

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



PLANNING COMMISSION MEETING AGENDA

CITY OF ONTARIO OREGON

MONDAY, JUNE 13, 2022, 6:00 PM, MT

[Zoom Link](#)

1) CALL TO ORDER

Commissioner Blu Fortner _____ Commissioner Mike Allen _____ Commissioner James Grissett _____
Commissioner John Hall _____ Commissioner John Briedenbach _____ Commissioner Max Twombly _____
Chairman Ralph Poole _____

City Council Ex-Officio _____ City Manager _____
Economic Development Director _____ 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) Minutes of 5-2-22

6) OLD BUSINESS

7) NEW BUSINESS

8) PUBLIC HEARING

A) Action 2022-03-13AZ: a request by Ontario Industrial Light Campus, LLC, for an Annexation and Rezone of property from UGA Commercial Business Park to City Industrial Business Park I(BP), UGA Residential to City Single Family Residential (RS-50) and UGA Commercial (UGA-C) to City General Commercial (C-2).

9) HAND-OUTS/DISCUSSION ITEMS

10) COMMENTS FROM COMMISSIONERS

11) ADJOURN



PLANNING COMMISSION MEETING MINUTES

Monday, May 2, 2022

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, John Hall, Mike Allen, and John Breidenbach. Max Twombly and Blu Fortner were absent. James Grissett attended online via Zoom.

City Staff present: Dan Cummings, Community Development Director; Marcy Siriwardene, Building Official; Marc Berg, Planning Tech; and Ex-Officio Ken Hart.

The meeting was recorded and is on file at the City Community Development Center. The agenda for this meeting was emailed on or before April 13, 2022. Copies of the Agenda are available at the City Community Development Center.

Commissioner John Hall led everyone in the Pledge of Allegiance.
Ms. Siriwardene asked the commission to review the meeting minutes from November 2021.

ADOPTION OF AGENDA

John Breidenbach moved, seconded by Mike Allen, to adopt the Agenda as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-yes; Breidenbach-yes; Twombly-out; Poole-out. Motion carried 4/0/3.

There were no unscheduled public appearances.

ADOPTION OF MINUTES

Commissioner Breidenbach moved, seconded by Commissioner Allen, to approve the Nov 8, 2021 meeting minutes as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-yes; Breidenbach-yes; Twombly-out; Poole-out. Motion carried 4/0/3.

Chairman Ralph Poole arrived to the meeting at 6:19pm.

PUBLIC HEARING ACTION 2022-01-04RZ: A REQUEST BY THE CITY OF ONTARIO FROM THE ONTARIO CITY COUNCIL AUTHORIZED BY RESOLUTION 2022-103 FOR A REZONE OF PROPERTY FROM HEAVY INDUSTRIAL (I-2) AND LIGHT INDUSTRIAL (I-1) TO PUBLIC FACILITY FOR PUBLIC USE.

Chairman Poole opened the Public Hearing. There were no disclosures of ex-parte contact, no abstentions, and no objections to the Planning Commission's jurisdiction.

STAFF REPORT

Mr. Dan Cummings, Community Development Director, presented a report on the project.

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4703B, tax lots 5600, 5700, 5800 and 6301, which said tax lots are currently zoned Heavy Industrial (I-2) and Light Industrial (I-1) and to develop the property into a Public Safety Training Facility and other City uses.

BACKGROUND:

The applicant who is the Community Development Director and the City of Ontario who is the owner of the four tax lots known as Tax Lot 5600, 5700, 5800 and 6301 has determined that it is in the best interest of the community to rezone

the property to Public Facility for use as a Public Safety Complex which was approved and authorized under City Council Resolution 2022-103.

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 Heavy Industrial (I-2) and Light Industrial (I-1)) to Public Facility (PF) within the City Limits of the City of Ontario.

The most recent actions on this property was the surplus action of the property under Resolution 2014-126 and rezoning of a portion of the property from Public Faculty to the Light Industrial (I-1) zone for sale of the property.

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 the needs of the community to provide for emergency response agency training as well as other city/county agencies.

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.**
A portion of the property was zone PF and Industrial has been used as a public building and public site since purchased by the City until 2014 when the city decided to surplus the property.
2. **Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.**
The Comprehensive plan allows for city owned property to be zoned public facility if is to be used for public uses. The planed use of the property is an allowed use of the property and is a better fit then the current industrial zones.
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.**
The property was designed as surplus and portions rezoned to the industrial zone to allow for other use but a change in social conditional and the need of the city to maintain the property it require a rezone to allow for the planned use by the city.
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.**
It was showing during the public hearing on the property that there was a need for not only for the benefit of the citizens of Ontario, but surrounding communities have a need for a public training facility. Granting this is not special privilege as it provides a need for all citizens of Ontario and surrounding communities.
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 property is a total of 2.35 acres and is adequate in size to meet the need of the planned use.

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

The property is already partially developed and has public utilities at the site and has public access from SE 2nd Avenue on the south of the property and SE 3rd Avenue on the north and west of the site.

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

The property has been used in the past as a public facility (Public works shop and office) and there for the proposed use if not a big change to the use of the property.

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 social conditions and the need of the city for a public safety facility. Therefore, there is a change in social condition, and demonstrates that this criterion is met. **CRITERION IS MET**
- d. As noted in applicant's finding 4, rezoning from the Industrial zones to Public Facility 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 public safety training which is needed for all citizens as well as the surrounding area. **CRITERION IS MET**
- e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **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 to significant amounts of noise or other discharges of dust or odor into the air is uncommon in this type of use. **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 project falls under the Desirability goal of the City Council five-year strategic plan; specifically, strategy 3, explore funding opportunities, activity: keep employees equipped. Past years have focused on the equipment for public safety employees, including ballistic shields, weapons, extraction equipment, and emergency vehicles. The training facility would further the support of this activity for our public safety employees with effective training.
- B. **FINANCIAL** The 55 NE Avenue site was chosen to provide a low-cost solution for the growing training needs of public safety employees. Most capital funds are expected to be provided by donations, partner contributions and grants.

- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for construction of new facilities.
- 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 Heavy Industrial (I-2) and Light Industrial (I-1) to Public Facility (PF) zone of the subject property.

PROPOSED MOTIONS:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDINGS OF FACT FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2), AS SET FORTH IN ACTION 2021-09-29AZ 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 EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2) , AS SET FORTH IN ACTION 2021-09-29AZ 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 ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2), AS SET FORTH IN ACTION 2021-09-29AZ 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).

