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



**PLANNING COMMISSION MEETING AGENDA
CITY OF ONTARIO OREGON
MONDAY, OCTOBER 11, 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 September 30, 2021. Copies of the Agenda are available at the Community Development Center and on the city's website at www.ontariooregon.org.

4) PUBLIC COMMENTS Citizens may address the Planning Commission; however, the Planning Commission may not be able to provide an immediate answer or response. Out of respect to the Commissioners and others in attendance, please limit your comment to three minutes. Please state your name and city of residence for the record.

5) APPROVAL OF MINUTES

A) Planning Commission Meeting 9-13-2021

6) PUBLIC HEARING

A) Action 2021-07-28AZ: a request by Gold Thumb Investments, LLC for the annexation and rezone of property from Urban Growth Area Light Industrial (UGA-I) to city Light Industrial (I-1) to allow connection to city services and further develop the property.

7) HAND-OUTS/DISCUSSION ITEMS

8) COMMENTS FROM COMMISSIONERS

9) ADJOURN



PLANNING COMMISSION MEETING MINUTES

Monday, September 13, 2021

CALL TO ORDER

The Ontario Planning Commission was called to order at 6:00pm in the Council Chambers of City Hall. Commission members present were Chairman Ralph Poole, Max Twombly, John Hall, John Breidenbach, James Grissett. Cydney Cooke was excused. Blu Fortner attended online beginning at 6:20pm.

City Staff present were Dan Cummings, Community Development Director; Marcy Siriwardene, Building Official; and Marc Berg, Planning Tech. Adam Brown, City Manager, and Ex-Officio Eddie Melendrez were also present.

The meeting was recorded and is on file at the City Community Development Center. The agenda for this meeting was emailed on or before Sept 6th, 2021. Copies of the Agenda are available at the City Community Development Center.

Chairman Poole led everyone in the Pledge of Allegiance.

ADOPTION OF AGENDA

John Breidenbach moved, seconded by John Hall, to adopt the agenda as presented.

Roll call vote: Cooke-out; Fortner-out; Twombly-yes; Hall-yes; Breidenbach-yes; Grissett-yes; Poole-yes. Motion carried 5/0/2.

PUBLIC COMMENTS

Chairman Poole addressed the audience and asked for any public comments from the audience. There was one gentleman who wanted to address the council but will speak later in the meeting.

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

John Hall moved, seconded by John Breidenbach, to approve and the adopt the July 12, 2021 meeting minutes as presented.

Roll call vote: Cooke – out; Fortner – out; Twombly – yes; Hall – yes; Breidenbach – yes; Grissett – yes; Poole – yes. Motion carried 5/0/2.

PUBLIC HEARING

Chairman Poole read the summary for Planning Action 2021-04-15AZ.

Chairman Poole asked if anyone had objections to the Ontario Planning Commission's jurisdiction in handling this issue, or to make a ruling. A gentleman in the audience asked for clarification.

Chairman Poole explained the commission's role in approving this action. He then asked about disclosures of ex parte contact. There were no disclosures and no other objections to the Planning Commission's jurisdiction.

Chairman Poole asked if there were any abstentions. No abstentions were made from the council members present.

STAFF REPORT

Mr. Dan Cummings, Community Development Director, presented a report on the project. "State law requires that any property within 300 feet of a city service must connect to that city service."

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2021-04-15AZ: A REQUEST BY KATHRYN M. BLACKMON 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.**

DATE: August 23, 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 2021-04-15AZ 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 2021-04-15AZ 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 2021-04-15AZ 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 18S4704BD, tax lot 5600. 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 2.31 acres, plus the right of way for North Park Boulevard, adjacent to the lands, into the City and a rezone of the property from Urban Growth Area Residential (UGA-R) to City Single Family Residential (RS-50).

BACKGROUND:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision-making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision-making body for a request for annexation, without Planning Commission participation. State Law

requires an Ordinance be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

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

CURRENT SITUATION:

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

A. Rezone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The minimum parcel size in the requested RS-50 zone is 5,000 square feet, the property is 100,624 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/county street North Verde Drive and city water is available within the right of way for North Park Boulevard, the Sewer main in North Park Boulevard will need to be extended to the north property line of the applicant and then services can be extended into the property for connection of the existing home and future development of the property.

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

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

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

Summary Conclusions: Based on the findings above:

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

- b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**
- c. The applicant states in finding 3, that no mistake was made, that the requested zone is required due to annexation into City Limits and matches the planned zoning as per Comprehensive Plan. Therefore, there is no mistake made the findings demonstrates that this criterion is met. **CRITERION IS MET**
- d. The applicant states in finding 4, that request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. The property is residentially designated under the Comprehensive Plan so a residential zone is the most appropriate for the property. **CRITERION IS MET**
- e. As noted in the findings 5, the subject property exceeds the minimum parcel size of the requested zoning and is of adequate size for future development. **CRITERION IS MET**
- f. As noted in the finding 6 above, the property is properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**
- g. The applicant states in the finding 7 above, the zone change will not adversely affect the surrounding area as the current use is the same use as the proposed zone change which is single family dwelling. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone. **CRITERION IS MET**

Conclusion Rezone: ALL CRITERIA ARE MET

B. Annexation:

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*
2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

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

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

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for residential use as well as allowing for future development of the city meeting 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 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 Tax Map of Parcel

Mr. Cummings completed his staff report. A letter was presented to be read into the record.

