mr. Cummings answered that there was no sidewalk planned there. If the commissioned wanted pedestrian access, the 20 foot road and a five foot walkway would still be under the 30 foot right-of-way width.

Chairman Poole said that in the essence of time, they would entertain a motion to table this action. He reiterated that the public hearing was closed.

MOTION TO TABLE ACTION



Commissioner Fortner moved, seconded by Commissioner Hall, **TO TABLE THE PLANNING ACTION 2021-03-11RZ TO A FUTURE MEETING.**

Chairman Poole reminded the public that this action would again be opened up as a public hearing, allowing for any resident to again present.

Mr. Cummings requested that it be “tabled to a date certain” meaning that the date of the next meeting be included in the motion. The next Planning Commission meeting would be on Monday, July 12th.

Comments from the audience undecipherable.

Commissioner Breidenbach mentioned he wants to talk to the city Fire Chief about the access road.

Comments from the audience undecipherable.

Commissioner Fortner moved, seconded by Commissioner Hall, **TO TABLE THE PLANNING ACTION 2021-03-11RZ UNTIL THE JULY 12TH PLANNING COMMISSION MEETING.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Mr. Cummings wanted to thank all of the public who took the time to come to the meeting and participated. This is what helps the city know what works for our community.

Chairman Poole announced they would move to the next planning action. Chairman Poole explained the procedures.

The second item to discuss was **Planning Action 2021-03-13AZ.**

Chairman Poole asked for a staff report and allowed a moment for the audience to exit the council chambers.

Mr. Cummings presented to the commission.



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: May 10, 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 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., then 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 of fact based on 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.

The property exceeds the minimum parcel size and can easily be development into smaller parcels.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for 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 its potential for future growth of the community.
- B. **FINANCIAL** This has 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 Property Before Rezone
- 2. Attachment 2 Property After Rezone
- 3. Attachment 3 Area Map
- 4. Attachment 4 Rezone Description
- 5. Attachment 5 Parcel being rezoned to RM-10



Mr. Cummings was open to any questions.

Commissioner Breidenbach asked about the deferment.

Commissioner Fortner asked about the deferment.

Commissioner Grissett asked how much traffic was on that road.

Chairman Poole said quite a bit. He lives across the street from the property owners.

Commissioner Hall suggested not deferring.

Vice-Chairman Twombly asked about an LID.

Mr. Cummings explained about a Local Improvement District (LID).

Commissioner Hall asked about the property to the south.

Vice-Chairman Twombly asked about an open-ended deferment.

Mr. Cummings said the City Council has the option to set the timeframe.

Chairman Poole asked about procedures.

PUBLIC COMMENT

Chairman Poole closed the staff report and asked for public comment.

PROPOSERS

Chairman Poole asked if there were any proposers at the meeting who wished to address the commission.

There were no proposers in attendance who wished to speak to the commission this evening.

Ms. Stacie Gehrman, Ontario resident, spoke to the commission:

Ms. Gehrman explained the situation, pointing to the map on the screen.

City Manager Brown asked if she was interested in paying now or to defer?

Mr. Paul Gehrman, Ontario resident, spoke to the commission.

Chairman Poole asked if there were any other proposers.

OPPOSERS

Chairman Poole asked if there were any opposers at the meeting who wished to address the commission.

There were no opposers in attendance who wished to speak to the commission this evening.

Chairman Poole closed the public hearing and asked for questions to staff.



Chairman Poole confirmed that staff was asking the commission to decide upon annexation and rezone.

Vice Chairman Twombly asked about contractors.

Chairman Poole asked about the houses to the north, sitting up higher than the property in question.

Chairman Poole asked the commission for any further questions.

Chairman Poole closed the public hearing.

FINDING OF FACTS

Chairman Poole requested a motion to accept the Finding of Facts

Vice Chairman Twombly moved, seconded by Commissioner Breidenbach, to **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.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Commissioner Hall moved, seconded by Commissioner Breidenbach, **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.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

Commissioner Breidenbach requested an additional motion, recommending to the City Council on this action, to defer the cost of any improvement requirements on this property, seconded by Commissioner Fortner.

Mr. Cummings mentioned that under deferment, it is the city who decides when that street needs to be done.

Commissioner Breidenbach amended his additional motion, **recommending to the City Council on this action, to defer the cost for any improvement requirements (on the street portion) for this property until adjacent properties are being developed**, seconded amended by Commissioner Fortner.