There were no proponents or opponents to this action.

Chairman Poole closed public comment for this action.

APPROVAL OF PLANNING ACTION 2022-01-04RZ – FINDINGS OF FACT

Commissioner Breidenbach moved, seconded by Commissioner Hall, to accept the Findings of Fact as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-yes; Breidenbach-yes; Twombly-out; Poole-yes. Motion carried 5/0/2.

APPROVAL OF PLANNING ACTION 2022-01-04RZ

Commissioner Hall moved, seconded by Commissioner Breidenbach, to approve the action. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-yes; Breidenbach-yes; Twombly-out; Poole-yes. Motion carried 5/0/2.

PUBLIC HEARING- ACTION 2022-01-03AZ: A REQUEST BY EO INVESTMENTS FOR AN ANNEXATION AND REZONE OF PROPERTY FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H).

Chairman Poole opened the Public Hearing. There were no disclosures of ex-parte contact, no abstentions, and no objections to the Planning Commission's jurisdiction.

STAFF REPORT

Mr. Cummings presented the staff report.

SUMMARY:

The applicants/owner owns two parcels, known as Tax Map 18S4711BC, tax lots 801 and 803, which said tax lots are currently zoned UGA Commercial (UGA-C) and is requesting the property be zoned city General Heavy Commercial (C-2H).

BACKGROUND:

The applicant has submitted an application for the annexation and rezone of parcels of land known as Tax Lots 801 and 803 on assessor's map 18SR47E11BC. which was found to be complete on March 25, 2022 and provided enough information to schedule a public hearing on the matter.

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 UGA Commercial (UGA-C) to City General Heavy Commercial (C-2H) within the City Limits of the City of Ontario.

There are no recent city planning actions on the property. The property was created by a County Partition Plat on January 6, 2003, under Partition Plat No. 03-1.

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 the planned development is an approved zoning under 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:

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

The City of Ontario, Malheur County and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map the parcel is currently zoned UGA-Commercial. It is only its natural progression per the Comprehensive Plan that this parcel be moved into City C-2H zoning for the economic growth and development of Ontario, Malheur County, and the State of Oregon.

2. **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.**

The applicants requested zone change from UGA-commercial to C-2-H does not imply that there has been a mistake or an error in the original zone. In fact this request for annexation and zone change only shows that the original zone designation of UGA-commercial was done with future thought of economic growth in mind. What has changed is the growth and development around the parcel. ODOT East Idaho Avenue Study states that SE 5th Ave is classified as a 'Major Collector street'. East Ontario Commercial Area Traffic Study

estimated significant growth along SE 5th Ave, recommending that "increased access management be implemented by the State and City on the major east/west corridors (e.g. East Idaho and SE 5th Avenue)." This helped spark Ontario to get plans for roadways, intersections, etc. along SE 5th Ave, along with plans and recent development, including Goodfellow, East Lane, SE 1st Ave, etc. (Exhibit E). As seen in Resolution 2008-145 of the City of Ontario many improvements in the area around/adjacent to the parcel have been placed on the Capital Improvement Plans for the City of Ontario. As noted in the resolution as project numbers; #111, short term priority (SE 5th Ave Bridge improvements), #113 short term priority (SE 5th Ave 1-84 to East Lane road upgrades) (Exhibit C), #306 long term priority (East Lane and SE 13th Ave roadway improvements to SE 5th Ave) (Exhibit D).

In summary; the market conditions around the parcel have been thoroughly studied.

With the result being several actions taken by the City of Ontario to place several projects on its Short term priority lists for its Capital Improvement Plans. Providing further evidence that the request for annexation and re-zone change to C-2-H will fall in perfect place for what the City of Ontario is already planning.

3. 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 public will benefit by annexing and re-zoning this parcel to C-2-H by increased tax revenue, increased development along a roadway that is in need of larger roads, a bike path, curb, gutter, etc. This will also benefit the public by attracting business and employees at this location. Any further traffic development along SE 5th Ave will aid in the public's ability to move through Ontario unencumbered. As the City of Ontario well knows SE 5th Ave is only 1 of 2 roadways in the city that cross over 1-84, and only 1 of 3 roadways that cross the railways. The City of Ontario is well aware of this as it has shown; annexing and rezoning parcels on the south side of SE 5th Ave. e.g. Action 2008-07-30 AZ where 1.3 acres at 1021 SE 5th Ave were annexed and re-zoned to C-2-H (Exhibit F) and action 2011-04-07 AZ where 5 acres at 920 SE 5th were annexed and re-zoned to C-2-H (Exhibit G). Further demonstrating that the city is not granting any special privileges for the requested annexation and re-zoning of the requested parcel.

4. 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.

As seen in Ontario City Code Chapter 10A-35 (Exhibit H), the parcel and building that is being requested to be annexed and re-zoned to C-2-H meets all of the criteria. The building is less than 50 feet tall; the area of the parcel is >3,000 sq ft, and the front yard, side yard, and rear yard minimums are met. Leaving plenty of area for even the most stringent requirements by the City of Ontario for adequate parking ratio. Let it also be known that with the size of the parcel there is adequate ingress and egress space for vehicles to easily access the adjacent roadways.

5. 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.

To best explain why the requested annexation and re-zone change is properly related to streets I refer to Ontario City Ordinance; 10-2-7 Policies; Commercial Land Use (Exhibit I).

Where it is stated that "New commercial development shall be concentrated in and around existing commercial areas as much as possible." This policy is met as all of the northerly adjacent property is zoned C-2-H. The same ordinance goes on to say; "...shall be located close to major traffic routes and shall have... access to such routes." As stated above, the ODOT East Idaho Avenue Study states that SE 5th Ave, that runs along the property, is classified as a Major Collector street, meeting the criteria in the policy code. Its central location to shopping, restaurants and fuel will aid in business transactions and employee convenience. Currently there are no buildings on the property. The sewer line runs adjacent to the property in SE 5th Avenue. Sufficient power and gas are services in the area. There are no foreseeable disproportionate uses of public facilities, utilities, and general assets.

6. 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 requested zone of C-2-H is commercial. There are no foreseeable industrial uses in the existing building or land. The change proposed would not result in any adverse effects upon surrounding properties and would not result in any significant increase in the above adverse effects. Aside from normal commercial exterior lighting and signage, none of the above adverse effects will be implemented to the knowledge of the applicant.