Mr. Blackmon (husband to Kathryn Blackmon, listed on the planning action) asked if he could speak.

"I would like to say something, if I may. I would just as soon that you not put that record in public. I called up this morning and said that I was hot headed, but if I could just speak to them, you know. I said some things I regret. At this time, if you have to put that in, feel free. I consider it was a cheap shot. I can sit here and talk, but you have already read it at this point."

Mr. Cummings said a letter submitted to the record cannot just be removed, that it must be submitted to the Planning Commission. But the author of the letter has a legal right to pull the letter from the meeting.

OPEN TO QUESTIONS

Commissioner James Grissett asked if the work was already completed.

Mr. Blackmon stated he has already paid.

Mr. Cummings replied that the water line already existed. The sewer line connected up to a certain point on the property, then the home was connected to both the city sewer and water lines. This was allowed ahead of the annexation, only if the property owners signed a consent agreement. Any county resident has a choice in this situation (albeit very limited) to not annex or hook up to city services.

An audience member spoke out.

Mr. Cummings asked if they wait for the appropriate time of the meeting to address the commission members. He added that he agreed with the resident: It is not a very good choice. However, they must follow city code (Codification of the Planning and Zoning Development Standards of Ontario, Oregon)

Commissioner Grissett asked if the code requires that the owner take water/sewer to the end of their property.

Mr. Cummings said the city did not treat them any differently than any other resident. He did look at every possible option, including a deferred improvement agreement. The neighboring properties will, in the future, be in a similar situation. The line had to be run all the way through, but Mr. Blackmon can file for a recapture fee for about half of the cost of the sewer line. Staff would recommend to City Council that they consider a deferred improvement agreement for the section of street, as sidewalk and gutter are also required.

A neighbor in the audience asked a question. If his septic failed, would he be in the same situation?

Mr. Cummings answered yes. However, the water line was already installed up to the property. It would require annexation and extension of the sewer line to the home. Malheur County will not issue a replacement septic (permit) if his home is within 300 feet of the city water/sewer.

Chairman Poole asked if there was any discussion on cross streets at the location.

Mr. Cummings replied that there were long-term plans for some of the cross streets to connect.

Mr. Blackmon, in the audience, asked a question.

"Can I refer to this map, since it's up? We've already mentioned that once I get done, he's going to get done. Then they are going to do this guy, this guy, this guy, so you're connecting a whole bunch of people. You already control I think, up to seventeen houses that are unstable in here. So, this is a done deal, for who really is going to pay. You're going to make all of these individuals pay. Or is the infrastructure going to be paid a little bit. And, you and I know that it's going to be developed very soon. You see it. You know the property that I'm talking about. This is going to be a shopping center."

That's going to be (undecipherable). All I'm saying is that somebody should be paying for this, instead of a bunch of seventy or eighty year old people. You know."

Mr. Cummings clarified that the undeveloped property to the north of Mr. Blackmon is lower in elevation. It was designed to hook into city water/sewer from a different direction.

An audience member spoke out.

At 6:20pm, Commissioner Fortner joined the meeting online via Zoom.

Chairman Poole asked if there were any more questions.

Commissioner John Hall has a question. He asked about reimbursing from the other side of the property. Would that be the Malheur County Fairgrounds?

Mr. Cummings replied that the State of Oregon sets up the rules for recapture.

An audience member spoke out.

Commissioner John Breidenbach asked about the Fairgrounds. Is the county hooked up to city services?

Mr. Cummings replied that the County Fairgrounds are using city water/sewer. City Council will have to determine whether this property benefits from the sewer line.

Chairman Poole asked to hear from the proponents / opponents to this action.

OPPONENTS and PROPONENTS

Chairman Poole invited Mr. Blackmon to address the Commissioners and asked that he introduce himself.

"I apologize to my neighbors for bringing this to them. If I hadn't have folded, they would not be under this pressure now. And it's not fun. If you will give me a second to catch my breath. Can I take this (mask) off? No? Okay. My name is Robert Blackmon, 769 Park Boulevard. When it comes to that letter, I want to apologize to anybody I offended. I was hot, I was bothered, I was upset. I had just read the newspaper last week about the city and who was doing this and that, and I got pretty upset."

Chairman Poole asked if he would like them to not read his letter into the record.