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

HAND-OUTS / DISCUSSION ITEMS

Mr. Cummings said there are no hand-outs or discussion items, other than to remind the Planning Commission that they now have a meeting on July 12th.

Chairman Poole commented that a problem he sees is the commission dictating what a developer should build.

Mr. Cummings said in plan development, a commission can approve plans or request modifications.



ADJOURN

Chairman Hall asked if there is anything else to discuss.

Commissioner Fortner motioned, Vice Chairman Twombly seconded, **that the meeting be adjourned.**

Roll call vote: Fortner-yes; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes; Cooke-absent. Motion carried 6/0/1

The June 14th Planning Commission meeting adjourned.

ACCEPTED:

Ralph Poole
Planning Commission Chairman

ATTESTED:

Marc Berg
Ontario Planning Technician





**AGENDA REPORT
PUBLIC HEARING
July 12, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **CONTINUATION OF 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: July 1, 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.

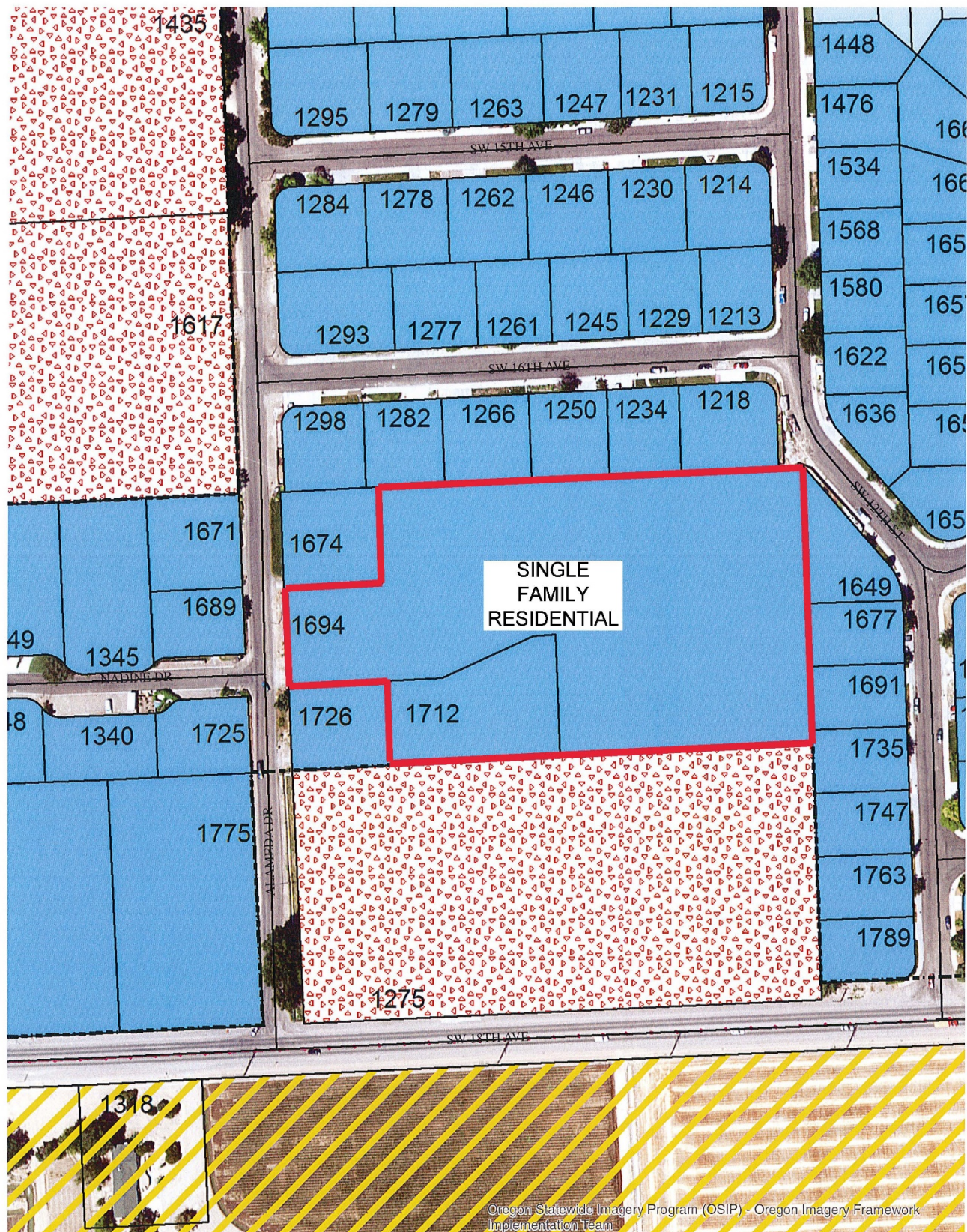
ATTACHMENTS:

- 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
- 6. Attachment 6 Updated Street Plan

7. Attachment 7 owner comments

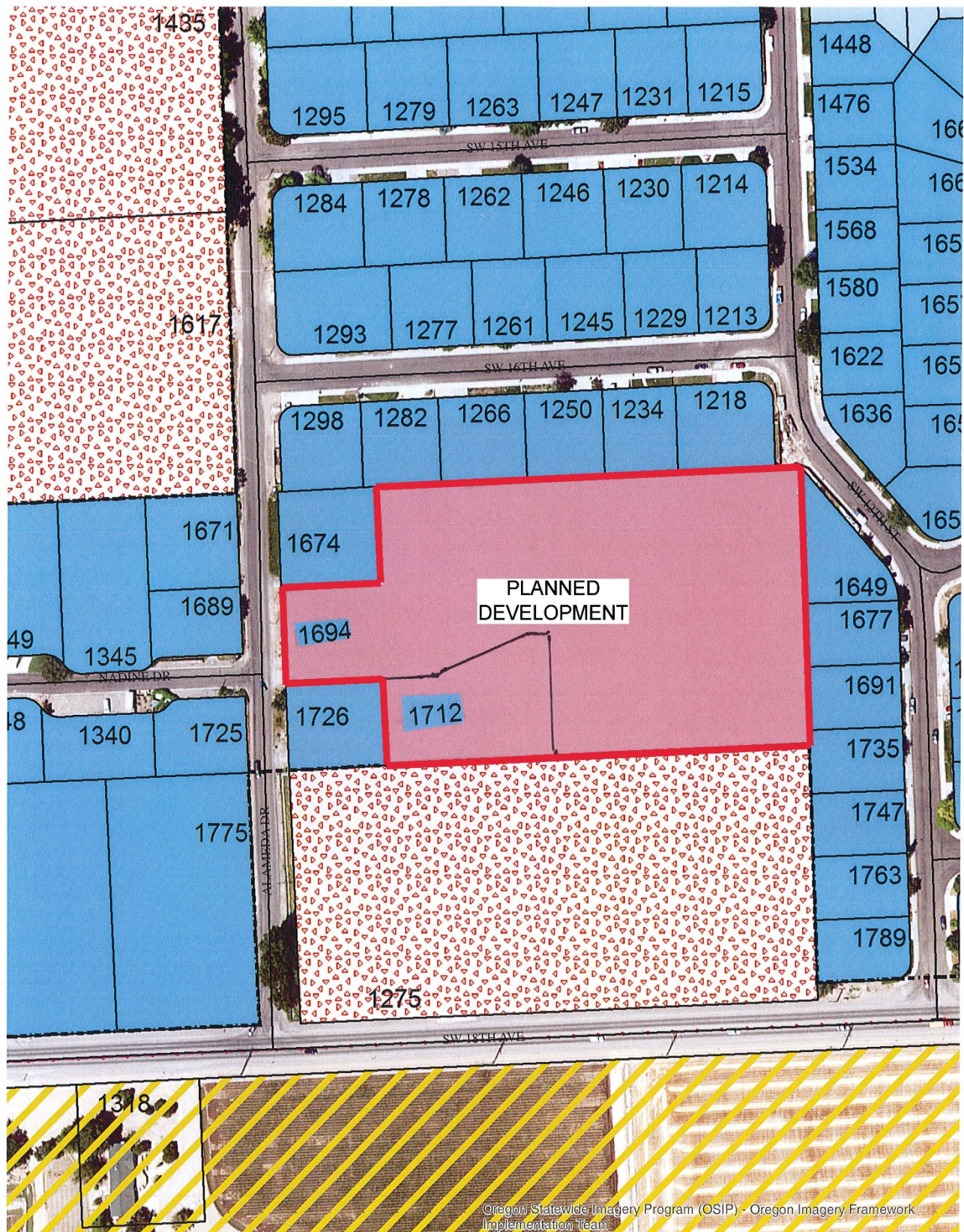
Attachment "1"