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 no mistake and the request follows the comprehensive plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**
- d. As noted in applicant's finding 4, rezoning from the UGA Commercial zone to City General Heavy Commercial 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 zoning as the comprehensive plan and is the same zoning of the lands to the west and north of these properties. **CRITERION IS MET**
- e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **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 to significant amounts of noise or other discharges of dust or odor into the air is uncommon in this type of use. **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 project falls under the Growth goal of the City Council five-year strategic plan; specifically allowing for annexation of land to add growth and more tax base. Allows for the development of the property.
- B. **FINANCIAL** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- 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 annexation and rezone from Urban Growth Area (UGA) Commercial (UGA-C) to City General Heavy Commercial (C-2H) zone of the subject property.

PROPOSED MOTIONS:

A. APPROVAL:

1. I MOVE THAT THE PLANNING APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H) AS SET FORTH IN ACTION 2022-01-03AZ 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 UGA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H) AS SET FORTH IN ACTION 2022-01-03AZ 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 ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H) AS SET FORTH IN ACTION 2022-01-03AZ 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).

There were no proponents or opponents to this action.
Chairman Poole closed public comment for this action.

APPROVAL OF PLANNING ACTION 2022-01-03AZ – FINDINGS OF FACT

Commissioner Hall moved, seconded by Commissioner Breidenbach, to accept the Findings of Fact as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Hall-yes; Breidenbach-yes; Twombly-out; Poole-yes. Motion carried 5/0/2.

APPROVAL OF PLANNING ACTION 2022-01-03AZ

Commissioner Breidenbach moved, seconded by Commissioner Hall, to approve the action. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 5/0/2.

PUBLIC HEARING- ACTION 2022-03-16AZ: A REQUEST BY HEVN, LLC FOR AN ANNEXATION AND REZONE OF PROPERTY FROM UGA LIGHT INDUSTRIAL (I-1) TO CITY LIGHT INDUSTRIAL (I-1).

Chairman Poole opened the Public Hearing. There were no disclosures of ex-parte contact, no abstentions, and no objections to the Planning Commission's jurisdiction.

STAFF REPORT

Mr. Cummings presented the staff report.

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 17S4733C, tax lots 2100 and 2200, which said tax lots are currently zoned Urban Growth Area Light Industrial (UGA I-1) and to develop the property the property is required to annex into the city and a rezone is required to City Light Industrial (I-1).

BACKGROUND:

The applicant has submitted an application for the annexation and rezone of parcels of land known as Tax Lots 2100 and 2200 on assessor's map 17SR47E33C. which was found to be complete on March 9, 2022 and provided enough information to schedule a public hearing on the matter.

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 UGA Light Industrial (UGA I-1)) to City Light Industrial (I-1) within the City Limits of the City of Ontario.

There are no recent City planning actions on the property.

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 the planned development is an approved zoning under 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:

1. **Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.**
 The City of Ontario, Malheur County and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map the parcel is currently zoned UGA-industrial. It is only its natural progression per the Comprehensive Plan that this parcel be moved into City I-1 zoning for the economic growth and development of Ontario, Malheur County, and the State of Oregon.
2. **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.**
 The applicants requested zone change from UGA-industrial to C-I1 (light industrial) does not imply that there has been a mistake or an error in the original zone. In fact this request for annexation and zone change only shows that the original zone designation of UGA-industrial was done with future thought of economic growth in mind. What has changed is the growth and development around the parcel. ODOT has improved 1-84 on-ramp and off-ramp for both east and west bound traffic. ODOT has also installed the Yturri Beltway. Including signal lights at Washington/Yturri Beltway and Verde/Yturri Beltway. All of the aforementioned improvements are very near said parcel. In summary; the roadways around the parcel have been thoroughly improved. With the result being the City of Ontario wanting to push growth and development to the area of said parcel. Providing further evidence that the request for annexation and re-zone change to City I-1 will fall in perfect place for what the City of Ontario is in need of.
3. **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 public will benefit by annexing and re-zoning this parcel to City I-1 by increased tax revenue, increased development along a roadway that is in need of improvements, curb, gutter, sidewalks, extensions of water and sewer lines, etc. This will also benefit the public by attracting business and employees at this location. As the City of Ontario well knows HWY 201 is only 1 of 2 roadways in the city that cross over 1-84. The City of Ontario is well aware of the development and improvements of Yturri Beltway, 1-84 ramps, Washington, Verde, water and sewer line placements. In close proximity is the placement of Love's Travel Stop and improvements of the surround areas. Further demonstrating that the city is directing growth in the area of said parcel. Further showing that this is not granting any special privileges for the requested annexation and re-zoning of the requested parcel.
4. **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.

As seen in Ontario City Code Chapter 10A-43-01, the parcel and building that is being requested to be annexed and re-zoned to City I-1 meets all of the criteria. The building is less than 38 feet tall; the area of the parcel is 7,500 sq ft, and the front yard, side yard, and rear yard minimums are met. Leaving plenty of area for even the most stringent requirements by the City of Ontario for adequate parking ratio. Let it also be known that with the size of the parcel there it has adequate ingress and egress space for vehicles to easily access the adjacent roadways.

5. **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.

To best explain why the requested annexation and re-zone change is properly related to streets I refer to the location of the parcel. With its proximity to 1-84, Yturri Beltway/HWY 201, Verde, etc. along with the surrounding established businesses including, Love's Travel Stop, Treasure Valley Steele, North Verde Auto, etc. Doing light industrial business at this location will have easy access to Interstate and Highway commerce. Ontario City Ordinance; 10-2-7 Policies; Commercial Land Use. Where it is stated that "New commercial development shall be concentrated in and around existing commercial areas as much as possible." The same ordinance goes on to say; "...shall be located close to major traffic routes and shall have... access to such routes." Its central location to roadways, restaurants and fuel will aid in business transactions and employee convenience.

The requested parcel for annexation and re-zoning to City I-1 will be hooked up to city water and sewer. The sewer line runs 250 ft from the parcel and the water line runs 50ft from the parcel. Power and gas services are readily available. There are no foreseeable disproportionate uses of public facilities, utilities, and general assets

6. **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 requested zone of City I-1 is light industrial. There are no foreseeable industrial uses land that would be outside of the permitted uses and/or the conditional uses allowed by the City of Ontario. Aside from normal industrial exterior lighting and signage, none of the above adverse effects will be implemented to the knowledge of the applicant.