"If you want to, feel free. I prefer you not to, or course. It's going to be prejudicial. But I will admit you guys do what you want to do. But I am apologizing for anybody that, you know...You know, I said some harsh things and I do apologize. I'm going to leave it at that, with that letter. Because, I gave it to Dan because I didn't think I was going to be here. And then I realized I'm not going to have him say these insulting things in front of you. That's a bad deal. So I just drove to come to the meeting instead. I don't think I defamed any of you, by the way."

Mr. Cummings interjected to say he did not take any offense to the letter and understands his situation.

"Okay, I would like to say something about credibility. You know, speaking is really easy. People say stuff all the time. I'm sitting here, wearing this hat. You might be thinking 'who the heck is he?' You know, I could wear this hat and I could show you some medal I got at a fruit...But the reality is, I am a disabled veteran and this really does rub up against me. Because, I served my country and my brother-in-law, John Auburn, served this country, who died. We feel as a family that this is kind of a pretty pissy thing to do to us. But we will go ahead and move along."

"Quick background: That home became an Auburn house in 1964. Some of you might have known (Goldie). She taught here for forty years and Jason (or JV) owned a laundromat not too far from here,

for many years. Good people. They were actually working the day they died, in their eighties. Working towards Nyssa delivering laundry when they died. After that, we inherited this land. The other two sisters...we inherited this land. Our plan was to give it to John Auburn. He was going to come back. We were going to give him that land. He was killed in Iraq, you know. It was a very trying experience. This land holds a lot of significance to me and I'm not even in that family. My wife is (buried?). Yes, she says she approved that but she couldn't come here and face you. She just couldn't."

"One thing Goldie did tell me many times, and I didn't know anything about this. This was thirty or forty years ago. She said 'Rob, never, never allow this property go into the city.' That's what Goldie told me. Some of you know Goldie. When the assessor came to our house, she would not let them in the house. She was that adamant about 'I don't want to be in the city.' Just to let you know, okay. So, what this basically comes down to is this letter says, 'the property owners have requested.' That is really... Okay, I was in the Army because I was requested by the Army and this nation. But, this is a crazy deal. I did not request this. I was mandated. We don't want to be in the city. I feel like I am being forced. I will use nicer words: I feel leveraged, cajoled, threatened, intimidated, by the city."

"You come to me with your mandate. I don't want in the city because it cost me \$60,000 roughly, all over. Kathy has the numbers. I don't know them exact. But from here to there, cost me \$60,000. Which, I really don't have much. I've paid it. I am owing for all this stuff. I owe...I owe for lines here, I owe, I owe. Why do I have to pay for something that's not even on my property that is infrastructure?"

"Dan, who I don't have a problem with, did say, what I call the uh oh! Let's see what I was saying here. Okay, this should be infrastructure. You know, I agree with it. Of course, this is mine. And if that's mine and I pay for it, why can't the government pay for their part of it? What you're going to do is go \$30,000 here. You're going to charge him \$30,000. \$30,000 to continue this all the way down. And if I not only paid for this, but every month, I give the city a check to use it. Who is getting a free ride? I was accused of: 'Robert, you want something for free?' If I had already paid for this and pay you every month, how am I asking for anything for free? I think the city is asking for a free ride here. I really do."

"I'm just this old guy. You guys are the city. You have money coming in, development, up the ying yang. More than you can be aware of. I know that. Money from the pot people. Infrastructure has to be paid for by government entities. You can't just keep on...people are going to lose their land and it's important to us. I've been here a long time. So, like I said, I've already paid roughly \$60,000. And then, I've been, not threatened, but I've been told...you know, you killed me on the line, now for the sidewalks, the lights. Well, what's the point of me even owning that if you going to spend so much money on it? I have more money in it than...you have more money in it than I will. And it's just got to be this limit."

"So, here's what the options are that I was told. Option number one, shut up and pay. Which, I did. I paid. Will I shut up? No. That, I will not do. But I did pay. This is all paid for. So, option number two, I can't afford it. Sell your house and go (live on a farm)...Oh, nice. Nice deal. Option number three, do nothing. Well, we'll condemn your house and take it. Nothing like the threat of taking my land and throwing me in the street to get me to 'request annexation.' That's what I'm talking about. I'm leveraged. Sign this document, or you're done. You know, and I do not appreciate it."

"By the way, as far as I can tell, the mandate does not state I have to pay for it. It just says that line has to be put in and somebody pays. I do not believe it says I am. You know, public infrastructure on public land is just wrong. You know, I think I'm just about done, you guys. I just have one thing left I think, and that's about it. At the bottom, it did say if you don't come in and say something, you're

selling your rights away. So that's why I'm coming in. I'm not pleased. Now, like I said, you put into your record my wife requested this, but only after being really cajoled. She's not really happy here."

"So, I guess it comes down to, you know, at the end...Oh and, by the way, something else. The fourth option was, of course, you can take it to court. Just what I want to do. My taxes will pay for your city attorney. Everybody's will. I have to go pay an attorney. I'm fighting myself and it's pretty expensive. You guys have the ability to have this guy give you all this, you know, information and stuff. I have to spend money and it's just killing me. You know, I'd like to just stop it. So, basically, it just comes down to: Well, I'm just a dumb, old, disabled veteran with little money. The city is growing. Developers need to start absorbing costs. I know they have names for this kind of stuff. I can't remember. An impact fees or something. Infrastructure should be something the city is putting in, in this case. Not me. Not individuals. Thank you. I appreciate it very much, by the way. Any questions for me?"