Parcels Before Rezoning



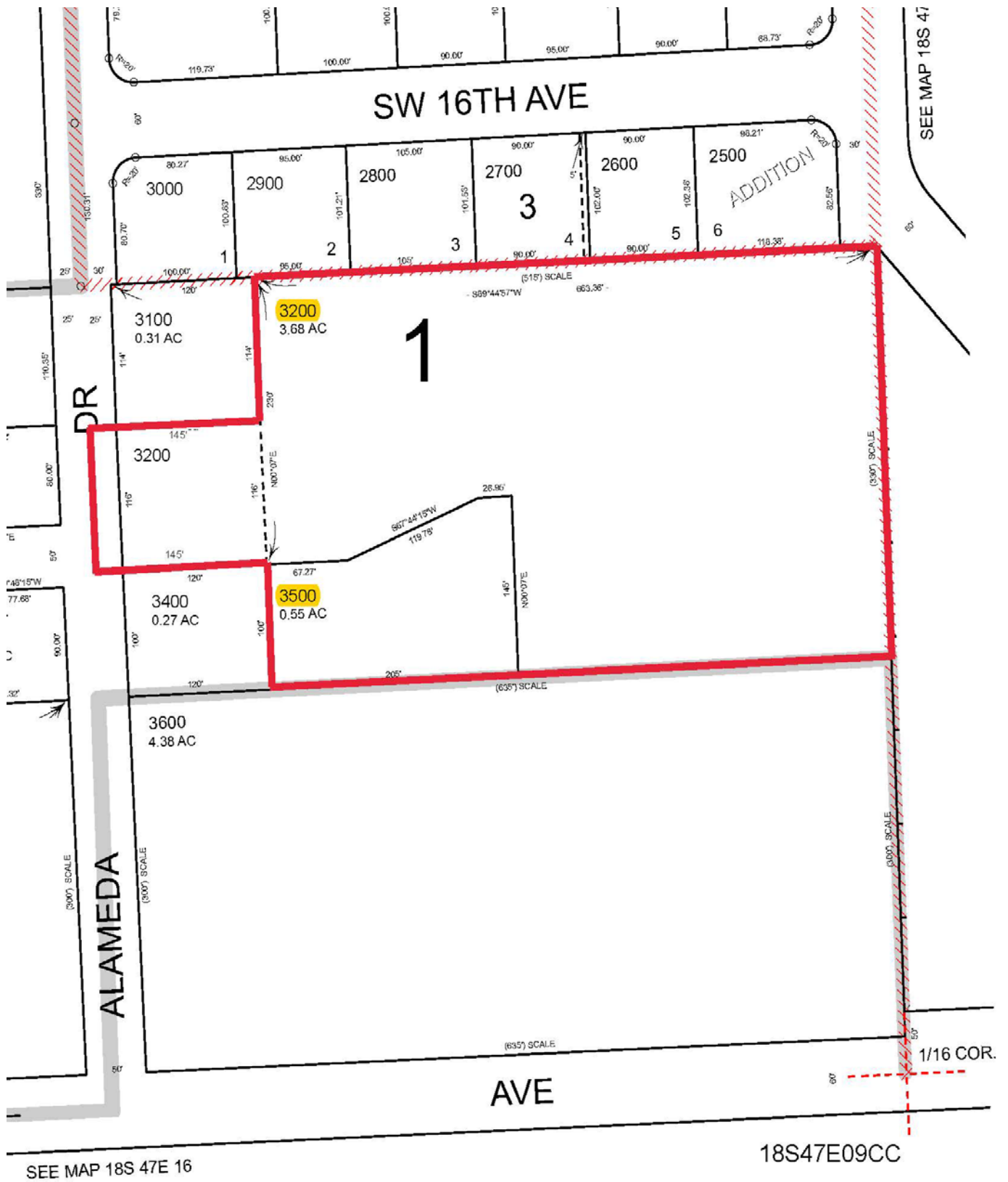
Attachment “2”

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;