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 no mistake and the request follows the comprehensive plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**
- d. As noted in applicant's finding 4, rezoning from the UGA Light Industrial zone to City Light Industrial 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 needed Light Industrial lands within the City limits which there are very limited number of Light Industrial properties with city limits at this time. **CRITERION IS MET**
- e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **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 to significant amounts of noise or other discharges of dust or odor into the air is uncommon in this type of use. **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 project falls under the Growth goal of the City Council five-year strategic plan; specifically allowing for annexation of land to add growth and more tax base.
- B. **FINANCIAL** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- 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 annexation and rezone from Urban Growth Area (UGA) Light Industrial (UGA I-1) to City Light Industrial (I-1) zone of the subject property.

PROPOSED MOTIONS:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA I-1 TO CITY I-1 AS SET FORTH IN ACTION 2022-03-16AZ 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 FROM UGA I-1 TO CITY I-1, AS SET FORTH IN ACTION 2022-03-16AZ 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 FOR ANNEAXTION AND REZONE OF THE SUBJECT PROPERTY FROM UGA I-1 TO CITY I-1, AS SET FORTH IN ACTION 2022-03-16AZ 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).

Mr. Cummings answered questions on the property and surrounding lots.

There were no proponents or opponents to the action.

Chairman Poole closed the public comment for this action.

APPROVAL OF ACTION 2022-01-03AZ – FINDINGS OF FACT

Commissioner Breidenbach moved, seconded by Commissioner Allen, to accept the Findings of Fact as presented. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 5/0/2.

APPROVAL OF PLANNING ACTION 2022-03-16AZ

Commissioner Hall moved, seconded by Commissioner Breidenbach, to approve the action. Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes. Motion carried 5/0/2.

HAND-OUTS/DISCUSSION ITEMS

Mr. Cummings clarified for the Planning Commission regarding developments, investors, annexations, meeting procedures, and zoning policies.

Chairman Poole asked if anything else was to be discussed.

There were no other comments from any commissioners.

The next Planning Commission Meeting has been scheduled for June 13th, 2022.

MOTION TO ADJOURN

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

Roll call vote: Fortner-out; Allen-yes; Grissett-yes; Twombly-out; Hall-yes; Breidenbach-yes; Poole-yes.

Motion carried 5/0/2.

Ralph Poole
Commission Chairman

Attest: Marc Berg
Planning & Zoning Technician



**AGENDA REPORT
PUBLIC HEARING
June 13, 2022**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2022-03-13AZ: A REQUEST BY ONTARIO INDUSTRIAL LIGHT CAMPUS, LLC, FOR AN ANNEXATION AND REZONE OF PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP), UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2).**

DATE: May 9, 2022

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 UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ 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 UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ 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 ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ 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/owner owns a parcel, known as Tax Map 18S4705C, tax lot 400, which said tax lots currently have three different zoning zones, being UGA Commercial Business Park, UGA Residential and UGA Commercial, and would like to annex the parcel and rezone to City zones Industrial Business Park, Single Family Residential and General Commercial as shown in this report.

BACKGROUND:

The applicant has submitted an application for the annexation and rezoning of a parcel of land known as Tax Lot 400 on assessor's map 18SR47E05C, which consists of a gross area of 88.50 Acres and a net area after right of way deduction of 56.46 acres were found to be complete on March 3, 2022 and provided enough information to schedule a public hearing on the matter once all the reports and exhibits were created.

The property is mixed zoned with 20.72 acres with right of way and 14.86 acres without right of way, zoned UGA Commercial Business Park, 40.88 acres with right of way and 36.44 acres without right of way zoned UGA Residential (RS-50) and 6.90 acres with right of way and 5.16 acres without right of way zoned UGA Commercial (C-2).

This request for rezone needs 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 rezoning 20.72 acres from UGA Commercial Business Park to City Industrial Business Park, 40.88 acres zoned UGA Residential (RS-50) to City Single Family Residential (RS-50) and 6.90 acres from UGA Commercial (C-2) to City General Commercial (C-2) within the City Limits of the City of Ontario. The area includes public right of way.

The most recent planning action on the property was the 2007 comprehensive plan update.

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 the planned development is an approved zoning under 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:

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

The City of Ontario, Malheur County and the State of Oregon have all agreed upon the Comprehensive Plan and Map. On that map, the parcel is currently three different zones (cross zoned), which are UGA-Commercial Business Park, UGA- Residential and UGA-Commercial. It is only its natural progression per the Comprehensive Plan that this parcel be moved into the City as City Industrial Park zone, City Single Family Residential Zone and City General Commercial Zone for the economic growth and development of Ontario, Malheur County, and the State of Oregon.

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

The property is within the City of Ontario UGA and the annexation and rezoning of the property is in compliance with the acknowledged Comprehensive Plan and in fact will bring further compliance by fixing the cross zoning of the property, which is not a recognized policy.

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.

The applicants requested zone change from UGA-Zone to City Zones does not imply that there has been a mistake or an error in the original zone. In fact, this request for annexation and zone

change only shows that the original zone designation of UGA zones was done with future thought of economic growth in mind. What has changed is the growth and development around the parcel and the need for a larger Industrial Park parcel as well as residential land to meet the need for more affordable housing. As part of the action, a partition plat is being proposed which will create three different parcels that will fix the cross-zoning issue.

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 public will benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development and improving the roads, curb, gutter, etc. This will also benefit the public by attracting business and employees at this location. The rezoning of the Commercial Business Park portion to Industrial Business Park which matches the parcel adjacent to the west, allows for a large development to happen. This action and the following partition will fix the crossing zoning of the land which is usually not allowed.

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.

Allowing the annexation and rezoning of the property allows the property to be developed into much needed housing lots as well as provides for an approximate 90+ acre Industrial Park parcel for a larger development to provide for much needed jobs for the community. The request is in harmony with the surrounding zones.

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 parcels far exceed the minimum parcel size for each area and will be able to be developed into large developments as planned in the comprehensive plan. The property is adjacent to existing streets and utilities and is readily available to be extended and expanded to accommodate the planned development of the parcels. As part of the UGA, the property has been part of the City Transportation Master Plan, Water Master Plan, Waste Water Master Plan and the City Storm Water Master Plan and therefore, has been approved to provide city services to the properties.