Chairman Poole asked if any commissioners had questions for Mr. Blackmon. He thanked him for his comments.

Daniel and Heather Longoni were listed to speak.

Mr. Daniel Longoni: *"My question is for Dan. It was the green map with the trees and everything on it. You mentioned it, on the street and I couldn't understand about the street. You said it will have to be crossing my land, in the future. Where I live is near 11th, it would go from here to here? Is that one? Or you mentioned another one?"*

Mr. Cummings explained that two streets shown on the map are listed in the City Master Plan. NW 8th Ave is planned to run across to N. Park Blvd. NW 11th St is also planned to connect north-south. Subdividing his property will determine how (and when) the streets get developed.



Mr. Longoni: *"So now, I don't have any right to cross the street? Because the neighbor, he locked me out of that street over there. I don't have the right to enjoy this street? What if I have to drive over there, to get to my property?"*

Mr. Cummings explained if the public right-of-way connects to his property, he would have access. However, if a road is still part of Malheur County (as is Mr. Longoni's property), questions on streets would be directed to the county engineer. Both are considered county roads at this time.

Mr. Blackmon (from the audience) asked if this property would now need to be annexed into the city.

Mr. Cummings stated Mr. Blackmon did not cause a neighbor annexation. He suggested this property was likely to be annexed regardless of the septic failure. The rules from the state do not take into consideration the costs connected to annexation.

Mr. Daniel Longoni: *"Hmm. My plan is to keep my property out of the city limits as long as I can."*

Ms. Heather Longoni, *"May I ask? I'm sorry. I did have a question. Is that what we're dependent upon, as far as our property, which is just to the north of Rob's, being annexed in as well? Just the length of our septic tank functioning? Just while our septic functions, we are in county? But, if it fails, that's the end?"*

Mr. Cummings stated, unfortunately, the state laws determine that. It starts with Malheur County, but both county and city must follow state laws. Ontario City code states you cannot hook up to city services without annexation (or special permission from City Council). But consider the fairness to other city taxpayers.

Ex-Officio Eddie Melendrez asked Mr. Cummings the logistics of getting a new septic system.

Mr. Cummings explained the timeline. The property's septic failed, they went to the county, who explained the state law, which requires connection to city services, as well as annexation. He has the right to communicate with City Council to request financial assistance. The city is in the same situation with every developer. The hookup is required, the cost is up to City Council.

Ex-Officio Melendrez shared his sentiments on the situation.

Mr. Cummings concurred and gave the example from previous meetings. "We don't treat anyone any different." Even the city mayor was required to pay for the full length of the sewer line through his development. Staff always try to be judicial towards all residents in any situation.

Mr. Blackmon (from the audience) asked about the costs.

Mr. Cummings stated he understands the situation, but city ordinance and codes must be followed.

Ex-Officio Melendrez asked audience members to please wait for a turn to speak, until staff have completed their answers. It is difficult to hear those at the podium with interruptions.

Mr. Blackmon apologized.

Ms. Heather Longoni: *"Thank you. I'm interested in the road you talked about, Mr. Cummings. You mentioned the 8th Street. Is there a proposed date? Could you give us a date? Is there any plan in place now that the road might be put in? Because that is right along the length of our property. Would we be responsible for any of that road?"*

Mr. Cummings said the road would only be put in, if there was funding for it, and if the need was there. A property owner could sell or donate the right-of-way. If they were against it, eminent domain may be considered, though the city doesn't like to do that. Road construction is often necessitated by development. Without city funding, the only way NW 8th Ave would be built, would be if the property was developed for more housing. Staff can suggest deferred agreements to City Council, based on subdivision law. "NW 8th is not on the drawing board for the city, to punch it through any time soon."

Ex-Officio Melendrez asked for clarification on streets. He assumed sidewalks and city streets were up to the city to decide.

Mr. Cummings said the city has developers pay a "fair share" of street, water, sewer infrastructure costs. Otherwise, property taxes to pay for these services would be exorbitant. Ontario does not have a big tax base for building/maintaining roads. Property owners are still liable for the curbs, gutters, and sidewalks (based on city code).

Ex-Officio Melendrez agreed, that residents do not always know what their responsibilities are, regarding property maintenance. If they pay more taxes, more city services could be provided.

Mr. Cummings requested to pull the letter written by Mr. Blackmon, so as not to include his letter in the staff report to the City Council. He would then keep it on file only.

Chairman Poole concurred, along with the other commissioners, stating "I am not reading that letter."