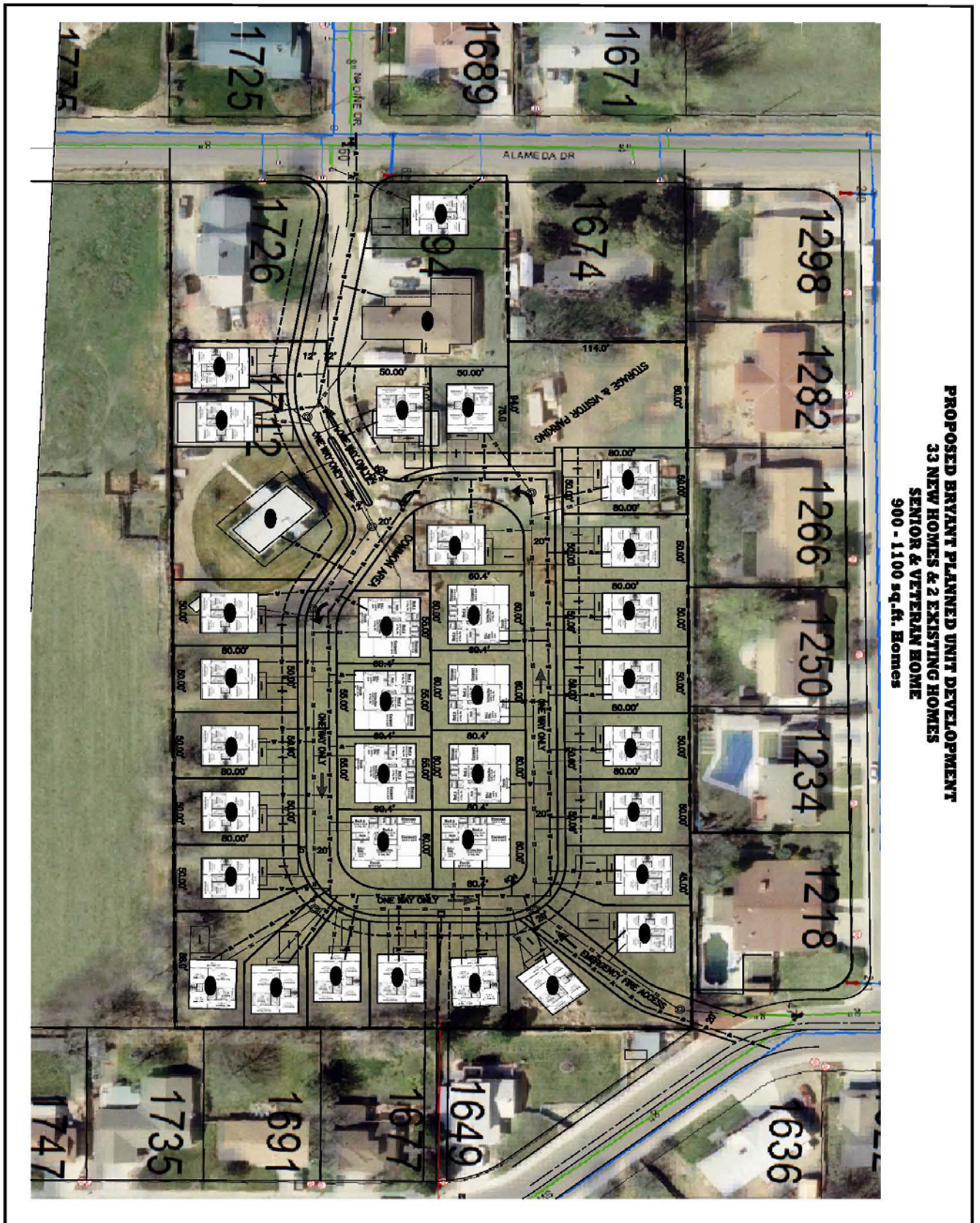
Thence East 145 feet;

Thence North 114 feet to the North boundary thereof;

Thence West 145 feet to the Point of Beginning.