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 property is part of the city approved zoning and has been approved for the type of zoning once brought into the City limits and is in harmony with the surrounding developed property zoned accordingly and will not result in any adverse effects on the adjacent properties zoned the same.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan conform 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 findings 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 no mistake and the request follows the comprehensive plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**

d. As noted in applicant's finding 4, rezoning from the UGA zones to City zones 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 zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**

e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **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 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 are uncommon in this type of use. **CRITERION IS MET**

Final Conclusion: 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:

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 the current city limits.
3. The property currently has three different UGA zones in the Urban Growth Area and the companion requested City zones are 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 potentially developable residential land.

Final 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 annexation and rezoning 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 project falls under the Growth goal of the City Council's five-year strategic plan; specifically allowing for annexation of land to add growth and more tax base. It allows for the development of the property.

- B. **FINANCIAL** This annexation will add to the City tax base.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- 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 annexation and rezone from Urban Growth Area zones to City zones of the subject property as per the report.

ATTACHMENTS:

1. Attachment 1_Annexation Description
2. Attachment 2_Annexation Boundary Map
3. Attachment 3_Parcels Before Rezone
4. Attachment 4_Parcels After Rezone
5. Attachment 5_Parcel 1 Rezone Description and Map
6. Attachment 6_Parcel 2 Rezone Description and Map
7. Attachment 7_Parcel 3 Rezone Description and Map

Attachment “1”

Annexation Boundary Description

Land in Malheur County Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 5: Part of the W1/2SW1/4, more particularly described as follows:

Beginning at the Southwest Corner of said Section 5;

Thence North coincident with the west boundary of said Section 5, 2640 feet, more or less, to the Northwest corner of the said W1/2SW1/4, being a point on the Centerline of NW 4th Avenue and existing City Limits;

Thence East coincident with said City Limits and the North boundary of said W1/2SW1/4 and said NW 4th Avenue Centerline, 1310 feet. More or less, to the Northeast Corner of said W1/2SW1/4;

Thence South coincident with the east boundary of said W1/2SW1/4, 1980 feet, more or less, to the Southeast Corner of the NW1/4SW1/4SW1/4 said Section 5, said point being on the existing City Limits line;

Thence West coincident with said City Limits and the South line of said NW1/4SW1/4SW1/4, 660 feet, more or less to the Southwest corner of said NW1/4SW1/4SW1/4;

Thence South coincident with said City Limits and the east boundary of the SW1/4SW1/4SW1/4 said Section 5, 431.50 feet to a corner of the said City Limits;

Thence West coincident with said City Limits, 205 feet to a corner of said City Limits;

Thence South coincident with said City Limits, 228.5 feet, more or less, to a point on the South boundary of said Section 5, also being on the Centerline of SW 4th Avenue;

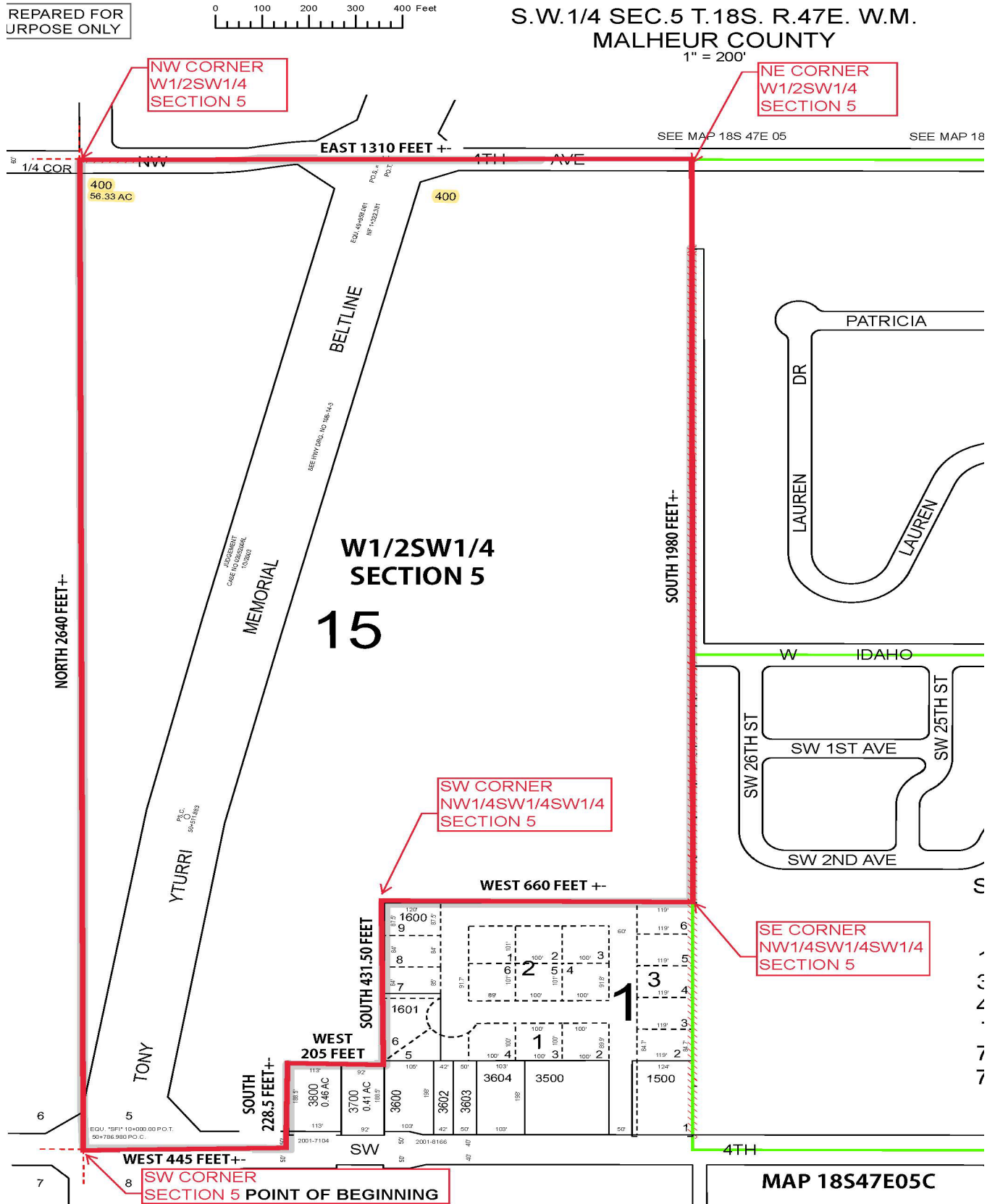
Thence West coincident with said South line Section 5 and Centerline of SW 4th Avenue, 445 feet, more or less, to the Southwest Corner said Section 5 and the Point of Beginning.