Mr. Blackmon requested a final comment: *"May I make one last comment? Very short. We spoke about the city having to pay, that it's so hard for them to pay, hard to pay. You know, it's hard for old people to pay, too, that are on fixed incomes. That \$60,000 was pretty much a shock. I'd like you to think*

right now, if they came to you and mandated, sixty thousand bucks now, or your house is going to be gone. The pressure it would put you in. I'm not to poorest person, or the oldest, or the most infirmed person on that road. There's a 92-year-old on that road that's going to be suffering when it comes to him. I appreciate very much for your time."

Ex-Officio Melendrez thanked Mr. Blackmon for his comments.

Chairman Poole closed the public comment portion of the meeting.

FINDINGS OF FACT

Chairman Poole asked to establish the findings of fact and would accept a motion.

APPROVAL OF PLANNING ACTION 2021-04-15AZ

A REQUEST BY KATHRYN M. BLACKMON 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.

Commissioner Breidenbach; *"I move that the Planning Commission approve the Findings of Fact 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 2021-04-15AZ based on the information, findings, and conclusions set forth in Sections I through IV of this report."*

Commissioner Hall seconded the motion.

Chairman Poole made a clarification for the audience. They will approve the staff report and its findings as "fact." They will then be part of the record and passed onto the City Council, who makes the final decision on this.

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

Commissioner Breidenbach ask if the motion could be amended. He would like to recommend a deferment on the street improvements.

Mr. Cummings said the Planning Commission could do so, which would support the staff in their recommendation to the City Council.

Chairman Poole shared a clarification for the audience. "A city is no more than the citizens that make up that city." There is a misconception on government money and spending. Property taxes go towards several services, one of them being water and sewer maintenance. Past water/sewer lines connecting newer buildings were not paid by the city, but by prior citizens and developers. "As we go forward, any new development, even though it doesn't appear to you as new development, is new. As far as the city is concerned, because they have to have the capacity to allow you to hook up..."

Mr. Cummings added that as unfortunate of a situation Mr. Blackmon is in, he was fortunate that the city had already paid to put in the water at the property, which would have been another cost to the (developer) property owner.

Chairman Poole mentioned another, similar issue (off of Dorian). In that case, the City Council did allow the property owners to defer the costs.

Chairman Poole asked for a motion on the second action item on the agenda.

Commissioner Breidenbach; *"I move that the request 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 2021-04-15AZ 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."*

Chairman Poole asked if there was any other discussion on this motion.

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

Mr. Cummings announced to the audience that this action is scheduled to be in front of the City Council at their meeting on September 28th.

Chairman Poole invited those in the audience to attend.

HAND-OUTS/DISCUSSION ITEMS

Chairman Poole asked if there are any hand-outs or anything else to discuss.

Mr. Cummings answered that there were no further items to discuss tonight.

Chairman Poole asked for any other comments from any commissioners.

Commissioner Breidenbach thanked James Grissett for taking the position on this Planning Commission, as well as offering his name as a candidate for the City Council vacancy.

Mr. Cummings announced there is a meeting scheduled for October 11th.

MOTION TO ADJOURN

Commissioner Hall moved, seconded by Commissioner Breidenbach, to adjourn.

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

Ralph Poole
Commission Chairman

Attest: Marc Berg
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
October 11, 2021**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2021-07-28AZ: A REQUEST BY GOLD THUMB INVESTMENTS, LLC FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA LIGHT INDUSTRIAL (UGA-I) TO CITY LIGHT INDUSTRIAL (I-1) TO ALLOW CONNECTION TO CITY SERVICES AND FURTHER DEVELOP THE PROPERTY.**

DATE: September 29, 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 LIGHT INDUSTRIAL (UGA-I) TO CITY SLIGHT INDUSTRIAL (I-1) , AS SET FORTH IN ACTION 2021-07-28AZ 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 LIGHT INDUSTRIAL (UGA-I) TO CITY SLIGHT INDUSTRIAL (I-1) , AS SET FORTH IN ACTION 2021-07-28AZ 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 LIGHT INDUSTRIAL (UGA-I) TO CITY SLIGHT INDUSTRIAL (I-1) , AS SET FORTH IN ACTION 2021-07-28AZ 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 17S4733B, tax lot 3200. The applicants wish to annex and rezone the property into the City to connect to City services and further develop the property. This application, if approved, will result in the annexation of 10.00 acres, plus the right of way for North Verde Drive, NW 13th Street, NW 22nd Avenue and NW 24th Avenue, into the City and a rezone of the property from Urban Growth Area Light Industrial (UGA-I) to City Light Industrial (I-

1).

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. The Community Development Director under Planning Action 2021-02-05CUP approved a Conditional Use Permit for a Cannabis Retail facility contingent of the property being annexed.