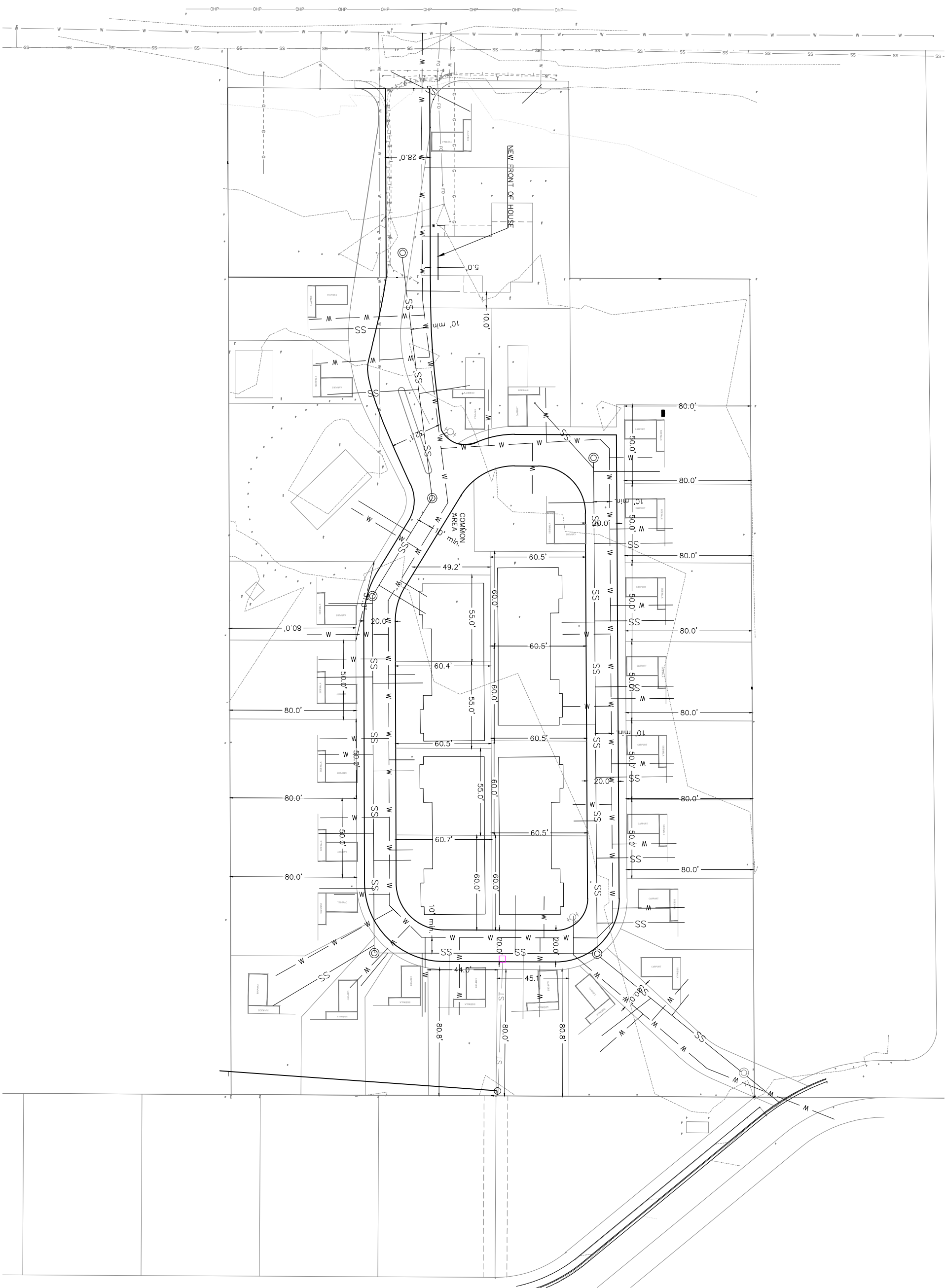
Attachment "5"

Preliminary Plan





PLAN VIEW -



ONTARIO VETERANS AND OVER 55 SUBDIVISION

CONSTRUCTION DOCUMENTS

CINDY BRYANT

PR21-0361

T. GRENZ

T. GRENZ

J. WARD

CHRISTENSEN

SITE PLAN

SITE PLAN

C1.01

#####

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REVISIONS

NO.	DATE	BY	DESCRIPTION

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32 N. MAIN,
PAYETTE, IDAHO

Attachment 7 owner comments

Dan,

Please find the plan attached with the road straightened out. I will continue to work with the engineers to make the interior streets 30 foot with the 5ft sidewalk to help accommodate the traffic.

I will be following the Federal HUD laws and particularly the HOPA of 1995 to ensure all of the proper steps are taken to ensure the 55+ status of the inhabitants of the properties. The CCR's will be enforced by myself and the HOA that is created as the subdivision fills and the lot owners become voting members with a president and council who has the normal control of a 55+ subdivision.

As mentioned, the only reason I am going to this trouble is to try and bring a much needed smaller footprint subdivision to this community. By having as many lots as possible to fit these smaller sf homes is the only way to make the cost of the underground work.