Account No. 8085, Code 15 to 1, Map 18S47E05C, Tax Lot No. 400

- End of Description –

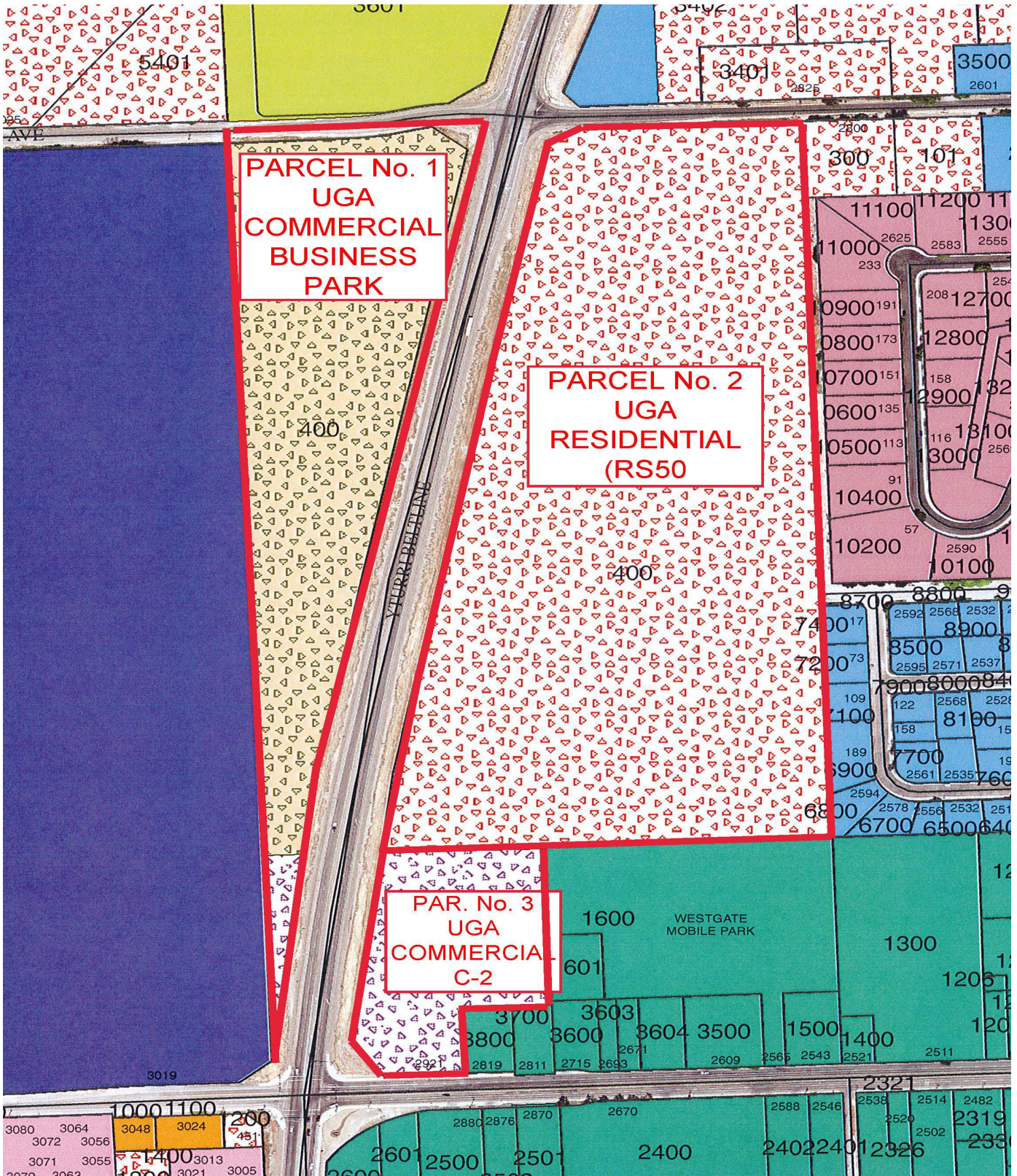
Attachment "2"