CURRENT SITUATION:

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

A. Rezone

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

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

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

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

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

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

The Property is currently in the City of Ontario Urban Growth Area ("UGA") and zoned UGA 1-1 Light Industrial and once annexed into the City limits of Ontario it will be rezoned to City 1-1 Light Industrial and requested uses will be allowed by 10A-39-10(9). The proposed improvements to the property will be in compliance with the Planning and Zoning Development Standards - along with the accepted Conditional Use Permit 2021 -02-05CUP to develop the Property as a Marijuana retail facility, as allowed under City of Ontario Code 10A-59, Marijuana Related Operations and Activities and will be in compliance with State of Oregon laws and statewide planning goals, and guidelines will not be changed or affected by this annexation.

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 entire UGA Zone complies with the Acknowledged Comprehensive Plan and Oregon Land Conservation and Development Department - Goal 9: Economic Development OAR 660-009-000 "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon citizens." Annexation into the City of Ontario will not change the zoning of this property and its improvements comply and are in compliance with Goal 9 and other statewide planning goals and state of Oregon laws.

Therefore, guidelines will not be changed or affected by this annexation.

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.

Approving the annexation of this ten (10) acre property into the city limits of Ontario will not change the existing zoning of UGA 1-1 Light Industrial and will be rezoned City 1-1 Light Industrial after annexation based on the Zoning Map and Acknowledged Comprehensive Plan. Marijuana businesses are allowable and considered an accepted use with a conditional use permit in the Light Industrial Zone. City of Ontario Code 10A-59.

Therefore, the only change will be the Annexation from Malheur County to City of Ontario. This Annexation is necessary to participate in the City of Ontario's Recreational Marijuana policy allowing for dispensaries and other potential Marijuana businesses, which are all considered conditional uses under the City of Ontario Zoning Code.

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.

The current zoning of the ten (10) acre property that is located in the UGA will not be changed after annexation into the City of Ontario. It will remain as Light Industrial zoning and will be in compliance with all zoning requirements and goals originally accepted for this area. The only change will be the annexation from Malheur County to the City of Ontario. The annexation of the Property will be beneficial to the City of Ontario and its residences in the following aspects:

- Added tax revenue for the City of Ontario;
- Added employment opportunities to the residents of the City of Ontario; Added Light Industrial property into the City of Ontario; and
- Site improvements to enhance pedestrian walkability (sidewalks), ability to connect to City services (water/sewer) and improved streets are required to be maintained and constructed per City requirements and standards.

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 proposed plot plan (that is subject to change) shows the retail area and the size of the parcel for the proposed use, which is consistent with the regulations of the City of Ontario. The ten (10) acre Property will be divided into three tax lots by way of Partition as shown in the attached plot plan and as follows:

TAX LOT No. 1: Approximately 69,540 Sq. Ft. with a planned 4,000 to 9,000 square foot building; TAX LOT No. 2: 370,410 Sq. Ft. with planned (5) 9,000 Sq. Ft., (4) 3,800 Sq. Ft., and (1) 1,500 Sq. Ft. buildings that could house other approved light industrial businesses.

TAX LOT No. 3: 179,418 Sq. Ft. with planned (1) 21,000 Sq. Ft., (5) 4,800 Sq. Ft., (1) 7,825 Sq. Ft. and (2) 2,400 Sq. Ft. buildings, again which would house other approved light industrial businesses.

The total build area to be 13%, with the remaining area to be parking lot for 400+ cars, which will be developed per City requirements and standards. This is consistent with the criterion with respect to compatibility with surrounding uses, size of structures for proposed use, required parking, setbacks and landscaping. The proposed plot plan shows more than enough parking area to meet the requirements of a retail facility and shows the required landscaping.

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 ten (10) acre parcel is surrounded on all four sides by public roadways that will be enhanced with new paving, curbs, sidewalks and bio swells, large unobstructed entrances from each street will be built in accordance with City requirements and standards. In addition, annexation into the City of Ontario will provide for city water and sewer which is already existing at the roadways. The scope of work for public facilities, utilities and general assets was also previously included in the general scope of the UGA County Zoning and would not add to previously planned resources.

This Application for Annexation is consistent with the standards and can be connected to City services once extended to the property by the owners. The site has access to N. Verde Drive and NW 24th Street once constructed to City standards by the property owners. Owners are aware of the requirements to extend and develop the public improvements.

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.

All planned improvements will be in compliance with City 1-1 Light Industrial zoning as the entire surrounding area is also zoned UGA Light Industrial and there are no known issues in Applicant's plans that would create undo dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land, except for the initial construction period. No adverse effects are expected to occur.

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 industrial designated under the Comprehensive Plan so a industrial zone is in compliance with the Comprehensive Plan. **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 will be extended 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 Light Industrial. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a residential zone. **CRITERION IS MET**

Conclusion Rezone: ALL CRITERIA ARE MET

B. Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.
2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

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

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with current city limits.
3. The property is currently zoned for Industrial use in the Urban Growth Area; the requested zone, City Light Industrial (I-1), 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 City Light Industrial land in a highly developable area.

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

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

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

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used for residential use as well as allowing for future development of the city meeting it potential

for future growth of the community.