Annexation Boundary Map

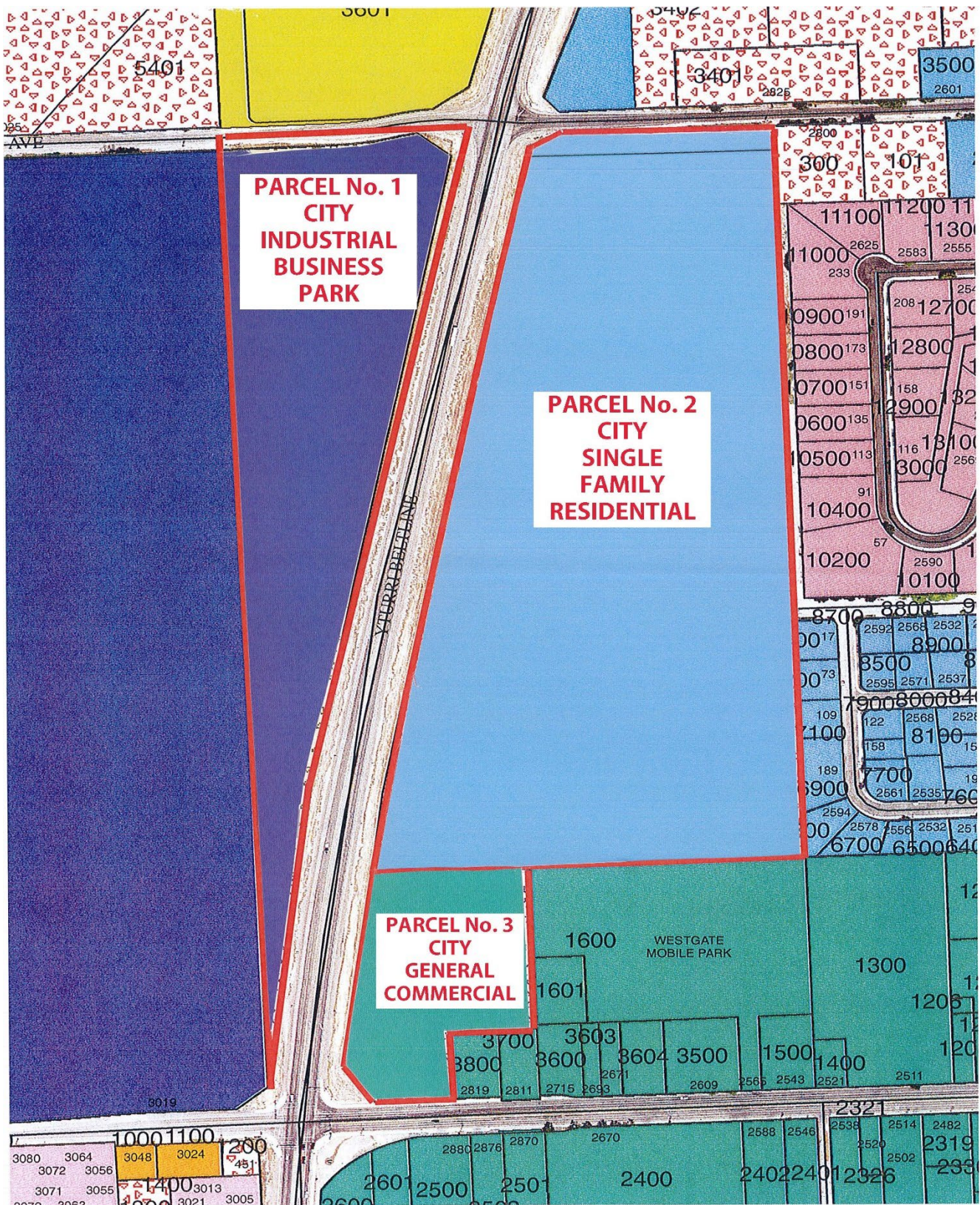


Attachment “3”

Parcels Before Rezone



Parcels After Rezone



Attachment "5"

Parcel 1 Rezone Description and Map

Land in Malheur County Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 5: Part of the W1/2SW1/4, more particularly described as follows:

Beginning at the Southwest Corner of said Section 5;

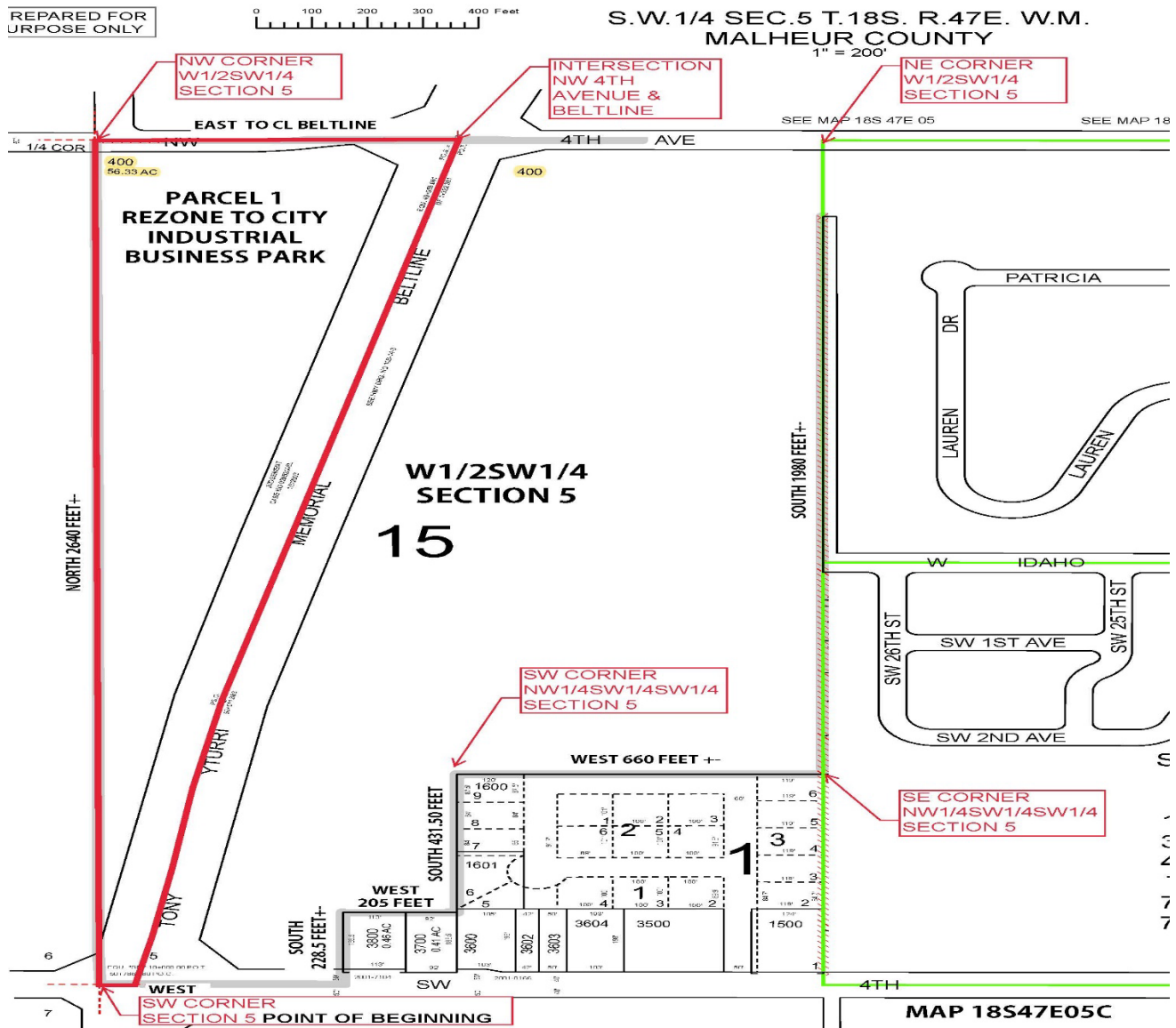
Thence North coincident with the west boundary of said Section 5, 2640 feet, more or less, to the Northwest corner of the said W1/2SW1/4, being a point on the Centerline of NW 4th Avenue and existing City Limits;

Thence East coincident with said City Limits and the North boundary of said W1/2SW1/4 and said NW 4th Avenue Centerline, to the intersection of the Centerline of the Tony Yturri Memorial Beltline;

Thence Southwesterly coincident with the said Centerline of said Beltline, to a point on the South boundary of said Section 5, said point being on the existing City Limits line;

Thence West coincident with said City Limits and the South line of said Section 5, to the Southwest Corner of said Section 5 and the **Point of Beginning**.