- B. **FINANCIAL** This is no financial impact to the city currently, but will add revenue as property tax.
- 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:

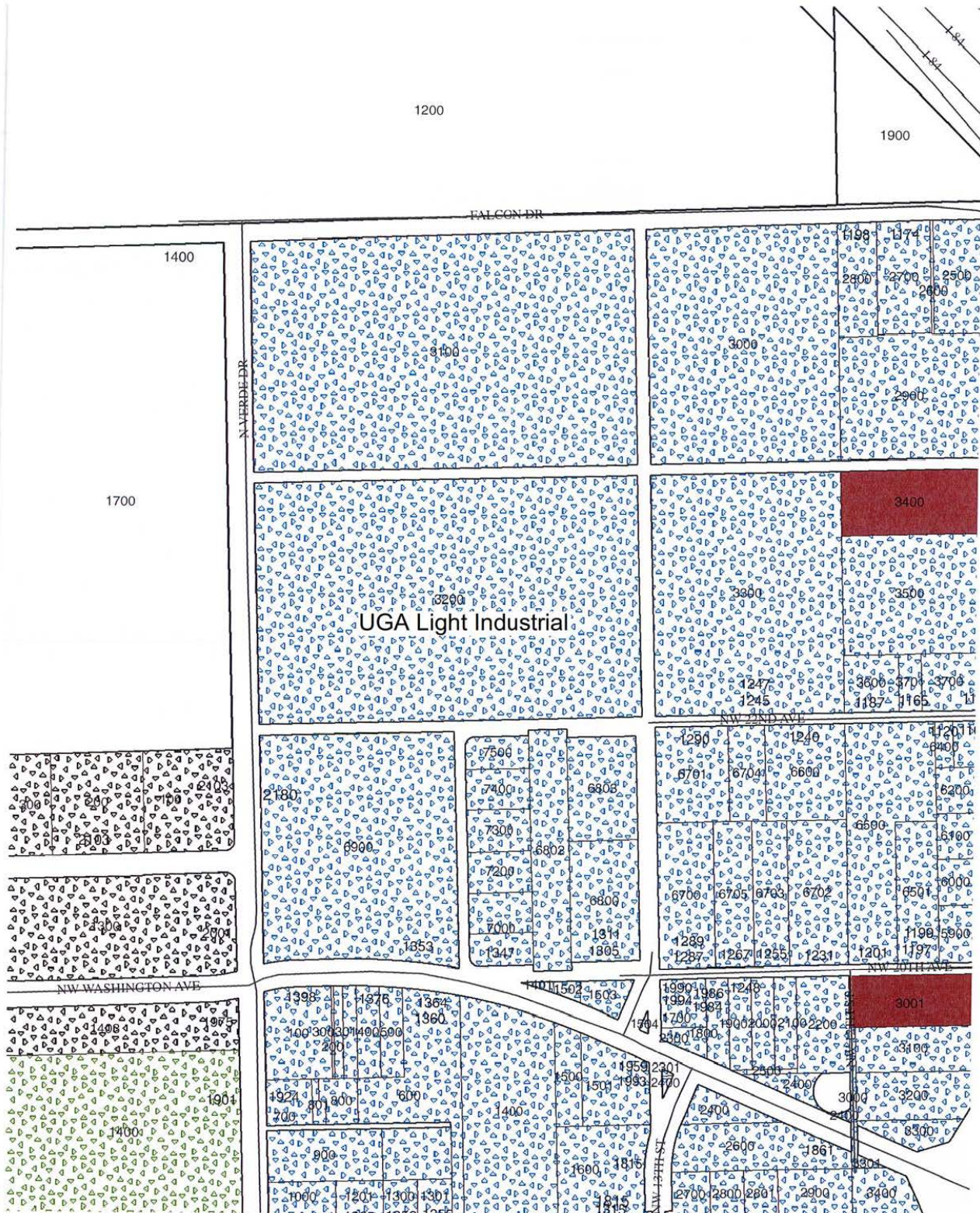
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the annexation and rezone from UGA-Light Industrial to City Light Industrial (I-1) of the subject property.

ATTACHMENTS:

1. Attachment 1_Before
2. Attachment 2_After
3. Attachment 3_Area Map
4. Attachment 4_Annex Description
5. Attachment 5_Annex Tax Map