- End of Description -



Attachment "6"

Parcel 2 Rezone Description and Map

Land in Malheur County Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 5: Part of the W1/2SW1/4, more particularly described as follows:

Beginning at the Northeast Corner of said W1/2SW1/4;

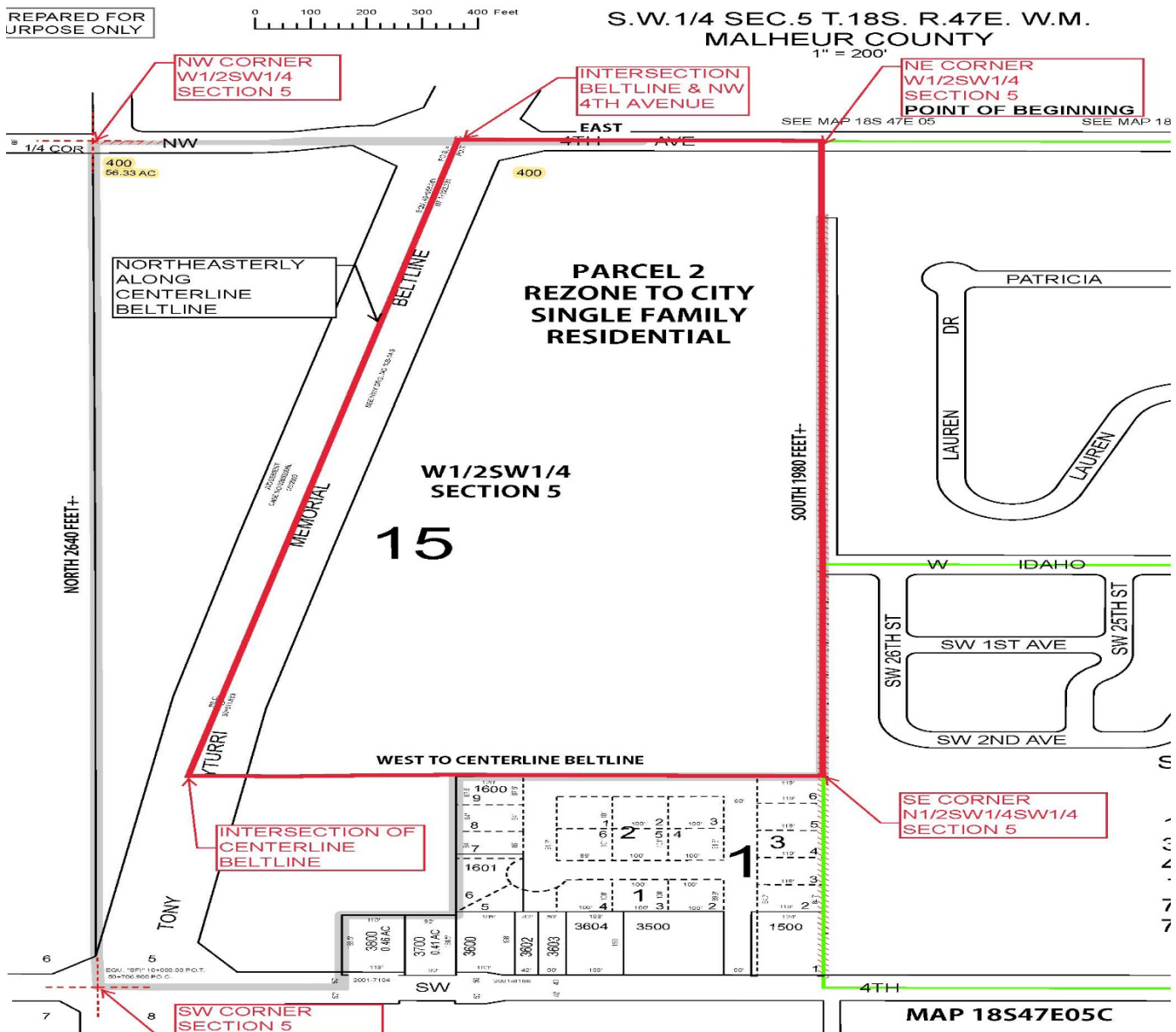
Thence South coincident with the east boundary of said W1/2SW1/4, 1980 feet, more or less, to the Southeast Corner of the N1/2SW1/4SW1/4 said Section 5, said point being on the existing City Limits line;

Thence West coincident with said City Limits and the South line of said N1/2SW1/4SW1/4, to its intersection with the Centerline of the Tony Yturri Memorial Beltline;

Thence Northeasterly coincident with said Centerline of said Beltline to its intersection with the North Boundary of said W1/2SW1/4 and the Centerline of NW 4th Avenue;

Thence East coincident with said North line and said Centerline to the Northeast Corner of said W1/4SW1/4 and the **Point of Beginning**.

- End of Description -



Attachment "7"

Parcel 3 Rezone Description and Map

Land in Malheur County Oregon, as follows:

In Township 18 South, Range 47 East of the Willamette Meridian:

Section 5: Part of the W1/2SW1/4, more particularly described as follows:

Commencing at the Northeast Corner of said W1/2SW1/4;

Thence South coincident with the east boundary of said W1/2SW1/4, 1980 feet, more or less, to the Southeast Corner of the N1/2SW1/4SW1/4 said Section 5, said point being on the existing City Limits line;

Thence West coincident with said City Limits and the South line of said N1/2SW1/4SW1/4, 660 feet, more or less, to the Southwest Corner of the NW1/4SW1/4SW1/4 said Section 5 and the **Point of Beginning**.

Thence South 431.50 feet

Thence West 205.0 feet:

Thence South 228.5 feet , more or less to a point on the South Boundary of said Section 5;

Thence West coincident with said South Boundary to its intersection with the Centerline of the Tony Yturri Memorial Beltline;

Thence Northeasterly coincident with said Centerline of said Beltline to its intersection with the North Boundary of said N1/2SW1/4SW1/4;

Thence East coincident with said North Boundary of said N1/2SW1/4SW1/4 to the **Point of Beginning**.

- End of Description -