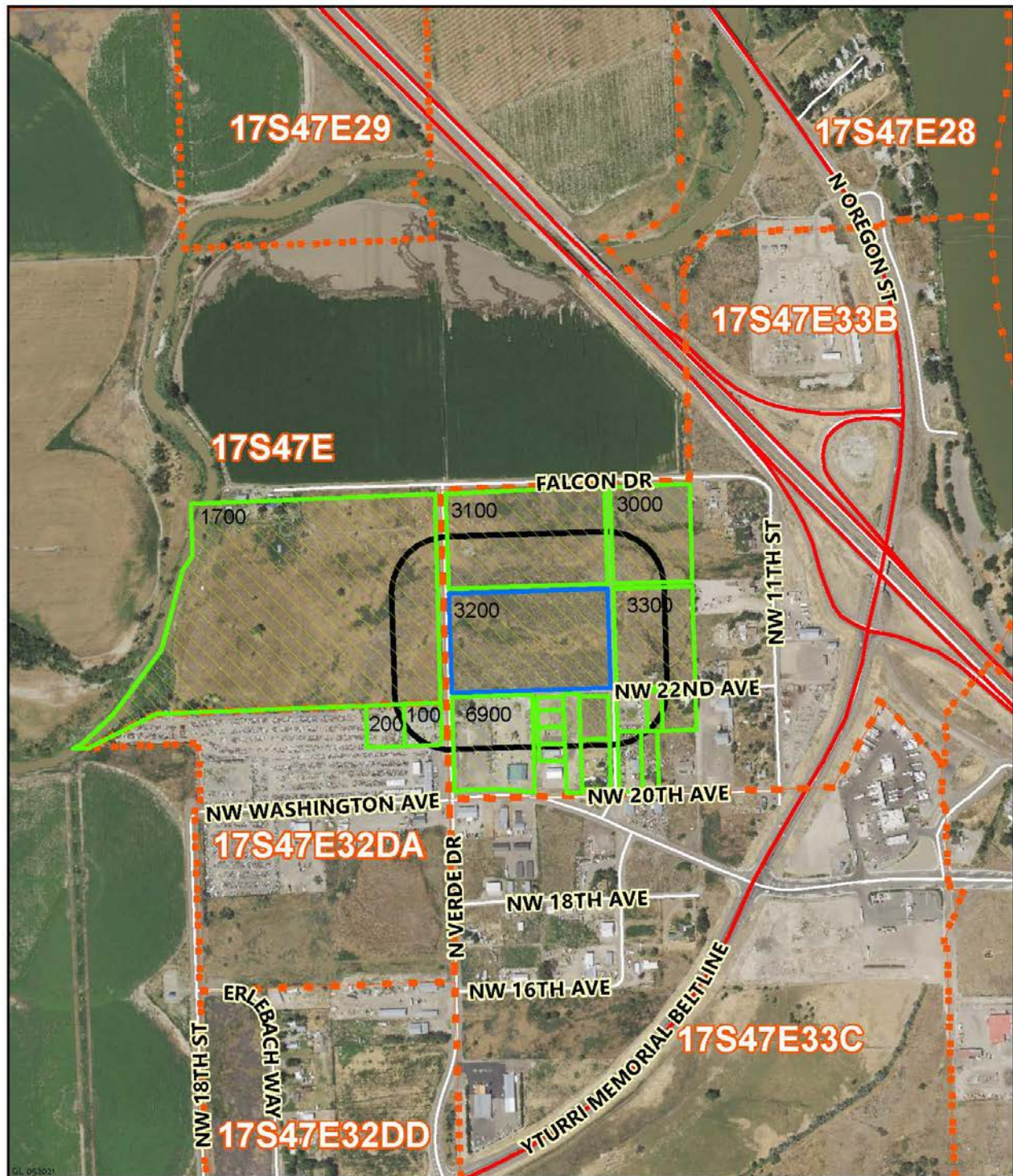
Attachment “1”

Parcel Before Rezoning





Attachment "3"



Legend

- 300 ft radius
- Map Index
- GoldenThumbInvestment
- TL wn 300' rad fr GoldenThumbInvestment

300 Feet Radius Map

Golden Thumb Investment_Ref7318

0 400
Feet

*Map is prepared for
assessment purposes only*

Attachment “4”

Rezone Parcel Description

Exhibit “A”

LEGAL DESCRIPTION FOR THE CITY OF ONTARIO ANNEXATION

Land in Malheur County, Oregon, as follows:

Land in OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND ADDITION, in Section 33, Township 17 South, Range 47 East of the Willamette Meridian, Malheur County, Oregon, according to the Corrected Plat thereof, as follows:

In Block 5: Lot 7, Lot 8 and the Public Right of Way, all being more particularly described as follows”

Beginning at the Southeast corner of Lot 3 said Block 5; thence west coincident with the south boundary of Lots 1, 2 & 3 and the northerly boundary of NW 24th Avenue and the extension thereof, to the west boundary of Verde Drive; thence south coincident with the west boundary of said Verde Drive to the point of intersection with the extension of the south boundary of NW 22nd Avenue; thence east coincident with the southerly boundary of NW 22nd Avenue and the north boundary of Lots 13 & 14 to the Northwest corner of Lot 15, said Block 5 being on the east boundary of NW 13th Street; thence north coincident with the easterly boundary of said NW 13th Street and the westerly boundary of Lot 9 to the Northwest corner of said Lot 9; thence east along the north line of Lot 9 and south boundary of NW 24th Avenue to the Northeast corner of said Lot 9; thence north to the SE corner of said Lot 3 and the Point of Beginning.

END OF DESCRIPTION

Rezoned Parcel Tax Map

